

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:	Debbie Fifer, Planning Manager Canal & River Trust
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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: Policy: Site: Policies Map:

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.

Minor changes to explanatory text, consistent with NPPF, required to aid clarity and understanding of Policy DP10 and improve its effectiveness.

(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.

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Point 5 of Policy DP10 refers to proposals for new marinas being required to demonstrate the capability of the canal network to accommodate the development. Such a requirement is welcomed as, in order to physically connect to its canal network, new marinas must first obtain the necessary connection agreement from the Trust, consideration of which is based on the ability of the network to accommodate the proposal in terms of availability of water resources, navigational safety considerations and potential impacts on SSSIs.

Minor changes to wording within the explanatory text of Policy DP10 would help to clarify how this requirement can be met and the applicant able to demonstrate the capability of the canal network to accommodate the development. This could either be in the form of advice to applicants to undertake pre-application discussions on this matter with the Canal & River Trust, consistent with paragraph 40 of the NPPF, or for the applicant to provide evidence of the Trusts agreement to any necessary connection.

It is considered that such an amendment would aid clarity and understanding of Policy DP10 and improve its effectiveness.

(Please continue on a separate sheet if necessary)

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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:

Whilst it is not considered necessary to participate in a hearing session in respect of this matter we would be happy to do so if this would assist .

Office Use Only	Part A Reference:
	Part B Reference:

(Please continue on a separate sheet if necessary)

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Signature:

Date:

Office Use Only	Part A Reference:
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Name and Organisation:	Debbie Fifer, Planning Manager Canal & River Trust
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- 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:	<input type="text" value="4.138"/>	Policy:	<input type="text" value="DP14"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|-------------------------------------|-----|--------------------------|
| A. Legally compliant | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

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Minor changes to explanatory text, consistent with NPPF, would aid clarity and understanding of Policy DP14 and thereby increase its effectiveness.

(Please continue on a separate sheet if necessary)

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The Canal & River Trust is generally supportive of the principles set out in Policy DP15.

It is however requested that paragraph 4.138 of the explanatory text be amended to include reference to the canal network in its examples of blue infrastructure as a subset of Green Infrastructure to assist with clarity and understanding.

(Please continue on a separate sheet if necessary)

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

(Please tick one box)

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Date: 25/02/2021

Office Use Only

Part A Reference:

Part B Reference:



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- 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: Policy: Site: Policies Map:

Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | |
|--|--|------------------------------|
| A. Legally compliant | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
| B. Sound | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
- (Please tick as appropriate).*

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Minor changes to the explanatory text, consistent with NPPF, and policy title would aid clarity and understanding of Policy DP18 in respect of land stability and thereby increase effectiveness.

(Please continue on a separate sheet if necessary)

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The Canal & River Trust is generally supportive of Policy DP18 and in particular reference to land instability in point 6.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations and paragraph 178a and 179 of the NPPF require that a site is suitable for its proposed use taking account of any risks arising from land instability and that responsibility for securing a safe development rests with the developer and/or landowner.

The explanatory text to Policy DP18 could usefully be expanded to provide further clarification on this matter, including examples of where such requirements could apply, more consistent with the approach taken in respect of other elements of the policy. It is, for example, often not recognised that construction work in proximity to canals can adversely affect the stability of cuttings and embankments, impacting on the structural integrity of the canal corridor and associated infrastructure which could result in a breach of the canal.

You may also wish to consider whether the policy title should be widened to include reference to ground conditions in recognition of the wider issues addressed, to assist users of the plan to identify this as a relevant policy for land stability and consistent with NPPF section headings.

(Please continue on a separate sheet if necessary)

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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:

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(Please continue on a separate sheet if necessary)

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Date:

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Part B: Representation

Name and Organisation:	Debbie Fifer, Planning Manager Canal & River Trust
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
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- (Please tick one box)

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

Paragraph: Policy: Site: Policies Map:

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).

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Minor changes to explanatory text would aid clarity and effectiveness of Policy DP28.

(Please continue on a separate sheet if necessary)

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Whilst the Trust broadly welcomes point 3(b) of Policy DP28 it questions the phrasing of the sentence which would appear to indicate that whilst footways, cycleways, public rights of way and bridleways should be protected for active travel, canals are somehow different providing local transport routes to home, work, services and leisure. The following minor rewording of Policy DP29 (b) is suggested:

“b. Protection, extension or improvement of footways, cycleways, public rights of way, canal towpaths and bridleways for active travel and to provide local transport routes to home, work, services and leisure”

Reference in paragraph 4.252 to developer contributions to improvements in transport networks with reference to footways, cycleways, roads etc should be expanded to include reference to canal towpaths. Where development occurs in proximity to our waterways this can lead to a significant increase in the use of towpaths. This may require improvements to the existing towpath surface or access points to safely accommodate such use. We are therefore keen to ensure that new development mitigates any potential adverse impact on towpaths and maximise opportunities for their use where appropriate and meeting the necessary statutory tests for planning obligations.

(Please continue on a separate sheet if necessary)

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- 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:

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Signature: [_____]

Date: [25/02/2021]

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- (Please tick one box)

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

Paragraph: Policy: Site: Policies Map:

Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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- B. Sound Yes: No:
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- (Please tick as appropriate).

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The addition of new text within the Development Strategy will provide some degree of clarity in respect of future aspirations for the long term sustainable re-use of Ellesmere Yard, thereby planning positively for such reuse and improving the plans effectiveness.

(Please continue on a separate sheet if necessary)

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S8.1 sets out the development strategy for Ellesmere. The Trust asks that reference is included within this to the future sustainable reuse of Ellesmere Yard.

Ellesmere yard contains a historically significant cluster of canalside buildings situated on the canal junction and within the Ellesmere Conservation Area. They were described in the North Shropshire Conservation Appraisal as comprising ‘the best preserved canal workshop in Britain’ . The uses for which the buildings were designed are however no longer appropriate to fulfil the operational needs of the canal and to safeguard the buildings going forward it is necessary to ensure that a long term sustainable use is provided for them. The Trust has been working with other stakeholders to consider the future potential for the site and exploring opportunities for the reuse of these important buildings.

The project remains at an early stage and no specific scheme for the site has yet been developed although the potential for the site to become a hub for the community and a site for tourism and leisure uses is being considered. The need for improved connectivity with the town, including a new pedestrian bridge crossing of the canal, has also been raised in recent consultations and is seen as key to bringing forward a successful scheme for this area . In addition, the Trust is likely to continue to require an operational yard at Ellesmere and is examining how this requirement can also be met. Whilst consideration of these matters is ongoing, the site clearly provides the opportunity to secure significant benefits to the town and its community.

The site in question is currently outside the development boundary of the town and whilst representations have in the past been made to the SAMDev concerning the potential allocation of the site, this has not happened. It is likely that the reuse of these buildings may already be considered appropriate in the context of other more general policies in the emerging plan and that, as such, a specific site allocation is not thought to be necessary or appropriate. We believe however that the inclusion of a more general reference to aspirations for the reuse and regeneration of this area and its improved connectivity with the town in the Development Strategy for Ellesmere would be both appropriate and beneficial. It would provide greater clarity in respect of future aspirations for the regeneration of this important area and enable it to be considered in the context of wider development proposals in the area including future connectivity.

The inclusion of a new sentence referring to aspirations to secure the long term sustainable reuse of Ellesmere Yard and its improved connectivity to the town is therefore requested.

(Please continue on a separate sheet if necessary)

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

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

(Please tick one box)

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25/02/2021

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- 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:	<input type="text" value="5.155"/>	Policy:	<input type="text" value="S11.1"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
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| A. Legally compliant | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
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Minor changes to the wording of paragraph 5.155 are sought to improve accuracy.

(Please continue on a separate sheet if necessary)

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We note the aspiration for a new marina in Market Drayton and, that whilst a potential opportunity for such a use has been recognised, there is no site specifically allocated for a marina. There is reference to the Canal & River Trust not supporting the allocation of marina developments in local plans. We believe it would helpful to explain the reason for this and this is set out below.

The allocation of specific sites for marina development raises significant concerns for the Canal & River Trust (the Trust) as outlined below. The Trusts preference is for marina proposals to be dealt with by means of appropriate criteria based policy(s) or, where necessary, identified as a potential use within a more general site allocation, for example for leisure/tourism use.

Whilst a marina development may satisfy many land-use planning considerations, in order to physically connect to the Trusts canal network it would also have to successfully pass through the Trust’s application process and secure a connection agreement. The acceptability or otherwise of a marina to connect to our waterways is based primarily on consideration of the availability of water resources, navigational safety considerations and any potential impacts on SSSIs.

For each new applicant in the Trust’s process, the assessment of water resources takes account of other applications in the process and their cumulative impact at that time. Over time schemes may be added to and withdrawn or removed from the process. Removal can be either voluntarily by the applicant or by the Trust where there is a lack of progress in delivering a scheme as water resources cannot be reserved indefinitely. The addition of new schemes to the process as well as changing environmental factors, water storage, and new or changes to existing commercial abstractions (such as from farming, utilities companies and other industries) can all impact on the availability of water resources over time.

It is therefore possible that whilst a site may be considered deliverable in respect of water resources at the time that a Local Plan is prepared (if it has been through the necessary process) the Trust cannot guarantee that water resources will remain available to a particular scheme during the life of that plan. The Council could therefore be left with an allocated site incapable of being delivered. The NPPF emphasises the importance of ensuring that Plans are deliverable, and consequently a key consideration in allocating any site for development is establishing its deliverability for the purposes envisaged.

For these reasons, the proposed consideration of any marina proposal by means of criteria based policies (such as DP10) in preference to any specific marina allocation is considered to be appropriate.

We would also ask that the following minor amendments are made to paragraph 5.155

- Reference to the “Canals and Rivers Trust” (and any other similar reference in the plan) should be corrected to “Canal & River Trust”.
- In terms of reference to the principle of whether such a development is capable of being delivered in para 5.155 we would ask that this is amended to indicate that it “MAY” be capable of delivering such a use

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- 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:

We would be happy to participate in a hearing session if it is considered that this would be of assistance.

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- 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:	<input type="text"/>	Policy:	<input type="text" value="S11.1"/>	Site:	<input type="text" value="MDR012"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|-------------------------------------|-----|--------------------------|
| A. Legally compliant | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
- (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.

Minor changes to the development guidelines would improve accuracy and provide greater clarity in respect of the consideration to be given to the adjoining canal thereby improving effectiveness of this element of the plan.
--

(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.

Land to the east of Maer Lane and north of the A53, Market Drayton (MDR012)

There is reference in the second paragraph to pedestrian and cycle links being enhanced or provided through the site and linking into the town and to the proposed marina in order to improve the site's overall sustainability. Reference to the "proposed marina" is misleading as no site for a marina is currently proposed to be allocated in the Local Plan. We would therefore suggest that this sentence is amended (as detailed below) to refer instead to links to the canal. This could, in any event, also help to facilitate access to any potential future marina.

We would also suggest that the wording of this sentence is amended to include reference to enhancement of pedestrian and cycle links adjacent to the site, such as the canal towpath which borders the site. Development in proximity to canals can lead to increased use of the towpath necessitating changes or improvements to existing surfaces and access points to ensure the path is suitable to accommodate the change in use.

The following wording is suggested to address these comments:

"Pedestrian and cycle links will be enhanced or provided through and adjacent to the site and linking into the town and canal towpath ~~to the proposed marina~~ in order to improve the site's sustainability

There is reference in the fourth paragraph to the site design and layout reflecting and respecting the sites heritage and heritage assets in the wider area. Whilst this would likely include the adjoining canal corridor, we would ask that the guidelines are extended to include specific reference to any future development positively addressing the adjoining canal and the opportunities it presents. We would also wish to see reference to the proposed development having no adverse impact on the structural integrity of the canal corridor or detrimental impact on the heritage, ecology or character of the waterway corridor included within the development guidelines. This could be addressed by inclusion of the following wording:

"Site design and layout will positively address the adjoining canal corridor and ensure no adverse impact on its character, heritage, ecology or structural integrity.

Paragraph 5 refers to the planting of large trees. This may not be appropriate adjacent to the canal given their potential impact on canal infrastructure. The following alternative wording is suggested:

"The provision of an appropriately designed landscaping scheme incorporating native species and, where appropriate, the sustainable planting of large trees within the green infrastructure and public open space will contribute towards....."

(Please continue on a separate sheet if necessary)

Office Use Only	Part A Reference:
	Part B Reference:

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:

We would be happy to participate in a hearing session if it is considered that this would be of assistance.

(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.

Signature:

Date:

25/02/2021

Office Use Only

Part A Reference:

Part B Reference:

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:	Debbie Fifer, Planning Manager Canal & River Trust
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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:	<input type="text"/>	Policy:	<input type="text" value="S11.1"/>	Site:	<input type="text" value="MDR034"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|-------------------------------------|-----|--------------------------|
| A. Legally compliant | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
- (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.

Minor changes to the development guidelines needed to improve accuracy and provide greater clarity in respect of the consideration to be given to the adjoining canal thereby improving effectiveness of this element of the plan.
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(Please continue on a separate sheet if necessary)

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Land to the west of Maer Lane and north of the A53, Market Drayton (MDR012)

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(Please continue on a separate sheet if necessary)

Office Use Only	Part A Reference:
	Part B Reference:

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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:

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Signature:

Date:

25/02/2021

Office Use Only

Part A Reference:

Part B Reference: