

Date: 15<sup>th</sup> February 2021  
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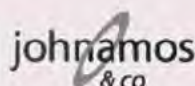
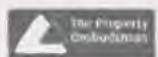
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*(email only- [planningpolicy@shropshire.gov.uk](mailto:planningpolicy@shropshire.gov.uk))*

Dear Sirs & Madams

- 1.1 This representation to the Regulation 19: Pre-Submission Draft SLP has been made on behalf of Shifnal Town Council and Shifnal Matters 2021.
- 1.2 Before we make comments on the proposed regulation 19 policies and legal and procedural matters, we would like to stress that we are disappointed that Shropshire Council (SC) have chosen to proceed with the regulation 19 consultation, prior to reporting the results of the regulation 18 pre-submission draft consultation. There has been no opportunity for members of the public and for your members to consider the arguments set out in the responses to the regulation 18 consultation.
- 1.3 It has been noted that a summary of responses has been published by SC, however individual responses to the consultation have not been provided.
- 1.4 Following our initial queries, SC has failed again to provide clarity over the methodology applied when calculating Shifnal's employment need, justification on how other sites in Shifnal were ruled out in the sustainability appraisal and how the heritage assessment was used to inform your site selection process.
- 1.5 Clearly these matters need to be addressed before the examination hearings and one would have thought it would have been an opportune time to address these queries before the regulation 19 examination draft was published.



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- 1.6 In addition, we would also like to raise concerns over the timing of the regulation 19 consultation. It is disappointing that SC have chosen to run the consultation over the Christmas holidays and then subsequently throughout a national lockdown. Whilst it is appreciated that comments on the plan can be submitted online, libraries have been closed throughout the consultation process and some residents who do not have access to IT facilities have been unable to view and comment on the relevant consultation documents. The late arrangements made only in mid to late January for those persons who need access to library internet facilities, closed since before the New Year, have considerably shortened the period of consultation for those groups and have discriminated against a section of the community.
- 1.7 Nevertheless, Bruton Knowles has reviewed the regulation 19 Pre-Submission draft SLP and comments provided to us by both Shifnal Town Council and Shifnal Matters 2021, and would like to summarise and add the following points:
- 1.8 We would also note that the community in Shifnal, together with Shifnal Town Council and Shifnal Matters 2021 has publicly expressed considerable concern about the proposals and policies set out in the plan. Shifnal Matters 2021 have prepared a separate petition, which asks members of the public whether they consider the plan to be unsound.
- 1.9 In making these representations we are, on behalf of the Town Council and Shifnal Matters 2021, commenting on the pre-examination of the Plan, however we are aware that other parties may make representations on potential sites not to date considered by SC, we therefore reserve the right at examination to comment on other third-party representations insofar as they relate to Shifnal and its environs. Further representations from Shifnal Town Council that have been submitted separately, dealing with the plans legal compliance have been reviewed as part of this representation.

**2**      **Regulation 19 Pre-Submission Draft SLP Strategic Policies**

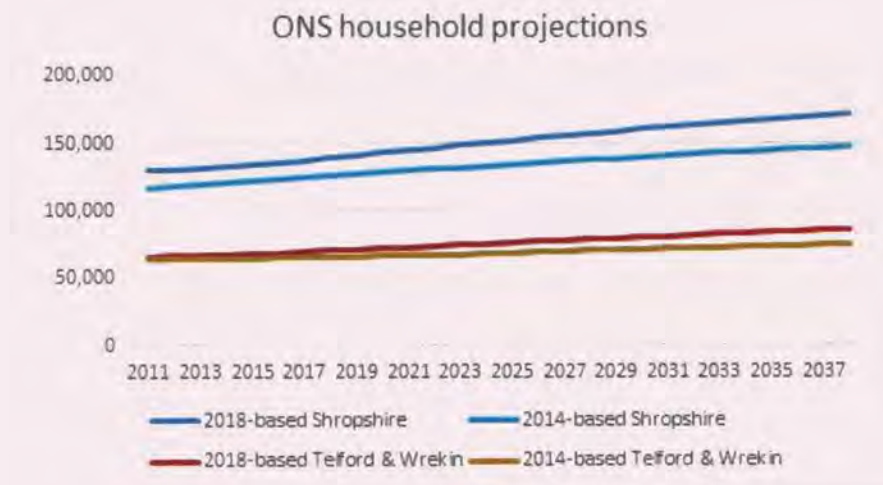
**2.1**      **SP2. Strategic Approach**

2.1.1      Policy SP2 sets out that over the plan period from 2016 to 2038, around 30,800 new dwellings are planned. This equates to around 1,400 dwellings per annum. Bruton Knowles would like SC to clarify why this housing target of 30,800 is more than the minimum of 25,894 required by central Government, which itself is substantially more than the demographic need of only 20,746 new dwellings.

2.1.2      With the proposed addition of 1,500 dwellings to meet the Black Country needs, which is included in the total figure, we would like to ascertain why SC has to accommodate this shortfall.

2.1.3      It would also appear that the Government has decided to leave the 'standard methodology' unchanged except for a "cities and urban centres" where an uplift of 35% is expected. This means no change for most West Midlands local planning authorities, apart from Birmingham, Wolverhampton, Coventry and Stoke-on-Trent.

2.1.4      The existing 'standard methodology' for calculating housing requirements is based on the 2014-household projections. The 2014-based projections are substantially lower than the more recent 2018-based projections for both Shropshire and Telford & Wrekin, as shown in the graph below.



2.1.5 The Government’s decision has a significant impact on housing numbers in Local Plans, as shown in the table below. This potentially leaves scope for the SC to reduce their housing targets. As a result, we cannot see any justification as to why SC are set to increase their housing target to 30,800 new dwellings.

	Current Local Plan housing target	August 2020 consultation proposals (2018-based projections)	Existing ‘standard methodology’ to be continued (2014-based projections)
Shropshire	1,400 homes p.a. (pre-submission Local Plan Review)	2,129 homes p.a.	1,177 homes p.a.
Telford & Wrekin	864 homes p.a. (2018 Local Plan)	941 homes p.a.	510 homes p.a.

2.1.6 Policy SP2 goes onto set out that over the plan period from 2016 to 2038, around 300 hectares of employment land will be delivered. This equates to around 14ha of employment land per annum. Appendix 6 of the Employment Land Supply states that the strategic employment land supply will be 414ha. It is not clear how Appendix 6 contributes to the employment land requirement and why these two figures are different.

- 2.1.7 This 300ha figure is considered sufficient by SC to deliver enough jobs to achieve a sustainable balance with their housing requirement.
- 2.1.8 Bruton Knowles need information from SC as to how this balanced growth projection has been calculated. The figures between the proposed 30,800 dwellings and 300 ha of employment land seem disproportionate.
- 2.1.9 To illustrate this disparity specifically to a settlement, the guideline employment land figures for Shifnal was previously 16 ha. The Pre-Submission Draft SLP now sets out that this figure has risen to 41 Ha.
- 2.1.10 According to SC, the 1,500 new dwellings proposed at Shifnal should equal circa 1,500 new jobs. Each job needs on average 42.25 sq.m of floorspace, but finished floor space is only 40% of the entire employment site. This means that an additional 40% needs to be added to the overall total. The calculation is 1,500 new dwellings x 42.25 sq.m of floorspace x 40%, which should equal 15.84 ha. For the figure to increase to 41ha, the 40% that is provided by SC appears to have already included in the balanced growth calculation of 16 ha. As a result, SC need to provide evidence that the methodology used is correct when used to calculate Shifnal's employment need.
- 2.1.11 In addition, it should be noted that the employment land supply figures put forward by SC fail to take into account employment proposed at 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 originally quoted. As this has not been considered, there is a clear over provision of employment land proposed throughout the district over the next plan period.
- 2.2 **SP4. Sustainable Development**
- 2.2.1 Paragraph 7 of the NPPF sets out that 'the purpose of the planning system is to contribute to the achievement of sustainable development'.

- 2.2.2 Bruton Knowles disagrees that the draft plan to date has been proactively prepared in accordance with the three overarching objectives, which help form sustainable development.
- 2.2.3 In line with previous comments submitted, significant weight has been placed on Shifnal's and the wider district's economic objective, as opposed to very little on both its social and environmental objectives.
- 2.2.4 The proposed inclusion of 41 ha of employment land and 1,500 new dwellings in Shifnal, will lead to the substantial loss of both Safeguarded Land and Green Belt. This would also mean the erosion of the natural green space between Shifnal and Tong.
- 2.2.5 Paragraph 9 of the NPPF sets out that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 2.2.6 It is felt that the local circumstances, needs and opportunities for Shifnal have not been considered and that its proposed urban extension will have a detrimental effect on the surrounding landscape, road infrastructure, schools and health services. The proposed Draft Plan is therefore unsound.
- 2.2.7 Furthermore, there is no recognition in the Pre-Submission Draft SLP of the potential impacts that Covid-19 is and will be have on the local economy. The implications on the economy and the new national approach to homeworking suggest that more realistically a conservative estimate of employment land requirements should be undertaken, with a view that reconsideration of the requirement should wait until 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.

### 2.3 **SP6. Health and Wellbeing**

2.3.1 Policy SP6 sets out that new development should ensure the health and well-being of individuals, communities and places.

2.3.2 SC have considered that Shifnal's proposed employment land should be located to the north east of the settlement. Land to the south and west of the town, is identified for a future strategic housing extension to create a new neighbourhood community.

2.3.3 This proposed strategic growth is contrary to the Neighbourhood Plan objectives and to the views of the local community on how they wish their town to develop in the future.

2.3.4 With the recent inclusion of circa 1,100 new dwellings at Shifnal (circa 40% increase), a large proportion of Shifnal's existing and new housing stock is very much split off from the proposed employment land to the north east. The existing railway line through the middle of Shifnal means that access from the south and west of Shifnal to the new employment land, can only be achieved via the centre of Shifnal, where the Market Place, Victoria Road, Braford Street and Aston Street junctions all meet. This road network will not facilitate the proposed increased transport movements throughout the town. An assessment of this, which is titled 'Comments on the Effect on Traffic in Shifnal Caused by the Proposed Employment Land Development (Land off Stanton Road)' can be found in Appendix 2.

2.3.5 In addition, it also worth noting that since the recent inclusion of the 1,100 new dwellings, infrastructure improvements have yet to be implemented in Shifnal.

2.3.6 As previously mentioned, Shifnal does not have the road infrastructure or quantity of basic facilities to accommodate 41 ha of employment land and a further 1,500 new dwellings, in addition to the 1,100 new dwellings being built out. Both proposed allocations are of a

scale disproportionate to the existing settlement and we consider that they would fail to maintain or enhance the vitality of Shifnal and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion.

- 2.3.7 SC need to consider that the proposed cumulative growth in Shifnal in such a relatively short period of time and over the next plan period would have a negative impact on social wellbeing and social cohesion within Shifnal and therefore the current approach is at conflict with policy SP6.

#### 2.4 **SP11. Green Belt and Safeguarded Land**

- 2.4.1 Paragraph 137 of the NPPF states that before concluding whether exceptional circumstances exist to justify changes to Green Belt boundaries, 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.

- 2.4.2 Even if exceptional circumstances were considered applicable for the release of Green Belt, it should be considered that Shifnal's evidence base used to inform the review process, does not demonstrate how the proposed allocations for employment, housing and safeguarded land have been properly assessed against other sites. No reasoning is provided to justify why other sites have rejected in the area and SC's exceptional statement (para 8.74) indicates that opportunities for industrial development within neighbouring Telford and the wider areas (Staffordshire, Wolverhampton, West Midlands etc), have not been considered. Shifnal Town Council have put forward alternative sites, mainly SHF018a, which the Sustainability Appraisal scores as having less harm than proposed allocations SHF018b and SHF018d. The site referred to as SHF018a is able to accommodate most of Shifnal's 16 hectare employment land requirement. No justification by SC has been provided as to why this site has been included as safeguarded land.



- 2.4.3 Furthermore, there is no reference to individual safeguarded plots and no justification for how these sites have been assessed and selected in the evidence base, sustainability appraisal and proposals map.
- 2.4.4 Under point 7 of Shifnal's Development Strategy, it states that, 'development of this land during the Plan period (Green Belt and Safeguarded Land) will only be permitted in 'very special circumstances' to meet Shifnal's longer term development needs in accordance with national and local Green Belt policies'. This is contrary to point 4, which states that 'Shifnal will have a key role in providing homes, jobs, services and facilities to the Place Plan area, other Green Belt communities and the M54/A5 Strategic Corridor'. The special circumstances which Shropshire Council are applying are for the wider plan area do not directly link to Shifnal's own requirements, which are set out in Shifnal's NDP a relevant part of the Development Plan.
- 2.4.5 The principal reason for the substantial release of Green Belt, therefore, is not to meet the specific needs of the town, but to meet SC's underlying objective to expand the town to become a strategic centre. It is noted that in the Green Belt Exceptional Circumstances Statement that SC 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 and is surrounded by Green Belt (whereas Bridgnorth only has Green Belt on one side). Shifnal is only 2 miles from the major town of Telford that provides all major service and facilities in very close proximity. SC also need to also acknowledge that the strategic site located at Ironbridge Power Station, will also affect the future development of Shifnal. This strategic site aims to deliver including some 1,000 dwellings, and around 6 hectares of employment land.
- 2.4.6 Given this and potential future implications of Covid-19, it is unrealistic to think that Shifnal will be able to attract and maintain the same level of strategic services and facilities that Bridgnorth has. Therefore, the release of Green Belt for future housing, employment and safeguarded land cannot be justified, as exceptional circumstances have not been identified, nor has the evidence base to inform their selection.

## 2.5 **SP12. Shropshire Economic Growth Strategy**

- 2.5.1 Policy SP12 also mentions the SC's proposed requirement to deliver around 300 ha of employment land throughout the plan period. It goes on to state that the spatial strategy to achieve these objectives is to deliver sustainable economic growth and investment in our strategic and principal settlements, strategic corridors, new strategic settlements and sites and appropriate rural locations. This will consider the special considerations in the Green Belt, Area of Outstanding Natural Beauty and the need to protect and improve areas of higher landscape value and the natural and historic environment.
- 2.5.2 Without any reasoning from SC as to why proposed employment allocation SHF018d and SHF018b have been brought forward in Shifnal over other sites (mainly SHF018a), it is difficult to establish whether the plan-led approach has been successful in protecting and improving areas of higher landscape value.
- 2.5.3 In the evidence presented as part of SC's Highways Assessment, we question why site 2-plots SHF018b & d has identified as having a low or medium highways impact, whilst adjoining sites 1 and 3 are considered as having a high to very high highways impact.
- 2.5.4 As previously mentioned, SC need to clarify the methodology used for calculating Shifnal's balanced growth and resulting employment need.

## 2.6 **SP14. Strategic Corridors**

- 2.6.1 Policy SP14 reiterates that development in the 'strategic corridors' through the Green Belt or Shropshire Hills Area of Outstanding Natural Beauty will be subject to appropriate national and local policy. As set out above, we consider that the proposed 41ha of employment land at Shifnal is at conflict with paragraph 137 of the NPPF, because exceptional circumstances to justify the Green Belt release in the area, has not been provided throughout the review process.

2.6.2 The Pre-Submission Draft SLP refers to the role that Shifnal would play to provide strategic economic development in the M54 strategic corridor. As set out above, the employment land proposed at RAF Cosford has not been included in the overall calculations to assess the need and it should be acknowledged that there is a plentiful supply of already committed employment land in neighbouring authorities in this corridor. It is an unsustainable assumption that Shifnal would attract such strategic employment development to justify the release of such large areas of Green Belt.

## 2.7 **SP15. Whole Estate Plans**

2.7.1 SC have provided no reasoning why Policy SP15 has been put forward, as plans put forward by estate owners are non-statutory.

2.7.2 We are deeply concerned about the implementation of policy SP15. Policy SP15 would give Bradford Estates the opportunity to promote a scheme for a new settlement at Tong, of which the housing figures cannot be specified or included within SC's housing supply projection.

2.7.3 By approving a long-term vision and objectives, which by definition may not be development specific, this 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.

2.7.4 Policy SP15 does refer to "meaningful public consultation" but the Town Council and Shifnal Matters 2021 supported by Tong Parish Council are concerned this can be open to wide interpretation depending on the point of view of the promoters, planning authority etc.

2.7.5 We and the public would expect following these long consultations that the council's decision was final but by including this policy in the plan it will allow Bradford Estates to promote the scheme in accordance with this proposed policy.

- 2.7.6 No justification has been provided by SC as to why Bradford Estates and other large landowners in the County are being given special privileges, as opposed to other landowners in the County. The policy prejudices the community against larger landowners which can be argued as being contrary to the Equality Act.
- 2.7.7 Bruton Knowles strongly objects to the inclusion of policy SP15 and we feel that the interpretation of it is wide ranging and will prejudice the future protection of the Green Belt and will be prejudicial to public participation on any future development proposals
- 2.7.8 It should also be noted that none of these proposed Estate plans supposedly prepared have been included in the evidence base or available on SC's consultation website.
- 2.8 **DP17. Landscape and Visual Amenity**
- 2.8.1 This policy sets out that proposals which safeguard key landscape and visual receptors, lead to the strengthening of landscape character or an improvement in visual amenity will be supported subject to other plan policies.
- 2.8.2 Bruton Knowles would like to stress that the strategic housing and employment allocations proposed at Shifnal do not conform with provisions set out under policy DP17.
- 2.8.3 Under section 13 of the NPPF (Protecting Green Belt Land), we consider under the sustainability appraisal that allocations have not been properly assessed against other sites and no justification has been provided to explain the reasons for rejecting reasonable alternatives in the area.
- 2.8.4 SC's Sustainability Appraisal for Shifnal pages 91 – 96 confirm that Sites SHF018b and P15b score poorly for their overall sustainability and much of the proposed 'safeguarded land' gets lowish scores but are still part of SC's proposed sites.

- 2.8.5 The proposed extension of the land to east of Upton Lane (SHF018d) would be contrary to national policy, as no exceptional circumstances have been provided for its release. We consider that SC have not correctly applied findings from their own Green Belt Review Assessment.
- 2.8.6 As set out in previous comments provided under the regulation 18 consultation, the extension of the site east of Upton Lane will constitute an unacceptable encroachment into the countryside, has no recognisable, permanent boundary, and would cause High Harm to the openness of the Green Belt. It would also be contrary to the Green Belt Review's comment that Upton Lane forms a clearly defined boundary.
- 2.8.7 It should be noted therefore that there are no exceptional circumstances to release this land especially when there are alternative sites causing Less Harm, such as the Town Council's preferred site (formerly SHF018a), which is now proposed as safeguarded land. SC also state that the Green Belt land they are releasing for employment land (SHF018b and SHF018d) is of Moderate to High Harm. This is in fact incorrect. The Green Belt Review underlines that part of the site east of Upton Lane is assessed as causing High Harm to the surrounding Green Belt and landscape. Land East of Upton Lane is part of parcel P29 in the greenbelt review and is in the same parcel as the proposed WMAA site where SC are already planning to remove land from the greenbelt within this parcel which is moderate to high harm. Again, no justification has been provided by SC to warrant the lands release from the Green Belt.
- 2.9 **DP21. Flood Risk**
- 2.9.1 Policy DP21 sets out that, 'the safeguarding of people and property and mitigation of the effects of climate change, will be achieved by directing development to areas at least risk of flooding'.

- 2.9.2 SC'S Strategic Flood Risk Assessment sets out that the majority of Shifnal is located within Flood Zone 1, with the area immediately around the Wesley Brook located within Flood Zones 2 and 3 (1 being low risk and 3 being high).
- 2.9.3 This report has also identified that Shifnal has one of the highest surface water flood risks in the county and would be the most vulnerable to cumulative increases in flood risk due to new development. With most of this risk coming from Wesley Brook being a source to its confluence with River Worfe.
- 2.9.4 In accordance with paragraph 157 of the NPPF it should be noted that the Sequential and Exception Test of Shifnal's proposed allocated sites in the Pre-Submission Draft Local Plan does not fully recognise Shifnal's identified surface water flooding issues.
- 2.10 **DP23. Conserving and Enhancing the Historic Environment**
- 2.10.1 Policy DP23 sets out that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 2.10.2 Guidance for Shifnal'S Development Strategy goes onto state that in recognition of the historic character of Shifnal and its environmental challenges, the development of the town will have regard to the: . promotion, conservation and enhancement of the town's natural and historic features, heritage assets, green corridors and spaces.
- 2.10.3 To date no strategic plan has been presented to illustrate how Shifnal's historic character will be preserved or enhanced after the towns proposed extension.
- 2.10.4 When the strategic allocations were selected, the evidence supplied by SC advises us that heritage assessments were produced to inform their site selection process.
- 2.10.5 It is not obvious from the evidence base used to inform this review or from the Sustainability Appraisal, how the historic environment has been considered. Paragraph

185 of the NPPF, requires that a positive approach to the historic environment is demonstrated as part of the Plan process and since this is not clear, it raises issues over the soundness of the document. This is especially relevant by reference to the Gillespie's Landscape and Visual Sensitivity Assessment, confirming that the majority of parcels have both visual and landscape sensitivity issues for any development around existing landscapes, listed buildings and conservation areas.

2.10.6 The proposed strategic allocations will drastically change the appearance of the historic character of Shifnal. Impacts on the historic environment can also include the intensification of the existing traffic through the centre of Shifnal. Historic England illustrates that increasing levels of congestion can affect our historic towns, cities and the countryside, while development of new transport infrastructure can affect historic landscapes and may cause direct damage to heritage assets.

2.10.7 SC are required to provide the heritage assessments used to inform the site selection process and commentary needs to be provided to show how mitigation has been incorporated to demonstrate the future conservation and preservation of heritage assets in Shifnal's town centre.

## 2.11 **DP25. Infrastructure Provision**

2.11.1 New development should only take place where there is sufficient existing infrastructure capacity available. Where a new development would lead to a shortfall in infrastructure provision, the development will be required to fund necessary improvements through a suitable developer contribution, unless the identified shortfall is being addressed by other means.

2.11.2 The Pre-Submission Draft SLP highlights under paragraph 5.215 that Shifnal's future proposed housing extension to the south and west (which has been safeguarded) will provide improvements at Five Ways and Innage Road. Shifnal Town Council would like to stress that SC has already obtained S106 funding 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. SC have failed to identify what further practical infrastructure improvements will be included to accommodate the proposed future growth of the town.

- 2.11.3 SC need to acknowledge that the local community are very concerned at infrastructure deficiencies in the town following the recent 1,100 new dwellings recently approved and currently being built out, 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 and SC need to clarify where and when this investment will be spent before any further developments are permitted.

2.12 **5. Regulation 19 Pre-Submission Draft SLP Settlement Policies**

2.12.1 **S15.1. Development Strategy: Shifnal Town**

- 2.12.2 The development strategy raises a number of concerns. SC need to justify with evidence why they have decided to release Green Belt and safeguard it to the east, south and west of the town, for Shifnal's future development, beyond the Plan period after 2038.

- 2.12.3 Surely the additional provision of safeguarded land will put a further strain on Shifnal, if the wider district fails to demonstrate an adequate housing land supply in the short to medium term. The concept of safeguarded land by nature gives off the impression that the principle of development of this land is already accepted by SC. There has been no constructive prior consultation with the community on this and neither have the individual safeguarded plots been assessed as part of the evidence base.

- 2.12.4 SC goes onto state that development of the safeguarded land during the Plan period will only be permitted in 'very special circumstances' to meet Shifnal's development needs in accordance with national and local Green Belt policies. We would like to understand why local Green Belt policies are still applicable to the proposed safeguarded land, if the land



is being released from the Green Belt. Will this land be afforded the same weight as Green Belt land?

- 2.12.5 Nevertheless, we are concerned that because SC have failed to demonstrate the very special circumstances where the Green Belt release of allocations SHF018b and SHF018d can be justified, we are mindful that this shortfall could be applied to the release of further proposed safeguarded land for housing over the next plan period. We would like SC to consider the retention of the proposed safeguarded land as Green Belt.
- 2.12.6 SC state in paragraph 9 that ‘the recognition of the historic character of the town and its environmental challenges, the development of the town will have regard to the promotion, conservation and enhancement of the town’s natural and historic features, heritage assets, green corridors and spaces’. Again, SC need to make the heritage assessments used to inform the site selection process publicly accessible. We would also like to understand the level of proposed mitigation in place to show how the historic character of Shifnal will be conserved and enhanced.
- 2.12.7 SC state in paragraph 12 that ‘development proposals will respond positively to policies and guidelines in a revised Shifnal Neighbourhood Plan or any community-led plans, community strategies or masterplans adopted by Shropshire Council in conformity with this Local Plan for the period 2016 to 2038’.
- 2.12.8 The underlying consensus of the local community and main thrust of Shifnal’s NDP was that any development must retain the small market town character which is a principle attraction. We are not sure how SC can justify such a large release of Green Belt land and feel that the proposals undermine the whole NDP. As such, the proposals are contrary to national and NDP policies.
- 2.12.9 We would like to illustrate that paragraph 006 of the NPPF’s 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. The proposals are clearly a significant departure from the NDP and the community and Shifnal Town Council has understandably raised question whether their efforts were worth it. If the proposals were to go ahead this would naturally cause a great deal of local resentment. As set out in the settlement policies section, SC take in account both Market Drayton and Broseley Neighbourhood Development Plans, while Shifnal's plan has not been acknowledged. We would like to understand why this is the case.

**2.13 Schedule S15.1(ii). Employment Allocations: Shifnal Key Centre & Schedule S15.1(iii). Safeguarded Land: Shifnal Key Centre**

2.13.1 Comments in relation Shifnal's proposed employment allocations (SHF018b and SHF018d) and the proposed safeguarded land can be found above. To avoid repetition these comments will not be repeated.

**3 7. Regulation 19 Pre-Submission Draft SLP Strategic Settlement Policies**

**3.1 Policy S21. RAF Cosford**

3.1.1 Policy S21 outlines that 'RAF Cosford will become a strategic site, complementing and enabling growth aspirations in the east of the County. Employment and training provision on this strategic site will facilitate the sustainable growth of the local economy and contribute to meeting the employment needs of nearby Albrighton. The strategic site consists of around 221ha of land, over half of which is previously developed'.

3.1.2 SC have stressed that the removal of Green Belt land to facilitate a strategic site of this size is required for growth aspirations for the east of the county. We fail to ascertain why this is the case as the proposed strategic site and SC's aspirations for it have not been

included within their identified need for 300 ha of employment land over the next plan period.

- 3.1.3** There have also been recent significant developments permitted and developed at both RAF Cosford and Cosford Museum. Existing planning policies already allow for site specific development at the site. 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 also permits redevelopment for economic uses appropriate as a major contributor to Shropshire's economy. These policies will continue to permit associated developments without requiring uncontrolled Green Belt release
- 3.1.4** As policies are already in place, we do not understand why such a large strategic site has been put forward. SC have again not demonstrated that exceptional circumstances are in place to allow the site's release from the Green Belt. In this instance the proposal conflicts with paragraph 135 of the NPPF, because it will not prevent coalescence between settlements nor will it seek to assist in safeguarding the countryside from encroachment.
- 3.1.5** We are deeply concerned that the proposed allocation will mean that future development of the site will have not the same restrictions in place, and as a result this will lead to the future sprawl of different types of employment uses, resulting in further Green Belt release.
- 3.1.6** The Pre-Submission Draft SLP is also contradictory in places 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. The lack of clarity for the proposed strategic allocation is at odds with paragraph 16 (f) of the NPPF.
- 3.1.7** Paragraph 4 point N of Policy S21 sets out that 'opportunities to reinforce Green Belt boundaries, reduce and mitigate impacts on the Green Belt and enhance beneficial use of

the Green Belt will be included as part of any new development proposals as set out in Green Belt Policy SP11'. We need to understand how SC intend to mitigate the resulting impacts caused from the proposed Green Belt release on the wider landscape. Surely the openness of Green Belt will not be retained, so we are not sure why this paragraph has been included.

### **3.2 Proposed Midlands Air Ambulance Charity Site (MAAC)**

**3.2.1** Shifnal Town Council also note that the MAAC site is also being promoted as part of the RAF Cosford Strategic Site and not as a one-off allocation for the MAAC. SC have no controls to ensure that the site is only developed for MAAC. Planning permission has now been granted as an exception for MAAC in the Green Belt, so this site no longer needs removing from the Green Belt or provided as a strategic allocation.

## **4 Legal/Procedural Non-Compliance**

### **4.1 Duty to Cooperate**

**4.1.1** The duty to cooperate is a legal requirement for council's and statutory bodies to work together on strategic cross-boundary issues. In SC's case the county is adjoined by several local authority areas, and there are areas beyond this with a functional relationship, most notably the Black Country.

**4.1.2** As previously set out, there is no information contained in SC's evidence base which demonstrates why SC are proposing to include 1,500 dwellings to meet the Black Country needs.

**4.1.3** Without this key information being made publicly available, we cannot ascertain whether or not the duty to cooperate, under the Localism Act and NPPF has been conducted in an appropriate manner.

#### 4.2 **Statement of Community Involvement**

4.2.1 The Town Council and local community have previously submitted detailed comments on locally relevant issues at each consultation stage, but SC 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.

#### 4.3 **Statement of Common Ground**

4.3.1 Paragraph 27 of the NPPF sets out that 'authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process'. It goes on to state that 'such statements should be made publicly available throughout the plan-making process to provide transparency'.

4.3.2 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 demonstrated by SC and the current review process is unsound.

4.3.3 As set out above SC are proposing to include 1,500 dwellings to meet the Black Country needs and no statement of common ground was submitted to accompany this consultation. Without this statement, there was no information on identified needs as required by paragraph 012 (reference ID: 61-012-20190315) of the Plan Making guidance for the public to understand the reasoning for this change.

4.3.4 The NPPF requires that such statements should be provided throughout the preparation of the plan and not at the end. As members of the public have not been consulted on this, the evidence base is clearly flawed.

#### 4.4 Gunning Principles

4.4.1 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).**

4.4.2 It should firstly be considered that SC failed to report the results of the regulation 18 pre-submission draft consultation prior to publication of the regulation 19 consultation. There has been no opportunity for members of the public and for the elected Town Councillors to consider the arguments set out in the responses to the regulation 18 consultation.

4.4.3 This expands to previous consultations where SC have failed to respond to objections submitted substantiated by detailed supporting technical, policy and legal evidence. This implies that SC's proposals throughout the review process have not been at a formative stage but pre-determined hence the reason why SC have not been able to put forward evidence to rebut the objectors evidence.

4.4.4 It is acknowledged that a summary of responses has been published by SC to the regulation 18 consultation, however this summary does not provide any written response to concerns which has been previously raised under each consultation.

4.4.5 Shifnal Town Council note 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. Public comments on previous consultations have referred to inconsistencies with the differing hectarage put forward, but SC 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 them in not

being able to show that the figures being used to release land from the Green Belt are based on sound evidence.

4.4.6 In addition, it should be noted that SC have advertised RAF Cosford and Shifnal's employment allocations as being a potential development sites outside of the Green Belt, prior to the Strategic Sites Consultation where the removal of the site from the Green Belt was first put out for public consultation. This is clear evidence that SC have pre-determined their strategic sites and this is further reinforced through SC's lack of response to objections and queries raised at each consultation phase.

(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)**

4.4.7 Paragraph 035 of the Planning Guidance, Plan Making sets out 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.

4.4.8 SC need to be aware that a number of documents from the evidence base list are either missing from the website, incomplete or out of date. These include:

- The Emerging Local Transport Plan is currently a draft in development.
- An up-to-date Annual Monitoring Report is required. The most recent is the 2016-17 Monitoring Report.
- The Shropshire Tree & Woodland Strategy is currently still in development.
- The Shropshire Council Health & Well Being Strategy plan period ends this year. A further update is required.

- There has been no formal Estate Plans prepared and agreed in line with Policy SP15.
- The Shropshire Tourism Economic Impact Assessment Report 2011 (2013) is dated 2013.
- Shropshire Landscape Characterisation Assessment is dated 2006 and is nearly 15 years old.
- Provisional Local Transport Plan Strategy 2011 2026 is dated 2011 and an update is required.

4.4.9 No evidence has been provided in support of policy SP15 (Estate Plans) and we would like to raise the question, how can the public be expected to judge the soundness of policies and proposals in the Plan, when crucial parts of the evidence 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.

4.4.10 Lack of information and clarification on size of strategic sites and housing densities, coupled with 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, mean that the public has 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. The soundness of the plan should therefore be brought into question.

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

4.4.11 SC have failed to satisfy this requirement, consistently over the whole review process.



- 4.4.12 For the regulation 18 Draft Pre-Submission consultation, only 8 weeks was allowed and this was 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 is 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 have 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 have been used to prepare the Plan and many of these had a number of appendices.
- 4.4.13 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.
- 4.4.14 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 Councils website on this consultation.
- 4.4.15 The current consultation has been conducted over the Christmas period and throughout a national lockdown. The consultation was originally only for 7 weeks, however, this was extended until 26<sup>th</sup> February 2021, 10 days prior to the deadline, as a result of public pressures including Shifnal Town Council to do so.
- 4.4.16 Whilst it is appreciated that comments on the plan can be submitted online, libraries have been closed throughout the consultation process and some residents who do not have

access to IT facilities have been unable to view and comment on the relevant consultation documents.

4.4.17 The inadequacy of the length and timing 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 flawed and is legally questionable.

(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)

4.4.18 As set out above, 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. The publication of a summary of responses does not demonstrate how feedback has been considered and how it has been incorporated into the next review phase.

#### 4.5 **Sustainability Appraisal**

4.5.1 Comments on SC's sustainability appraisal can be found in appendix 1, provided by Shifnal Town Council.

**5 Conclusion**

- 5.1 Under the various headings above Shifnal Town Council and Shifnal Matters 2021 are deeply concerned by how the consultation process has been handled to date by SC. It strongly objects to the proposed inclusion of policy SP15 (Whole Estate Plans) and proposed release of Green Belt and Safeguarded Land in Shifnal for the provision of 1,500 new dwellings and 41 hectares of land for the wider plan area.
- 5.2 The provision of these allocations should be specific to Shifnal's needs and without justification of this need, we consider that the very special circumstances to the support the release of such land cannot be justified by SC. The Pre-Submission Draft SLP fails to acknowledge the potential impacts that Covid-19 will have on the local economy. The implications on the economy and the new national approach to homeworking suggest that more realistically a conservative estimate of employment land requirements should be undertaken, with a view that reconsideration of the requirement should wait until the next plan review, reassessing the economic situation when the full effects of Covid-19 can be assessed.
- 5.3 Furthermore, we wish SC to respond to queries about (1) the inadequacies with the evidence base used to inform this review process; (2) the methodology applied when calculating Shifnal's employment need, (3) justification on how other sites in Shifnal were ruled out in the sustainability appraisal and (4) the heritage assessment used to inform their site selection process and (5) why SC has chosen to take on the overspill of employment and housing development required by the Black County.

Yours faithfully,

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