

Pre-Submission Draft Shropshire Local Plan
Land at Wrexham Road, Whitchurch

February 2021

Turley

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Appendix 1: Completed Representations Form

Appendix 2: Assessment Against the Shropshire Test Policy (SP1)

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Appendix 4: Re-Assessment Against Site Assessment Criteria

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Our reference
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1. Introduction

1.1 These representations have been prepared on behalf of Belton Farm Trading Ltd (BFTL) in respect of the Pre-Submission Draft of the Shropshire Local Plan ('the Local Plan'). They are submitted as part of the current consultation process on the Local Plan and associated documents which form its evidence base and background information.

1.2 The representations relate to land south of Wrexham Road, Whitchurch ('the subject site'), owned by BFTL which it is promoting for residential development. They should be read in conjunction with the Development Framework Document 2021 also prepared on behalf of BFTL and submitted as part of the consultation response.

1.3 Together the documents demonstrate:

- Whitchurch is a highly sustainable settlement containing a wide range of facilities and services. It is well connected by rail and bus services to strategic settlements such as Shrewsbury and Crewe.
- The town is strategically located close to drivers of growth focussed around the arrival of HS2 in Crewe (as part of HS2 Phase 2a – now confirmed in law) and related opportunities. New development in Whitchurch can support these opportunities and by taking a positive approach to providing for development the town can also benefit from them.
- There is a need for sustainable housing sites in the town which are capable of providing good quality family and affordable dwellings. Insufficient supply is presently identified; allocation of the site offers the chance to remedy this and provide additional flexibility.
- The area to the west of the town, within which the site is located, is very sustainable and this has been recognised in approvals for planning applications for residential and retail development.
- The subject site is capable of accommodating economically, social and environmentally sustainable development. It is free from constraints that would prevent development and is capable of being deliverable and developable. It can therefore contribute to housing supply in the short (0-5 years) and medium (6-10 year) horizons. It can accommodate c.325 dwellings.

1.4 In preparing the representations, consideration has been given to the requirements set out in national planning policy and guidance that Local Plans must be:

- Legally compliant
- Sound (being effective, justified and compliant with national planning policy)
- Comply with the duty to co-operate

- 1.5 Where necessary, modifications to policies are suggested to address deficiencies. The representations are accompanied by a completed representation form (enclosed at Appendix 1).
- 1.6 The remainder of the representation is structured as following:
- Section 2: Background – provides relevant information to assist in understanding the site context.
 - Section 3: Relevant Planning Policy – briefly outlines the relevant national planning policy requirements and planning guidance and identifies the relevant parts of the Local Plan and evidence base.
 - Section 4: The Case for Allocation – sets out the reasons as to why the site should be allocated for residential development, having regard to the deliverability and developability of the site.
 - Section 5: Site Sustainability – considers the sustainability of the site by reference to the economic, social and environmental objectives. It critiques the Council’s assessment of the sustainability of the site.
 - Section 6: The Need for Additional Housing Allocations in Whitchurch - critiques the approach to identifying sufficient housing land supply in Whitchurch and the Council’s identification and assessment of potential sites.
 - Section 7: Comments on Specific Policies - provides comments on specific policies where.
 - Section 8: Summary and Conclusions – provides a summary of the representations and concluding comments.

2. Background

Belton Farm Trading Limited

- 2.1 BFTL is a major landowner in Whitchurch. It owns c. 170 hectares of land to the west of the current settlement boundary of Whitchurch. This includes the subject site (described below) as well as a substantial swathe of agricultural land to the west of the A41 Whitchurch Bypass and land to the south of Belton Road, immediately south of the subject site.
- 2.2 It owns and operates the Belton Farm dairy, to the west of the A41 where Belton Farm cheese is made. The cheese has won many awards. It is stocked by supermarket chains nationwide and exported internationally. The business employs around 105 people, many of whom are Whitchurch residents and its supply chain comprises a number of local business who supply milk, provide logistics services including packing, storage and distribution facilities.
- 2.3 BFTL is rightly proud of its cheese and takes pride in its management of its land to maintain high standards. It has undertaken improvements to its land as part of a stewardship regime including planting c.15,000 trees and improving hedgerows to enhance biodiversity.

Locational Context

Strategic Location

- 2.4 Whitchurch is located in the north-eastern part of Shropshire close to the border with Cheshire. It has functional links and is proximate to major Cheshire towns such as Crewe. It has strong transport links to Crewe and Shrewsbury, being on the Crewe – Shrewsbury railway line which also provides direct services to Manchester Piccadilly. Crewe is a c. 20 minute drive via the A530. Whitchurch is also relatively close to Wrexham (c. 20 minute drive via the A525).

Role in Shropshire

- 2.5 Whitchurch is located in north-east Shropshire and is one of the largest within this part of the County. It is one of the most sustainable within the County as a whole. As such, it has long been one of the main focuses for development in this part of the County and this role has been consistently recognised through policy.
- 2.6 Residential development of the site offers the potential to reinforce its role and to capitalise on the sustainability of the town. It can also contribute to strong growth in north-eastern Shropshire through residential and employment development and take advantage of its proximity to drivers of growth such as those related to HS2's arrival in Crewe as part of the Western Leg of Phase 2a (the Hybrid Bill for which now has Royal Assent) – an opportunity specifically recognised in the Local Plan (summarised below).

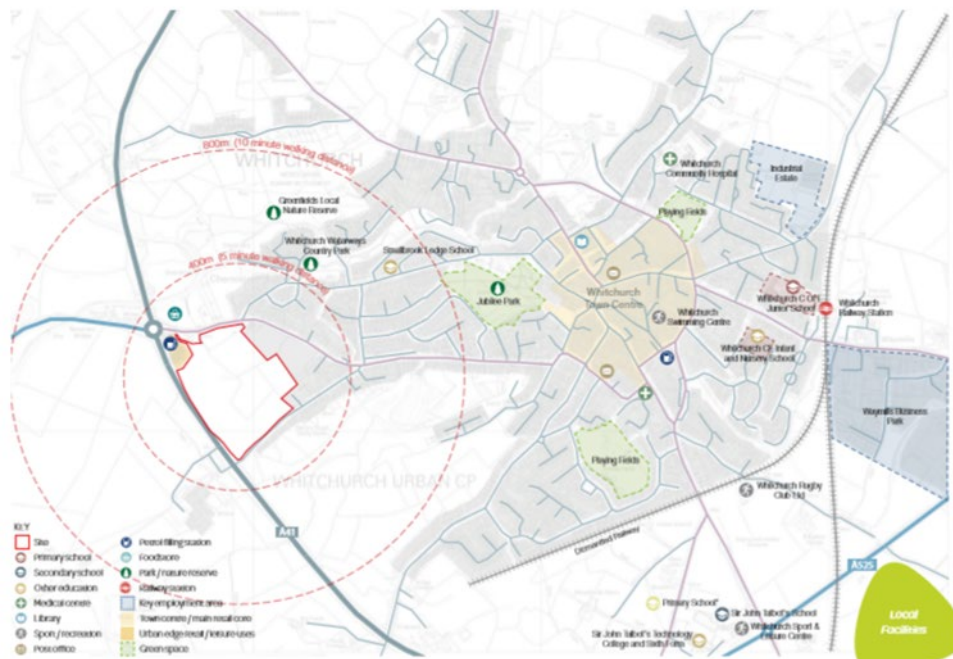
Demographics

- 2.7 The Whitchurch Market Town Profile provides a summary of various demographic aspects of the town and its population.

- 2.8 From this document, it is noted that the proportion of Whitchurch's working age population (60.5%) is below the average for the West Midlands (62.3%) and Great Britain (63%).
- 2.9 In addition, the proportion of households on low incomes (£15,000 or less) is amongst the highest in Shropshire (28%), with only Bishop's Castle, Craven Arms, Ludlow and Oswestry have a higher proportion of households earning below the £15,000 threshold. The proportion earning £80,000 per annum is amongst the lowest in Shropshire (4%).
- 2.10 For households on lower incomes (within the lower quartile of £15,207) the affordability ratio (i.e. the multiple of household income needed to afford a house priced in the lower quartile) is 8.2. Whilst lower than the Shropshire (9.0) and England (8.9) average this underlines that affordability is nonetheless an issue in Whitchurch.

Site Surroundings

- 2.11 The surrounding land uses are mainly residential, with existing residential uses adjoining the site boundaries to the east and with further residential to the north and south.
- 2.12 There are also a range of facilities available to future residents very close to the site and within reasonable walking distances, including a foodstore, small convenience store, service station (containing a petrol station (which also includes a small convenience store) and a coffee shop) and employment premises. The plan below illustrates the proximity of the site to these facilities.



- 2.13 Proximity to Local Facilities The area to the west of the A41 Whitchurch bypass is open countryside containing a mix of agricultural land, the Llangollen branch of the Shropshire Union Canal, a network of public rights of way (PROWs).

- 2.14 The town centre lies approximately 1.25 km west of Whitchurch town centre which provides a wide range of shops, services and facilities commensurate with a large market town. Whitchurch railway station is located to the east of the town centre.

The Site

- 2.15 The subject site lies between the current settlement boundary of Whitchurch and the A41 Whitchurch bypass to the west of the town. It comprises 11.5ha of open countryside which has previously been used for agricultural purposes.

- 2.16 A detailed description of the site is provided in the Development Framework document. Key aspects of relevance to note are:

- It is located immediately adjacent to the western edge of the Whitchurch settlement boundary and contained by the A41 / Whitchurch Bypass which forms a defining settlement boundary at the western edge of the site.
- The site is well related to the town centre, local shops and services and is capable of being served by sustainable modes of transport.
- The land at Wrexham Road comprises an irregular field pattern divided by hedgerows and a watercourse. Along all the boundary edges, the established hedge line contains the site.
- It is relatively free from development constraints.
- The subject site is capable of accommodating a sustainable housing development comprising market and affordable housing, open space and environmental improvements.

- 2.17 The entirety of the site is owned by our client, BFTL, with the exception of a single field adjacent to the residential development at Manor Croft. Our client has an agreement with the owner of that field to promote the sites jointly as a comprehensive development opportunity. There is scope, however, to deliver many of the benefits set out in the remainder of this document using just the land owned by BFTL.

3. Policy Context

National Planning Policy and Guidance

- 3.1 The National Planning Policy Framework 2019 ('the Framework') provides the overarching national policy context for the preparation of the Shropshire Local Plan. The Framework provides national policy on the plan-making process and reflects the Government's focus on increasing housing delivery.
- 3.2 The Framework reiterates the importance of the planning system being '*genuinely plan-led*'.
- 3.3 Plan-making is to place sustainable development at its heart, meaning they should positively seek to meet development needs, be flexible to adapt to rapid change and provide to meet, at least, the objectively assessed needs for housing.
- 3.4 Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings⁵.
- 3.5 Plans should, *inter alia*:
 - Be prepared with the objective of contributing to the achievement of sustainable development.
 - Be prepared positively, in a way that is aspirational but deliverable.
 - Be shaped by early, proportionate and effective engagement
 - Contain policies that are clearly written and unambiguous
 - Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.
- 3.6 Local plans must be sound⁶; meaning that they must be:
 - **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and accommodates any unmet need from neighbouring areas where it is practical to do so and is consistent with achieving sustainable development.
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters, and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

- 3.7 In identifying sufficient land for housing, Plans must identify sufficient specific, deliverable housing sites for the first five years of the plan and should identify specific developable sites or broad locations for years 6 – 10 and where possible years 11 – 15.
- 3.8 When preparing and reviewing local plans, policies should be:
- Underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals⁷.
 - Informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements and demonstrates how the plan has addressed relevant economic, social and environmental objectives⁸
 - Reviewed to assess whether they need updating at least every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and take into account changing circumstances affecting the area, or any relevant changes in national policy.
 - Relevant strategic policies will need updating at least once every five years if the applicable local housing need figure has changed significantly⁹.
- 3.9 The important contribution that large sites, new settlements or significant extensions to existing villages and towns can make to housing delivery is recognised at paragraph 72. Strategic policy makers are encouraged to identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

Pre-Submission Draft of the Shropshire Local Plan

- 3.10 The Pre-Submission Draft sets out the proposed policy framework for the County to 2038¹. It provides² the housing and employment requirements for the plan period (30,800 dwellings and 300 hectares of employment land) and attempts to identify land to accommodate those requirements through a sustainable pattern of development.
- 3.11 The same policy directs development towards settlements and locations based on a hierarchy whereby the strategic centre of Shrewsbury is supplemented by Principal and Key Centres and Strategic Settlements, with limited development directed towards more rural locations, defined as Community Hubs. Whitchurch is identified as a Principal Location.
- 3.12 This approach directs growth to the *'larger settlements with the most extensive range of services, facilities and infrastructure to support new development'*³ and seeks to align growth with strategic corridors which the Economic Growth Strategy identifies for priority investment and growth. This includes North East Shropshire and the A41 Corridor (within which Whitchurch is located).

¹ Plan period 2016 – 2038

² Policy SP2 'Strategic Approach'

³ Pre-Submission Draft paragraph 3.23

3.13 Policy SP1 sets out ‘the Shropshire Test’ which new development must comply with – it is a ‘gateway policy’. It is aligned with the strategic priorities for the County and is based on criteria around:

- supporting health and wellbeing and safety;
- supporting cohesive communities;
- addressing the causes and mitigates the impacts of climate change;
- conserving and enhancing the natural environment, including provision of green and blue networks;
- raising design standards;
- making efficient use of land; and
- providing sufficient infrastructure, services and facilities and provides opportunities for their enhancement where necessary.

3.14 Other key policies of note are :

- SP3 ‘Climate Change’: which sets out measures through which development will support the transition to a zero-carbon economy.
- SP5 ‘High-Quality Design’: outlining how better places to live and work in will be achieved.
- SP6 ‘Health and Wellbeing’: encouraging development to ‘*ensure the health and well-being of individuals, communities and places*’. In relation to housing developments, this will include provide the appropriate size and type, in the right location and with appropriate levels of private and public open space.

3.15 A number of development management policies are also proposed.

Evidence Base

3.16 A number of documents were prepared as part of the evidence base for the LP including:

- Strategic Housing Market Assessment 2020
- Sustainability Appraisal and Site Assessment 2020
- Strategic Land Availability Assessment 2018
- Hierarchy of Settlements Assessment 2020
- Economic Growth Strategy
- Green Infrastructure Strategy

3.17 Reference is made to these documents as relevant, within these representations.

4. The Case For Allocation : A Deliverable and Developable Site

- 4.1 The land at Wrexham Road can accommodate a high quality residential development which represents sustainable development in accordance with the Framework. It is also capable of contributing positively to the achievement of a number of strategic objectives and policies of the Local Plan including the gateway 'Shropshire Test' policy (SP1) against which the site is assessed in Appendix 2.
- 4.2 The site is deliverable, being suitable, available and achievable. It is also developable, comprising a site within suitable location and with a reasonable prospect that it will be available and could be viably developed. An assessment of the deliverability and developability of the site against each of the terms of is provided below.

Deliverability

Suitability

- 4.3 In this case, the suitability of the site can be demonstrated by reference a number of aspects, all of which underline the inherent merits of the site for housing.

Sustainability of Location

- 4.4 The site is in a sustainable location. It is in close proximity to public transport with bus stops close to the site along Wrexham Road providing access to services running to and from the town centre, railway station and employment areas. There are a range of facilities in very close proximity to the site, as described above.
- 4.5 There are several sites which have been granted planning permission for residential adjoining and in the close vicinity of the site. In granting planning permission officers have recognised that the sustainability of the location.
- 4.6 Land to the north of Wrexham Road, opposite the northern boundary of the site, was subject to an application for outline planning permission⁴ approved in 2014. The Committee Report notes that bus service and a small Co-op foodstore (now a McColls convenience store) are '*within reasonable walking distance*' of the site and that the site '*is well located in terms of distance and topography to promote cycle use between the site and town centre*'.
- 4.7 The site is also adjoined by a scheme which was granted planning permission for 40 dwellings (LPA ref. 14/00462/FUL). In recommending approval for the scheme officers recognised that:
- land immediately adjoining the subject site (forming part of a development referred to as land opposite Sunnyside, Wrexham Road) is '*in a sustainable location, on the edge of the existing built development, where it benefits from*

⁴ LPA ref. 14/0059/OUT

transport links and the facilities, services and infrastructure offered by the market town’.

- 4.8 An Aldi supermarket has also been granted planning permission on land to the north, on the opposite side of Wrexham Road. The store is in very close proximity to the site and will serve to provide additional facilities for future residents of the land at Wrexham Road. Importantly, that permission is subject to a number of measures which will improve connections to the town centre including an enhanced bus service (secured by Section 106 agreement) and new bus stops.
- 4.9 The permission was granted on appeal⁵. In allowing the appeal, the Planning Inspector concluded that the distance to the town centre would not prevent *‘reasonably fit and able bodied people from walking and cycling would be an option’* in travelling between it and the site. He also noted that the enhanced bus service and new bus stops would allow shopping trips to be made by this mode of transport – if follows that residents occupying future development would also be able to utilise these improvements for accessing the town centre and other facilities. The inspector’s overall conclusion on the sustainability of the location was that the site ***‘would be in a sustainable location’*** [emphasis added].
- 4.10 The Strategic Land Availability Assessment 2018 (SLAA) methodology confirms that sites identified as having future potential (such as the subject site) were considered to be *‘located within or in proximity of a settlement potentially considered an appropriate location for sustainable development’*.
- 4.11 The Development Framework submitted within these representations demonstrates how development of the site could integrate into the wider area and facilitate pedestrian and cycle movements between the town centre, recreation areas and existing green infrastructure. Residents would therefore have a genuine opportunity to avoid car-based journeys for many day-to-day purposes. A pedestrian crossing close to the northern boundary of the site has been installed as part of the Aldi development and serves to improve access from the subject site to the town centre and areas of green infrastructure to the north.

Extent of Defensible Boundaries

- 4.12 The site is well contained on all sides but particularly to the west where the A41 Whitchurch Bypass forms boundary of the site. Such a strong physical feature represents a highly-robust long-term boundary for the settlement if the site was to be allocated and developed.
- 4.13 The site is actually more contained and defined by stronger boundaries than all of the proposed (and saved) allocations and represents a more logical extension to the settlement boundaries of Whitchurch than the land at Chester Road (WHT037/044) in particular.

⁵ PINS ref. APP/L3245/W/18/3203094

Spatial Distribution of Allocations in Whitchurch

- 4.14 The largest allocations (both saved and proposed) are located to the south of the town (Tilstock Road – 500 dwellings), the east (land north of Waymills – 180 dwellings) and the north (land north of Chester Road – 200 dwellings).
- 4.15 The only allocation proposed to the west of the town is Identifying a further allocation in the west of the town is the site south of Liverpool Road (70 dwellings), some distance from the subject site. As such, the allocation of the land at Wrexham Road would accord with the Local Plan's stated objective⁶ for identifying sites in Whitchurch of distributing growth across the town in order to spread any localised and short-term impact of construction.

Compatibility with Surrounding Uses

- 4.16 The Development Framework demonstrates that development could be achieved with adequate safeguarding of the residential amenity of existing residential properties adjoining the site.
- 4.17 None of the non-residential uses or the presence of the A41 would present amenity issues to future occupiers. Whilst there may be a need for an off-set from the A41 and/or appropriate acoustic treatment of some dwellings nearest to it to avoid traffic noise this is not a constraint to development and does not render residential incompatible.
- 4.18 Importantly, there are no existing employment uses that would be at risk of complaints from future residents; the nearest premises is the Belton Cheese site, to the west of the A41 (and in the same ownership as the site).
- 4.19 The development is also compatible with the service station (including and fast-food restaurant, small-scale convenience store and coffee shop) adjoining the site to the north and the new Aldi supermarket.
- 4.20 The capacity of the site has been informed by assumptions that the scale and density of development proposed will be compatible with the prevailing character of the surrounding area. As such, the development framework proposes a density which balances the making efficient use of the land with respecting the character of its surroundings.

Absence of Constraints

- 4.21 There are no known constraints that would preclude development of the site. Further details are provided in the Development Framework (Section 5). A brief summary is provided below.
- 4.22 It is also noted that none of the Council's assessments of the sites have identified technical or environmental constraints that would prevent development.

Transport

⁶ Local Plan, paragraph 5.525

- 4.23 The ability to provide vehicle access to the site from Wrexham Road (and potentially Belton Road) has been demonstrated through a Transport Statement which accompanied BFTL's representations to the Preferred Scale and Distribution of Development in December 2017; its conclusions remain valid. It also demonstrates that there is adequate capacity on the highway network and that access to a range of facilities and amenities can be achieved using sustainable modes of transport. The enhanced bus service and provision of new bus stops close to the site will further improve connectivity with public transport. **It is highly sustainable in transport terms – a point recognised by officers and planning inspectors.**
- 4.24 The absence of highway constraints that would prevent development is recognised in the Council Evidence base⁷, which confirms that off-site highway works required to bring forward development are achievable. It specifically notes that *'Subject to an assessment of the impact on the A525 roundabout on the bypass and funding of any mitigation by the development and an assessment of the impact of additional trips into the town centre along Wrexham which is congested due to on-street parking and the funding of measures to alleviate this.'*

The application for the land north of Wrexham Road, since approved and development completed, suggested improvements to Wrexham Road to address on-street parking issues; the Committee Report recognised that they were not necessary to make the development acceptable and that Chemistry provide an alternative route to the town centre. A Transport Statement prepared in respect of the subject site has also previously proposed improvements, agreed with Council highway officers to ensure that development of the site was not constrained by these issues. A technical solution is therefore demonstrably achievable if required and therefore parking on Wrexham Road does not preclude development.

Climate change mitigation and adaptation

- 4.25 The illustrative masterplan promotes the following climate change adaptation and mitigation measures:
- The use of extensive areas of green infrastructure to provide sources of urban cooling and drainage.
 - The site is deemed suitable for Sustainable Urban Drainage Systems (SuDS) which can ensure the site uses sustainable methods of drainage to avoid increasing surface water run-off from the site.
 - Incorporating mitigation to avoid the risk of flooding, by including green space adjacent to the watercourse and recognising the need for dwellings to be raised above ground level.
 - The development will be capable of accommodating energy efficient dwellings which accord with the applicable standards through the use of measures such as

⁷ Sustainability Appraisal and Site Assessment, Appendix S

improving the fabric efficiency of dwellings through improved insulation, energy efficient lighting and appliances.

Flood Risk

- 4.26 A preliminary Flood Risk Assessment (FRA) and drainage strategy submitted with previous representations demonstrate that the site is not at risk of flooding from fluvial, groundwater or drainage sources and is in Flood Zone 1. Sustainable drainage of future development can be achieved and there are no insurmountable drainage network issues. **The site therefore accords with national and local policy requirements in respect of flood risk and drainage.**

Water Treatment Capacity & Drainage Infrastructure

- 4.27 The FRA submitted with previous representations identifies sufficient capacity within the Whitchurch wastewater treatment works to accommodate the proposed development. The site is well placed for connection to this facility and the Shropshire Water Cycle Strategy, prepared on behalf of the Council, confirms that development in the west of the town is preferable to development elsewhere for this reason.
- 4.28 Some minor network capacity issues have been identified in the existing foul sewers in Wrexham Road and Belton Road which may require some improvements. However, these works are minor and capable of being addressed as part of a comprehensive proposal for the development of the site. The report concludes that foul water from the development is capable of being properly drained.
- 4.29 The Council's assessment of the site in the SASA does not raise any issue with the water treatment or drainage capacity. **This does not therefore represent a constraint on development.**

Ecology

- 4.30 Previous ecological assessments have demonstrated that the site is not subject to any ecological designation and that there are no known protected species on the site (though further surveys would be required to confirm the current position). Even if protected species were found to be present, this does not in itself prevent development of the site, it would merely necessitate protection, habitat enhancement and/or mitigation and the precise layout of development may need to be amended.
- 4.31 The SASA suggested that HRA will be needed for in-combination impacts from increased residential use and for NOx pollution from increased road traffic, but this same conclusion is reached in respect of all of the proposed allocations in Whitchurch.
- 4.32 **There are no ecological constraints preventing development and compliance with national planning policy and local policy requirements can be achieved.** Furthermore, the scale and size of the site offers the potential to achieve biodiversity net gain, either on site and/or via off-site improvements using some of the extensive land owned and managed by BFTL.

Trees

- 4.33 Good quality trees and hedgerows within the site will be protected and incorporated into the development. Any tree or hedgerow removals will be minimised and replacement planting forming part of a comprehensive landscape strategy for the site to compensate for any loss.

Landscape Impact

- 4.34 The site is well contained with limited external views to and from it with the Council's previous evidence base⁸ concluding that *'due to the local topography and screening from the A41 the site is well contained and would have limited landscape implications if developed.'* It also confirmed that the site *'has capacity for housing'*.
- 4.35 The Development Framework proposes that existing field boundary features within the site and around its perimeter are retained and enhanced to provide an established landscape setting for development. This will assist with integrating development into its surroundings.

Topography

- 4.36 The site rises gently from north to south, with the highest point being in the south-western corner. This topography does not represent a constraint to development.

Ability to accommodate high quality development

- 4.37 The submitted Development Framework document demonstrates how development could integrate with its surroundings to accommodate a new community that provides high quality homes (including affordable housing), shared green spaces including allotments or children's play areas and promotes key sustainable development principles.
- 4.38 The ability of the site to accommodate a substantial number of dwellings means that it can provide a commensurate level of affordable housing and open space and the potential to deliver more benefits than smaller sites.

Conclusion on Suitability

- 4.39 The site has also been formally recognised as a suitable housing site by both the Council and a previous Local Plan Inspector, having been a proposed allocation in the North Shropshire District Local Plan in 2004. It was ultimately concluded that there was no need for the land to be brought forward for development at that time; that was in a significant different policy context which placed less emphasis on the delivery of housing and supporting economic growth than current policy. However, the fundamental conclusion remains valid.
- 4.40 The location is recognised through the Council's own reports and assessments to be located in a sustainable location – conclusions endorsed by the Inspector in the Aldi appeal decision - and to represent a potentially suitable housing site. There is scope to improve the sustainability and connectivity of the site to further improve its sustainability.

⁸ North Shropshire Landscape Sensitivity and Capacity Study, March 2008, pages 333 - 335

Achievability

- 4.41 The Framework states that for a site to be achievable there should be a reasonable prospect that housing will be delivered on the land within five years.
- 4.42 Research from Lichfields⁹ provides evidence from extensive research that sites comprising between 100-499 dwellings take, on average, slightly over four year to start delivering. That period is measured from the ‘first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document)’. In this case, the site was identified as a Long Term Potential Residential Site in the SLAA 2018. Whilst the current draft of the plan does not include the site as a proposed allocation, if the Local Plan was to be modified to identify it, an application could be prepared and submitted ahead of adoption. The Lichfields research suggested the average period to delivery from validation of an application (including outline applications) was 1.7 – 1.8 for sites of this size. On this basis it is clear that delivery within 5 years is realistic, particularly given the reasonably strong market conditions in Whitchurch. Even if the four year period was to start from the date of these representations, it could still contribute to the five year housing supply.
- 4.43 The SLAA also confirms¹⁰ that *‘residential development is generally considered achievable and viable unless there are site specific issues evident’*. There are no such issues in this case.
- 4.44 We can confirm that the landowner is in discussion with housebuilders who are very interested in pursuing the site. Such interest underlines the achievability of development on the site.

Availability

- 4.45 The PPG confirms¹¹ that sites may be considered to be available where *‘there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.’*
- 4.46 BFTL is the sole landowner, with the exception of the land noted above but has an agreement in place with that landowner to jointly promote the sites. Both landowners are supportive of development of the site and have clear intentions to bring it forward. Consideration is currently being given as to how this may best be achieved.
- 4.47 There are no legal obstacles to development of the site.

Developability

- 4.48 The Framework encourages Plans to identify specific, developable sites for years 6-10 and, where possible, for years 11-15 of the plan. In assessing developability, sites should be:

⁹ Start to Finish : How Quickly do Large-Scale Housing Sites Deliver? November 2016, Figure 4

¹⁰ SLA2018, paragraph 4.20

¹¹ Paragraph: 019 Reference ID: 3-019-20190722

- in a suitable location for housing development; and
- with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

4.49 The suitability of the location for housing has been robustly demonstrated above. It is not necessary to revisit that assessment but it is clear that the Council have accepted the suitability of this part of the town for residential development.

4.50 Similarly, the site is available now, and there are no issues that would prevent the site being developed viably now, or from years 6 -10.

5. The Case For Allocation : A Sustainable Site

5.1 The site is demonstrably sustainable by reference to the overarching objectives, set out in the Framework, of economic, social and environmental as set out in the preceding Section. Briefly these comprise:

- Economic: Development of c.350 dwellings will secure economic benefits in the construction phase and following occupation. Building houses has a direct positive impact on the local economy through enhanced “New Homes Bonus” and Council Tax receipts. The increase in residents will secure positive economic effects in both Whitchurch and Shropshire through increased expenditure in local shops and services.

Development which supports housing growth in Whitchurch and across Shropshire will also support the economic aspirations of Shropshire. These are recognised to be of great importance to the future of the County through the Local Plan. This includes capitalising on the opportunities presented by HS2 through the Northern Gateway / Constellation, the Midland Engine initiative, and the Marches Local Enterprise Partnership by increasing the available workforce.

- Social : The site will accommodate a range of dwelling types to meet a mix of housing needs including affordable housing. In doing so it will contribute positively to the creation of a balanced community.

A well-designed layout and the inclusion of high quality areas of public amenity space and play areas / and or allotments provides the opportunity to establish a cohesive community with access to facilities to improve health and wellbeing. PPG¹² and the Green Infrastructure Strategy¹³ specifically recognises the benefits of open space, with the later identifying allotments areas of open space in health and wellbeing, combat obesity and improve opportunities for social inclusion.

- Environmental: there are no insurmountable environmental constraints. Furthermore, the site offers the potential to achieve environmental benefits. This might be through biodiversity net gain or enhanced water storage to reduce flood risk elsewhere.

5.2 BFTL’s conclusions on the sustainability of the site are consistent with the Council’s own previous assessments and with those of the North Shropshire Local Plan inspector and conclusions of the Council and Planning Inspector on the sustainability of this location more generally.

5.3 It is somewhat surprising that the Council has not identified the site for allocation. This appears to be based on the conclusions of the Sustainability Appraisal and Site

¹² Paragraph: 001 Reference ID: 37-001-20140306

¹³ Green Infrastructure Strategy, paragraph 4.79

Assessment (SASA). BFTL however disagrees with a number of aspects of the Council's assessment of the site. These matters are addressed below.

Site Assessment – Council's Evidence Base

- 5.4 It is BFTL's view that the Council has failed to take an effective or justified approach to the identification of potential housing allocations in Whitchurch. From our assessment in the previous section, it is clear that the land at Wrexham Road is:
- In a sustainable location (as confirmed by the Council's own assessments on adjacent development and in its evidence base (e.g. the SLAA 2018) and those of Planning Inspectors considering both adjacent developments and the site in relation to previous Local Plans).
 - Capable of accommodating a high-quality, sustainable residential development.
 - Free from any technical, environmental and legal constraints that would prevent residential development.
 - A logical and very well contained extension to the settlement.
 - Available for development.
- 5.5 These factors led the Council to the conclusion, in the SLAA 2018, that the site was a potential housing allocation (subject to further assessment). There are a number of inconsistencies in the assessment of the site in the SLAA2018 and the previous assessment carried out in the Whitchurch Site Assessments document prepared for the SAMDev. In each case the site has been marked negatively in the SLAA2018 despite scoring positively previously; any such instances are identified in the text below. An extract of the previous assessment schedule is provided at Appendix 3.
- 5.6 It is somewhat perverse therefore that this further stage of assessment, presented in the Sustainability Appraisal and Site Assessment prepared in December 2020, discounts the site. The SASA concludes that it has a 'poor' sustainability rating overall and overall score of -10. BFTL fundamentally agrees with the approach taken in the SASA and the conclusions reached. Its reasoning is set out below.
- 5.7 As a general comment, the SASA makes no allowance for the potential to mitigate aspects which sites have scored poorly on – despite the PPG clearly stating¹⁴ that sites can be suitable when considered against relevant constraints '*and their potential to be mitigated*'. Indeed it takes an inconsistent approach, recognising that on certain sites which have scored poorly but which the Council propose for allocation (in other parts of the County) mitigation of impacts is possible. The SASA takes no account of the issues identified through the Council's own evidence base in relation to proposed allocations (summarised below at paragraphs 6.21 and 6.26) that present real constraints which raise uncertainty over delivery altogether or within the time period envisaged by the Council in the Local Plan.

¹⁴ Paragraph: 018 Reference ID: 3-018-20190722

- 5.8 It also takes an arbitrary approach to certain matters, with sites failing to score positively (or being marked negatively) even if only slightly beyond specified catchment areas. It also marks sites down simply due to proximity to certain sensitive receptors rather than taking a more nuanced approach that considers whether (a) there is likely to be any impacts resulting as a consequence of that proximity and (b) are those impacts capable of being mitigated through the tried and tested forms of mitigation.
- 5.9 The SASA therefore represents a blunt instrument that applies a relatively crude approach, and is not considered to provide a representative assessment of sites. Many of the matters identified in relation to the subject site which the SASA scores it negatively on are capable of being readily addressed through the planning application process such that development need not necessarily conflict with the respective policies.
- 5.10 In terms of the site specific assessment, BFTL disagrees with the scoring in relation to the following aspects:
- Ability to Accommodate Facilities On-Site**
- 5.11 The assessment does not recognise the potential of sites to accommodate additional facilities or features that would aid sustainability. Larger sites, in particular, are much more capable of doing so. Indeed, the Framework¹⁵ supports the benefits of meeting housing supply through larger sites because they have the potential to accommodate the necessary infrastructure and facilities, as is the case with the land at Wrexham Road.
- 5.12 In the case of the land at Wrexham Road, there is scope to accommodate some or all of the following:
- Amenity Green Space (informal recreation green spaces and village greens): a large area of amenity green space (1.75 ha) is to be provided within the site, as shown by the Development Framework. It will be supplemented by network of green infrastructure is shown, with structural landscaping supplementing and linking these spaces.
 - Allotments to provide access to domestic food-growing facilities as shown in the development framework. Alternatively, this area could accommodate a large children's playground (meeting the requirements for a neighbourhood equipped area of play (NEAP)).
- 5.13 Inclusion of amenity green space and allotments or a children's playground would **increase the site's score by 2.**
- 5.14 In addition, future residents would be able to access accessible natural and semi-nature green space¹⁶ either via the footpath that runs through the site and crosses the A41 or via Belton Lane, adjoining the southern boundary of the site, and the bridge that crosses the A41 and leads to a network of footpaths crossing areas of open countryside and linking to the canal towpaths (which forms a green corridor open

¹⁵ Paragraph 72

¹⁶ Defined by the Open Space and Recreation Needs Assessment (pages 14 and 15) as publicly accessible woodlands, urban forestry, scrub, grasslands, wasteland.

space typology). Alternatively, residents could cross Wrexham Road (via the new crossing) and access the canal to the north (c.250m).

- 5.15 The site scored positively by the Council in relation to its proximity to natural / semi-natural space and amenity green—space in this regard in the Whitchurch Site Assessments document¹⁷ which formed the evidence base for the SAMDev.

Proximity to Facilities

- 5.16 The assessment does not recognise that whilst the site is not within the prescribed distance of a public transport node (480m), it is located in close proximity to bus services provided regular bus services to and from the town centre (including the bus station) and the railway station.

- 5.17 These include the X146, 146 and 205 services. The X46 (accessed from bus stops c.550m from the centre of the site / 285m from the site boundary) runs to and from the town centre at peak times. The 205 service uses the new bus stops on Wrexham Road, adjacent to the Aldi. This service, to be enhanced through funding provided by Aldi, provides a circular service to the town centre, the railway station and the employment area at Waymills.

- 5.18 **This site should not be scored negatively in this regard.** Indeed, the site scored positively in the SAMDev Site Assessment.

- 5.19 The SASA also fails to recognise the benefits arising from the proximity to a range of facilities that contribute to making a location sustainable such as:

- convenience retail : in the case of the subject site this would include the Aldi foodstore to the north of the site and the McColls convenience store on Wrexham Road. The development framework includes a proposed enhanced crossing to make these facilities more accessible.

- employment available within close proximity to the site, including the various facilities at the service station, the Aldi supermarket and the Belton Cheese plant (a significant employer, including a number of residents of Whitchurch.

- 5.20 **Recognition of these factors – highly material in the assessment of sustainability - would increase the sites score by 2.**

Groundwater Source Protection

- 5.21 Part of site is within in the outer protection zone. This is an area where limited development is proposed, with the development framework identifying open space uses for the majority of this area. Development within the inner part of a protection zone is not precluded – PPG¹⁸ requires plan makers to *'steer potentially polluting development away from the most sensitive areas'*. Clearly residential development is not such a use. Subject to an appropriate construction methodology and safeguards around contaminants from the construction process entering the groundwater, which can be secured by condition on a planning permission if necessary, this is not a

¹⁷ <https://shropshire.gov.uk/media/8443/ev81-s18-whitchurch-site-assessments-submission-final.pdf>

¹⁸ Paragraph: 006 Reference ID: 34-006-20161116

constraint on development and would ensure consistency with the Water Environment Regulations 2017. **The site should not be scored negatively in this respect.**

Agricultural Land Classification

- 5.22 Whilst the site is subject to a 'best and most versatile' agricultural land classification it is relevant that this area is distinct from the wider swathe of agricultural land to the west, separated by the A41. The land is not subject to any active agricultural licenses or leases.
- 5.23 Whilst BFTL has used part of the site for arable farming purposes it is subject to a crop rotation regime and is not due to be used for this purpose again until 2024. If the land was unavailable at this time (and thereafter) it would not detrimentally impact on the ongoing operation of Belton Farm, given the extent of land available for its farming operations, and would not result in any of the agricultural land to the west becoming unviable for this purpose.
- 5.24 There would there be no detrimental economic impact resulting from its loss (infact substantial economic and social benefits could be expected as a result of the residential development). Its environmental value as agricultural land is limited, and there is scope to enhance its environmental contribution in a number of respects, for example through biodiversity net gain. Redevelopment would not conflict with the requirements of the Framework¹⁹ in relation to the protection of agricultural land.

The site should not be scored negatively against this criteria. It was scored neutrally in the SAMDev Site Assessment.

Within 250m of a Wildlife Site.

- 5.25 In the case of the subject site, it is c. 140m from the local wildlife site formed by the canal to the north. It is notable that this area is immediately north of the Aldi supermarket. The Committee Report for the application confirms that the Council's ecologist raised no objection, despite the site directly adjoining the local wildlife site. It follows that there is very high probability that development of the subject site will therefore have no unacceptable impact of the wildlife site, particularly given the absence of green links between it and the site (the supermarket and Wrexham Road both present non-natural barriers between the site and this feature).

The site should not be scored negatively against this criteria.

Landscape Sensitivity

- 5.26 The site was scored positively in the SAMDev site assessment, reflecting that it had 'low landscape sensitivity'. **It should therefore be positively marked in the SASA.**

Reassessment

- 5.27 A reassessment of the site against the criteria used in the SASA is provided at Appendix 4, along with explanatory commentary against the assessment criteria to demonstrate why negatively scored aspects do not prevent sustainability development being achievable on the site. The site scores -1 in the reassessment, higher than all of the proposed allocations (with the exception of WHT051 which scores 0). Along with the

¹⁹ Paragraph 170.

conclusions on the suitability of the site set out above, it is clear that the site is sustainable and represents a suitable housing allocation.

6. The Need for Additional Housing Allocations in Whitchurch

- 6.1 The approach taken by the Plan in seeking to meet housing and employment requirements is based on disaggregation of the overall requirements to the settlements. Requirements are reflective of the standing of a settlement in the hierarchy and the Plan considers²⁰ that doing so is a pre-requisite if the Plan is to achieve a sustainable and appropriate pattern of development. It therefore follows that if the amounts of development envisaged for the priority settlements are not achieved, it threatens the underlying principles of the Plan and, ultimately, its ability to achieve sustainable development.
- 6.2 However, a review of the evidence pertaining to housing supply in Whitchurch identifies a number of flaws in the approach taken to the identification of sufficient housing supply in Whitchurch. Following the logic of the implications of not meeting requirements for each settlement as set out above, this threatens the soundness of the plan by virtue of failing to plan in a positive manner, being ineffective and not being in accordance with national policy.
- 6.3 A critique of the approach to identifying sufficient housing supply for Whitchurch is set out below.

Settlement Guideline Figure

- 6.4 The settlement requirement set out in the Local Plan is 1,600 dwellings over the plan period. BFTL objects to this figure and contends that a higher figure is entirely appropriate; failure to plan for a higher figure is not justified, and means the plan is ineffective and contrary to national planning policy – notably in its failure to plan positively and respond to economic, social and environmental priorities. Those priorities include its status as a highly sustainable settlement, its proximity to the HS2 station in Crewe (making it a unique settlement in Shropshire in this regard). The need to do so is underlined by the inherent flaws in the identified housing supply for Whitchurch considered further below. The plan is therefore unsound in terms of its approach to the settlement guidelines set out in policy S18.1.
- 6.5 The Council has demonstrated through its evidence base that Whitchurch is capable of accommodating a higher amount, reflecting its sustainability and range of services and facilities it contains making it a highly sustainable location. Planning for an increased level of growth in Whitchurch, beyond the 1,600 dwellings over the plan period is entirely appropriate in light of the above priorities and its sustainability.
- 6.6 It is ranked third in list of all of the settlements in the County in the Hierarchy of Settlements Assessment (HSA)²¹ scoring 110, thus only slightly lower than the Strategic Centre of Shrewsbury (116). A comparison of the settlement guideline figures and

²⁰ Policy SP2.5

²¹ Table 10

HSA scoring for the two highest settlement tiers (Strategic Centre and Principal Centres) along with the two highest scoring Key Centres is set out below.

Settlement	Status	Hierarchy of Settlements Score	Residential Development Guideline
Shrewsbury	Strategic Centre	116	8,625
Ludlow	Principal Centre	112	1,000
Whitchurch	Principal Centre	110	1,600
Bridgnorth	Principal Centre	109	1,800
Oswestry	Principal Centre	109	1,900
Market Drayton	Principal Centre	108	1,200
Wem	Key Centre	102	600
Ellesmere	Key Centre	99	800

- 6.7 From this it is apparent that the level of growth directed towards settlements does not directly correlate with those assessed as being the most sustainable.
- 6.8 Whilst it is recognised the ability to accommodate growth must be considered in terms of the existence of sustainable sites and constraints to delivery, there is no apparent justification for Whitchurch to receive much lower housing figures than Bridgnorth or Oswestry for example. Further justification of a higher figure than the 1,600 proposed comes from the potential of Whitchurch due to its proximity to significant drivers of growth beyond the County but close to the town, specifically HS2 related growth in Crewe. The Plan recognises this to some extent through its identification of a North-East Strategic Corridors within which Whitchurch is located and which is to be one of the priorities for investment and growth.
- 6.9 HS2's arrival in Crewe has certainty following the Hybrid Bill for Phase 2a (Birmingham to Crewe) receiving Royal Assent in February 2021. Its impact and catalytic effect should not be underestimated. The Constellation Partnership, comprising seven Local Authorities and two Local Enterprise Partnerships²² sets out growth aspirations²³ of significant scale, with its Growth Strategy aiming to deliver at least 100,000 new homes and 120,000 new jobs by 2040 with 225,000 more people. It is inconceivable that HS2 and the Northern Gateway will not generate drive significant economic growth and a need for an elevated level of housing growth in Shropshire, particularly north-east Shropshire due to its physical proximity and functional links to the Northern Gateway in Crewe. Failure to plan sufficiently positively in Whitchurch undermines the ability of the Local Plan to enable Shropshire to fully realise the benefits of HS2.

²² Cheshire East Council, Cheshire West & Chester, Newcastle-Under-Lyme Borough Council, Stafford Borough Council, Staffordshire Moorlands District Council, Stoke-on-Trent City Council, Cheshire & Warrington Local Enterprise Partnership and Stoke-on-Trent & Stafford Local Enterprise Partnership

²³ Constellation partnership, HS2 Growth Strategy, October 2018

- 6.10 Whitchurch's ability to accommodate a high level of growth should therefore be explored in full and every opportunity taken to direct housing (and employment) growth towards it. Such an approach is entirely consistent with the Framework's imperative²⁴ that significant development should be focussed on locations which are or can be made sustainable and that barriers to investment and growth such as a lack of housing should be addressed²⁵.
- 6.11 Given the availability of additional suitable and sustainable housing sites in Whitchurch, such as the land at Wrexham Road, there is scope to plan positively to accommodate further growth in the town, beyond the amount currently proposed. This would reflect the strategic role it plays (recognised in the Local Plan) and its potential to benefit from and support investment and growth close to the town.
- 6.12 The need to do so is underlined by the reliance on a large number of small sites with planning permission, many of which may not be delivered, the absence of justification for the windfall allowance (hence the need to identify sites capable of accommodating development) and potential delays with (or non-delivery of) the identified allocations. These matters are considered further below.
- 6.13 On the basis of the above, BFTL objects to policy S18.1 in relation to the settlement guideline figure and considers it to be unsound on the basis that it is not effective, justified or consistent with national planning policy.

Sources of Supply

Building in Flexibility

- 6.14 The evidence base and Local Plan itself are unclear in terms of what allowance, if any, has been made in respect of non-delivery or delayed delivery of committed and allocated sites.
- 6.15 In the Five Year Supply Statement 2019, a 10% non-implementation rate is applied to the total capacity from these sites. The plan-period supply from sites with planning permission and prior approval in the 5 year supply statement is 9,698 dwellings, reduced down to 8,729 dwellings when the 10% implementation rate is applied. The supply in the Local Plan however is 10,083 dwellings but there is no explanation or breakdown as to how this figure has been reached. Further information is required to enable interrogation/analysis of the data which is likely to result in a conclusion that some of the dwellings are unlikely to be delivered and/or that the timescale for delivery is unrealistic.
- 6.16 DLG analysis³ has indicated that 10-20% of planning permissions are not implemented, whilst a further 15-20% is subject to a revised planning application which delays delivery. This delay affects both large and small development sites. The research demonstrates that it is simply unrealistic to assume that the identified supply is 'guaranteed' and will be delivered in full, at the time expected.

²⁴ Paragraph 1.3

²⁵ Paragraph 81c

- 6.17 The Local Plans Expert Group⁴ (LPEG) identified this as a particular problem in maintaining a supply of homes which are required to meet needs:
- “...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply...” (paragraph 11.2)*
- 6.18 The LPEG report therefore set out a clear recommendation that Local Plans should make provision, and provide a mechanism, for the release of an additional supply of sites equivalent to 20% of their housing requirement. This will allow a range and choice of sites, therefore providing flexibility. It is an approach which has been progressed by other local authorities throughout the UK. For example:
- The Stratford upon Avon Core Strategy (adopted July 2016) specifically includes additional sites to meet its housing needs and respond to additional demand from adjacent housing market areas. Additional sites have the capacity to delivery up to 20% of its total requirement for the plan period;
 - The Redcar and Cleveland Publication Draft Local Plan (November 2016) identifies includes a housing land supply buffer of 20% to *“...promote a flexible and continuous supply of housing land in line with national policy, and to reduce the risk of under-deliver...”* (Policy H1);
 - Cheshire East Local Plan Strategy (July 2017) proposed a total number of homes well in excess of the housing requirement figure (with an overall flexibility factor of almost 10%).
- 6.19 The inclusion of a similar approach in the Local Plan would be a positive way of reducing the delivery risk which is currently inherent within it and ensure the plan meets the test of soundness of being “effective” – i.e. deliverable over its plan period.
- 6.20 This would be entirely consistent with the plan-led approach advocated by the NPPF and provide the certainty required by Government guidance.
- Proposed Allocations: Whitchurch**
- 6.21 The evidence base identifies a number of major constraints in relation to proposed allocations. Some of these constraints are long-standing issues and explain why some of the sites have not been developed (despite some having been allocated for development since the 2004 North Shropshire Local Plan).
- 6.22 These are summarised in the table at Appendix 5 but include the provision of major infrastructure (e.g. drainage improvements as required in respect of sites WHT009 and 021) or works likely to result in significant cost for the development (as required for sites WHT037 and 044). It is notable that the land at Tilstock Road, requiring drainage improvements is yet to start on site, despite having had reserved matters approval for a number of years (since August 2018).
- 6.23 The unresolved state of this issue is confirmed in the responses of Welsh Water in its formal consultation response on applications for reserved matters approval for Phases

2, 3 and 4²⁶. The applications are yet to be approved due to unresolved issues. A quote from the response on the Phase 2 application is provided below.

*Whilst we note this application is for Reserved Matters application for Phases 2, we note that condition no.13 (foul drainage) from the outline consent 13/05077/OUT is yet to be discharged. It does not appear that any reference to a foul water strategy has been made in most recent applications. In 2016 the applicant commissioned the undertaking of a foul water hydraulic modelling assessment which concluded that the existing sewerage network could not accommodate the developments foul water flows without causing a risk of detriment to the natural environment or to the serve we provide to our existing customers. Two solutions were offered to the applicant that would overcome the detriment caused by the development, however **to date we have received no further instruction to commence with either of these options.** [emphasis added]*

- 6.24 Appendix A of the SLAA2018 provides a trajectory for those sites with planning permission. It confirms that the Council expect that
- 6.25 WHT009 (Tilstock Road) will deliver the majority of the balance of dwellings without reserved matters approval (344 dwellings) between 2024 and 2025/26 (198 dwellings), with the remainder being delivered beyond the plan period of the Core Strategy / SAMDev (beyond 2026). It does not provide any assumptions in relation to the part of the site within reserved matters approval (for 156 dwellings) – development has not yet started on this site.
- 6.26 It is also noted that the reserved matters applications for Phases 2 – 4 referenced above, cover the remainder of the site which does not yet benefit from reserved matters approval. The total of the dwellings in these phases is 324 dwellings. As such, if developed the allocation will under-deliver by 20 dwellings.
- 6.27 The SASA also identifies issues with the proposed allocations. Notably in relation to WHT014, stating that *‘Vehicular access is subject to development being limited to low traffic generation or a wider area transport assessment given other potential sites off Alkington Road (WHT051 and WHT046) and their combined impact (potentially 378 homes) on the narrow sections of Alkington Road and Kingsway an their respective junctions at Highgate and Rosemary Lane.’*
- 6.28 This highlights further constraints on the proposed allocation which threaten the ability to either deliver, or deliver within the timescales envisaged.
- 6.29 The identification of potential fundamental constraints across a number of the allocations underlines the need to allow for additional sources of supply to allow flexibility and ensure the robustness of the plan. The sites critiqued above represent a total of 770 dwellings²⁷ on sites with capacity for between 70 and 500 dwellings. Even if one of the sites does not come forward, the other flaws with the supply identified below undermine the adequacy of provision and underline the need to plan positively

²⁶ LPA refs. 20/01895/REM, 20/01897/REM & 20/01899/REM

²⁷ 750 dwellings if the reduced capacity of the Tilstock Road site is taken into account

and have an effective strategy in place to meet the development requirements of Whitchurch. The present failure to do so is unsound.

- 6.30 The potential issues with the proposed allocations also reinforces the assertion by BFTL that the land at Wrexham Road in favour of other sites is not supported by the facts set out in the evidence base.

Commitments

- 6.31 Appendix 5 of the Local Plan provides a breakdown of the housing supply in Whitchurch (as at 31st March 2019). It confirms that:
- 260 dwelling completions have taken place since the start of the plan period
 - Sites with a capacity of 748 dwellings have planning permission. This includes the land at Tilstock Road (WHT009 – 344 dwellings) and Alport Road (WHT021 – 90 dwellings)
 - A saved allocation SAMDev allocation without planning permission (WHT051) has capacity for 60 dwellings.
 - Local Plan allocations will deliver 450 dwellings. This is assumed to exclude those without planning permission, (i.e. WHT014, WHT037/044 and WHT051) though they total 510 dwellings.
 - A windfall allowance of 82 dwellings is made.
- 6.32 Appendix A of the Five Year Supply Statement 2019 provides a Country-wide schedule of sites within planning permission which are included as part of the supply. The sites are not grouped by settlement and there is no commentary / explanation as to how this information is used in considering housing supply through the Local Plan which makes analysis difficult. As such it is unclear what assumptions have been made about delivery from the commitments, specifically whether the figure of 748 takes into account that a proportion of planning permission will not be delivered. It would appear not.
- 6.33 The non-implementation rates highlighted in the DLG analysis above is relevant at a settlement level. The non-implementation of a number of permissions, including those on allocated sites in Whitchurch is evidence of the importance of taking a robust approach. Failure to do so is unsound and it represents an ineffective approach. 748 dwellings are identified as commitments, if no allowance had been made, this means between 75 and 150 dwellings currently in the supply for Whitchurch will not come forward.
- 6.34 Furthermore, the schedule includes a number of sites which benefit from full permissions 8-10 years old and have not yet delivered any dwellings There is no evidence that these would deliver in the plan period and should not be included as commitments. There is no indication that these sites have been subject to any form of assessment to determine how realistic delivery is.

- 6.35 In addition to the shortcomings in the quantitative supply set out above, there are qualitative issues presented by its composition. The commitments (excluding saved allocations or proposed allocations) identified in Whitchurch forming nearly 50% of the entire settlement requirement includes 70 dwellings (9.1% of commitments) from small sites containing less than 10 dwellings. Such sites typically do not provide the same potential for wider benefits as larger sites. Many will provide no affordable housing at all due to their size below the threshold for affordable housing, and will not be capable of accommodating features or facilities that might benefit the wider community (such as public open space). The failure to provide affordable housing from a notable component of the supply fails to address the urgent and County-wide need for affordable housing. This approach is also contrary to the requirement of national planning policy to plan positively to meet all housing needs.
- 6.36 The Planning Practice Guidance (PPG) makes clear that a windfall allowance can only be relied on where there is “*compelling evidence*” that it will form a component of the anticipated supply²⁸. The Framework elaborates²⁹ that such evidence can include past trends, but must also consider the SHLAA and expected future trends. This principle has been endorsed by examination Inspectors. For example, the Inspector for the Maldon Local Plan in 2014³⁰ expressed concerns about a windfall allowance in that case, which relied principally on past trends; the Inspector concluded that this was insufficient because it no evidence was presented that such sites can be relied on in future years, and because the yearly totals for windfalls a) fluctuated year-on-year, thereby undermining their reliability and b) included forms of development which might be contrary to planning policy (e.g. garden development).
- 6.37 Despite the evidential requirements none has been put forward. Instead, a contrived figure is proposed which is simply the difference between the settlement guidance figure less completions and the total supply from commitments and allocations. This approach has been taken throughout all of the settlements leading to a significant disparity in terms of the percentage of the settlement guideline figure and uncommitted supply that such sites will contribute. The range across the Principal Centres is set out below.

Settlement	Windfall allowance	Windfalls as %age settlement guideline
Whitchurch	82	5.13
Bridgnorth	160	8.89
Market Drayton	206	17.2

- 6.38 There is no indication from any of the evidence base documents that the allowances have had regard to land availability, or future trends (i.e. those matters which the Framework requires plan-makers to take into account) at either a County or settlement level. This undermines the approach taken to the identification of sufficient housing

²⁸ Reference ID: 3-023-20190722

²⁹ Paragraph 70

³⁰ The Inspector’s Key Concerns letter, reference: IED06, paragraph 21.

supply. As such **no reliance** can be placed on any allowance made for windfall housing.

6.39 BFTL concludes that the approach to housing supply is unsound, not justified and ineffective and contrary to national planning policy.

7. Comments on Specific Policies

- 7.1 A completed consultation questionnaire is provided at Appendix 1. The responses on key policies of relevance are provided below.

Strategic Policies

SP2 : Strategic Approach

- 7.2 Paragraph 60 of the National Planning Policy Framework (February 2019) (Framework) states that a local housing need assessment should inform the minimum number of homes needed and should be conducted using the standard method in national planning guidance '*...unless exceptional circumstances justify and alternative approach...*'. It adds that '*...any needs that cannot be met within neighbouring areas should also be taken into account...*'.
- 7.3 Policy SP2, the 'Strategic Approach' establishes that over the plan period 30,800 new dwellings will be delivered, equating to around 1,400 dwellings per annum (dpa). In justifying this scale of provision, reference is made to the standard method of assessing the minimum need for housing, which suggests that at least 25,894 homes – or 1,177 per annum – are needed in Shropshire. The draft plan highlights its approach of providing flexibility beyond this minimum.
- 7.4 In addition to providing flexibility throughout the plan period, the level of housing growth also incorporates 1,500 dwellings to support the housing needs of the emerging Black Country Plan, where evidence to date indicates the capacity of the urban area for housing delivery is chronically constrained.
- 7.5 The Framework and Planning Practice Guidance (PPG) strongly support the position taken by authorities such as Shropshire to identify a housing requirement which is higher than that implied as a 'minimum' level through the standard method. This particularly recognises economic ambitions relating to the M54 growth corridor with a clear commitment across a range of strategies to ensure that this investment is successful, with the outlined aspiration representing a significant potential growth in employment opportunities across the corridor. Furthermore planning for a higher level of provision is necessary to respond to the pressing need to deliver much needed affordable homes to address the consequences of historic under-provision.
- 7.6 Whilst the proposed housing requirement is higher than the outcome of the current standard method (1,177 dpa) it is considered appropriate to plan for a higher amount, recognising the unique circumstances of Shropshire, given its proximity to housing market areas (HMAs) facing significant constraints on their ability to meet the full scale of their need (e.g. the Greater Birmingham/ Black Country HMA).
- 7.7 Planning for higher levels of housing need is also considered prudent in the context of the opportunity presented by the County's proximity to and functional relationship with strategic drivers of growth beyond the County. This includes the opportunities presented by HS2, such as the HS2 Hub in Crewe and the work by the Constellation

Partnership to maximise the opportunities arising. The latter's aspiration³¹ is of significant scale with its Growth Strategy aiming to deliver at least 100,000 new homes and 120,000 new jobs by 2040 with 225,000 more people.

- 7.8 The housing requirement put forward through the Local Plan is supported as a minimum but Council should give consideration to take a more positive approach in providing for these needs and the opportunities presented.

Development Management Policies

Policy DP1: Residential Mix

- 7.9 The Local Plan should not include a prescriptive policy on housing mix, size, types or tenure. Precise housing needs will change over the plan period. Such a policy would potentially undermine viability and delivery of sites and present the risk that changes in housing need arising in later years of the plan period are not met. This presents a risk of the plan being ineffective in this regard.

- 7.10 An alternative approach would be to deal with such matters through a supplementary planning document which can be regularly updated.

Policy DP3: Affordable Housing Provision

- 7.11 Paragraph 20 of the Framework states that strategic policies should make provision for housing, including affordable housing. Paragraph 62 of the Framework goes further to distinguish that affordable housing can be provided off-site or an appropriate financial contribution paid in-lieu if it can be robustly justified.

- 7.12 BFTL therefore consider that the reference to the identification of 'exceptional circumstances' in part 1B of Policy DP3 to be removed for the draft plan as it directly conflicts with guidance contained within the Framework.

Policy DP12: Minimising Carbon Emissions

- 7.13 The 2019 Spring Statement included a commitment that by 2025 the Government will introduce a Future Homes Standard for new build homes to be future-proofed with low carbon heating and 'world-leading levels of energy efficiency'. The Consultation document (October 2019) highlighted that changes to Part L, Part 6 and Part F of the Building Regulations are anticipated to come into force by mid/late 2020.

- 7.14 Policy DP12 should therefore be deleted as it will be a duplication of national guidance.

³¹ Constellation partnership, HS2 Growth Strategy, October 2018

8. Conclusions

8.1 BFTL welcomes the opportunity to submit representations to the Pre-Submission Draft of the Shropshire Local Plan.

8.2 Its representations relate to land south of Wrexham Road, Whitchurch, owned by BFTL which it is promoting for residential development. They should be read in conjunction with the Development Framework Document 2021. Together, these documents demonstrate that:

- Whitchurch is a highly sustainable settlement containing a wide range of facilities and services. It is well connected by rail and bus services to strategic settlements such as Shrewsbury and Crewe.
- It is strategically located close to drivers of growth focussed around the arrival of HS2 in Crewe (as part of HS2 Phase 2b) and related opportunities. New development in Whitchurch can support these opportunities and the town can also benefit from them.
- There is a need for sustainable housing sites in the town which are capable of providing good quality family and affordable dwellings. Insufficient supply is presently identified; allocation of the site offers the chance to remedy this and provide additional flexibility.
- The area to the west of the town, within which the site is located, is very sustainable and this has been recognised in approvals for recent residential and retail development.
- The subject site is capable of accommodating economically, social and environmentally sustainable development. It is free from constraints that would prevent development and is capable of being deliverable and developable, contributing to housing supply in the short (0-5 years) and medium (6-10 year) horizons.

8.3 These representations also demonstrate that the plan, as prepared, is unsound as it is not effective, justified or compliant with national policy in regard to a number of fundamental aspects. It is considered that many of these deficiencies could be remedied through the allocation of the subject site for residential development and modifications to relevant policies.

Appendix 1: Completed Representations Form

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:	Lewis Evans (Turley) on behalf of Belton Farm Trading Ltd
------------------------	---

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

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

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="S18.1"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
------------	----------------------	---------	------------------------------------	-------	----------------------	---------------	----------------------

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

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

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

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

Policy S18.1 fails to plan positively for the opportunity to accommodate higher amounts of growth in Whitchurch, to take advantage of the arrival of HS2 in Crewe and associated economic and housing growth expected to be generated.

The settlement guideline figure for Whitchurch should be increased reflecting that it is capable of accommodating a higher amount, reflecting its sustainability and range of services and facilities it contains making it a highly sustainable location. Planning for an increased level of growth in Whitchurch, beyond the 1,600 dwellings over the plan period is entirely appropriate in light of the above priorities and its sustainability.

See paragraphs 6.4 – 6.13 of the submitted Representations.

(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.

The settlement guideline figure should be increased above 1,600 dwellings. There are sustainable sites capable of accommodating additional growth. This includes the land at Wrexham Road, owned and promoted by Belton Farm Trading Ltd.

(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:

To further elaborate on the case presented in these representations

(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: 26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

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

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

Part B: Representation

Name and Organisation:	Lewis Evans (Turley) on behalf of Belton Farm Trading Ltd
------------------------	---

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

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

Paragraph: Policy: Site: Policies Map:

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

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).

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

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

The SASA takes a crude and fundamentally flawed approach to the assessment of sites which results in the land at Wrexham Road, Whitchurch (site ref. WHT026) being scored significantly lower than it should.

The SASA takes an inconsistent approach in relation to previous Council and Planning Inspectors' assessments, it fails to recognise the ability to mitigate potential impacts, does not recognise the ability to provide additional facilities on larger sites (such as the land at Wrexham Road which serve to enhance their sustainability). It does not take proper account of the three objectives of sustainable development set out in the National Planning Policy Framework.

The result is that the site has been ranked much lower than the proposed allocations in Whitchurch. A re-assessment, however, which is based on a more objective assessment and takes account of previous evidence base and Council assessments results in it scoring higher than all but 1 of the proposed and saved allocations. See Section 5 of the representations for more information.

(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.

A reassessment of the sites should be carried out to correct the flaws identified and a more rounded assessment carried out.

(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:

To further elaborate on the matters presented in these representations

(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.

Office Use Only	Part A Reference:
	Part B Reference:

Signature:

Date:

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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

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

Part B: Representation

Name and Organisation:	Lewis Evans (Turley) on behalf of Belton Farm Trading Ltd
------------------------	---

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

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

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP1"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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

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

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

The Local Plan should not include a prescriptive policy on housing mix, size, types or tenure. Precise housing needs will change over the plan period. Such a policy would potentially undermine viability and delivery of sites and present the risk that changes in housing need arising in later years of the plan period are not met. This presents a risk of the plan being ineffective in this regard.

(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.

An alternative approach would be to deal with such matters through a supplementary planning document which can be regularly updated.

(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:

To further elaborate on the matters presented in these representations

(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:

26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

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

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

Part B: Representation

Name and Organisation:	Lewis Evans (Turley) on behalf of Belton Farm Trading Ltd
------------------------	---

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

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

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP3"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
------------	----------------------	---------	----------------------------------	-------	----------------------	---------------	----------------------

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

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

(Please tick as appropriate).

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

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

Paragraph 20 of the Framework states that strategic policies should make provision for housing, including affordable housing. Paragraph 62 of the Framework goes further to distinguish that affordable housing can be provided off-site or an appropriate financial contribution paid in-lieu if it can be robustly justified.

(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.

BTFL therefore consider that the reference to the identification of 'exceptional circumstances' in part 1B of Policy DP3 to be removed for the draft plan as it directly conflicts with guidance contained within the Framework.

(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:

To further elaborate on the matters presented in these representations

(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:

26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

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

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

Part B: Representation

Name and Organisation:	Lewis Evans (Turley) on behalf of Belton Farm Trading Ltd
------------------------	---

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:	DP12	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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

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

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

The 2019 Spring Statement included a commitment that by 2025 the Government will introduce a Future Homes Standard for new build homes to be future-proofed with low carbon heating and 'world-leading levels of energy efficiency'. The Consultation document (October 2019) highlighted that changes to Part L, Part 6 and Part F of the Building Regulations are anticipated to come into force by mid/late 2020.

(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.

Policy DP12 should therefore be deleted as it will be a duplication of national guidance.

(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.

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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:

To further elaborate on the matters presented in these representations

(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:

Appendix 2: Assessment Against the Shropshire Test Policy (SP1)

SP1. The Shropshire Test	Our Response
<p>1. Development will contribute to meeting local needs and making its settlements more sustainable, providing the right mix of new housing, employment and other types of development which:</p>	<p>a. Supports the health, well-being and safety of communities;</p> <p>A well-designed layout and the inclusion of high quality areas of public amenity space and play areas / and or allotments provides the opportunity to establish a cohesive community with access to facilities to improve health and wellbeing.</p> <p>PPG³² and the Green Infrastructure Strategy³³ specifically recognises the benefits of open space and its contribution to sustainable development, with the later identifying allotments areas of open space in health and wellbeing, combat obesity and improve opportunities for social inclusion.</p> <p>The site is also well-related to a range of services and facilities including shops, employment and recreation facilities. Bus stops close to the site provide access to schools, the bus station, railway station and the town centre which can also be accessed by foot and bicycle.</p> <hr/> <p>b. Supports cohesive communities;</p> <p>The site will accommodate a range of dwelling types to meet a mix of housing needs including affordable housing. In doing so it will contribute positively to the creation of a balanced community.</p> <p>The open space on site will also contribute positively to social inclusion and cohesion.</p> <hr/> <p>c. Addresses and mitigates the impacts of climate change;</p> <p>The Development Framework and representations demonstrate that there are limited environmental constraints to the delivery of residential development on the site. Moreover, the site is well located, in close proximity to existing services and facilities to allow for the creation of a truly sustainable community within close proximity to existing services and facilities.</p> <p>It can include measures to minimise the impact of climate change, such as:</p>

³² Paragraph: 001 Reference ID: 37-001-20140306

³³ Green Infrastructure Strategy, paragraph 4.79

-
- The use of extensive areas of green infrastructure to provide sources of urban cooling and drainage.
 - Sustainable Urban Drainage Systems (SuDS) which are designed to take account of the effects of climate change and can ensure the site uses sustainable methods of drainage to avoid increasing surface water run-off from the site.
 - Incorporating mitigation to avoid the risk of flooding, by including green space adjacent to the watercourse and recognising the need for dwellings to be raised above ground level.
 - Accommodating energy efficient dwellings which accord with the applicable standards through the use of measures such as improving the fabric efficiency of dwellings through improved insulation, energy efficient lighting and appliances.
-

d. Conserves and enhances the high-quality natural environment and provides opportunities for green and blue networks;

The Development Framework proposes that existing field boundary features within the site and around its perimeter are retained and enhanced to provide an established landscape setting for development. This will assist with integrating development into its surroundings. Good quality trees and hedgerows within the site will be protected and incorporated into the development. Any tree or hedgerow removals will be minimised and replacement planting forming part of a comprehensive landscape strategy for the site to compensate for any loss. There are no insurmountable environmental constraints. Furthermore, the site offers the potential to achieve environmental benefits. This might be through biodiversity net gain or enhanced water storage to reduce flood risk elsewhere.

e. Raises design standards and enhances the area's character and historic environment;

The proposed development would be built in accordance national housing standards. Development on the site would reflect the character and style of architecture close to the site and within Whitchurch.

-
- | | |
|--|---|
| f. Makes efficient use of land; and | The site is capable of delivering circa 325 homes at a gross density of up to 28 dwellings per hectare (dph), assisting in the delivery of new market and affordable housing that is capable of addressing local need in terms of type and tenure. The land can be brought forward for development in the short – medium term to make an important contribution towards the housing needs of Whitchurch and wider county. |
| g. Provides sufficient infrastructure, services, facilities, and where necessary provides opportunities for their enhancement. | <p>The Development Framework demonstrates how development on the site can be achieved with the provision of adequate high quality green infrastructure and open space on the site. This could be used by residents or the wider community. The previous assessments of the site by the landowner (summarised in previous representations to the SAMDev and the Local Plan Review) and the Council's own evidence base has identified no infrastructure constraints that would prevent development.</p> <p>There is scope for development to support planning obligations in respect of other services or facilities where required.</p> |
-

Appendix 3: Extract of Previous Site Assessment Schedule

Whitchurch: Submission

Site ref: WHIT037		Site Name: Land at Wrexham Road/Belton Farm		
	Criteria	SA Score	Assessment	Comments
1	Bus stop on a route which has a service on 5 or more days, within 480m ¹ of site boundary	-/+	+	
2	Primary school within 480m of site boundary	-/+	-	
3a	Site wholly or partly within:			
	▪ an allotment	-/0	0	
	▪ a local park or garden	-/0	0	
	▪ an area of natural and semi-natural open space	-/0	0	
	▪ an amenity green-space	-/0	0	
	▪ a children's play area	-/0	0	
	▪ a young people's recreational facility	-/0	0	
3b	Site more than 480m from:			
	▪ a local park or garden	-/+	-	
	▪ an area of natural and semi-natural open space	-/+	+	
	▪ an amenity green-space	-/+	+	
	▪ a young people's recreational facility	-/+	-	
4	Landscape sensitivity high	-	+	
	Landscape sensitivity moderate (or no information available, in which case, an assessment may be needed)	0		
	Landscape sensitivity low	+		
5	Scheduled Ancient Monument within 300m of site boundary	-/0	0	
6	Site is wholly or partly within a World Heritage Site or a Conservation Area	--/0	0	

Whitchurch: Submission

	Site either within: <ul style="list-style-type: none"> ▪ a World Heritage Site buffer zone ▪ 300m of a Conservation Area ▪ 300m of a Registered Park or Garden 	-/0	0	
7	Designated habitat ² or Regionally Important Geological Site within a buffer zone ³ of the site boundary	-/0	0	
8	Tree Preservation Order (either single or group) within site the boundary	-/0	0	
9	Site wholly or partly within an Air Quality Management Area	-/0	0	
10	Part of the site is within Flood Zone 3	-	+	
	All or part of the site is within Flood Zone 2	0		
	Site is in Flood Zone 1 – i.e. it is not in Zones 2 or 3	+		
11	Site wholly or partly on grade 1 or 2 or 3 agricultural land (best and most versatile)	-/0	-	
12a	Site wholly or partly on a current or previous landfill site	- -/0	0	
12b	Site within 250m of a current or previous landfill site or would displace an existing waste management operation	-/0	-	
13	Site wholly or partly within an area with a previous industrial or potentially contaminative use	+/0	+	

Appendix 4: Re-Assessment Against Site Assessment Criteria

Criteria	SASA Score	Reassessment score	Change in score
Site within 250m of a wildlife site	-	0	+1
Site within 480m of Children's playground	0	+	+1
Site within 480m of amenity green space	0	+	+1
Site within 480m of Accessible natural green space	0	+	+1
Site within 480m of a public transport node with regular services offered during peak times	-	+	+2
Site wholly or partly on grade 1 or 2 or 3 agricultural land (best & most versatile)	-	0	0
All or part of the site within a Source Protection Zone (groundwater)	-	0	+1
Landscape Sensitivity	0	+	+1
	Score -10	-3	
Close proximity to convenience retail and employment	Not assessed	+2	+2
	Overall score -10	-1	

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