SHROPSHIRE LOCAL PLAN REVIEW -
GREEN BELT EXCEPTIONAL CIRCUMSTANCES

ON BEHALF OF

APLEY ESTATE AND STANMORE PROPERTIES

STANMORE GARDEN VILLAGE, EAST OF BRIDGNORTH

Our Ref: KW/RJB/8432

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CONTENTS

		Page
1.	Introduction	1
2.	Background	1
3.	Exceptional Circumstances	3
	• Unmet Housing and Employment Need	3
	• Employment	5
	• Landscape and Visual Impact	6
	• Highways	8
	• The proposal - Stanmore Garden Village	9
	• Deliverability	10
4.	Green Belt Assessment	12
5.	Compensatory Improvements	13
6.	Conclusion	14

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1. INTRODUCTION

1.1 We act on behalf client's Apley Estate and Stanmore Properties in respect of proposals for a new Garden Community at Stanmore, east of Bridgnorth.

1.2 The proposal is the Preferred Site Allocation in the Shropshire Local Plan Review: Consultation on Preferred Sites of November 2018. The purpose of this report is set out the exceptional circumstances that exist to justify changes to the Green Belt boundaries to allocate the proposed Stanmore Garden Village.

2. BACKGROUND

2.1 The background is that the Council is undertaking Green Belt review as directed by the Report of the Examination of SAMDev 2015 which led to an amendment to the SAMDev Plan to require Green Belt Review in the Local Plan Review. The reasoning in paragraph 189 and 190 of the Inspectors Report being:

"Bridgnorth is the second largest of 5 market towns in Shropshire and is located on the western edge of the West Midland conurbation. It therefore offers considerable potential to attract investment into Shropshire and to trade into these larger urban markets. The eastern side of Bridgnorth is tightly constrained by the West Midlands Green Belt. This has greatly limited the options available to the town in the SAMDev Plan. The CS emphasises Bridgnorth's role as a focal point which contrasts with strongly felt local views of a historic town that should be preserved at its current size. Most of the opportunities in and around Bridgnorth for infill development and small additions to the town have been used up. To accommodate the long term future of the town it is necessary to open up new areas. The provision of good quality employment land will provide a long term benefit by improving the range and choice of investment options in this location." (my emphasis)

2.2 In summary, the size and location of the town make it attractive to inward investment and the potential is directly related to the eastern side the town due to its ease of connection with the conurbation. The emphasis is on the provision of good quality employment land to provide a long term benefit. It follows that for the town to reach its potential, housing and employment should in balance and in opening up a new area the juxtaposition of uses provides for long term growth of a new quarter for the town. The Council have identified a need to accommodate growth for existing businesses,

justified by key market signals in the local economy with the departure of key local employers in recent years who could not expand in Bridgnorth.

2.3 In applying the process of Green Belt review in NPPF 136-138, the Council has examined fully all other reasonable options for meeting its identified need for development and in so doing has identified a potential site outside of Green Belt at Tasley. The Tasley site promoted by Taylor Wimpey, however, is considered by Stansgate to be inferior for a number of reasons and has sought advice from leading Counsel on whether exceptional circumstances exist to justify changes to allocate Stanmore.

2.4 Leading Counsel Christopher Young QC, provided an Opinion dated 17 June 2020 which is already in front of the Council but enclosed for ease of reference. This sets out a legal interpretation of what exceptional circumstances means and how it can be applied with reference to Stanmore.

2.5 The key points from this Opinion on what exceptional circumstances means are:

- It is a matter of planning judgement to identify 'exceptional circumstances' and there can be as few as one or a combination of factors which add up to them being 'exceptional';
- it is a less demanding test than 'very special circumstances' used for planning applications; removing land from the Green Belt does not have to be a 'last resort', although clearly the NPPF criteria in paras 137-138 should be satisfied;
- unmet need can be an exceptional circumstance, and it does not need to be 'extraordinary', but it is important to consider the nature and degree of need, why it cannot be met elsewhere, how it might impact on the purpose of the Green Belt, and whether the proposed development might contribute to a sound spatial strategy;
- it is reasonable to allow for headroom or slippage to 'future-proof' a plan, particularly where the NPPF expects changes to the Green Belt to be infrequent.

2.6 Paragraph 29 of Counsels Opinion states other sound planning reasons for allocating housing sites in the Green Belt would include selecting sites which are in sustainable locations, sites close to major areas of employment or sites with less landscape and visual impact. Paragraph 31 draws attention to a decision 4 May 2020 where a Rail Freight Interchange was granted permission in the Green Belt despite a non-Green Belt site alternative. One of the main reasons why that non-Green Belt alternative was

rejected was because of the landscape and visual impact.

2.7 Furthermore, in the context of the NPPF paragraph 138, Counsels advises the Council has to demonstrate it has fully examined the reasonable alternatives but that does not mean, it has to carry out some kind of exhaustive search of sites outside the Green Belt and it is perfectly entitled to decide to meet its housing need by allocating housing around settlements in the Green Belt for a variety of planning reasons, so long as those reasons are set out clearly (paragraph 31).

3. EXCEPTIONAL CIRCUMSTANCES

3.1 In the case of Stanmore, there are a number of matters that cumulatively amount to exceptional circumstances as set out below.

Unmet Housing and Employment Need

3.2 The unmet housing and employment need is an exceptional circumstance. The matter of where to put it should follow the stages of NPPF paragraph 137:

a) Brownfield sites - The SLAA would confirm that as much use as possible of brownfield and under-utilised land has been made. There are no such suitable sites in Bridgnorth.

b) Increased Density - There is only one undeveloped allocation in Bridgnorth where the density could be considered for an increase to address new housing need, this is a site at Tasley for 500 houses (SAMDev Policy S3). The density is already over 30 dwellings per hectare and the location on the rural edge of the town makes it unsuitable to provide any meaningful increase in density.

c) Cross boundary allocation - no evidence is available from Shropshire Council on cross boundary discussion but their response to contact from the adjoining authority to the south, Wyre Forest, records their view that the rural nature of the edge of Shropshire and lack of settlements close to the boundary makes it too distant for Shropshire to meet the needs Wyre Forest. The converse must also therefore be the case that Bridgnorth is too far from the boundary that its need cannot be met in that adjoining authority area.

d) Views of other authorities are not known but the distance to the boundary means the same circumstances apply.

3.3 As the need cannot be met from brownfield sites, increased density or across the boundary, it needs to be met around the edge of Bridgnorth.

3.4 The residual need is stated in the Preferred Sites Consultation 2018 as 912 houses and 16ha employment land. The specific justification for the additional employment land of 12ha, over the 4ha local need, is to provide for additional growth by existing businesses. It follows that this should be located where there are existing businesses thus providing them the opportunity to expand in their current location. There is an existing successful Business Park at Stanmore and there are other businesses to the east of the town. Hatch-Regenris identify a lack of an established industrail/business location to the south west of Bridgnorth.

3.5 The commercial property market has suggested that the supply of industrial space in the right location is very limited and there is a need to increase the breadth and quality of jobs in the Town and provide support to the growth of key sectors for Shropshire. Hatch Regeneris consider this to be important in order to address the long-standing challenge of enabling the Town to retain more of its resident workforce. They highlight that there is no evidence that a development to the south-west of Bridgnorth at Tasley would provide a source of employment opportunities that would be a good fit for Bridgnorth's working population, which will reduce the need for out commuting; whereas development and expansion at Stanmore to the east, which already draws on a local workforce, would provide a more sustainable solution. They consider that the commercial developer preference Is for east Bridgnorth.

3.6 It further follows the housing and employment should be located together to open up a new long term growth area and to provide employment opportunities for people living in the housing, this is a key principle of garden communities. A development in the Tasley location to the south-west of Bridgnorth will result in the population of the residential area having to travel greater distances to employment opportunities to the east, particularly given the high number of residents working and the Back Country, resulting in greater traffic congestion in the town. This is considered further in the Highways comment below.

3.7 The SAMDev Inspector recognised the need to open up new areas to accommodate

the long term future of the town. The level of the housing need and the benefits of juxtaposition of uses, both new and existing means it cannot be met in any other way than to open up a new quarter for the town.

3.8 Meeting the need in a single location provides a great opportunity for a sustainable long term vision.

Employment

3.9 As set out in considering Unmet Need above, the growth strategy for employment is driving the need. Such need is evidenced by socio-economic statistics in the reports prepared for my client by Hatch-Regeneris and MacMullen Associates (submitted to the Council March 2020 in the Vision document Appendices A1 and A2) and is reflected in the additional employment land proposed to recognise the considerable potential of Bridgnorth to attract inward investment and the market signals that existing businesses need to grow. The development of the existing employment base within the Town particularly that to the east is identified by Hatch Regeneris as having the potential to grow and expand further. The ONS data in the Hatch report clearly underpins the success of Stanmore and supports the opportunity for inward investment. The ONS data suggests that employment in Bridgnorth (including Stanmore) increased in the period 2013-2017 by 1,100 jobs, 350 of which were at Stanmore. At 20% this growth compares with +7% (Shropshire) +9% (Telford) and a fall of 9% in Wolverhampton. The Stanmore business park is therefore a key driver of the need for development. It has been running at 97% capacity and is reported to be turning away enquiries due to lack of available space.

3.10 Locating growth where the need arises means around Stanmore Business Park should be the clear focus for a new quarter for the town where new jobs will be created and is the commercial developer preference as set out in Unmet Need above. Furthermore, Stanmore is far better located to reach major areas of employment in the conurbation and other employment areas of Bridgnorth, than alternative sites around Bridgnorth outside of Green Belt. This is demonstrated in the survey responses received and reported in MacMullen Associates report (submitted to the Council March 2020 in the Vision document Appendix A2).

3.11 That the need is best met in this specific location, demonstrates exceptional circumstances.

Landscape and Visual Impact

3.12 Stanmore is a contained landscape, which is in contrast to other areas around Bridgnorth. On behalf of my client EDP has prepared a Landscape and Visual Appraisal dated 18 March 2020 in respect of Stanmore Garden Village (submitted to the Council March 2020). It states in respect of the character and local context of the site at paragraph 3.10 "*The existing settlement edge of Bridgnorth is well defined in many places by mature trees and hedgerows, which, while creating a softer built edge, does create physical and perceptual separation with the site (refer to Plan EDP 2).* ***The site itself benefits from the containment offered by Hermitage Hill Coppice to the west, and Stanmore Country Park and other surrounding woodland plantations to the east,*** *in addition to well-established field boundaries that offer the basis for further reinforcement."*

3.13 It finds the visual amenity is informed by the underlying character of 'Enclosed Lowland Heath 'which is of a flat to gently rolling lowland character with mature hedgerows, trees and agricultural farmland that limit the potential visual envelope of the site. Views of the internal fabric are generally contained to users within the site. In long distance views, Hermitage Hill Coppice can be seen. Whereas the existing built form is well screened by the intervening landform, woodland and field boundary vegetation, reducing intervisibility beyond 1km. This is partly owing to the lower lying ground and the proximity of Stanmore Country Park (paragraphs 4.1-4.2).

3.14 The Council's Landscape and Visual Sensitivity Assessment (LVSS) states of the overall parcel around Stanmore, that far exceeds the site itself, *"This area has a typically rural character with a robust network of hedgerows and rolling landform, benefitting from the scenic quality and screening properties of woodland in Stanmore Country Park and in the adjacent parcel D. The relative number of people within this sensitivity parcel is high. The often elevated and open aspect means that some views experienced are of particular sensitivity to change, however overall throughout the parcel, there is a* ***medium sensitivity to change arising from housing and employment****."* The area of the garden community is a small part of the parcel assessed and the valley where the development is proposed is a more intimate landscape than the wider parcel.

3.15 Overall, the Stanmore site is generally well contained from the wider area with the

existing core of built development and trees providing screening.

3.16 By way of contrast in looking at other locations for development around the edge of Bridgnorth, land at Tasley is assessed by EDP from a landscape and visual perspective with their findings submitted to the Council in a Landscape Position Paper 20 June 2020. They consider that Land at Tasley is situated in 'deep countryside', where there are no visual connections to the urban area and where development would form a significant intrusion into the otherwise scenic rural landscape which is highly visible from numerous publicly accessible locations to the south and west. Views of the site and its immediate surroundings are rural in character and feel, by reason of its isolation from the existing settlement of Bridgnorth. Therefore, their conclusion is this is not a suitable location for development of a new Garden Village for Bridgnorth.

3.17 This corroborates the Council's LVSS that describes the parcel that includes Tasley as having "*...a strong sense of remoteness and tranquillity away from the main roads which is vulnerable to loss or erosion due to visual or noise disturbance from new development.*" The change in landscape character of this rural landscape to an urban extension would be apparent across the wider landscape and harm the current deeply rural character.

3.18 The Council's LVSS describes visual sensitivity as "*There are occasional views* ***towards the Shropshire Hills AONB and Oldbury Conservation Area****, all of which contribute to* ***highly scenic views.*** *The relative* ***number of people within this sensitivity parcel is high,*** *however many views are contained by landform and vegetation. The scenic quality combined with the* ***absence of detracting features*** *means that the views experienced are of medium sensitivity to change arising from new housing and medium-high sensitivity to change arising from employment."*

3.19 The Council's LVSS concludes that overall the sensitivity of the Tasley landscape to **change arising from new housing development is *medium* and for employment *medium-high*.**

3.20 Th conclusions of the LVSS are consistent with Counsel's Opinion which concludes, the Tasley site is far more expansive in the landscape despite the similar sensitivity outcome of the LVSS. "*[T]he Tasley proposal sits in a much larger valley and would therefore* ***change the nature of that valley to a much more extensive degree.*** *Added to which, the Tasley proposal extends into what might be described as deep countryside. Its edges brush close to the valley bottom, populated by very occasional*

houses and hamlets. In contrast, the outer edge of the Stanmore proposal is enveloped to a large extent by an extensive existing employment site. Therefore, despite both sites being located on the edge of Bridgnorth, the difference in the landscape and visual impact of the two proposals is chalk and cheese." (Paragraphs 33-34)

3.21 The landscape and visual impact at Tasley is considered to be much greater than at Stanmore.

Highways

3.22 PJA on behalf of my client provided an Appraisal dated March 2020 of the impact and opportunities of Stanmore (submitted to the Council March 2020). Traffic survey, and junction capacity modelling were carried out. Trip generation used a worst case scenario assuming 68,000sqm employment, when 60,000sqm is the likely level. They concluded that of 8 junctions assessed, all except 2 work within capacity after development. The 2 that require further consideration are Junction 5 - A442 Cann Hall Road / St John Street and Junction 6 - A442 Mill Street / A442 Cann Hall Road / B4363 Mill Street. Overall, for the scale of the proposals there is generally capacity in the existing highway and the impact of the development can be accommodated within the existing infrastructure.

3.23 Vehicle access to the site from A454 is generally unconstrained and speed can be reduced to an appropriate speed limit, passing through the proposed local centre with new footpaths, cycleways, pedestrian crossings and appropriately designed access junctions to reduce speed and severance. To enhance sustainability, Park and Choose would allow residents a choice of sustainable modes of travel. It is envisaged this would be centrally located in the village and provide a choice of cycle parking and hire; pool cars for hire; electric bike/scooter; and high quality bus service not Bridgnorth.

3.24 Opportunities for pedestrian and cycle linkage exist using Park and Choose and using existing PRsOW through Hermitage ridge woodland and/or an existing cleared gap under low voltage overhead power lines. The area under the overhead lines is cleared to 25m wide by Western Power every three years. EDP advise use of this route would have minimal impact on trees and ancient woodland generally. If any areas of heightened sensitivity were discovered sections of raised path on stilts would greatly reduce any impact. Provision of formal access would greatly enhance the woodland to ensure the woodland's sustainability by protecting it from existing and potentially increased

footfall. All land is owned by the promoters.

3.25 Overall, it is demonstrated at Stanmore that the tests set out in NPPF paragraph 108 have been met.

3.26 By way of contrast in looking at an alternative site at Tasley, there are fundamental questions on the ability of the site to deliver sustainable development. On behalf of my client PJA provided a Technical Note 10 June 2020 (submitted to the Council June 2020) that questions the access proposals, the feasibility of a footbridge, the accessibility of the site and the trip generation and distribution. Notably, the trip distribution, which is considered to be underestimated, shows 75% of traffic will cross the river on the A458 bypass to reach the Stourbridge Road/Kidderminster Road roundabout which is known to be of concern locally. Furthermore, it is estimated by the Consortium that development at Tasley instead of Stanmore will result in an additional 2 million miles of commuting a year.

3.27 Proposed llinkage to the town is inadequate. The promoters have no land control of any land fronting the bypass to provide suitable linkages, which are considered to be very important to provide a sustainable development. The promoters initially propose linkage by road crossing at grade over the bypass carriageway which is subject to national speed limit. A bridge, considered necessary by the Council, will need land outside the control of the promoter. The promoter has provided no evidence to demonstrate that a satisfactory bridge connection can be achieved, and this remains a significant question as to whether the scheme can be delivered. Further, a bridge if it could be achieved will require removal of the dense tree screen at the roundabout.

3.28 Overall, the Stanmore site has limited highway impact and good opportunities for linkages to Bridgnorth by a choice of modes of travel and footpath link that can delivered as part of an overall vision for a new garden community without significant adverse impact on ancient woodland. Tasley raises fundamental questions that are unanswered and due to the location south west of the town is considered to have a greater traffic impact than Stanmore to the east of the town.

The proposal - Stanmore Garden Village

3.29 There are significant benefits of a long term vision for a new garden community with its own facilities offering a sustainable long term solution, consolidating and enhancing sustainability of an area of existing built development at Stanmore Business Park, the

country park, The Hobbins and Russells Close. There is already a cluster of development and urbanising uses at Stanmore to provide the focus. Moreover the scope to provide a real (and viable) village centre is enhanced by the existence of significant demand from present housing and the 1,700 employees at the Business Park as well as new residents. The new community will be designed to Garden Village Principles.

It will provide:

- provide a range of housing to meet local needs, particularly for affordable housing at 30% and potentially for 'key workers';
- create new employment areas on land within the proposed Village and as an extension to Stanmore Business Park thereby providing much needed expansion space and extending employment opportunities in the town;
- Long term stewardship of the village and community
- High quality design to suit the context;
- a significant net gain in the quantity, quality and connectivity of public open space;
- A significant improvement to access to extensive recreational open space and the countryside for existing and future residents; and
- deliver a new area of publicly accessible open space to include Hermitage Ridge providing:
  - informal but managed footpaths creating functional and recreational linkages between Low Town and the country park;
  - interpretation boards on the woodland and ecological features;
  - protection as required to ancient woodland and
  - interpretation boards on The Hermitage caves scheduled monument.

3.30 The proposed site is tied to the location by the existing core of uses and as the land-owner will deliver it, there is no land to buy and hence more flexibility in the type and tenure of housing and the facilities that will be provided to support it. As an Estate, Apley have a long term interest in the community and a strong desire to take a long term interest in delivering the proposed garden community. This provides a basis for the delivery of an exemplary new community.

Deliverability

3.31 The proposals which have been prepared with a strong vision, will be developed in phases, helped by the topography of the site, this will allow areas to have different

characteristics and variety. One of the aims is not to develop a 'generic' housing estate which has no individuality and where the developer sells the land and walks away; the partners at Stanmore will take a long term approach. The promoters are the landowners and they have no allegiance to a housebuilder, they are free to engage specialists and local/regional firms to deliver housing.

3.32 Substantial research has already been undertaken including visits to Poundbury and Nansledan communities which are two of the leading and most celebrated Garden Villages in England. Nansledan, currently under construction, delivers 120 homes a year using three regional builders.

3.33 The Apley Estate is home to a large number of historic buildings that have been sympathetically restored and put back into use. The understanding for and care of the cultural heritage of Bridgnorth will be evident in the design of Stanmore.

3.34 The proposals, which have the support of Bridgnorth Town Council, reflect the principles of the Building Better, Building Beautiful Commission. The architecture will have character, reflecting local styles and not restrictive ‘built to a price ’principles.

3.35 Lord Matthew Taylor is to advise on the Stanmore proposal. He advises Government, Homes England and local authorities, and runs his own consultancy business. Former chair of the National Housing Federation and former President of the National Association of Local Councils, Lord Taylor is an Honorary Member of the RTPI, Visiting Professor of Planning at Plymouth University, and Senior Visiting Fellow at Cambridge University’s School of Planning.

3.36 In 2015 he developed the ‘Garden Village ’proposal, which was adopted by the Government as national policy at the March 2016 Budget. Lord Taylor advises a number of Garden Village and Towns projects, including Chairing the Carclaze Garden Village scheme in Cornwall.

3.37 In 2011-12 he was asked to lead the Government review of all the planning practice guidance sitting behind the NPPF. This led to his creating the National Planning Practice Guidance suite, replacing all the pre-existing government guidance.

3.38 He advised successive governments on planning and housing policy for over a decade. In 2006-8 he conducted the planning and housing policy review “Living Working

Countryside', which laid many of the foundations for the Government's National Planning Policy Framework and Neighbourhood Planning.

3.39 The intention is that the proposals for Stanmore will be developed further by the partners and their advisors in conjunction with the expertise of Lord Taylor, which will ensure that a visionary proposal is established that fully meets the Garden Village ambition, such an approach further adds to the case for exceptional circumstances for the Green Belt release.

3.40 Overall, the expertise of the team will ensure delivery of a high quality viable scheme, using a delivery model such as that at Nansladen to achieve delivery in the plan period. As landowners and promoters with a long term interest, viability is not affected by matters such as minimum land values that constrain option agreements and the ability to deliver the infrastructure.

3.41 Tasley has questions over delivery. Taylor Wimpey have an option to purchase part of the site which can deliver a few hundred houses fronting Ludlow Road. There is no known commitment beyond that. No confirmation of any agreement that the whole scheme can be viably delivered across the landownership under option and the remaining landownership including necessary non-value generating infrastructure. An option arrangement is usually constrained by achieving a minimum land value so there is no guarantee of viability. The bridge, fundamental to the connectivity of the development, will need land outside of both the promoters and highway control.

4. GREEN BELT ASSESSMENT

4.1 EDP on behalf of my client, also consider the impact of development at Stanmore on the five purposes of Green Belt using the Council's Green Belt Assessment (2017) and the Green Belt Stage 2 Assessment (2018) as their starting point (their Green Belt Position Note 17 March 2020 is already in front of the Council) . They conclude that, given the size of the site in reality, the function of the site relative to Green Belt Purpose 3 (To assist in safeguarding the countryside from encroachment) actually diminishes in certain areas due to the effect of limited representation of key characteristics of the countryside, urbanising features and recreational access to the wider Green Belt, however, EDP considers that overall the site makes only a 'moderate' contribution to Green Belt Purpose 3 not a 'strong' contribution. Furthermore, of key note is that the site can readily provide defensible, durable boundaries to the west,

south, east and through delivery of Public Open Space and new planting, could reinforce the defensible boundary and buffer to land separating this proposed development from the wider Green Belt to the east. These factors ensure that the site is an isolated parcel of Land with functioning Green Belt buffers.

4.2 EDP finds that the overall site performs poorly (weak) against all the NPPF's GB purposes (relative to GB Purpose 1, 2, 4 and 5 with Purpose 3 scoring moderately rather than strongly) and makes a limited contribution to the fundamental purpose of Green Belt, which is to keep land between settlements permanently open. As such, when coupled with the need to deliver new housing growth at the most sustainable locations in the district it should be considered for release from the Green Belt as part of the Local Plan partial review process.

4.3 The Stage 2 Assessment 2018 looks at specific sites. EDP has reviewed this and has concluded that there is an 'opportunity area' missing from the study which would consider the Stanmore site as a 'whole'. This scenario would combine Parcels 55, 56, part of 54, 57 and 58 and is not currently considered in the Stage 2 assessment.

4.4 Overall, the limited impact on the purposes of Green Belt makes Stanmore a suitable site to remove.

5. COMPENSATORY IMPROVEMENTS

5.1 NPPF paragraph 138 says where it has been concluded that it is necessary to release Green Belt land for development, Strategic policy making authorities should set out "*ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.*" More guidance on what this means was provided in the Planning Practice Guidance July 2019.

5.2 At Stanmore, compensatory improvements bring new and enhanced green infrastructure allowing connect access and habitats. It is proposed to improve the Country Park which can include matters such as footpath improvements, a visitor centre and cafe. Management of access to Hermitage Ridge is proposed through controlled linkages and closing of unofficial routes which will allow biodiversity enhancements and linkages from Bridgnorth to the Country Park. Interpretation boards on the woodland, flora and fauna and Hermitage Caves are proposed. Access can enhanced to the meadow

land between the ridge and Bridgnorth. These all bring compensatory improvements on land in the control of my clients or that can be delivered by financial contribution.

6. CONCLUSION

6.1 In conclusion, there is a need to find land to meet the unmet housing and employment need. It cannot be met on brownfield sites; it cannot be met through increased density on existing allocations; and there is no opportunity for cross boundary locations. The need therefore has to be met from land around the edges of Bridgnorth. There is no test of last resort where Green Belt is only released if there are no other sites outside Green Belt, the test is what is the best and most sustainable way to meet the need for Bridgnorth.

6.2 As the need for growth is driven by employment, to allow the second largest of 5 market towns to reach its potential to attract inward investment into Shropshire and to trade into the larger markets of the conurbation, with the emphasis on the provision of good quality employment land to provide a long term benefit, a site should be located to the east of Bridgnorth, where it can serve existing, successful businesses. The east of the town is better connected to the larger markets of the conurbation and the existing employment base of the town. The need for existing business to grow underpins the growth agenda and as such, development located close to existing business at Stanmore Business Park is the best location to meet the need.

6.3 The location at Stanmore is well contained in the landscape. The landscape character is flat to gently rolling lowland agricultural farmland with mature hedgerows and trees that limit the potential visual envelope. Exiting built form is screened by landform, woodland and field boundary vegetation, reducing intervisibilty. This is superior to other areas around the town, notably the land south of the bypass at Tasley which is far more expansive in the landscape, in a larger valley where the impact of development would change the nature of the valley to a greater degree.

6.4 Development to the east has a lesser traffic impact on the town. It is more easily accessible to the employment areas of the town and the higher order services beyond the town in the conurbation. It has less impact on the town than development to the south that places 75% of traffic generated on the bypass heading east. From the Stanmore land to the east, linkages to the town can be achieved via an existing footpath and an existing clearing under low voltage overhead power lines passing through

the woodland, all on land controlled by the promoters. If any areas of heightened sensitivity were discovered, sections of raised path would greatly reduce any impact. Compared to land south of the bypass at Tasley where the promoter has no control of road frontage on the bypass, not enough land control to provide a bridge linkage and would initially rely on a single crossing at grade over a bypass with national speed limit.

6.5 Stanmore Garden Village is designed to be special, an exemplar to be built to fulfil garden village principles, by small and medium sized housebuilders with a reputation for a high quality product. The employment provision will be by a long-established development company which has owned and run the adjacent business park for nearly 60 years. The promoters are the landowners who have the ability and desire to carry forward long term stewardship, guided by national expert Lord Matthew Taylor. As the landowner, viability is not affected by matters such as minimum land values that constrain option agreements and the ability to deliver the infrastructure. At Tasley, there are questions over the ability to deliver a community with infrastructure as there is no confirmation of viability having regard to option minimum values and delivery of non-value generating infrastructure across landownerships. Plus, the essential bridge connection being within the control of the promoters.

6.6 In Green Belt assessment, Stanmore performs poorly (weak) against all of the NPPF's five purposes of Green Belt (relative to Green Belt Purpose 1, 2, 4 and 5 with Purpose 3 scoring moderately rather than strongly) and makes a limited contribution to the fundamental purpose of Green Belt, which is to keep land between settlements permanently open. Overall, the limited impact on Green Belt purposes makes it a suitable site to remove.

6.7 Having fully examined the alternatives, it is these matters that demonstrate the location to best meet the needs of Bridgnorth is to the east at Stanmore and exceptional circumstances exist to justify changes to the Green Belt boundaries to allocate the proposed Stanmore Garden Village.

Enclosure - Leading Counsel Opinion 17 June 2020

Enclosure - Leading Counsel Opinion
17 June 2020

IN THE MATTER OF THE SHROPSHIRE LOCAL PLAN REVIEW PROCESS

STANMORE GARDEN VILLAGE, BRIDGNORTH, SHROPSHIRE

OPINION

No5 CHAMBERS

BIRMINGHAM · LONDON · BRISTOL

Introduction

1. In this matter I am instructed by Stansgate Planning on behalf of Stanmore Consortium (hereinafter "Stanmore") in respect of a garden village proposal which is a proposed allocation in the emerging Shropshire Local Plan Review (hereinafter "SLPR") process.

2. The local planning authority is Shropshire Council (hereinafter "the Council").

3. The Stanmore Garden Village site is located to the east of Bridgnorth, which is the third largest settlement in the local authority area. It is located within the West Midlands Green Belt.

4. To date there have been four rounds of consultation in respect of the SLPR. These were:
   - Issues and Strategic Options consultation (Jan 2017)
   - Preferred Scale and Distribution of Development consultation (October 2017).
   - Preferred Sites Consultation (November 2018); and
   - Preferred Strategic Sites Consultation (July 2019).

5. Stanmore's proposal was favoured by the Council until relatively recently. But the Council planning officers in April this year , started to favour another proposal on the western side of Bridgnorth, known as Tasley Garden Village. This was not previous promoted through the consultation process.

6. The Tasley proposal is promoted by Taylor Wimpey. It is a housing led proposal, which includes 16 hectares of employment land and open space. It is described as a new garden settlement. But appears from the plans to be an urban extension.

7. I have visited both sites and the surrounding areas. I have also visited the various parts of the town centre which are located either side of the River Severn, and the main employment areas of Bridgnorth.

Advice Sought

8. For the Council, a key reason for apparently now favouring the Tasley proposal is it is not located in Green Belt. I am aware the Council's planning officers have raised concerns

about proposal in the Green Belt because paragraphs 136 to 138 of the NPPF. These read:

"***136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. 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.***

137. Before concluding that 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. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy: a) makes as much use as possible of suitable brownfield sites and underutilised land; b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

ADVICE

9. It is to be noted from the outset that the Council has selected some sites in the Green Belt as proposed allocations. As such, the Council itself plainly does not see id as an impediment to the allocation of such land.

10. There is no embargo on the release of land for housing or any other form of development in the Green Belt. Instead there is a test which requires the Council to show there are exceptional circumstances: NPPF (2019) paragraph 136.

11. Exceptional circumstances are required for any revision of the boundary, whether the proposal is to extend or diminish the Green Belt: **Carpets of Worth Ltd v Wyre Forest District Council** [1991] 62 P&CR 334 endorsed in the context of the NPPF in **Gallagher Homes v Solihull Metropolitan BC** [2014] EWHC 1283 at paragraph 125.

12. Each case is fact sensitive and the question of whether circumstances are exceptional requires an exercise of planning judgement: **Gallagher Homes v Solihull Metropolitan BC** [2014] EWHC 1283 at paragraph 125.

13. If a Green Belt boundary is changed then exceptional circumstances need to be demonstrated and the reasons given need to be explained: **Aireborough Neighbourhood Development Plan Forum v Leeds City Council and Secretary of State for HCLG** [2020] EWHC 1461

14. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances." **R (Luton BC) v Central Bedfordshire Council** [2015] EWCA Civ 537 as per Sales LJ at paragraph 56.

15. There is no definition of the policy concept of "exceptional circumstances". This itself is a deliberate policy decision, demonstrating that there is a planning judgment to be made in all the circumstances of any particular case: **Calverton Parish Council v Nottingham City Council [2015] EWHC 1078** as per Jay J at paragraph 20.

16. The concept of exceptional circumstances is deliberately broad, and not susceptible to dictionary definition: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 68.

17. A range of relevant factors which may amount to exceptional circumstances was set out by Jay J in **Calverton Parish Council v Nottingham City Council [2015] EWHC 1078.**

18. But as Ouseley J pointed out in the **Compton PC v Guildford BC and Others** [2019] at paragraph 72, the way in which the issue should be approached as described by Jay J was perhaps a counsel of perfection; but it is not exhaustive or a checklist. The points may not all matter in any particular case, and others may be important especially the overall distribution of development, and the scope for other uses to be provided for along with sustainable infrastructure:

19. The High Court has very recently urged caution against attempts to try and define exceptional circumstances. As Ouseley J put in the **Compton PC v Guildford BC and Others** [2019] "***There is however a danger of the simple question of whether there are*** "***exceptional circumstances" being judicially over-analysed."***

20. Critically, there is no requirement that Green Belt land be released as a last resort: **IM Properties Development Ltd v Lichfield DC** [2014] EWHC 2240 as per Paterson J at paragraphs 90-91 and 95-96.

21. Exceptional circumstances can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 71.

22. But also, and critically, the phrase exceptional circumstances does <u>not</u> require more than one individual "exceptional circumstance": **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 68.
23. General planning needs, such as ordinary housing, are not precluded from the scope of exceptional circumstances. Indeed. meeting such needs is often part of the judgment that "exceptional circumstances" exist. The phrase is not limited to some unusual form of housing, nor to a particular intensity of need: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 72 and 73.

24. There is no reason why ordinary housing need cannot weigh heavily or decisively in favour of showing there are exceptional circumstances: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 72

25. The most that can be said about ordinary housing need amounting, on its own, to exceptional circumstances is that it is simply not <u>necessarily</u> sufficient of itself: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 72

26. Ordinary housing need does not exist in a vacuum or by themselves: there will almost inevitably be an analysis of the nature and degree of the need, allied to consideration of why the need cannot be met in locations which are sequentially preferable for such developments, an analysis of the impact on the functioning of the Green Belt and its purpose, and what other advantages the proposed locations, released from the Green Belt, might bring, for example, in terms of a sound spatial distribution strategy: **Compton PC v Guildford BC and Others** [2019] as per Ouseley J at paragraph 72.

27. It follows from the review of the case law above, that any local planning authority is perfectly entitled to allocate land for housing and/or other uses in the Green Belt. Indeed, that is what the Council are already doing. What is required is to set out the reasons why there are exceptional circumstances for doing so. Plainly the use of PDL is one key area where exceptional circumstances are made out.

28. But as the Guildford case demonstrates, housing need is of itself sufficient to amount of exceptional circumstances. In truth, it is more likely that housing need forms part of a range of factors, especially in an authority area where there are large areas of land outwith the Green Belt. Ensuring an adequate geographical distribution of housing sites across the plan area or locating more housing in areas of high demand or poor affordability ratios would all be legitimate planning reasons for allocating housing land in the Green Belt. The first point is addressed by Ouseley in the **Compton PC v Guildford BC and Others** when he refers to an LPA "***achieving a sound spatial distribution strategy."***

29. Other sound planning reasons for allocating housing sites in the Green Belt would include selecting sites which are in sustainable locations, sites close to major areas of employment or sites with less landscape and visual impact. These are all factors which would come under what Ouseley J described in **Compton PC v Guildford BC and Others** as "other advantages the proposed locations."

30. The latter issue of landscape and visual impact was very recently relied upon by the Secretary of State for Transport in his decision of 4 May 2020 to allow the West Midlands Strategic Rail Freight Interchange Development Consent Order (hereinafter "DCO"). The DCO site is in the West Midlands Green Belt in the neighbouring county of Staffordshire. The DCO was granted despite an alternative site being identified for the development on a non-Green Belt site at Penkridge. One of the main reasons why that non-Green Belt alternative was rejected was because of the landscape and visual impact.

31. In the context of NPPF paragraph 138, there is a requirement that "***[b]efore concluding that 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."*** But that does not mean, it has to carry out some kind of exhaustive search of sites outside the Green Belt. The test is requires that the LPA can demonstrate it has fully examined all other reasonable options. An LPA is perfectly entitled to decide to meet its housing need by allocating housing around settlements in the Green Belt for a variety of

planning reasons, such as those listed above. So long as those reasons are set out clearly, there is no need to look at all non-Green Belt land to meet that need.

32. Turning to the specific of the Stanmore and Tasley proposals, it seems abundantly clear that the Stanmore proposal is far better located to major areas of employment.

33. It is also clear that the Tasley proposal is far more expansive within the landscape. Both sites sit in greenfield valleys on the edge of Bridgnorth beyond the existing bowl. But the Tasley proposal sits in a much larger valley and would therefore change the nature of that valley to a much more extensive degree. Added to which, the Tasley proposal extends into what might be described as deep countryside. Its edges brush close to the valley bottom, populated by very occasional houses and hamlets. In contrast, the outer edge of the Stanmore proposal is enveloped to a large extent by an extensive existing employment site.

34. Therefore, despite both sites being located on the edge of Bridgnorth, the difference in the landscape and visual impact of the two proposals is chalk and cheese.

35. These matters in themselves amount to ‘exceptional circumstances'.

36. Moreover, the Bridgnorth Town Council has now come out in favour of the Stanmore proposal. They will know their local area. And so the proximity to major employment and landscape and visual impact will not have been lost on the town councillors, when they made their decision to favour the Stanmore proposal.

37. I trust I have dealt with all the matters raised by my instructing consultant, but needless to say, please contact me if there are any other matters arising.

17 June 2020

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IN THE MATTER OF THE SHROPSHIRE LOCAL PLAN REVIEW PROCESS

STANMORE GARDEN VILLLAGE, BRIDGNORTH, SHROPSHIRE

OPINION