

Shropshire Council

Shropshire Hills Area of Outstanding Natural Beauty (AONB) Exceptional Circumstances Statement

December 2020

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1. Introduction

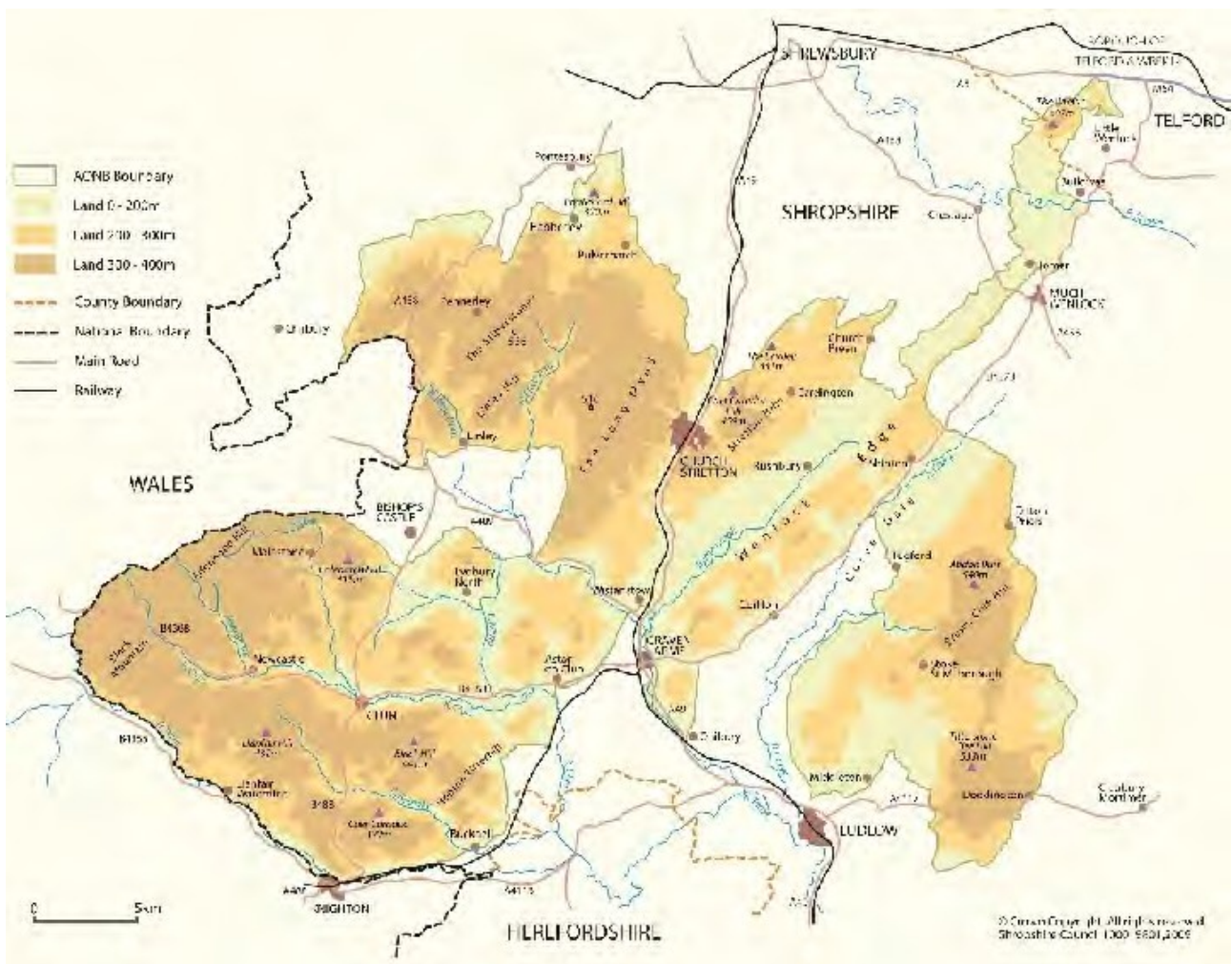
Purpose of the Report

1.1. The purpose of this report is to summarise the exceptional circumstances that support the proposed allocation of land for major development within the Shropshire Hills Area of Natural Beauty (AONB) within the Shropshire Local Plan.

Shropshire Hills Area of Natural Beauty (AONB)

1.2. The Shropshire Hills AONB covers almost a quarter (23% or 804 km²) of Shropshire, covering many of the hills the in south and west and extending to the Wrekin in the east. It was designated in 1958 in recognition of the national value of its landscape. It is the only AONB in the county and whilst the majority lies in Shropshire, a small part (less than 3%) is within the Telford and Wrekin Council administrative area.

Figure 1: Map of the AONB



- 1.3. About 19,000 people live in the AONB¹ out of a total population of around 498,000 in Shropshire. The largest settlement is the market town of Church Stretton (population 4,671) and there are many smaller villages and hamlets. There are 46 AONBs in the United Kingdom and over two thirds of England's population live within half an hour's drive of an AONB.
- 1.4. AONB's were established by the 1949 National Parks and Access to the Countryside Act with the primary purpose of **conserving and enhancing natural beauty**.
- 1.5. Countryside Commission guidance² defined secondary purposes for AONBs:
 - *In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves, conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.*

The Countryside and Rights of Way Act 2000³ added:

- *a statutory duty to prepare a Management Plan 'which formulates their policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it', and to review the Plan every five years. Where an AONB involves more than one local authority they are required 'act jointly'.*
 - *a statutory duty in Section 85 on all 'relevant authorities' to 'have regard to the purpose of conserving and enhancing the natural beauty' of AONBs when coming to any decisions or carrying out activities relating to or affecting land within these areas. This includes all public bodies and statutory undertakers (e.g. certain utility companies).*
- 1.6. The two local authorities which cover the Shropshire Hills AONB fulfil their legal duties through the Shropshire Hills AONB Partnership. The Shropshire Hills AONB Partnership is an advisory body to both councils and leads the preparation of the AONB Management Plan. The 36 members of the Partnership represent a wide range of interest groups in the AONB and play a part in the delivery of the Management Plan
 - 1.7. National Planning Practice Guidance⁴ states that '*Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they help to set out the strategic context for development. They provide evidence of the value and special qualities of these*

¹ Shropshire Hills AONB Management Plan 2019-24

² Countryside Commission, "AONBs: A policy statement. CCP356," 1991.

³ "Countryside & Rights of Way Act 2000,"
<https://www.legislation.gov.uk/ukpga/2000/37/contents>.

⁴ Paragraph: 040 Reference ID: 8-040-20190721 Revision date: 21 07 2019

areas, provide a basis for cross-organisational work to support the purposes of their designation and show how management activities contribute to their protection, enhancement and enjoyment. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications'

1.8. The AONB Management Plan includes a statement of significance:

The key components of the Shropshire Hills landscape are the hills, farmed countryside, woodlands, rivers and river valleys.

1.9. The Management Plan goes on to describe how further qualities such as geology, wildlife, heritage, scenic and environmental quality, tranquillity and culture and opportunities for enjoyment are found in different ways across the whole area.

2. Development of the Local Plan

The Current Local Plan

- 2.1. 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 any adopted Neighbourhood Plans. These documents set out proposals for the use of land and policies to guide future development in order to help to deliver sustainable growth in Shropshire for the period up to 2026.

The Local Plan Review

- 2.2. Local Planning Authorities are required to keep under review any matters that may affect the development of its area. Shropshire Council determined to undertake a Local Plan Review in order to:
- Allow the consideration of updated information on development needs within the County;
 - Reflect changes to national policy and our local strategies;
 - Extend the Plan period to 2038; and
 - Provide a plan which will help to support growth and maintain local control over planning decisions during the period to 2038.
- 2.3. Maintaining an up-to-date Local Plan will support local growth by generating certainty for investment in local development and infrastructure through a policy framework that establishes an up to date and objective assessment of development needs and supports sustainable development in Shropshire during the period to 2038.

Consultation

- 2.4. The preparation of the Shropshire Local Plan has not been a rushed process, and instead Shropshire Council have sought to build consensus around shared local priorities and proposals. The council began preparing the Local Plan review in 2017. At the core of this process is continuous and meaningful community engagement, in line with the Council's Statement of Community Involvement (SCI).
- 2.5. To this end, the Council has thus far undertaken five consultation stages as part of the plan preparation process these are:
1. Issues and Options – January 2017;
 2. Preferred Scale and Distribution of Growth – December 2017;
 3. Preferred Site Allocations – November 2018; and
 4. Strategic Sites – June 2019.
 5. Regulation 18 Pre-Submission Draft Local Plan – July 2020
- 2.6. Within the Issues and Strategic Options Consultation, different options were considered for the housing requirement; strategic distribution of future growth and strategies for employment growth.

- 2.7. Within the Preferred Scale and Distribution of Growth Consultation, the preferred scale of housing and employment growth and the preferred distribution of this growth were outlined.
- 2.8. Within the Preferred Sites and subsequent Strategic Sites Consultations, the preferred sites for achieving the preferred scale and distribution of development were outlined.
- 2.9. Within the Regulation 18 Pre-Submission Draft Local Plan, development management policies and preferred sites for achieving the preferred scale and distribution of development were proposed.
- 2.10. The comments made during each stage of consultation informed all subsequent stages of consultation and the wider Local Plan Review process.

Evidence Base

- 2.11. An extensive evidence base has also been prepared to inform the Local Plan Review. This includes that relating to:
 - Housing and Employment Needs;
 - The identification of and assessment of the suitability, availability and achievability (including viability) of potential development sites; and
 - The AONB Management Plan (2019 - 2024).

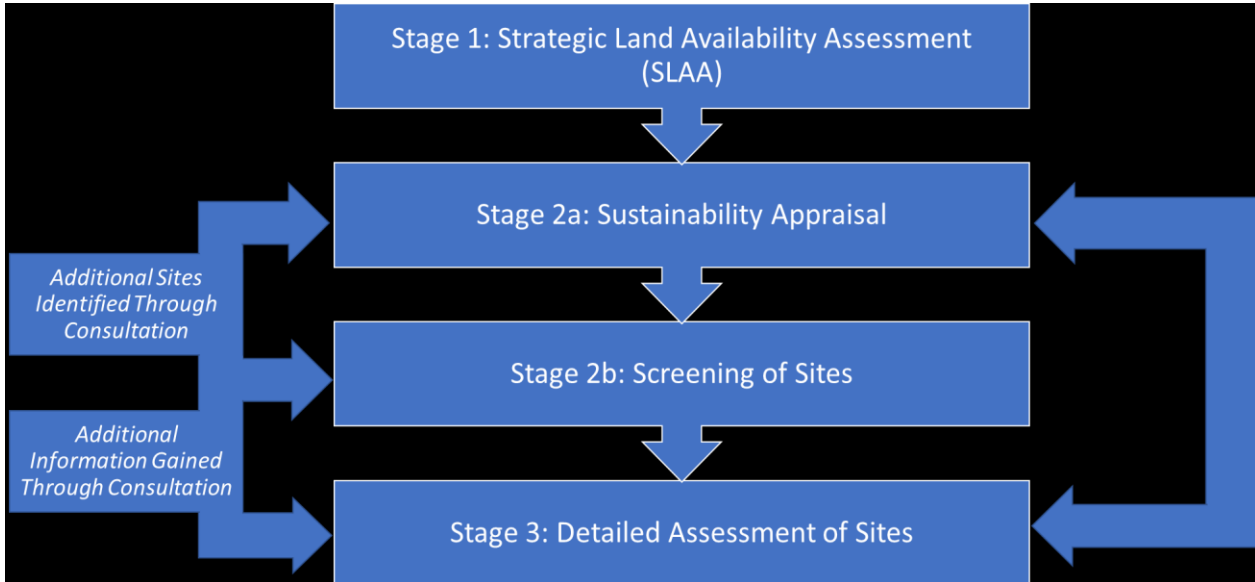
Site Assessment

- 2.12. To inform the identification of proposed site allocations within the Local Plan Review, Shropshire Council has undertaken a comprehensive Site Assessment process. This site assessment process incorporates the assessment of sites undertaken within the Sustainability Appraisal of the Local Plan, recognising that the Sustainability Appraisal is an integral part of plan making, informing the development of vision, objectives and policies and site allocations.
- 2.13. The following table and figure summarise the key stages of the Site Assessment process undertaken, more detail on each of these stages is then provided:

Site assessment process diagram

Site Assessment Process	
Stage 1: The Strategic Land Availability Assessment (SLAA)	Stage 1 consisted of a strategic screen and review of sites.
<i>Following the completion of the SLAA, further sites were promoted for consideration through the consultation and engagement process. Where possible these sites have been included within Stages 2a, 2b and 3 of the Sustainability Appraisal: Site Assessment process.</i>	
<i>Following the completion of the SLAA, further information was achieved through the consultation and engagement process. Where possible this information has been considered within Stages 2a, 2b and 3 of the Sustainability Appraisal: Site Assessment process.</i>	
Stage 2a: Sustainability Appraisal	Stage 2a consisted of the assessment of the performance of sites against the objectives identified within the Sustainability Appraisal.
Stage 2b: Screening of Sites	Stage 2b consisted of a screening exercise informed by consideration of a site's availability; size and whether there were obvious physical, heritage or environmental constraints present, based on the strategic assessment undertaken within the SLAA.

Site Assessment Process	
Stage 3: Detailed site review	<p>Stage 3 consisted of a proportional and comprehensive assessment of sites informed by the sustainability appraisal and assessments undertaken by Highways; Heritage; Ecology; Trees; and Public Protection Officers; various technical studies, including a Landscape and Visual Sensitivity Study, Strategic Flood Risk Assessment and Green Belt Assessment/Review where appropriate; consideration of infrastructure requirements and opportunities; consideration of other strategic considerations; and professional judgement.</p> <p>This stage of assessment was an iterative process.</p>



2.14. This site assessment process has directly informed the identification of proposed allocations within the Local Plan Review, including those in the AONB. In turn the site assessment process has been informed by the consideration of exceptional circumstances for allocating major development within the AONB.

3. Policy Context

National Policy

- 3.1. Government policy on AONBs is set out in the National Planning Policy Framework (NPPF) which was last updated in June 2019. This states (at paragraph 172) that *‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads⁵⁴ and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads*

The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states that: *For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

- 3.2. Taking a precautionary approach to safeguarding the AONB, Shropshire Council has decided to use the definition of major development set out in Annex 2 of the NPPF, namely

Major Development: *For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

Current Local Policy

- 3.3. The current Local Plan consists of the Core Strategy, adopted in February 2011 and the Shropshire Site Allocations and Management of Development (SAMDev) Plan adopted 2015). The Core Strategy preceded the publication of the NPPF in 2012 and thus references national policy previously set out in Planning Policy guidance.

- 3.4. The main strategic policy relating to the AONB is concerned with protecting and connecting environmental assets to form a multifunctional network. Core Strategy Policy CS17 states:

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- *Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge;*

Explanatory text to CS17 clarifies (in paragraph 7.7) that 'For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan'

- 3.5. The SAMDev Plan adopted in 2015 provides a more detailed development management type policy for the conservation and enhancement of the AONB. Policy MD12 recognises the need to protect the special qualities of the Shropshire Hills AONB and states that

'In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by....

2 Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;*
- ii. locally designated biodiversity and geological sites;*
- iii. priority species;*
- iv. priority habitats*
- v. important woodlands, trees and hedges;*
- vi. ecological networks*
- vii. geological assets;*
- viii. visual amenity;*
- ix. landscape character and local distinctiveness.*

will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;*
- b) the social or economic benefits of the proposal outweigh the harm to the asset.*

In all cases, a hierarchy of mitigation then compensation measures will be sought.

And

4. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

- 3.6. Therefore under current Local Plan the distinctiveness of the AONB is protected and proposals which are likely to have a significant adverse effect on the AONBs

special qualities must demonstrate that there is no satisfactory alternative and the social and economic benefits outweigh any harm to these qualities.

Emerging Local Policy-Shropshire Local Plan 2016-2038

- 3.7. The Shropshire Local Plan seeks to provide a sustainable pattern of growth, responding to the varying scales, needs and functions of the County's hierarchy of settlements. This recognises the diverse features and characteristics of the County, including the presence of Green Belt and other factors as the Shropshire Hills AONB, the many designated heritage and natural environment assets as well as constraints such as flood risk. It also considers the availability of brownfield land as required by the NPPF, with the Council maintaining the Shropshire Brownfield Land Register Map (2019) for this purpose.
- 3.8. The Shropshire Local Plan reflects a wide and robust range of evidence which underpins many of its policies and seeks to respond positively other strategies produced by the Council and other bodies, including: The draft Housing Strategy 2020 to 2025; The draft Climate Change Strategy; the Economic Growth Strategy 2017 to 2021; the emerging Local Transport Plan; and the AONB Management Plan.
- 3.9. There follows an overview of the main relevant policies which set the broader strategy for the Plan, both within and outside the AONB and how it will seek to deliver sustainable development in the Shropshire context, including the urban focus rationale for levels and distribution of development. Each of the relevant policies is considered below. However, as with all Plans, policies interact, and the Shropshire Local Plan is designed to be read and implemented as a whole.

SP1 The Shropshire Test

This is described as a 'gateway' policy and establishes the starting point for the issues which are considered to be of most importance in enabling growth to occur in a sustainable manner in Shropshire and thus underpins the sustainable growth strategy approach. As such it is repeated in its entirety below:

- "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:*
- a. Supports the health, well-being and safety of communities;*
 - b. Supports cohesive communities;*
 - c. Addresses and mitigates the impacts of climate change;*
 - d. Conserves and enhances the high-quality natural environment and provides opportunities for green and blue networks;*
 - e. Raises design standards and enhances the area's character and historic environment;*
 - f. Makes efficient use of land; and*
 - g. Provides sufficient infrastructure, services, facilities, and where necessary provides opportunities for their enhancement.*
- 2. In addition, and where appropriate, proposals should seek to reflect relevant considerations of Shropshire Council's other strategies, including its Community Led Plans, Local Economic Growth Strategies (including the Shrewsbury Big Town Plan), the Local Transport Plan, and the Public Health Strategy."*

It is important to note that the policy seeks to ensure efficient use of land whilst balancing other sustainability considerations. This is a thread which is reflected in

the remaining strategic and development management policies in the Plan and is translated into the guidelines which set the expectations for allocations in the Plan.

SP2 Strategic Approach

This is an important policy which establishes the approach for sustainable development in Shropshire including the scale of development needed and how this should best be distributed. The policy reflects evidence work that has been undertaken by the Council to establish an appropriate and balanced housing and employment requirement (around 30,800 dwellings and 300ha respectively from 2016 to 2038).

The housing numbers identified seek to meet and provide some flexibility to respond to changes to local housing need over the plan period and support the long-term sustainability of the County. The provision is further intended to allow positive response to specific sustainable development opportunities by supporting economic growth and the diversification of the labour force and increasing housing to meet the needs of local communities. Reflecting the evidence of significant need, the provision of affordable housing is a key priority and the strategic approach provides for the delivery of 7,700 affordable dwellings (around 25% of the total housing requirement). Policy S2 also seeks to implement the aspirations of the Economic Growth Strategy for Shropshire and provide a sufficient scale of employment land to deliver enough jobs to achieve a sustainable balance with the housing requirement.

The Policy seeks to promote a sustainable pattern of growth by directing the majority of new development towards the larger settlements which have the most extensive range of services, facilities and infrastructure to support new development and identifies these settlements and their role within a hierarchical approach. The policy states that:

“Principal and Key Centres will accommodate significant well-designed new housing and employment development, supported by necessary infrastructure. Growth within these diverse settlements will maintain and enhance their roles, support key services and facilities and maximise their economic potential.”

“Recognising the rurality of much of Shropshire and the importance of ensuring the long-term sustainability of rural communities, growth in urban areas will be complemented by appropriate new development within Community Hubs, identified in Schedule SP2.2, which are considered significant rural service centres.”

Within the AONB, Church Stretton is identified as a Key Centre and Clee Hill and Clun are Community Hubs.

SP4 Sustainable Development

This policy reflects the presumption in favour of sustainable development articulated in the NPPF and aims to ensure that decisions in Shropshire are taken in line with this presumption

SP8. Managing Development in Community Hubs

This policy sets out how development will be managed in these settlements, which include Clee Hill and Clun in line with their role as significant rural service centres and the focus for development within the rural area

SP10. Managing Development in the Countryside

This policy seeks to manage development in the countryside to reflect the Plan's urban focused development strategy. It recognises the further controls over development that apply to the AONB and encourages the use of previously developed land for 'sustainable employment, tourism, leisure, other business and community development proposals in the countryside, as well as the wider reuse of buildings.

SP12 Shropshire Economic Growth Strategy

The stated objective of Policy S12 is to: *"positively support enterprise and to develop and diversify the local economy, delivering sustainable economic growth and investment in our settlements, strategic corridors and appropriate rural locations."*

This policy complements the strategy set out in Policy S2, supporting the approach to maintaining and achieving sustainable settlements with appropriate infrastructure and services and a balance of housing and accessible employment opportunities. It thus not only underpins the economic element of the exceptional circumstances case being set out, but the whole approach to sustainable development in Shropshire. This connection is specifically made in part 5 of the policy:

"The delivery of employment will be supported by investment in:

- a. Housing of the right type, quality, tenure and affordability, that will support the move towards increased home/agile working, in the right locations with jobs, services, facilities and leisure to make Shropshire a good place to live, work and play*

Reflecting the strategy for sustainable development, the Policy sets out an appropriate geography for economic growth that mirrors that adopted for housing and identifies that:

"Economic growth and investment will be supported in:

- a. Shrewsbury to develop its role as the County Town and Strategic Centre;*
- b. The Principal Centres and Key Centres as the key employment and service centres;*
- c. The 'Strategic Corridors', 'Strategic Settlements' and 'Strategic Sites' identified in the Plan;*
- d. Community Hubs on saved allocations or windfall development on established employment areas or suitable sites for small scale employment generating uses; and*
- e. Community Clusters and the Countryside through windfall development where the location, scale, land use and impacts of the proposals will conform with the existing land uses, settlement form and environmental qualities in accordance with relevant Policies of the Local Plan."*

The policy thus reflects the urban strategic focus and recognises that creating a sustainable pattern of development in Shropshire, will mean that employment development should be directed to Shrewsbury, the Principal Centres and Key Centres with a portfolio of employment sites identified to provide the range and choice needed to meet the requirements of the development strategies for these settlements. The role of strategic corridors comprising those principal settlements located on transport corridors is also recognised for their importance providing further investment opportunities. The inherent development constraints where these corridors pass through the AONB is however recognised in the explanatory and it is

noted that where land is in the AONB “*very special circumstances will need to be proven to justify further employment development in these locations beyond the sites allocated for this purpose.*”

DP12 The Natural Environment

This is an important policy which will establish the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration.

The policy requires a project-level Habitats Regulations Assessment (HRA) for all proposals where the Local Planning Authority identifies a likely significant effect on an internationally designated site. Permission will be refused where such an HRA indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated. Where mitigation can remove an adverse effect, including that identified by the HRA for the Plan, measures will be required in accordance with the Plan HRA and supporting documents and/or as set out in the relevant settlement strategies (policies S1 -21); and/or remedial actions identified in the management plan for the internationally designated site as appropriate; and/or policies DP14, DP15, DP19, DP22 and DP25. Policy DP13 sets out particular requirements for development in the catchment of the River Clun Special Area of Conservation (SAC).

The policy seeks to ensure that the following types of development are determined in line with national policy:

- on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments); or
- resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

The policy ensures that all development delivers at least a 10% net gain for biodiversity in accordance with the Environment Act, any future Local Nature Recovery Strategy (LNRS) and policies DP14, DP15, DP16 and DP22.

The policy ensures that natural assets are protected and ensures that where they may be risk of harm that appropriate measures are taken to reduce this harm. Initially, this is through the requirement of an Ecological or Geological Impact Assessment (as appropriate) for assets including:

- a. Locally designated biodiversity sites;
- b. Locally designated geological sites;
- c. Priority species;
- d. Priority habitats; and
- e. Geological assets;
- f. Habitats created as part of a Biodiversity Net Gain plan and not covered by a Conservation Covenant

Any proposals showing to have an adverse effect on these aspects will only be permitted in limited circumstances:

- i. there is no satisfactory alternative means of avoiding the adverse effect through re-design or by re-locating on an alternative site and;
- ii. the social or economic benefits of the proposal outweigh the adverse effect.

Mitigation measures will be required in instances where a proposal meets these tests, to reduce the harm in the first instance. Compensation measures will be a last resort.

Additionally, this policy sets out the how the increase, retention and distribution of trees will be carried out throughout the plan period. Trees, woodlands and hedges are integral and significant features in Shropshire's landscapes and townscapes and their retention and proper management is an essential factor in maintaining local distinctiveness and maintaining the natural environment. This is ensured by a number of factors:

- a. *Ensuring that applicants provide details as to how retained trees, hedges and hedge banks will be protected prior to, during and after construction;*
- b. *Ensuring that no building, hard surfacing, drainage or underground works are permitted that do not accord with the principles of the relevant British Standard and policy **Error! Reference source not found.** unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed;*
- c. *Encouraging new development to plant new trees, woodlands and hedgerows in line with the Shropshire Tree and Woodland Strategy, Shropshire Green Infrastructure Strategy and the provisions of the Environment Act with respect to Biodiversity Net Gain;*

DP14 Green Infrastructure

This policy promotes an improved and expanded green infrastructure network as an integral part of open space provision. As such, it is reproduced here in full:

1. *Development in Shropshire will be accompanied by an improved and expanded green infrastructure network as an integral part of open space provision. This will be achieved by ensuring that all new development:*
 - a. *Avoids the loss of, or harm to, existing green infrastructure assets in accordance with Policy DP12 and the disruption or fragmentation of the existing green infrastructure network (which includes the Shropshire environmental and ecological networks). Proposals should be accompanied by a proportionate assessment (a Green Infrastructure Assessment) of existing green infrastructure assets and the green infrastructure network on and in the vicinity of the site and address the quality and quantity of such features;*
 - b. *Enhances existing green infrastructure assets and extends the green infrastructure network in accordance with the Shropshire Green Infrastructure Strategy. Proposals should also have regard to Neighbourhood Plans and other relevant local strategies such as the Shrewsbury Big Town Plan, where these are available;*
 - c. *Delivers good quality new green infrastructure on site which can be accessed by people of any age, gender and ability, as an integral part of the open space provision and which provides as many of the following benefits as possible:*
 - i. *Enhances and enables greater connectivity of the existing green infrastructure network and individual green infrastructure assets;*
 - ii. *Conserves and enhances biodiversity in accordance with biodiversity net gain requirements and Policy DP12;*

- iii. *Supports the delivery of climate change adaptation and mitigation measures in line with Policies SP3 and DP11.*
 - iv. *Improves air quality; and*
 - v. *Addresses identified local health and wellbeing needs and encourages active and healthy lifestyles in line with Policy SP6.*
2. *Where on site green infrastructure provision is demonstrably not possible or practical, there will be an onus on the delivery of good quality open space in line with the requirements of Policy DP15.*
 3. *For significant new development, including the strategic sites and the settlements identified in Policies S1-21, green infrastructure should be an integral part of a masterplan showing good quality and appropriate on-site provision which:*
 - a. *Delivers a green infrastructure network which links existing and new green infrastructure assets in a coherent manner and maximises the benefits outlined in (1(c)) above; and*
 - b. *Connects to the green infrastructure network in the surrounding area and improves that network's accessibility and linkages where possible.*
 4. *Where a site delivers green infrastructure as part of its open space provision, its future management and maintenance will be secured through a planning obligation.*
 5. *Development proposals that result in a significant fragmentation or loss to the green infrastructure network will be resisted. In such instances mitigation and compensatory measures will be expected with the aim of delivering a net gain in provision.*

DP17 Landscape and Visual Amenity

This policy seeks to ensure that all new development respects, safeguards and (where relevant) restores or enhances landscape character and visual amenity in Shropshire.

To assist with this, this policy makes it mandatory (unless the council agree that it is not necessary) for developments which are likely to affect highly sensitive landscape and visual receptors to be accompanied by an appropriate and proportionate assessment of landscape and visual impacts.

This policy also ensures that any significant adverse landscape and visual effects, either individually or cumulatively with other relevant proposed developments, will be a material consideration in determining planning applications.

DP18. Pollution and Public Amenity.

The policy encourages re-use of brownfield land and provides a positive context for the consideration of proposals on despoiled, degraded, derelict or unstable land or on land affected by contamination.

DP21 Flood Risk

The policy requires proposals to show how they have applied the relevant tests in relation to flood risk. Development will not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.

The policy allows for development should it pass the Sequential and Exception Tests.

DP22 Sustainable Drainage Systems

This policy seeks to ensure that developments will integrate measures for sustainable water management to reduce flood risk, avoid adverse impacts on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.

Any new development should demonstrate no loss of open watercourse with culverts being opened up where possible to improve drainage and flood flows

DP23 Conserving and Enhancing the Historic Environment

This policy seeks to protect, conserve, sympathetically enhance and restore Shropshire's heritage assets. Any proposals to affect these require a Heritage Assessment to ensure that the proposal outweighs any harm.

This policy encourages development which delivers positive benefits to heritage assets and ensures that development proposals affecting designated or non-designated heritage assets are determined in line with more detailed supplementary planning guidance, where applicable.

DP24 Shropshire Hills Area of Outstanding Natural Beauty

This policy seeks to specifically address national policy on AONBs and to respond to the AONB Management Plan. It is reproduced here in full:

Great weight will be given to conserving and enhancing the landscape and scenic beauty of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) by limiting the scale and extent of development in the designated area.

1. *Planning proposals affecting the Shropshire Hills AONB are encouraged to positively and appropriately contribute towards conserving and enhancing its natural beauty, in accordance with the AONB Management Plan. In particular, opportunities to deliver the highest quality design (in accordance with Policies SP5 and DP16) which respects the natural beauty and built heritage of the Shropshire Hills AONB; enhances the sense of place and local character; and enables better management of wildlife sites, heritage assets or the wider countryside; should be maximised.*
2. *Proposals for major development (as defined within Annex 2 of the NPPF) within the Shropshire Hills AONB should be accompanied by a proportionate assessment setting out:*
 - a. *The need for the development, including in terms of any national considerations and the impact of permitting or refusing it on the local economy;*
 - b. *The cost of, and scope for, developing outside the designated area, or meeting the need for that development in some other way; and*
 - c. *Any detrimental effect on the environment, the landscape (see Policy DP17**Error! Reference source not found.** also) and recreational opportunities and the extent to which that could be moderated. Permission will be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest based on a consideration of issues a to c above.*
3. *Where major development is permitted in the Shropshire Hills AONB, mitigation and compensation measures to offset any residual environmental, landscape or recreational impacts will be required in line with policies DP12,*

DP14, DP15, DP16, DP17, DP18, DP19 and DP22. These measures should be compatible with the conservation of the designated area and the priorities set out in Shropshire Hills AONB Management Plan and must be demonstrably capable of being implemented to ensure that harm is minimised.

- 4 *Planning proposals for minor development in the Shropshire Hills AONB and all development proposals outside the designated area which are likely to have a significant adverse effect on the special qualities of the AONB (as set out in the AONB Management Plan) will be resisted in the interests of conserving the area's natural beauty.*

Settlement, Strategic Settlement and Strategic Site Policies

- 3.10. The settlement policies in the Plan are grouped into 18 Place Plan areas and translate higher level strategic growth requirements into settlement specific proposals. The relevant Place Plans within the AONB are:

S2.2 Community Hubs: Bishop's Castle Plan Area

S10.2 Community Hubs: Ludlow Plan Area

4. Proposed Allocations that are considered major development in the Shropshire Hills AONB

- 4.1. Following extensive consideration and assessment, it is considered that in order to achieve the vision and objectives identified within the Shropshire Local Plan Review, some very limited development in the AONB is required. Specifically, development is required to support the short, medium and/or long-term growth requirements and aspirations for the Community Hubs of Clun and Clee Hill.

The amount of development is shown in the table below

Settlement	Site proposed for allocation	Area of site	Approx number of dwellings
Clun	CLU005 (extension of existing allocation CLUN002)	2.36	20
Clee Hill	CHK002	0.95	20

- 4.2. The total number of houses proposed to be allocated as part of the Local Plan in the AONB is therefore 40. This compares with 9,335 proposed for allocation (as distinct from the housing requirement) in the Local Plan as a whole. In addition the Local Plan seeks to 'save' existing allocated sites (CSTR019 for residential use and ELR078 for employment use in Church Stretton and CLUN002 for residential use in Clun). As these sites already form part of the adopted development plan an exceptional circumstances case is not required for them. There are no additional proposed site allocations for employment land in the AONB in the Local Plan.
- 4.3. The AONB comprises 23% of the county, but this very low level of proposed development reflects paragraph 172 of NPPF which states that the scale of development within the designated area should be limited.
- 4.4. NPPF requires a consideration of three issues to demonstrate that major development in an AONB is in the public interest:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 4.5. The remainder of this document considers these three issues for Clee Hill and Clun to show how major development in these settlements on the sites proposed for allocation in the Local Plan is in the public interest.

Clee Hill

Introduction

- 4.6. Clee Hill is a village in the south-east of Shropshire, near the border with Worcestershire with a population of 670. It lies on the slope of Titterstone Clee Hill at an elevation of 340 -380m above sea level and is close to Brown Clee, the highest hill in Shropshire. There are extensive views south towards Herefordshire and Worcestershire and the A4117 runs roughly east to west through the settlement, providing a focus for services such as a convenience store, Post Office and café. The A4117 is the only east-west route in the south-eastern quadrant of the county (south of the A5 and east of the A49).
- 4.7. The western entrance to the village has a cattle grid, as the A4117 runs over common land for some distance before dropping down eastwards towards Cleobury Mortimer. The Ludlow-Cleobury-Bewdley-Kidderminster bus calls at Clee Hill, providing a regular service Monday to Saturday. The elevation of the settlement and the excellent views give Clee Hill a windswept feel of isolation at times which contrasts with the sense of community evident around the heart of the village.
- 4.8. The surrounding area is characterised by past and present quarrying of coal and the local Dhustone, a dark coloured igneous rock, prized for its hardness and thus difficult to extract. Although much of the quarrying ceased in the 1930s and '40s, the landscape retains a characteristically disturbed nature in places with the radar facilities on Clee Hill and current extraction activities adding to the sense of a partly industrial landscape

The Need for Development

- 4.9. The first criteria which this exceptional circumstances paper looks at is the need for the development, including in terms of any national considerations, and the impact of permitting, or refusing it upon the local economy. In doing so it should of course be recognised that proposed allocation CHK002 will continue to be subject to a planning application process.
- 4.10. Clee Hill is a Community Hub within the Place Plan area of Ludlow. The village was identified as a Community Hub through the Local Plan's settlement hierarchy assessment process. In broad terms, 'Community Hubs' are sustainable rural settlements which provide a combination of services and facilities; public transport links; significant employment opportunities; and high-speed broadband, generally considered sufficient to meet the day-to-day needs of their resident communities.
- 4.11. Historically, residential development levels in Clee Hill have been very low. The table below shows the numbers per year.

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	1	1	0	0	0	0	0	0	2	4	21

- 4.12. The total number of houses built over the period 2006- 2019 is 29: this equates to just over 2 per year. However, it should be recognised that 21 houses were

developed in the 2018-19 year reflecting the implementation of a relatively large permission to in the south of the settlement. Without this, the rate of development falls to around 1 house every 2 years. This indicates that the opportunity for growth in the settlement does require a level of intervention from the Local Plan in the form of an allocation, rather than purely relying on windfall development to sustain delivery.

- 4.13. The Local Plan Review identifies a need for 75 dwellings in Clee Hill of which 52 dwellings are either committed or completed. This means that there remains a need for 23 more dwellings over the Plan period. It is considered this level of growth responds to the identification of the village as a Community Hub but recognises the scale and nature of the settlement as well as local constraints to development.
- 4.14. New employment development in Clee Hill will be delivered through appropriate small-scale windfall employment development, where this is consistent with Community Hub Policy SP7 and other relevant policies of the Local Plan.
- 4.15. The strategy for the village envisages 20 dwellings being delivered through the allocation of site CHK002 with the remaining 3 through windfall. Policy DP3 of the Local Plan Review allows for sites of 5 or more dwellings in designated rural areas (such as the AONB) to provide on-site affordable housing at a rate of 20%. As such, the delivery of CHK002 could provide 4 affordable dwellings on site. Further affordable houses may also be delivered through appropriate cross-subsidy and exception developments where these are consistent with the relevant policies of the Local Plan.
- 4.16. The rationale for the allocation of CHK002 for major development is that it is required to directly meet Clee Hill's needs and support the village's role as a Community Hub. The village acts as a service centre for its residents and the surrounding area. Clee Hill is a sustainable settlement, located on an important A-road in the south of the county. If it is to continue to effectively perform its role as a Community Hub; ensure the long-term sustainability of its services and facilities; and meet the economic and social needs of its community and those within its hinterland in the future, then there is a need to ensure there are future development opportunities associated with the settlement.

The scope for developing outside the designated area

- 4.17. The second criterion is an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.
- 4.18. The Plan strategy focusses development in urban areas and on a range of identified Community Hubs in the rural area. The settlement hierarchy categorises settlements according to the level of services and facilities they provide. The nearest 'higher level' settlements to Clee Hill which are outside the AONB are Ludlow (just under 6 miles and 12 minutes away and Cleobury Mortimer (just under 6 miles and 11 minutes away).
- 4.19. Ludlow is a Principal Centre, providing a range of services and facilities for the south of the county. It provides a community hospital, a wide range of retail opportunities, major transport links to Shrewsbury and Hereford by road and rail and has a substantial tourism offer centred on the castle and other important

heritage assets. It thus fulfils a different role to Clee Hill and could not be expected to support the town's economy or support local communities in the same way that Clee Hill does.

- 4.20. Cleobury Mortimer is a Key Centre for which a Neighbourhood Plan is being prepared. The Neighbourhood Plan will include the strategy for achieving the housing and employment guidelines for the town. New residential development will primarily be delivered through the saved SAMDev residential allocations and any residential development allocated within the Cleobury Mortimer Neighbourhood Plan. There is no mechanism to allow Neighbourhood Plans to meet an adjacent settlement's housing needs so there is no scope for Cleobury Mortimer to meet Clee Hills' need.
- 4.21. In conclusion, it is considered that there is limited scope for meeting the future housing needs of Clee Hill residents and surrounding community by developing outside the designated area in a sustainable manner.

Detrimental effects on the environment

- 4.22. The third criterion is the consideration of the effect on the environment, the landscape and recreational opportunities, and the extent to which these could be moderated.
- 4.23. A wide range of factors were considered in the site assessment process which determined which sites were suitable for allocation. Amongst these are the impact on a range of environmental factors, including landscape and visual amenity, nationally and locally designated wildlife sites, ancient woodland, historic assets and flood risk.
- 4.24. The Local Plan Review site assessment concludes that when considered against all other available sites, CHK002 is the most appropriate site for housing in Clee Hill. With regard to landscape sensitivity, the Council's Landscape and Visual Sensitivity Assessment (LVSS) splits Clee Hill into three landscape parcels, with the allocated site being in parcel 26CHL-B. This has a high landscape and visual sensitivity to housing but the description of the parcel states that⁵ 'The quality and condition of the landscape however is poor, as human influence has resulted in agricultural fly tipping and incongruous built form in the landscape. This degradation is correlated with the decline of the quarrying and coal mining industry once prevalent' Additionally, the only promoted site options in Clee are in this landscape parcel (they are adjacent to each other) so the effect on the landscape would be similar whichever was allocated.
- 4.25. The NPPF requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and this shows that both have been carefully considered in the allocation of CHK002.

⁵ Shropshire Landscape and Visual Sensitivity Study <https://www.shropshire.gov.uk/media/11356/clee-hill-lvss.pdf>

- 4.26. Additionally, there have not been any significant or unmanageable environmental constraints identified in relation to ecology, the historic environment, trees, public protection and highways, which would prevent the allocation of CHK002. Nor do the Strategic Flood Risk Assessments Level 1 and Level 2 or Water Cycle Study show any issues which apply uniquely to CHK002 and would thus prevent development on the site. Please note: infrastructure constraints identified in the Water Cycle Study will be addressed through discussions with the water companies under the duty to co-operate. It is anticipated that these constraints will be resolved and documented in a Statement of Common Ground ahead of the submission of the Plan to Government in early 2021.
- 4.27. The proposed site allocation CHK002 includes development guidelines requiring landscaping and open space to protect trees with buffering and additional structural planting to screen the site.

Public Interest Conclusion

- 4.28. The decision on whether major development in Clee Hill is in the public interest rests on the balance between the need to conserve the landscape and scenic beauty of the Shropshire Hills AONB and the social and economic needs of the local community. The three tests required by NPPF and considered above are designed to support this assessment. The discussion of these three tests shows that:
- Major development is required to directly meet Clee Hill's housing needs and support the village's role as a Community Hub.
 - There is limited scope for meeting the future housing needs of the Clee Hill outside the designated area
 - A consideration of the detrimental effects on the environment, the landscape and recreational opportunities of allocating site CHK002 shows that there are no significant constraints. Additionally, mitigation measures have been put in place to moderate any residual effects.
- 4.29. The conclusion is therefore that major development in Clee Hill is in the public interest. Such development will enable the village to meet its own housing needs and will contribute to its long term economic and social sustainability.

Clun

Introduction

- 4.30. Clun is located in the south-west of Shropshire, on the junction of the B4368 with the A488 where it provides a key bridging point over the River Clun close to the Welsh Border with Powys. The town serves the remote border communities of this area known as the 'Clun Forest'. The village is historically significant due to the presence of the Castle, evidence of historic settlement and the historic assets, medieval street pattern and archaeology that comprises the Conservation Area.
- 4.31. As a Community Hub in the SAMDev Plan, Clun already provides planned development on an existing allocation (CLUN002) at Turnpike Meadow, in the east of the village. Clun lies within the catchment of the River Clun, part of which is a Special Area of Conservation (SAC) due to the presence of Freshwater Pearl Mussels. Due to the environmental conditions relating to the River Clun SAC relating to the level of nutrients, development in the catchment must demonstrate nutrient neutrality or betterment, funded over the lifetime of the development's effects.
- 4.32. Development in Clun, including on the existing SAMDev allocated site CLU002 and the proposed extension of this site on CLU005 in the Local Plan review, seeks to meet the needs of the local community and protect the landscape and historic significance of the settlement.

The Need for Development

- 4.33. The first criteria which this exceptional circumstances paper looks at is the need for the development, including in terms of any national considerations, and the impact of permitting, or refusing it upon the local economy. In doing so it should of course be recognised that proposed allocation CLU005 will continue to be subject to a planning application process.
- 4.34. Clun is a Community Hub within the Place Plan area of Bishops Castle. The village was identified as a Community Hub through the Local Plan's settlement hierarchy assessment process. In broad terms, 'Community Hubs' are sustainable rural settlements which provide a combination of services and facilities; public transport links; significant employment opportunities; and high-speed broadband, generally considered sufficient to meet the day-to-day needs of their resident communities.
- 4.35. Historically, residential development levels in Clun have been very low. The table below shows the numbers per year.

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
3	3	0	0	4	1	0	0	1	1	4	1	0

- 4.36. The total number of houses built over the period 2006- 2019 is 18: this equates to just over one house per year on average. This is a very low rate of delivery in an area with sufficient facilities and services to be identified as a Community

Hub. Delivery has been impacted by the fact the existing SAMDev allocation at Turnpike Meadow for 60 dwellings has yet to come forward. The proposal to extend this allocation to incorporate additional land to the east adjoining the allocated site will provide a better opportunity for this more comprehensive option to come forward at pace, subject to meeting the requirements to protect the river Clun SAC.

- 4.37. The Local Plan Review identifies a need for around 95 dwellings in Clun of which 67 dwellings are either committed or completed (including the existing undeveloped SAMDev allocation). This means that there remains a need for an additional 28 dwellings over the plan period. It is considered this level of growth responds to the identification of the settlement as a Community Hub whilst recognising the scale and nature of the settlement as well as local constraints to development.
- 4.38. No new employment development in Clun is allocated, and instead any additional employment growth will be delivered through appropriate small-scale windfall employment development, where this is consistent with Community Hub Policy SP7 and other relevant policies of the Local Plan.
- 4.39. The strategy for the village envisages 20 dwellings being delivered through the allocation of site CLU005 with the remaining 8 through windfall. Policy DP3 of the Local Plan Review allows for sites of 5 or more dwellings in designated rural areas (such as the AONB) to provide on-site affordable housing at a rate of 20%. As such, the delivery of CHK005 could provide 4 affordable dwellings on site. Further affordable houses may also be delivered through appropriate cross-subsidy and exception developments where these are consistent with the relevant policies of the Local Plan
- 4.40. The rationale for the allocation of CLU005 for major development is that it is required to directly meet Clun's ongoing development needs, further support the delivery of the existing allocated site at Turnpike Meadow and to support the role of the settlement more generally as a Community Hub. Clun acts as a service centre for its residents and the surrounding area. It is a sustainable settlement, located on an important transport network in the south west the county and at an important bridging point for the River Clun. If it is to continue to effectively perform its role as a Community Hub; ensure the long-term sustainability of its services and facilities; and meet the economic and social needs of its community and those within its hinterland in the future, then there is a need to ensure there are future development opportunities associated with the settlement.

The scope for developing outside the designated area

- 4.41. The second criterion is an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.
- 4.42. The Plan strategy focusses development in urban areas and on a range of identified Community Hubs in the rural area. The settlement hierarchy categorises settlements according to the level of services and facilities they provide. The nearest 'higher level' settlement to Clun which is outside the AONB is Bishop's Castle (just under 6 miles or 12 minutes away to the north on the A488).

- 4.43. Bishop's Castle is a Key Centre, providing a range of services and facilities for the south-West of the county. It thus fulfils a different role to Clun and could not be expected to support the town's economy or support local communities in the same way that Clun does. Growth in Bishop's Castle is being delivered through a Neighbourhood Plan. This will include the strategy for achieving the housing and employment guidelines for the town. New residential development will primarily be delivered through the saved SAMDev residential allocations and any residential development allocated within the Neighbourhood Plan. There is no mechanism to allow Neighbourhood Plans to meet an adjacent settlement's housing needs so there is no scope for Bishop's Castle to meet Clun's housing need.
- 4.44. In conclusion, it is considered that there is limited scope for meeting the future housing needs of Clun residents and surrounding community by developing outside the designated area in a sustainable manner.

Detrimental effects on the environment

- 4.45. The third criterion is the consideration of the effect on the environment, the landscape and recreational opportunities, and the extent to which these could be moderated.
- 4.46. A wide range of factors were considered in the site assessment process which determined which sites were suitable for allocation. Amongst these are the impact on a range of environmental factors, including landscape and visual amenity, nationally and locally designated wildlife sites, ancient woodland, historic assets and flood risk.
- 4.47. The Local Plan Review site assessment concludes that when considered against all other available sites, CLU005 is the most appropriate site for housing in Clun. With regard to landscape sensitivity, the Council's Landscape and Visual Impact Assessment (LVSS) splits Clee Hill into three landscape parcels, with the allocated site forming part of parcel 28-CLN-B. This parcel has the lowest landscape and visual sensitivity to housing (medium for both) in the settlement: the other two parcels are rated high for landscape and very high for visual sensitivity. The NPPF requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and this shows that both have been carefully considered in the allocation of CLU005.
- 4.48. Additionally, there have not been any significant or unmanageable environmental constraints identified in relation to ecology, the historic environment, trees, public protection and highways, which would prevent the allocation of CST021. Nor do the Strategic Flood Risk Assessments Level 1 and Level 2 or Water Cycle Study show any issues which apply uniquely to CLU005 and would thus prevent development on the site. Please note: infrastructure constraints identified in the Water Cycle Study will be addressed through discussions with the water companies under the duty to co-operate. It is anticipated that these constraints will be resolved and documented in a Statement of Common Ground ahead of the submission of the Plan to Government in early 2021.

Public Interest Conclusion

- 4.49. The decision on whether major development in Clun is in the public interest rests on the balance between the need to conserve the landscape and scenic beauty of the Shropshire Hills AONB and the social and economic needs of the local community. The three tests required by NPPF and considered above are designed to support this assessment. The discussion of these three tests shows that:
- Major development is required to directly meet Clun’s housing needs and support the Settlement’s role as a Community Hub.
 - There is limited scope for meeting the future housing needs of Clun outside the designated area
 - A consideration of the detrimental effects on the environment, the landscape and recreational opportunities of allocating site CLU005 shows that there are no significant constraints. Additionally, mitigation measures have been put in place to moderate any residual effects.
- 4.50. The conclusion is therefore that major development in Clun is in the public interest. Such development will enable the settlement to meet its own housing needs and will contribute to its long term economic and social sustainability.