

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:	
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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"/>	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: | 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.

(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.

(Please continue on a separate sheet if necessary)

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

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

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

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

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

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

(Please tick one box)

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

(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:

Office Use Only

Part A Reference:

Part B Reference:

Date: 23rd February 2021

Our ref:

Your ref:

Shropshire County Council
Planning & Policy Strategy Team
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

(email only- 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. This petition has raised 2,238 local signatures and has been submitted separately by Shifnal Matters 2021.
- 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

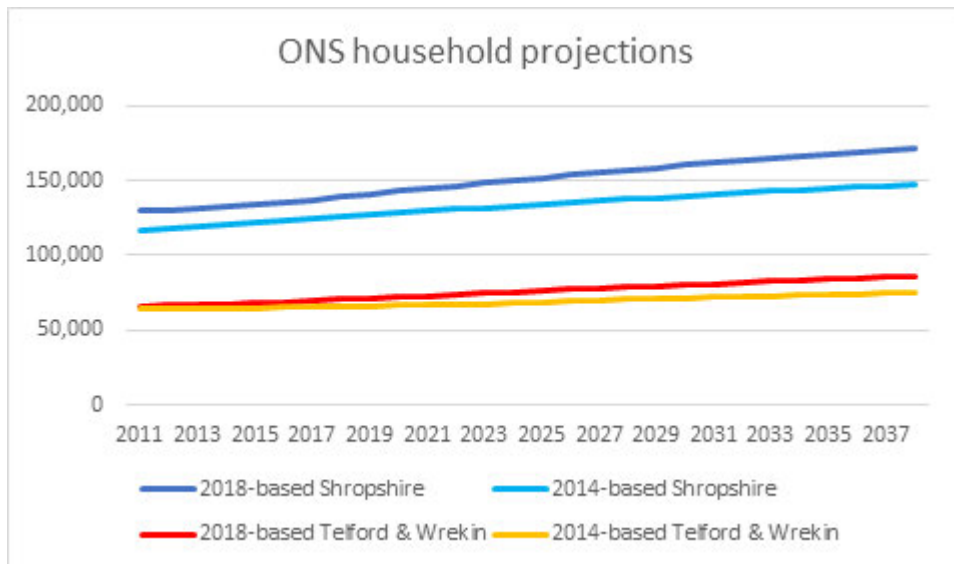
2.1 SP2. Strategic Approach

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 been 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 onto 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 onto 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 hectareage 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 26th 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, 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.

Appendix 1

1. Legal/Procedural Non Compliance

Sustainability Appraisal

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

1.2 The legal requirements are:

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

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

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

- As required by the regulations and guidance, the Council produced a Scoping Report in January 2017. Table 5.2 set out the Council’s sustainable objectives. These included SO5 - to encourage the use of sustainable means of transport (including enabling more walking and cycling; SO6 – to reduce the need for people to travel by car including reducing vehicle use on Shropshire’s roads; SO12 – to reduce CO2 emissions; SO13 – to promote the adaptation and mitigation to climate change.
- The Sustainability Appraisal (SA) submitted with the Preferred Sites consultation in paragraph 1.5 says that site allocations have been assessed against the Scoping Objectives in the Scoping Report and the results presented in the report. Paragraph 1.18 says that this fulfils Stage B – testing all sites in the Strategic Land Availability Assessment (SLAA) against the SA framework in the Scoping Report and evaluating the likely effects of allocating different sites. Table 2.3 set out the criteria for sites, with 14 criteria set related to specific Scoping Objectives. SO 5 and 6 were related to criteria 5 (proximity to community facilities) and SO 6 to criteria 6 (proximity to public transport). But no criteria were given for SO 12 and 13 so the SA failed to assess sites against these important objectives. In Table 2.4, the criteria are given a scoring index. However, criteria 6 here is given as quality of agricultural land not proximity to public transport as stated in Table 2.3. So the SA failed to assess sites against SO6.
- Paragraph 2.14 of Preferred Sites SA, states that the SA rating is used to inform Stage 3 of the site assessment process and so has directly informed

the selection of the most appropriate sites for allocation in each settlement. The law states that the SA process is iterative and informs each stage of the process. The fact that this SA is materially flawed in its inconsistencies between Tables and lack of assessment of key Scoping Objectives means that the process has not met the legal requirements as subsequent decisions based on the SA were based on inadequate, incorrect and hence unintelligible information (contrary to Gunning principle).

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

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

Appendix 2: The Effect on Traffic in Shifnal of the Proposed Employment Land Development off Stanton Road.

Introduction

Stanton Road provides the only access to the proposed employment land development. From the east, it leads from the A41 Trunk Road at an unsignalled Tee junction one kilometer from Junction 3 of the M54. From the west, access from the A464 Wolverhampton to Telford and M54 Junction 4 is through Shifnal town centre via Aston Road and Aston Street. The junction with the A464 is at an unsignalled Tee junction located 15metres beyond a left turn onto Bradford Street, the main shopping street, at a further Tee junction.

Stanton Road, Aston Road and Aston Street are the main access routes to both the Primary and Secondary schools within Shifnal, generating significant traffic volumes at the beginning and end of the school day. Stanton Road also forms part of National Cycle Route 81 between Welshpool and Albrighton.



Existing Conditions

Stanton Road, Aston Road and Aston Street are unclassified roads comprising a single carriageway generally around 6 metres wide apart from the re-engineered section of Stanton Road leading underneath the M54 where a standard 7.3 metre carriageway exists. A visual inspection of the 6 metre wide length of Aston Road and Aston Street carriageway indicates significant potholing and cracking. It seems most probable that the pavement structure of the road has not been engineered but has evolved over time and is thus not suited to significant heavy traffic volumes.



Two small roundabouts, the more westerly at the junction with Lamledge Lane and that nearer the town at the junction with Curriers Lane, have recently been constructed to the west of the proposed development site to provide access to the new housing estates currently under construction. These developments will significantly increase traffic volumes along Stanton Road in the near future.

The new housing to the south of the road between the two roundabouts stands back from Stanton Road with no direct access. To the north of the road there is parkland enclosed by a perimeter wall,

Stanton Road leads into Aston Road at the Curriers Lane roundabout and shortly afterwards into Aston Street. Between the roundabout and the junction with the A464 there are rows of old terraced housing whose doors open directly onto a narrow pavement.



Whilst there is a ginnel running behind some of the terrace, it is not generally suitable for cars and consequently on-road kerbside parking is necessary in front of the terraces. This, when coupled with the narrow carriageway width and exacerbated by the number of HGV's and busses already using the route, creates a single way traffic flow situation.



Station Approach connects from the south with Aston Street at a junction with severely reduced visibility followed shortly by the Village Hall carpark from the north which, with 130 parking spaces, serves the shopping centre and generates considerable turning traffic throughout the day. This junction also has restricted visibility.





As the junction with Bradford Street is approached, the high railway arches abut the narrow south verge of the road with a public house and commercial buildings on the north. The footpath here is barely one metre wide and frequently mounted by turning traffic creating a hazard for pedestrians.



The buildings on either side of this junction are within the Shifnal Conservation Area. There are further listed buildings within Market Place which forms one arm of the Aston Street/Bradford Street junction in Shifnal town centre that will also be adversely affected by additional vibration and pollution.

An additional restraint to queueing traffic is caused by pedestrians crossing Aston Street at the Bradford St junction. This is the main walking route and the only wheelchair access not only to the railway station but also to and from the south side of the town to the shopping centre. More than 600 people a day cross this junction for access to the railway station alone. The footpaths on both sides of Aston Street are narrow, frequently mounted by turning traffic and hazardous, particularly for wheelchair users.



Existing Traffic Conditions

Traffic count of vehicles entering Shifnal along Stanton Road/Aston Street were undertaken on four occasions in July and November. The results are tabulated below:

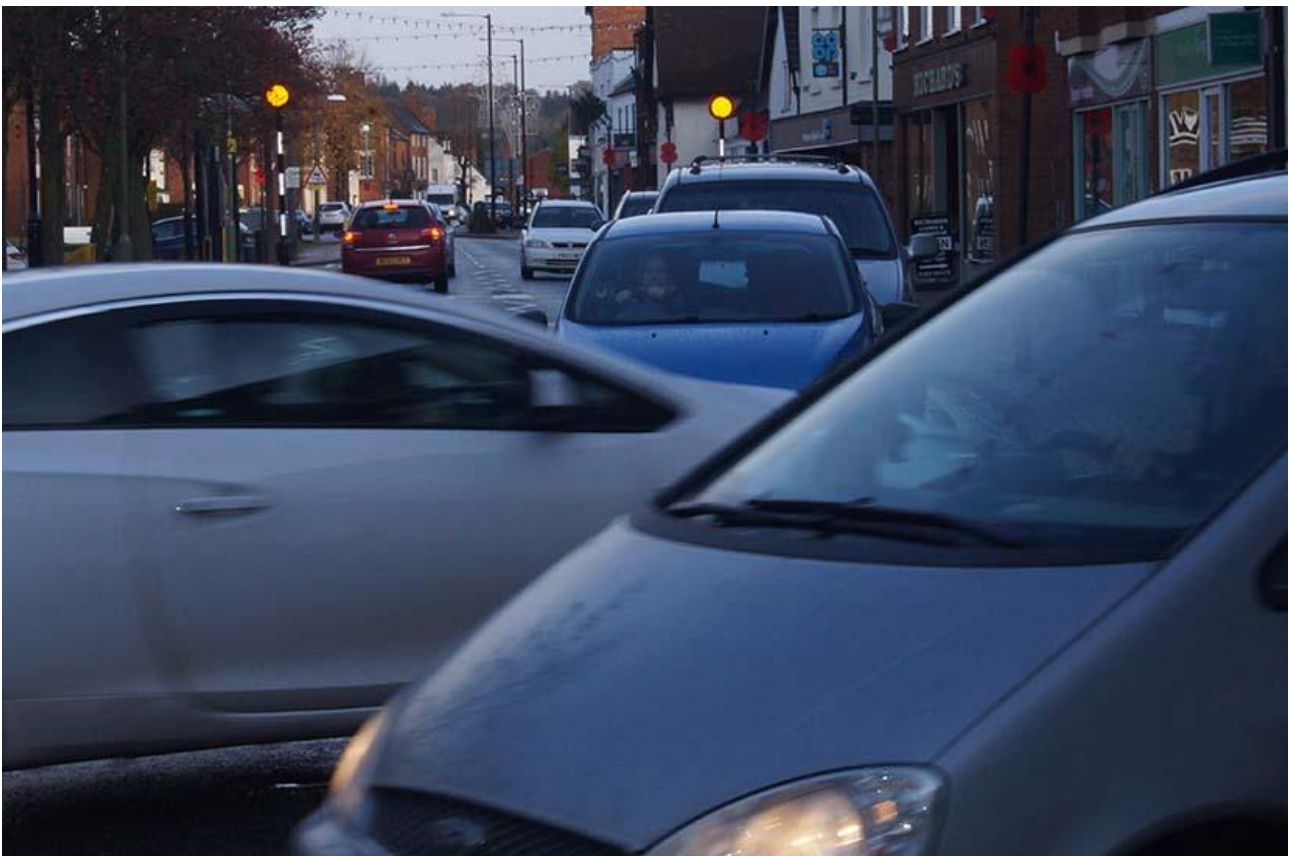
Date	Vehs/hr towards Shifnal			
	0730-0830	Average	1700-1800	Average
2/7/19	329	343	249	285
4/7/19	332		316	
7/11/19	299		252	
12/11/19	411		323	

The results indicate that the overall volume of traffic is not great, the average peak time hourly flows into town being 343 vehicles per hour in the morning and 285 vehicles per hour in the evening. However, the restraint to traffic at the turn onto Bradford Street and, for much of Aston Street traffic, the subsequent right turn onto the A464, creates very significant queueing back up Aston Street as far as the first roundabout with Curriers Lane, a distance of over 0.5 km. A further survey was carried out which indicated that the time taken from arriving at the rear of the queue to exiting the Bradford Street/A464 junction was in excess of 5.5 minutes at morning peak periods and in excess of 4.5 minutes in the evening.



Further counts were taken of vehicle movements through the Market Place / Victoria Road / Bradford Street / Aston Street Junction on the dates shown below during the morning peak period and the results are tabulated in Appendix 1.

all the traffic trying to turn out of Aston Street. Not unsurprisingly, the junction eventually locked up completely as it is totally inadequate to accommodate the current traffic conditions.



It is worth noting in passing that 63% of A464 eastbound traffic and 40% of westbound traffic is not through traffic that could be alleviated should a bypass to the south of Shifnal be constructed.

Details of the traffic movements through the Market Place / Victoria Road / Bradford Street / Aston Street Junction together with a traffic flow diagram are presented in Appendices 1 & 2 respectively.

Conclusions

The proposed employment development land located off Stanton Road will create a substantial increase in traffic on Stanton Road and Aston Street even if commercial vehicles could be effectively restricted from using this route.

The main commercial centre in East Shropshire is Telford, which lies to the west of Shifnal, and Aston Street is the direct route to Telford from the proposed development.

Vehicles wishing to access and egress from the west will use the Aston Street / Stanton Road route as it is more than 8 kilometres shorter than the A41 / M54 route to Junction 4 of the M54. The A41/Stanton Road junction is also a site of morning and evening stationary traffic for vehicles trying to travel in the direction of the M54

Stanton Road and Aston Street are not suitable for carrying the additional volume and increased unit weight of the generated traffic because:

- The junction with Bradford Street and the A464 trunk road is already well beyond capacity and causes substantial delays and congestion at peak periods. Proximity of buildings within the Shifnal conservation area preclude any opportunity of additional landtake for upgrading.
- The turning movements at this junction currently disrupt traffic flows on both the A464 and the A4169.
- The existing carriageway is narrow (6 metres) and can not be widened due to the proximity of buildings.
- The existing carriageway construction is not engineered and is not capable of taking additional and heavier traffic. It is currently in a poor state of repair.
- The station approach and the main shopping car park access onto Aston Street, both junctions having severely impaired sight.
- Aston Street residents are obliged to park on Aston Street causing single line traffic flows as there is no access to the rear of their properties.
- Aston Street dwelling doorways access directly onto the pavement, and the increase in noise, dust and vibration will be detrimental to their environment.
- The Bradford Street/ Aston Street junction is crossed by the principal walking route to the train station from the town centre including provision for those with impaired sight and wheelchair users.
- The existing pedestrian footpaths at the junction are narrow and hazardous.

Appendix 1

Traffic Movements through the Market Place / Victoria Road / Bradford Street / Aston Street Junction



Traffic count										
From		Market pl	Market pl	Market pl				Victoria st	ped crossing activation	
To		Victoria st	Bradford st	Aston St						
26/11/2019	0800-0815	68	14	34				8		
	0815-0830	74	17	36				13		
	0830-0845	67	26	19				11		
	0845-0900	94	26	33	out of market pl			9		
	0800-0900	303	83	122	508			41		
From		Victoria st	Victoria st	Victoria st						
To		Bradford st	Aston St	Market pl						
28/11/2019	0800-0815	11	96	75						
	0815-0830	7	101	40						
	0830-0845	5	91	62						
	0845-0900	10	86	64	out of victoria st					
	0800-0900	33	374	241	648					
From		Aston St	Aston St	Aston St						
To		Bradford st	Market pl	Victoria st						
02/12/2019	0800-0815	4	35	31						
	0815-0830	1	31	33						
	0830-0845	5	54	17						
	0845-0900	1	24	29	out of Aston st st					
	0800-0900	11	144	110	265					
From		Bradford st	Bradford st	Bradford st						
To		Aston St	Market pl	Victoria st						
02/12/2019	0800-0815	8	83	1						
	0815-0830	6	98	2						
	0830-0845	9	83	2						
	0845-0900	3	54	2	out of Bradford st st					
	0800-0900	26	318	7	351					

After 8.45 traffic was a stationary queue on aston st and Bradford st
 Chocked particularly by vehicles trying to exit to victoria st (rt turn) across priority flow from market place and victoria st

Appendix 2
Traffic Flow Diagram through the Market Place / Victoria Road / Bradford Street / Aston Street Junction

