

# Statement of Common Ground between Shropshire Council and Cheshire East Council

Date: 21/06/2021

## 1. Introduction

1.1. This Statement of Common Ground (SoCG) has been produced to support Shropshire Council's Local Plan Review. It sets out how Shropshire Council has engaged with Cheshire East Council in order to fulfil its Duty to Cooperate requirements.

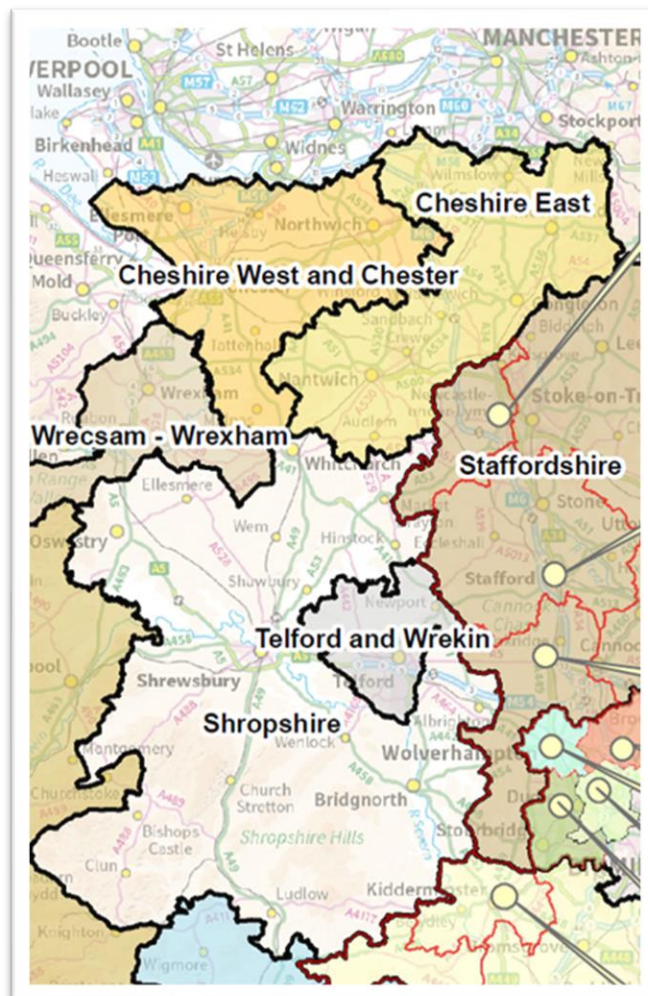
## 2. Relevant Local Authorities and Geography

2.1. The relevant Local Authorities to this SoCG are Shropshire Council and Cheshire East Council.

2.2. Shropshire Council's administrative area is located in the West Midlands of England. It adjoins Cheshire East Council's administrative area, which is located to the north of Shropshire.

2.3. As Cheshire East Council is a neighbouring Planning Authority, it is important that effective duty to cooperate discussions are undertaken with them, regarding strategic matters that cross administrative boundaries, during the Shropshire Local Plan Review.

2.4. The map below illustrates the location of Shropshire Council and Cheshire East Council administrative areas:



### 3. Duty to Cooperate

#### ***Shropshire Council Local Plan Review***

- 3.1. The Shropshire Local Plan currently comprises the Core Strategy (adopted 2011) and the Site Allocations and Management of Development (SAMDev) Plan (adopted 2015), together with adopted formal Neighbourhood Plans. On completion of the Local Plan Review process, the Core Strategy and SAMDev Plan documents will be replaced by the 'Shropshire Local Plan' (2016-2038) document (with the exception of any saved policies), supported by any adopted formal Neighbourhood Plans.
- 3.2. The Shropshire Local Plan document will include strategic and detailed policies, together with site allocations for a Plan period 2016 to 2038.
- 3.3. There has been ongoing and active engagement between Shropshire Council and Cheshire East Council throughout the Shropshire Council Local Plan Review. Specifically:
  - Duty to Cooperate ("DTC") discussions have occurred at appropriate times during the Local Plan Review process.
  - Cheshire East Council have been consulted during the various 'Regulation 18' Consultations undertaken to inform the Shropshire Local Plan Review. The Local Plan Review consultation periods thus far are as follows:
    - Issues and Strategic Options Consultation – 23<sup>rd</sup> January 2017 to 20<sup>th</sup> March 2017.
    - Preferred Scale and Distribution of Development Consultation – 27<sup>th</sup> October 2017 to 22<sup>nd</sup> December 2017.
    - Preferred Sites Consultation – 29<sup>th</sup> November 2018 to 8<sup>th</sup> February 2019.
    - Strategic Sites Consultation – 1<sup>st</sup> July 2019 to 9<sup>th</sup> September 2019.
    - Regulation 18: Pre-Submission Draft of the Shropshire Local Plan – 3<sup>rd</sup> August 2020 – 30<sup>th</sup> September 2020.
  - Cheshire East Council have been consulted as part of the 'Regulation 19' Consultation undertaken 18<sup>th</sup> December 2020 and 26<sup>th</sup> February 2021 to inform the Shropshire Local Plan Review.
  - DTC discussions will continue at appropriate times as the Local Plan Review progresses.
- 3.4. Shropshire Council have also engaged with Cheshire East Council as an adjoining authority during the development of the Cheshire East Council Local Plan; most recently in respect of the revised Draft Site Allocation and Development Policies document (SADPD) which was submitted, in April 2021, to the Secretary of State for public examination. Shropshire Council agreed, on the 16<sup>th</sup> March 2021, to the content of the DTC Draft Statement of Common Ground prepared to support the SADPD. The SADPD Draft DTC Statement of Common Ground confirmed that the policies and proposals contained in the SADPD had no strategic cross boundary implications between the two authorities.
- 3.5. In addition, there are no outstanding DTC strategic cross boundary issues between the Council's following the adoption of the Cheshire East LPS.
- 3.6. A Crewe Hub Area Action Plan is also under preparation and is intended to set out policies and proposals to manage development at Crewe Railway Station and its immediate environs. The Area Action Plan will be supported by its own DTC statement of common ground, where necessary.

## **4. Key Strategic Matters**

### **Housing Market Area**

- 4.1. The Shropshire Council area is considered to represent a self-contained housing market area (HMA). The Cheshire East Local Plan Strategy (LPS) confirmed that Cheshire East is a single housing market area. The evidence published by Cheshire East Council does not identify any significant market interactions in respect of Shropshire.
- 4.2. However, it is acknowledged that the duty to co-operate is not restricted to just Planning Authorities within the same HMA. As such, Shropshire Council and Cheshire East Council have liaised closely during the Shropshire Local Plan Review, in accordance with the duty to co-operate.

### **Housing Need and Requirement**

- 4.3. Using Government's standard methodology, in 2020, Shropshire Council calculated a Local Housing Need (LHN) which applies to both the Local Planning Authority area and the Shropshire Council housing market area of some 1,177 dwellings per annum (equating to 25,894 dwellings over the 22-year plan period from 2016-2038). The assessment of need will be kept under review. Shropshire Council is proposing to meet the entirety of its LHN.
- 4.4. The Cheshire East Local Plan Strategy ("LPS") was adopted in July 2017 and sets out the vision and overall planning strategy for the Borough to 2030. The recently adopted LPS identifies a housing requirement of a minimum of 36,000 homes over the Plan period (2010 – 2030) and includes a number of strategic allocations / locations. The revised Draft SADPD has been submitted, on the 29 April 2021, to the Secretary of State for examination. The Revised Draft SADPD will form the second part of the Local Plan, supporting the strategic policies and proposals in the adopted LPS by providing additional non-strategic policies and allocating additional sites to assist in meeting the overall development requirements set out in the LPS.

### **Green Belt: Shropshire Council**

- 4.5. To achieve a sustainable pattern of development, Shropshire Council is proposing to accommodate development in such a way that helps make more sustainable, balanced, vibrant, resilient and self-reliant places in which to live and work. Specifically, the Local Plan Review intends to direct the majority of new development towards the larger settlements with the most extensive range of services, facilities and infrastructure to support it. However, it also allows for appropriate levels of development within rural areas, to support the longer-term sustainability of rural communities.
- 4.6. The eastern part of Shropshire is located within the West Midlands Green Belt. To inform the ongoing Local Plan Review, Shropshire Council has undertaken a Green Belt review. Whilst most additional development is proposed in locations outside the Green Belt, the strategic economic importance of the eastern part of the County, particularly the M54 corridor, is a significant consideration. Impacts on longer term sustainability of Green Belt settlements due to constraints on their ability to meet their local development requirements have also been identified. As such a level of Green Belt release is proposed within the ongoing Local Plan Review.
- 4.7. As required by the NPPF, Shropshire Council has explored with Cheshire East Council their ability to accommodate Green Belt development requirements, particularly those relating to the sustainable growth requirements of specific settlements/sites. This has been formalised in a written communication sent 27th February 2020 which asked

whether Cheshire East Council could assist in meeting the identified development needs for: Bridgnorth; Albrighton; Shifnal; Alveley; and RAF Cosford.

- 4.8. Cheshire East Council responded on 17th March 2020. The response noted that through the Cheshire East LPS, it was established that Cheshire East is its own housing market area. Therefore, it was not clear how Cheshire East agreeing to meet some of the housing numbers, will address the identified housing needs in Shropshire and its housing market area. It also follows that the provision of housing in Cheshire East, a separate housing market area and some distance away from the locations listed (i.e. Bridgnorth; Albrighton; Shifnal; Alveley; and RAF Cosford), would lead to unsustainable patterns of development from a travel and transport point of view. In addition, the practical issue of a significant mismatch in strategic policy review timescales between the Local Authorities was highlighted as a factor which limits the proper consideration of such cross-boundary development needs. The full response is attached to this SoCG.

## **5. Other Strategic Matters**

### **Distribution of Development**

- 5.1. Shropshire and Cheshire East Council area are directly linked by the transport corridor associated with the A49 and the Shrewsbury – Crewe rail lines. This is identified as a part of a strategic corridor in the Shropshire Draft Local Plan and, along with the North East Shropshire and A41 corridor, includes, Whitchurch and Market Drayton as Principal Centres and the largest towns in North East Shropshire; Wem as a key centre and Tern Hill strategic site. Shropshire Council recognises that these corridors support Shropshire's links to the wider North West and Northern Powerhouse through Cheshire, together with the significance of major national infrastructure investment connected to the delivery of HS2.
- 5.2. The adopted Cheshire East LPS recognises the significance of HS2, but the LPS and draft SADPD do not directly address the land-use consequences of HS2. The full implications of HS2 on the wider area will be considered through a review of the plan strategy, as appropriate.
- 5.3. The overall strategic approach of development in the Shropshire Draft Local Plan which seeks that the majority of development will be focused in identified existing urban areas and strategic settlements reflects the important role that towns such as Whitchurch, which is close to the boundary with Cheshire East Council area, and also Market Drayton as two of Shropshire's five Principal Centres and Wem as a key centre play. These Principal centres have significant existing allocations in the adopted Plan which it is proposed to save. Additionally, there are a range of smaller settlements around each of the towns which will be expected to accommodate more modest levels of development.
- 5.4. Whitchurch is currently and continues to be identified as a Principal Centre in the Draft Plan. In order to respond to local needs and contribute towards strategic growth objectives in the north-east of the County it is proposed by the Draft Local Plan the town will act as a focus for significant development and deliver around 1,600 dwellings and around 20 hectares of employment development, with an aspiration that employment delivery will balance housing development and that there will be localised infrastructure improvements in support of development.
- 5.5. Market Drayton has a similar role to Whitchurch and the draft Local Plan provides for sites to achieve balanced housing and employment growth within Market Drayton through the provision of around 1,200 dwellings and 35 hectares of employment land. The strategy for

Market Drayton seeks to ensure that housing and employment development will respond to: local needs; the needs of the surrounding hinterland; provide opportunities for existing businesses to expand and opportunities associated with High Speed 2.

- 5.6. Wem, as a key centre has a more modest quotient and is expected to deliver around 600 dwellings and around 6 hectares of employment development to 2038.
- 5.7. Following the decision by the MOD to discontinue the use of the Clive Barracks, Tern Hill military site and dispose of the Barracks, this has provided an opportunity, aligned with the Shropshire Economic Growth Strategy and Local Plan strategy, for the redevelopment of this predominantly brownfield site within the A41 strategic corridor.
- 5.8. The Draft Plan identifies Clive Barracks, Tern Hill a predominantly brownfield site of around 72ha to be redeveloped to form a new strategic settlement achieved by a comprehensive mixed-use redevelopment of the site to provide a range of local services and facilities, around 750 dwellings, around 6ha of employment land and extensive green infrastructure to provide local employment, social and environmental opportunities. Draft plan guidelines set out an expectation that the site will be subject to a masterplan and that required improvements to the local and strategic road network including the A41/A53 Tern Hill roundabout will be undertaken, informed by consultation with Highways England and an appropriate Transport Assessment (including consideration of cumulative impact).
- 5.9. The Cheshire East LPS, adopted July 2017, sets out the vision and overall spatial strategy for the borough to 2030. It includes strategic policies and allocates 'strategic sites' for development. The LPS seeks to focus growth towards its higher order centres of its settlement hierarchy, namely the Principal Towns of Crewe and Macclesfield and 9 larger towns, termed Key Service Centres. In the 13 Local Service Centres and other settlements and the rural area, the LPS approach is to support an appropriate level of small-scale development that reflects the function and character of individual villages.
- 5.10. There is inevitably some movement between the Cheshire East and Shropshire local authority areas; for example, commuting patterns from Whitchurch to Crewe. However, there were no strategic cross boundary issues identified at the adoption of the LPS.
- 5.11. Although there is significant planned growth within the north eastern part of Shropshire and A49 corridor, no significant cross boundary impacts with Cheshire East are anticipated to arise from this. Shropshire is planning for balanced employment and housing delivery to meet Shropshire needs with appropriate infrastructure to support it in line with the overall strategic approach for sustainable development set out in the Draft Local Plan. Cheshire East Council has set out strategic and detailed policies to guide development and has identified site allocations and other potential development opportunities within the LPS / draft SADPD which, alongside commitments and completions makes sufficient provision to meet their own needs for the period up to 2030.

### **Neighbourhood Planning**

- 5.12. There are currently no cross-boundary Neighbourhood Plans and no significant cross boundary issues have been identified. There is a Neighbourhood Development Plan being prepared in Adderley, Moreton in Say and Norton in Hales within the Shropshire Council area. As Adderley and Norton in Hales Parish Councils share a land border with Cheshire East, appropriate engagement and consultation will take place at relevant stages, as set out in the Neighbourhood Planning (General) Regulations 2012.

## **Midlands Meres and Mosses**

- 5.13. The habitats regulations assessment (HRA) of the Regulation 19: pre-submission draft of the Shropshire Local Plan considers impact on internationally designated nature conservation sites including those comprising the Midlands Meres and Mosses which lie within Shropshire and Cheshire. The Draft Plan specifically identifies that mitigation measures will be required to remove any adverse effect arising from development, including that in and around Whitchurch and Wem, and elsewhere in Shropshire, on the integrity of the designated sites. Mitigation measures for potential impacts arising from development are identified in the Plan HRA and supporting documents. Since a HRA must consider the cumulative effects of plans and projects and Cheshire East has a similar obligation to prepare a HRA for plans and projects which have the potential to impact on these habitats, this effectively addresses cross boundary considerations.

## **Minerals**

- 5.14. Increasing rates of housing and employment development have strengthened the demand for construction aggregates within Shropshire and in the adjacent areas which it supplies. Despite increased demand, sufficient crushed rock aggregate resources are already available from permitted sites. There is no significant aggregate production in north Shropshire but the overall availability of sand and gravel resources remains well above the minimum guideline and the adopted Plan (SAMDev) included allocations which provide for additional capacity. No additional site allocations for either crushed rock or sand and gravel provision are therefore proposed as part of the Local Plan Review.
- 5.15. Despite increasing demand, significant aggregate resources are already available from permitted sites and unimplemented site allocations made in the SAMDev Plan which have been saved. A number of windfall applications for sand and gravel which have significantly increased productive capacity and further significant windfall applications are expected from planned extensions to a number of existing sand and gravel sites and from the prior extraction of mineral aggregates from the redevelopment of the Ironbridge Power Station site. In light of these, the draft Plan makes a windfall allowance of 10.5mt to supplement unimplemented and 'saved' site allocations amounting 4mt. In taking planning decisions, Shropshire Council has consistently responded positively to both planned and windfall applications to release more material to maintain productive capacity to counter balance the impact of unworked site commitments in the county. The Draft Plan includes development management policies which will continue to provide a framework for the consideration of minerals applications.
- 5.16. Cheshire East has specialist mineral resources of local, regional and national significance, including silica (industrial) sand, construction sand, hard rock and salt but there is need for aggregates to be imported into the Cheshire East area. This aggregates demand is not heavily dependent on reserves in Shropshire and there are low levels of mineral flows currently experienced across the boundary. HS2 may have a potential impact on demand in the future but insufficient information is known at this stage. No significant cross boundary issues are therefore identified.

## **Waste**

- 5.17. Shropshire has a waste transfer and energy recovery facility located in Shrewsbury. Shropshire Council supports the further development of a circular economy where the active recovery of material resources and energy from waste helps reduce environmental and financial costs and actively fosters opportunities for business growth. The county performs well against national waste management targets and has sufficient existing capacity, including the land resources to meet its future needs No further specific

provision is therefore planned for waste management infrastructure. Policy SP17 in the Draft Shropshire Local Plan ensures the continued operation of existing waste management facilities is safeguarded. To accommodate any future demands, land will be available as part of the employment land supply.

- 5.18. The Environment Agency's Waste Data Interrogator (2017) indicates that there are strategic movements of waste from Shropshire to Cheshire East of some 20,650t. This comprises mostly HIC and CDE waste but also includes a small amount of hazardous waste. There are currently no known reasons why this level of waste movement cannot continue. Cheshire East will be safeguarding the existing waste movement facilities in its emerging Minerals and Waste DPD.

### **Gypsies and Travellers**

- 5.19. Shropshire has finalised an updated Gypsy and Traveller accommodation assessment (GTAA 2019). The updated GTAA reflects joint working between the Planning policy team and Estate management team who manage Council sites as part of their Gypsy liaison service. The 2019 report refines the previously published GTAA (2017) by updating site information and considering public site management data to better understand and evidence site capacity and pitch turnover. Unauthorised encampment activity is also considered.
- 5.20. The greatest concentration of Gypsy and Traveller sites in Shropshire is in the north east of the County but with provision in other areas of the County, particularly to the South of Shrewsbury and near Oswestry to the north west of the County. It is understood that the A41/A49 forms a main transit route running from the South West/Wales into Shropshire and northwards to Cheshire. This inevitably creates cross-boundary movement. Shrewsbury however tends to be a particular focus for unauthorised encampment being located at an intersection for main transit routes through Shropshire, including the A49.
- 5.21. The evidence from the Shropshire Gypsy and Traveller Accommodation Assessment (GTAA 2019) concludes that there is no current strategic requirement for allocation. However, there was a need to provide a permanent plot for Travelling Showpeople resident on a temporary site in Shropshire, a site for which has now been granted Planning Permission. There was also the need to consider provision of public transit capacity to support private provision, and this is underway with a public consultation on a location for Council transit site having been undertaken by the Council's Estate Management section. In addition to the intended direct provision, policies within the ongoing Local Plan Review will facilitate the ongoing delivery of sites to meet arising needs through the development management process. Shropshire thus intends on addressing its own needs for Gypsy and Traveller provision.
- 5.22. Cheshire East's LPS Policy SC 7 Gypsies and Travellers and Travelling Showpeople sets out criteria for the consideration of development proposals and site allocations to meet the identified residential needs of Gypsy and Travellers over the plan period, as detailed in the Cheshire Gypsy and Traveller Accommodation Assessment published in 2014.
- 5.23. The draft SADPD has updated the GTAA (2018) and has identified draft allocations for sites for Gypsy and Traveller provision, including permanent residential sites and a transit site. The SADPD also includes proposed allocations for Travelling Showpeople. Cheshire East thus intends on addressing its own needs for Gypsy, Traveller and Travelling Showpeople uses.

## 6. Matters of Agreement

6.1. All above matters are agreed between Shropshire Council and Cheshire East Council.

## 7. Matters of Disagreement

7.1. There are currently no matters of disagreement between Shropshire Council and Cheshire East Council.

## 8. Governance Arrangements

8.1. Governance arrangements are key to ensure that effective duty to cooperate discussions are undertaken and an appropriate SoCG prepared.

8.2. Updating of this SoCG will be linked to key milestones within the Shropshire Local Plan Review process.

## 9. Conclusions

9.1. The parties agree that:

- i) Shropshire Council has fulfilled its Duty to Cooperate with Cheshire East Council.
- ii) The parties will continue to work positively together and where relevant with other prescribed bodies on strategic cross boundary issues where they arise.

## 10. Signatories

10.1. This SoCG has been agreed and signed by the following:

<b>Shropshire Council</b>	<b>Cheshire East Council</b>
Name: Edward West	Name: David Malcolm
Position: Planning Policy & Strategy Manager	Position: Head of Planning
Date agreed: 17th June 2021	Date agreed: 24 <sup>th</sup> June 2021
Signature:	Signature:



Eddie West,  
Interim Planning Policy and Strategy  
Manager,  
Shropshire Council,  
Sent by email only.

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DATE: 17/03/2020

OUR REF: SP/SP7/F/iv

Dear Eddie,

**Re: Shropshire Local Plan Review – Duty to Co-operate & meeting development need**

I write in response to your letter, dated 27 February 2020, in which you seek to understand whether Cheshire East Council is able to assist in meeting some of the identified needs for development in Shropshire, with particular reference to the specifically identified development sites at Bridgenorth; Albrighton; Shifnal; Alveley and RAF Cosford.

Having carefully considered the content of your letter, Cheshire East Council can confirm that it is not able to assist in meeting the development needs described in your letter for the following key reasons:-

1. Through the Cheshire East Local Plan Strategy, it was established that Cheshire East is its own housing market area. Therefore, it is not clear how Cheshire East agreeing to meet some of the housing numbers, in Shropshire, will address the identified housing needs of your Borough and its housing market area. It also follows that the provision of housing in Cheshire East, a separate housing market area and some distance away from the locations listed in your letter, would lead to unsustainable patterns of development from a travel and transport point of view.
2. There is also the practical issue of the mismatch in the timing of plan preparation. Accommodating development needs across authority boundaries would be a strategic matter which could only be addressed through a review of strategic policies. For Cheshire East, these are contained in our Local Plan Strategy. Cheshire East Council is required to review this Plan by July 2022. This review will assist us in understanding the need to update its policies.

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At present we have no published programme within our Local Development Scheme as to when or how any update may take place. At some point in the future Cheshire East will update this Plan. That will be informed by its own evidence of housing and employment land need and supply. We don't know what that evidence will say and we would be extremely reluctant to agree to accommodate development from a neighbouring area without first fully understanding what our future needs are and how they may be accommodated. As you know, land was removed from the Green Belt in the current Local Plan Strategy to meet Cheshire East's development needs to 2030.

Given the above points which have, in themselves, led us to a clear conclusion that we cannot assist in meeting the development needs you describe, we have not gone on to consider the merits or otherwise of how you have reached the position you set out in your request to us.

However, we look forward to our continued close working regarding any strategic cross-boundary matters associated with our plan-making and would be happy to meet with you at any point if you would find that useful.

Yours sincerely,

**Jeremy Owens**  
**Development Planning Manager**

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