

Shropshire Council

Duty to Cooperate **Statement of Compliance**

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1. Introduction

Purpose of this Report

- 1.1. This purpose of this statement is to summarise the way in which Shropshire Council has proactively engaged and undertaken the 'duty to cooperate' with neighbouring and closely related Local Planning Authorities, County Councils and other key partners to plan for strategic and cross boundary matters during the preparation of the draft Shropshire Local Plan.
- 1.2. It should be noted that it is not the intention or purpose of this document to record every discussion and all the joint working that has occurred during the Local Plan Review process. Rather, it focuses on the key strategic matters where strategic cooperation has been and remains crucial to facilitating sustainable development.
- 1.3. Such matters include housing and employment needs and distribution, gypsy and traveller needs, Local Plan review mechanisms, Green Belt, cross-boundary infrastructure, highways, minerals, waste, water, heritage and the built environment, the natural environment and sports facilities.

The 'Duty to Cooperate'

- 1.4. The 'duty to cooperate' was introduced by section 33A of the Planning and Compulsory Purchase Act (2004)¹ and the Localism Act (2011)². It places a legal duty on Local Planning Authorities, County Councils and prescribed public bodies to work together on strategic cross boundary matters.
- 1.5. The Localism Act states that in particular the 'duty' requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the Local Planning Authority in question.
- 1.6. Effective and on-going joint working between strategic policy-making authorities is also recognised by Shropshire Council as an important part of the plan-making process.
- 1.7. The National Planning Policy Framework³ (NPPF) includes a specific section on '*Maintaining effective cooperation*' (Paragraphs 24-27), and two of the four '*tests of soundness*' of Local Plans (Paragraph 35) directly relate to the 'duty to cooperate'. Specifically:
 - a. "*Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²1; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*"
 - c. *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;*"

¹ ODP, (2004), Planning and Compulsory Purchase Act, www.legislation.gov.uk/ukpga/2004/5/section/33A

² CLG, (2011), Localism Act, www.legislation.gov.uk/ukpga/2011/20/section/110

³ MHCLG (2021), The National Planning Policy Framework (NPPF), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

2. Strategic Context

The Shropshire Administrative Area

- 2.1. The draft Shropshire Local Plan covers the administrative area of Shropshire Council. This administrative area is located within the County of Shropshire (and alongside the Telford and Wrekin Council administrative area, covers the entirety of the County) and in the far western corner of the West Midlands Region, on the border with Wales. It is a large and diverse area (covering around 320,000 hectares), and is predominantly rural in nature (with 98% of it classified as rural).

Figure 1: Location of the Shropshire Administrative Area



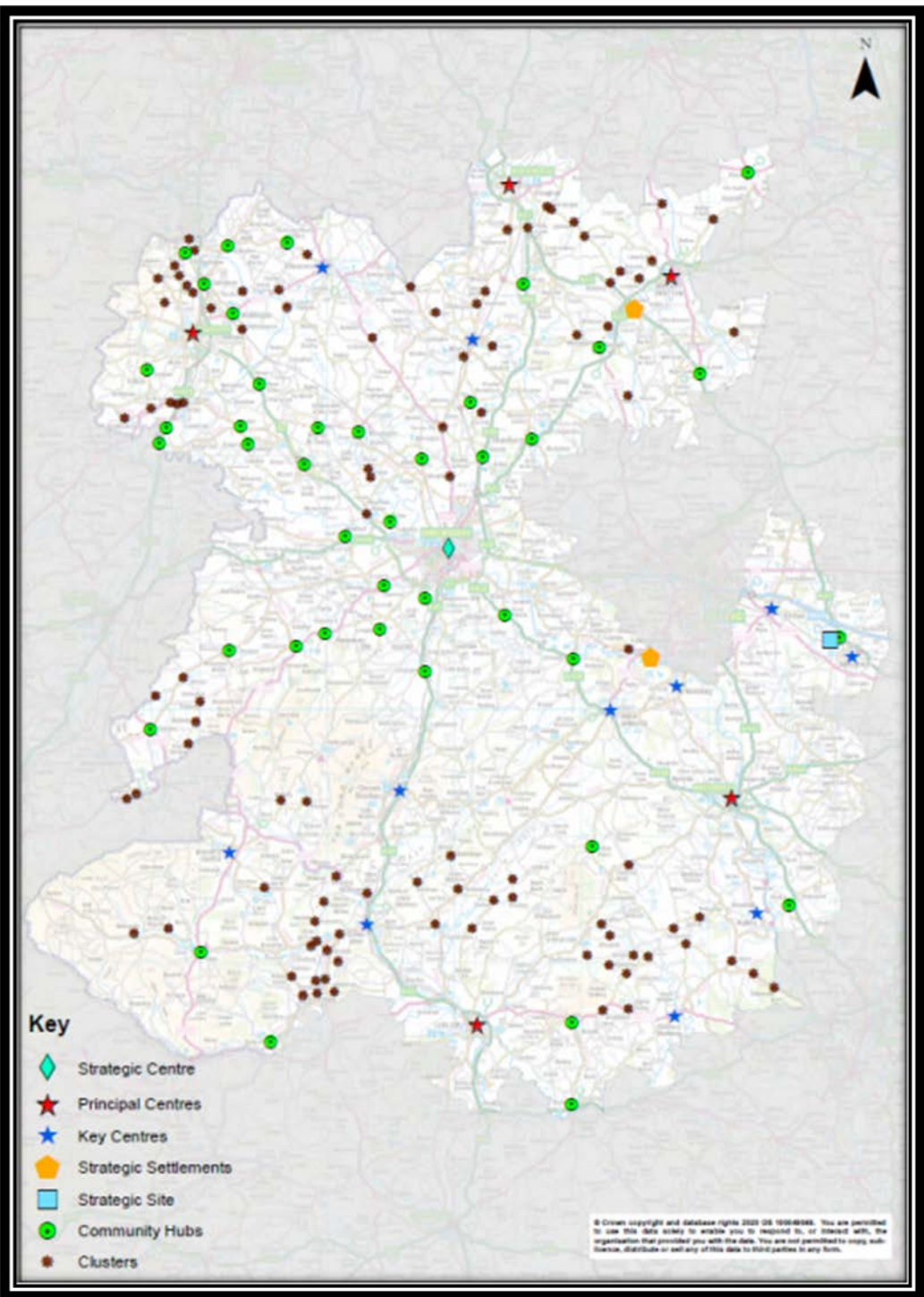
About Shropshire

- 2.2. Shropshire⁴ has an estimated population of around 323,000 people, living in around 138,000 households. It contains a diverse range of settlements, each with its own character and identity. Shrewsbury, the County Town and Strategic Centre of Shropshire is the largest settlement, with an estimated population of around 75,000. The Principal Centres of Bridgnorth, Ludlow, Market Drayton, Oswestry and Whitchurch each have a population of more than 10,000. The remaining urban settlements consist of the Key Centres of Albrighton, Bishop's Castle, Broseley, Church Stretton, Cleobury Mortimer, Craven Arms, Ellesmere, Highley, Much Wenlock, Shifnal and Wem. Within the rural areas there are hundreds of small villages, hamlets and isolated dwellings.

⁴All future references to Shropshire within this document exclude the Telford and Wrekin Council administrative area.

2.3. Around 65% of those living in Shropshire are within the Strategic, Principal and Key Centres, whilst the other 35% live in the rural area. Shropshire has a population density of 1.00 person per hectare compared to 4.24 for England, 3.87 for England and Wales and 4.46 for the West Midlands.

Figure 2: Map of the Shropshire Administrative Area



2.4. Shropshire has close relationships and strong sub-regional ties with Herefordshire and Telford and Wrekin, highlighted by the fact these areas together form the Marches Local Economic Partnership (LEP) area.

Adjoining and Closely Related Local Planning Authorities and County Councils

- 2.5. The Shropshire Council administrative area is adjoined by the following Local Planning Authorities and County Councils: Telford and Wrekin, Cheshire West and Chester, Cheshire East, Wrexham, Powys, Herefordshire, Malvern Hills, Wyre Forest, Worcestershire County, South Staffordshire, Stafford Borough, Staffordshire County and Newcastle Under Lyme.
- 2.6. In addition to these adjoining authorities, there are also Local Authorities that do not directly adjoin but have a functional relationship, most notably the Black Country.

Figure 3: Map of the Shropshire Administrative Area and adjoining and closely related Local Planning Authorities and County Councils



- 2.7. Shropshire Council has proactively engaged with these Local Planning Authorities and County Councils.

Other Key Partners

- 2.8. Shropshire Council has also proactively engaged with other key partners, such as the Environment Agency, Natural England, Natural Resources Wales, Historic England, Highways England, Sport England, the Homes and Communities Agency, the Shropshire and the NHS/Telford and Wrekin Clinical Commissioning Group, the Office for Rail Regulation, the Marches LEP and key infrastructure providers.

3. Proactive Engagement and the ‘Duty to Cooperate’

Overview

- 3.1. Shropshire Council has proactively engaged and undertaken the ‘duty to cooperate’ with neighbouring and closely related Local Planning Authorities, County Councils and other key partners. The specific means utilised for engagement varies between these different partners, but generally involved:
- Positive ‘duty to cooperate’ discussions have occurred at appropriate times during the Local Plan Review process.
 - Formal and informal correspondence (where required).
 - Consultation during the various ‘Regulation 18’ (Plan-making) consultations undertaken to inform the Shropshire Local Plan Review. The ‘Regulation 18’ consultations undertaken to inform the Shropshire Local Plan Review are as follows:
 - Issues and Strategic Options Consultation – 23rd January 2017 to 20th March 2017.
 - Preferred Scale and Distribution of Development Consultation – 27th October 2017 to 22nd December 2017.
 - Preferred Sites Consultation – 29th November 2018 to 8th February 2019.
 - Strategic Sites Consultation – 1st July 2019 to 9th September 2019.
 - Regulation 18: Pre-Submission Draft of the Shropshire Local Plan Consultation – 3rd August 2020 to 30th September 2020.
 - Consultation as part of the ‘Regulation 19’ (Pre-Submission) consultation undertaken to inform the Shropshire Local Plan Review. This consultation ran from the 18th December 2020 to 26th February 2021.
 - Duty to Cooperate discussions will also continue at appropriate times as the Local Plan Review progresses.
- 3.2. Further information on the above stages of consultation and summaries of responses to the Regulation 18 and Regulation 19 stages of consultation are provided within the Consultation Statement.

Outcomes

- 3.3. The positive engagement and ‘duty to cooperate’ discussions that have occurred throughout the Local Plan Review process have, where appropriate, resulted in changes/proposed changes to proposals within the Local Plan Review. Specifically:
- Changes have been made during the Regulation 18 (Plan-making) stage of the Local Plan Review process, in response to relevant discussions and/or Regulation 18 consultation responses, which have then been the subject of consultation within subsequent Regulation 18/19 stages of consultation undertaken to inform the Local Plan Review.
 - In some instances, minor modifications are now proposed to the draft Shropshire Local Plan, in order to respond to representations from relevant partners received at the Regulation 19 (Pre-Submission) stage of consultation. These are documented within a schedule of proposed minor modifications.
- 3.4. Where considered appropriate, Statements of Common Ground with relevant partners are to be submitted to summarise the positive engagement and ‘duty to cooperate’ process that has occurred and conclusions reached. It should be noted that it is not the intention or purpose of these documents to record every discussion and all the joint working that has occurred during the Local Plan Review process. Rather, it focuses on the key strategic matters where strategic cooperation has been and remains crucial to facilitating sustainable development. Specifically, the following Statements of Common Ground are to be submitted:

Table 1: Adjoining and Closely Related Local Planning Authorities and County Councils and Other Key Partners with which Statements of Common Ground are proposed to be Submitted

Cheshire East Council	Wrexham County Borough Council
Cheshire West and Chester Council	Wyre Forest District Council
Herefordshire Council	Association of Black Country Authorities
Newcastle Under Lyme Borough Council	Dwr Cymru Welsh Water
Powys County Council	Environment Agency
South Staffordshire District Council	Highways England
Stafford Borough Council	Historic England
Staffordshire County Council	Natural England
Telford and Wrekin Council	Severn Trent Water
South Worcestershire Councils (including Malvern Hills District Council)	Sport England
Worcestershire County Council	

Conclusion

- 3.5. As a result of the positive engagement and ‘duty to cooperate’ discussions that have occurred throughout the Local Plan Review process with adjoining and closely related Local Planning Authorities and County Councils and other key partners, it is considered that the draft Shropshire Local Plan has been informed by a process this is consistent with the ‘duty to cooperate’ and is itself consistent with the ‘duty to cooperate’. It is also considered that the draft Shropshire Local Plan complies with the tests of soundness documented with paragraph 35 of the NPPF, particularly in this context with regard to those relating to the draft Plan being ‘positively prepared’ and ‘effective’.

4. Strategic Issues

Introduction

- 4.1. The following are considered the key strategic issues identified through the positive engagement and 'duty to cooperate' discussions that have occurred throughout the Local Plan Review process:

Housing Need and Distribution

- 4.2. Housing need and distribution is perhaps the most common and significant area of plan-making where cross-boundary cooperation is required.
- 4.3. The NPPF references the need for Local Planning Authorities to provide for their own objectively assessed local housing need (LHN), as well as the need to 'take into account' any needs that cannot be met within neighbouring areas (paragraphs 11b and 61).
- 4.4. Furthermore, the 'positively prepared' test of soundness (documented within paragraph 35 of the NPPF) includes the need to provide a strategy which as a minimum, seeks to meet the areas objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development.
- 4.5. The Shropshire Council area is considered to represent a self-contained housing market area (HMA). However, it is acknowledged that the duty to cooperate is not restricted to just Local Planning Authorities within the same HMA.
- 4.6. Using Government's standard methodology, in 2020, Shropshire Council calculated a LHN which applies to both the Local Planning Authority area and the Shropshire Council HMA of some 1,177 dwellings per annum (equating to 25,894 dwellings over the 22 year plan period from 2016-2038). The assessment of LHN will be kept under review. Shropshire Council is proposing to meet the entirety of its LHN.
- 4.7. Positive engagement and 'duty to cooperate' discussions have not identified any unmet cross-boundary housing need within adjoining Local Planning Authorities which would be appropriately and sustainably met within Shropshire. This engagement and 'duty to cooperate' discussions have also not identified any strategic issues with the distribution of residential development across Shropshire.
- 4.8. However, evidence published by the Black Country Authorities (consisting of Dudley, Sandwell, Walsall and Wolverhampton Local Planning Authorities), which are currently progressing a joint Local Plan, indicates a significant level of unmet housing need, which is unlikely to be able to be accommodated within the Black Country Planning Authority area in a sustainable manner. Specifically, the Black Country evidence is understood to forecast an unmet housing need of some 28,239 dwellings to 2039 (the end of their proposed Plan period).
- 4.9. As such, the Black Country is therefore seeking appropriate contributions from all neighbouring and closely related Local Planning Authorities through the duty to cooperate process, and for these contributions to be included in emerging Local Plan Reviews for these areas.
- 4.10. Whilst Shropshire does not adjoin the Black Country area, and is a self-contained HMA, it is recognised that there are good road and rail links between the areas, particularly between the central and eastern areas of Shropshire and

Wolverhampton and Dudley. It is therefore considered appropriate for these two plan making areas to undertake a duty to cooperate.

- 4.11. On this basis and following positive engagement and 'duty to cooperate' discussions, Shropshire Council has proposed to provide for up to 1,500 dwellings to meet housing needs arising within the Black Country. These dwellings will be incorporated into the wider Shropshire LHN and delivered in accordance with the proposed strategic approach for the distribution of development. This offer has been agreed within a Statement of Common Ground between Shropshire Council and the Association of Black Country Authorities.

Gypsy and Traveller Needs

- 4.12. It is also important to ensure that gypsy and traveller needs are addressed.
- 4.13. Shropshire Council has finalised an updated Gypsy and Traveller accommodation assessment (GTAA 2019). The updated GTAA 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.
- 4.14. The evidence concluded that there is no current strategic requirement for allocation. However, the need to provide a permanent plot for Travelling Showpeople resident on a temporary site in Shropshire and potentially for public transit capacity to support private provision are identified. These requirements are proposed to be directly addressed by the Council, with planning permission now granted for a travelling show persons site. 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. Shropshire thus intends on addressing its own needs for gypsy and traveller provision.
- 4.15. Positive engagement and 'duty to cooperate' discussions have not identified any unmet cross-boundary gypsy and traveller accommodation needs within adjoining or closely related Local Planning Authorities which would be appropriately and sustainably met within Shropshire.

Employment Need and Distribution

- 4.16. Employment need and distribution is also a significant area of plan-making where cross-boundary cooperation can be required.
- 4.17. The NPPF references the need for Local Plans to provide a clear vision and strategy which positively and proactively encourages sustainable economic growth and to set criteria/allocate sites to match this strategy and meet anticipated needs. It also specifies that significant weight should be placed on supporting economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraphs 81 and 82).
- 4.18. Furthermore, the 'positively prepared' test of soundness (documented within paragraph 35 of the NPPF) includes the need to provide a strategy which as a minimum, seeks to meet the areas objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development.

- 4.19. The Shropshire Council area is considered to represent a self-contained functional economic market area (FEMA). However, it is acknowledged that the duty to cooperate is not restricted to just Local Planning Authorities within the same FEMA.
- 4.20. Shropshire Council has assessed employment land need, including through an Economic Development Needs Assessment (EDNA). The EDNA recommends that Shropshire's employment land objectively assessed need should comprise a range of between 132ha to 234ha of employment land between 2016 to 2038 (including flexibility). Shropshire Council is proposing to meet the entirety of this objectively assessed need.
- 4.21. Positive engagement and 'duty to cooperate' discussions have not identified any unmet employment land needs arising within adjoining Local Planning Authorities which would be appropriately and sustainably met within Shropshire. This engagement and 'duty to cooperate' discussions have also not identified any strategic issues with the distribution of employment development across Shropshire.
- 4.22. However, the evidence published by the Black Country Authorities also indicates a significant level of unmet employment land need, which is unlikely to be able to be accommodated within the Black Country Planning Authority area in a sustainable manner. Specifically, the Black Country evidence is understood to forecast an unmet employment land need of some 210ha up to 2039 (the end of their proposed Plan period).
- 4.23. As such, the Black Country is therefore seeking appropriate contributions from all neighbouring and closely related Local Planning Authorities through the duty to cooperate process, and for these contributions to be included in emerging Local Plan Reviews for these areas.
- 4.24. Whilst Shropshire does not adjoin the Black Country area, and is a self-contained FEMA, it is recognised that there are good road and rail links between the areas, particularly between the central and eastern areas of Shropshire and Wolverhampton and Dudley. It is therefore considered appropriate for these two plan making areas to undertake a duty to cooperate.
- 4.25. On this basis and following positive engagement and 'duty to cooperate' discussions, Shropshire Council has proposed to provide for up to 30ha of employment land to meeting needs arising within the Black Country. This employment land need will be incorporated into the wider Shropshire employment land need and be delivered in accordance with the proposed strategic approach for the distribution of development. This offer has been agreed within a Statement of Common Ground between Shropshire Council and the Association of Black Country Authorities.

Review Mechanisms

- 4.26. The Black Country Authorities consider a review mechanism should be incorporated into the draft Shropshire Local Plan, linked to unmet needs arising within the Black Country. Shropshire Council consider there is no specific requirement for such a mechanism to be introduced, as it is considered the natural five year review cycle of Plan preparation will be sufficient to further consider any potential future accommodation of Black Country unmet need within the Shropshire plan making area. This position takes into account the updated timeframe for the preparation of the Black Country Plan which was published in July 2021, indicating an adoption date for the Black Country Plan of April 2024. This remains a matter of disagreement between Shropshire Council and the Association of Black Country

Authorities. Further information is provided within the Statement of Common Ground with the Black Country Authorities.

Green Belt

- 4.27. In order 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.
- 4.28. 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/A5 corridor, is a significant consideration. Impacts on longer term sustainability of Green Belt settlements (specifically Bridgnorth which has Green Belt located to the east of the settlements built form and Albrighton, Shifnal and Alveley which are all inset within the Green Belt) due to constraints on their ability to meet their local development requirements have also been identified. There is also a need to facilitate the long-term sustainability of the occupiers of the RAF Cosford site, including the Midlands Air Ambulance Charity. As such a level of Green Belt release is proposed within the ongoing Local Plan Review.
- 4.29. As required by the NPPF (paragraph 141), Shropshire Council has explored with adjoining Local Planning Authorities their ability to accommodate Green Belt development requirements, particularly those relating to the sustainable growth requirements of specific settlements. This has been formalised in a written communication sent in February 2020, regarding potential Green Belt release in Shropshire and asked whether there is available and deliverable land within their area which would be able to functionally serve the geographical location(s) and strategic purposes identified.
- 4.30. No Local Authorities responded to this correspondence indicating that they had such opportunities.

Cross-Boundary Infrastructure

- 4.31. Infrastructure provision is comprehensively addressed within the NPPF. This includes expectations that Local Plans should make sufficient provision for various forms of infrastructure to support development, that this provision should be informed by collaboration with relevant bodies and that contributions towards infrastructure expected from development should be documented.
- 4.32. Proactive engagement and 'duty to cooperate' discussions with adjoining Local Planning Authorities identified a number of locations where there could be cross-boundary infrastructure implications from development proposals. Draft Policy DP25 provides the proposed policy approach for infrastructure provision in Shropshire. It states *"New development should only take place where there is sufficient existing*

infrastructure capacity available. Where a new development would lead to a shortfall in infrastructure provision, the development will be required to fund necessary improvements through a suitable developer contribution, unless the identified shortfall is being addressed by other means.” This of course applies to infrastructure within and outside of Shropshire, where it supports development within Shropshire.

- 4.33. A key mechanism for funding infrastructure in Shropshire is the Community Infrastructure Levy (CIL). For the sake of clarity about the ability to fund any necessary cross-boundary infrastructure improvements, a minor modification is proposed to the explanation of draft Policy DP25 which states *“It should be noted that consistent with the national CIL Regulations (as amended), CIL funds may be passed to bodies outside the area to deliver infrastructure that will benefit the development of the area.”*
- 4.34. This approach is considered to provide sufficient certainty about provision of infrastructure within and beyond Shropshire to support development within Shropshire. Proactive engagement and ‘duty to cooperate’ discussions with adjoining Local Planning Authorities have not identified any objection to this approach.

Highways

- 4.35. Paragraph 106(b) of the NPPF specifies that plan-making should be informed by the active involvement of Local Highways Authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.
- 4.36. Shropshire Council is both the Local Planning Authority and Local Highways Authority for the Shropshire administrative area. Proactive engagement has occurred with representatives of the Local Highways Authority throughout the Local Plan Review process. Furthermore, the proportionate and robust site assessment process undertaken to inform proposed allocations has involved commentary from highway officers, which directly informed the selection of proposed allocations.
- 4.37. Shropshire Council has also proactively engaged and undertaken ‘duty to cooperate’ discussions with Highways England. This engagement has resulted in the identification of a number of proposed allocations which could impact on the strategic road network.
- 4.38. As such, a site guideline is proposed for these sites requiring a transport assessment to be undertaken to inform any proposed development and any necessary highway improvements to be undertaken. Furthermore, a minor modification is proposed to draft Policy DP28 which seeks to provide greater certainty on this matter. It states that *“unless agreed otherwise with Shropshire Council, a Transport Assessment will be undertaken for relevant site allocations in this Local Plan, the scope of which will be agreed through site specific pre-application consultation with Highways England.”*
- 4.39. Draft Policy DP25 provides the policy approach for infrastructure provision. It states *“New development should only take place where there is sufficient existing infrastructure capacity available. Where a new development would lead to a*

shortfall in infrastructure provision, the development will be required to fund necessary improvements through a suitable developer contribution, unless the identified shortfall is being addressed by other means.”

- 4.40. Following further proactive discussions with Highways England it is considered that this approach is sufficient in most locations.
- 4.41. However, with specific regard to Shrewsbury, due to the level of development proposed and the nature of the strategic road network, it was agreed that further highway modelling was required to inform the consideration of where ‘pinch-points’ may exist on the highway network as a result of proposals within the draft Shropshire Local Plan by the end of the Plan period as a result of additional background growth and additional Local Plan growth. This would inform the consideration of potentially appropriate mechanisms for managing these pinch-points.
- 4.42. As such, Shropshire Council has undertaken a Highway Assessment for Shrewsbury, utilising a model developed locally to support the current planning application for the North West Relief Road (NWRR) in Shrewsbury, and through this planning application process has been agreed by Highways England. This model, which currently includes no further mitigation measures either through demand management or physical interventions on the local and strategic highway network to 2038, aside from the delivery of the NWRR (which is fully funded), forecasts where on the network future potential ‘pinch-points’ arise, using an agreed methodology.
- 4.43. This work will now inform further positive and proactive engagement between Shropshire Council and Highways England, complemented by site specific transport assessments undertaken in association with proposed allocations in and around Shrewsbury at the planning application stage, in order to identify appropriate mechanisms and interventions for managing impacts at identified ‘pinch-points’ and appropriate means by which to secure their delivery, to support the development proposals within the draft Shropshire Local Plan. Such mechanisms and interventions are likely to include a combination of promotion and enhancement of sustainable/active travel opportunities, improvements to signals and prioritisation on the highway network and in some instances junction capacity improvements. Similarly, funding sources for these mechanisms will vary, including through measures undertaken as part of development proposals, developer contributions (CIL and/or S106 Planning Obligations), Shropshire Council initiatives and national funding including that linked to Highways England’s Route Investment Strategies.
- 4.44. Proactive engagement and ‘duty to cooperate’ discussions with adjoining Local Planning Authorities also identified a number of locations where there could be cross-boundary highway implications (this includes the M54/A5 Strategic Corridor) for development proposals within the draft Shropshire Local Plan. In particular, discussions with Telford and Wrekin Borough Council acknowledge that both Shropshire Council and Telford & Wrekin Council support appropriate development of the strategic corridor and acknowledge the need for proportional infrastructure contributions from development sites, recognising the cumulative impact of such development.
- 4.45. In these locations, the requirement for a transport assessment to be undertaken to inform any proposed development and any necessary highway improvements to be undertaken, in the context of the requirements of draft Policies DP25 and DP28

(detailed above), is considered to provide sufficient certainty that any impact will be appropriately addressed.

- 4.46. However, again for the sake of clarity about the ability to fund any necessary cross-boundary infrastructure improvements, a minor modification is proposed to the explanation of draft Policy DP25 which states *“It should be noted that consistent with the national CIL Regulations (as amended), CIL funds may be passed to bodies outside the area to deliver infrastructure that will benefit the development of the area.”*

Minerals

- 4.47. Cross-boundary cooperation on minerals issues is in-part enabled through the West Midlands Regional Aggregate Working Party (RAWP) of which Shropshire Council is a member.
- 4.48. Increasing rates of housing and employment development have strengthened the demand for construction aggregates within Shropshire and in the adjacent areas which it supplies.
- 4.49. Despite increased demand, sufficient crushed rock aggregate resources are already available from permitted sites. Similarly, the overall availability of sand and gravel resources remains well above the minimum guideline and the adopted Local Plan (SAMDev Plan) includes allocations which provide for additional capacity. Furthermore, 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. As such, no additional site allocations for either crushed rock or sand and gravel provision are therefore proposed as part of the Local Plan Review.
- 4.50. 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 Shropshire Local Plan includes development management policies which will continue to provide a framework for the consideration of minerals applications.
- 4.51. Some concern was raised by Staffordshire and Worcestershire County Councils regarding permitted reserves and the evidence used for this in Draft Policy DP30. However positive discussions have occurred and it has been agreed that if further evidence is required at Examination, this will be provided, but in a way that preserves the commercial sensitivity of this data.
- 4.52. Staffordshire and Worcestershire County Councils raised concerns regarding the use of the three-year average production in 2018 plus 20% to arrive at a productive capacity for aggregates. This is part of an ongoing discussion within the RAWP group, including Staffordshire and Worcestershire County Councils. Shropshire Council is confident it can justify this methodology and that it is evidence based and robust.

- 4.53. Staffordshire and Worcestershire County Councils also raised other issues at the Regulation 19 stage of consultation, many of which have been positively addressed through proposed minor modifications to the draft Shropshire Local Plan.
- 4.54. Proactive engagement and ‘duty to cooperate’ discussions with adjoining Local Planning Authorities and County Councils has confirmed that whilst there are mineral movements between Shropshire and adjoining Local Planning Authorities and County Councils, there are currently no known reasons why these levels of mineral movement cannot continue.
- 4.55. There was also recognition of the importance of rail facilities for the transport of minerals. Policy SP16 of the draft Shropshire Local Plan identifies the need to protect rail freight facilities which could contribute to the sustainable transport of minerals

Waste

- 4.56. Cross-boundary cooperation on waste matters is in-part enabled/facilitated through the West Midlands Regional Technical Advisory Body (WMRTAB), of which Shropshire Council is a member. This body also submitted comments about this Local Plan which are generally supportive.
- 4.57. 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.
- 4.58. Draft Policy SP17 of the Draft Shropshire Local Plan ensures the continued operation of existing waste management facilities is safeguarded. Additionally, to accommodate any future demands, land will be available as part of the employment land supply.
- 4.59. Proactive engagement and ‘duty to cooperate’ discussions with adjoining Local Planning Authorities and County Councils has confirmed that whilst there are movements of waste (some of which are strategic) between Shropshire and some adjoining Local Planning Authorities and County Councils, there are currently no known reasons why this level of waste movement cannot continue.

Water

- 4.60. Shropshire Council has proactively engaged and undertaken ‘duty to cooperate’ discussions with the Environment Agency with regard to water related issues associated with the draft Shropshire Local Plan. One key mechanism for this was their involvement within the preparation of the two Strategic Flood Risk Assessments (a Level 1 and Level 2) and Water Cycle Study undertaken to inform the draft Shropshire Local Plan. Indeed, the Environment Agency were part of the steering groups for all three of these documents, providing support and advice to the Council and information to the consultants carrying out the work.

- 4.61. Similarly, Shropshire Council has proactively engaged and undertaken 'duty to cooperate' discussions with the relevant water companies. Again, a key mechanism for this was their involvement with the preparation of the Water Cycle Study.
- 4.62. The Water Cycle Study identified a number of issues with respect to water resources and water supply, water supply infrastructure, wastewater collection infrastructure, wastewater treatment capacity, odour and water quality. Shropshire Council continued its positive and proactive engagement and 'duty to cooperate' discussions with the relevant water companies (Severn Trent Water and Dwr Cymru Welsh Water) and agreed actions for both the Council and the companies to address all these matters. These are set out in the subsequent Statement of Common Ground with each company and confirm that all matters raised in the Water Cycle Study can be overcome.
- 4.63. At the Regulation 19 consultation stage, the Environment Agency raised concerns relating to draft Shropshire Local Plan policies, the Habitats Regulations Assessment of the draft Shropshire Local Plan, the Water Cycle Study and the Strategic Flood Risk Assessments undertaken to inform the draft Shropshire Local Plan. Subsequent proactive engagement and 'duty to cooperate' discussions with the Environment Agency resulted in the identification and agreement of a number of proposed minor modifications to the draft Shropshire Local Plan which resolved a number of these concerns. However, some of their concerns on less strategic matters remain, and as such these matters represent areas of disagreement between Shropshire Council and the Environment Agency.
- 4.64. Furthermore, whilst their objection to the Council's approach to safeguarding the River Clun SAC (see below) has been clarified, this approach has also not been agreed and as such remains a matter of disagreement between Shropshire Council and the Environment Agency.
- 4.65. These matters, as well as the proposed modifications and more detail on the River Clun SAC issue, are set out in the Council's Statement of Common Ground with the Environment Agency.
- 4.66. Proactive engagement and 'duty to cooperate' discussions with adjoining Local Planning Authorities and County Councils identified the need to ensure sufficient water infrastructure and supply to support development proposals. The Water Cycle Study explains that Severn Trent have stated that *"as long as a site is within a water resource zone with sufficient water resources, they do not envisage a problem with supply to that site. An exception to this are the sites around Albrighton, Shifnal and the strategic site at RAF Cosford. In these locations water may need to be transferred into the catchment to serve these sites without increasing local abstraction."* Additionally, and as recommended by the Water Cycle Study, Shropshire Council has proposed a policy on water efficiency (DP20) within the draft Shropshire Local Plan. This states that:

"All new development will be expected to minimise the use of water to reduce environmental degradation, increase sustainability and mitigate the effects of climate change in line with Policy SP3. To achieve this:

- 1. New housing will be expected to meet the Building Regulations' 110 litres per person per day standard for water, as recommended by the Shropshire Water Cycle Study. Proposals not meeting this standard must demonstrate how and why it cannot be attained.*

2. *Non-domestic buildings will be expected to reach 'Good' BREEAM status or equivalent status within an alternative assessment endorsed by Shropshire Council, for water efficiency as a minimum, unless it can be demonstrated that this would make the development unviable.*

3. *Major development schemes will be expected to provide a programme of water efficiency promotion and consumer education, as part of the new development with the aim of bringing about behavioural change with regards to water use."*

- 4.67. Furthermore, with respect to water supply infrastructure, the Statement of Common Ground with Severn Trent Water (STW) shows that STW agrees to *"Undertake network modelling where appropriate as part of the planning application process to ensure adequate provision of water supply is feasible"*. Shropshire Council and developers will *"engage early with STW in the development management process to ensure infrastructure is in place prior to occupation"*.

Habitats Regulations Assessment

- 4.68. Shropshire Council has prepared a Habitats Regulations Assessment (HRA) document for each stage on consultation undertaken to inform the Local Plan Review. These documents have been informed by proactive engagement and 'duty to cooperate' discussions with such bodies as Natural England, Natural Resources Wales and the Environment Agency.
- 4.69. These HRAs show that Appropriate Assessment was carried out for a number of internationally designated wildlife sites due to potential water quality and quantity, recreational, light pollution and air pollution impacts. Where likely effects were identified, the draft Shropshire Local Plan settlement policies were modified to require measures to avoid or mitigate the relevant effect(s). The draft Shropshire Local Plan also contains a specific development management Policy (DP13) to safeguard the River Clun SAC whilst Policy DP12 would also require a project level HRA for all planning proposals where the Local Planning Authority identifies a likely significant effect on an internationally designated site. Policy DP12 states that permission will be refused where such an adverse effect cannot be avoided or fully mitigated.
- 4.70. Natural Resources Wales expressed a number of concerns related to internationally designated sites in Wales which were subject to Appropriate Assessment at the Local Plan Regulation 18 consultation stage. These concerns were fully resolved through proactive engagement and 'duty to cooperate' discussions undertaken before the Regulation 19 stage of consultation on the draft Shropshire Local Plan, as evidenced within their Representation to this consultation.
- 4.71. Natural England provided detailed comments on the draft Shropshire Local Plan and the HRA at the Regulation 19 consultation stage. They agreed with the conclusions of the HRA with the exception of those relating to the River Clun SAC (see below).
- 4.72. The Environment Agency provided detailed comments on the HRA at the Regulation 19 consultation stage. They stated that the HRA is not legally compliant or sound with respect to: the River Severn Estuary SAC, SPA and Ramsar site; Hencott Pool Ramsar site; the Local Plan stage 2 site assessment process: air pollution: wastewater treatment infrastructure: the River Clun SAC: the river Dee SAC; Montgomery Canal SAC and Fenns, Whixall, Bettisfield, Wem. Cadney

Mosses, Marton Pool, Morton Pool, Brown Moss, Colemere, Whitemere SAC and Ramsar sites. The Statement of Common Ground with the Environment Agency shows that the Environment Agency were satisfied with the Council's response to all issues except wastewater treatment infrastructure and the River Clun SAC (see below for the latter).

- 4.73. Proactive engagement and 'duty to cooperate' discussions with adjoining Local Planning Authorities and County Councils identified the Midlands Meres and Mosses Ramsar sites as important cross-boundary environmental designations, amongst others. Policy DP12 of the draft Shropshire Local Plan and requirements for measures to avoid or mitigate adverse effects in the relevant settlement policies are considered to provide appropriate protection.

The River Clun SAC

- 4.74. The draft Shropshire Local Plan HRA identified that increased nutrient levels as a result of development in the catchment of the river Clun are likely to cause a significant adverse effect on the River Clun SAC. Accordingly, Policy DP13 of the draft Shropshire Local Plan seeks to restrict development in the river Clun catchment to that which is either nutrient neutral or which would reduce nutrient levels, provided those measures relied on to ensure nutrient neutrality or a reduction do not compromise the ability of the SAC to reach favourable conservation status.
- 4.75. The draft Shropshire Local Plan proposes two small residential allocations and a limited amount of additional residential windfall development in the river Clun catchment. Both types of development would be subject to the requirements of Policies DP12 (see above) and DP13 of the draft Shropshire Local Plan. The draft Shropshire Local Plan HRA relies on Policy DP13 to prevent an adverse effect on the River Clun SAC. However, objections to this policy and to the proposed site allocations in the catchment received from Natural England and the Environment Agency at the Regulation 19 consultation stage, remain outstanding. Proactive engagement and 'duty to cooperate' discussions with both agencies led to Natural England and the Environment Agency preparing a Natural England-Environment Agency Joint Advisory Position on the Clun Catchment (23.07.21). This document is included in both the Natural England and Environment Agency Statements of Common Ground which provide more information on the unresolved matters.
- 4.76. Shropshire Council continue to believe that the proposed approach to the River Clun SAC is appropriate. Draft Policy DP13 ensures that development will not have an adverse effect on the River Clun SAC and will not compromise the ability of the SAC to reach favourable conservation status. This ensures compliance with the Habitats Regulations. Appropriate mitigation measures will be identified within a Supplementary Planning Document (SPD) once measures to achieve the restoration of the SAC have been identified. The Council considers that the responsibility for identifying such restoration measures lies with Natural England and the Environment Agency and that this work can be carried out before the end of the Plan period. Shropshire Council is committed to fully supporting this process. Finally, all windfall development and the proposed allocations will have to comply with Draft Policy DP13, so are considered deliverable within the proposed Plan period.

Heritage

- 4.77. Proactive engagement and duty to cooperate discussions with Historic England throughout the Local Plan preparation process identified a number of concerns from Historic England about the Plan's impact on designated and non-designated heritage assets as well as with the Council's site assessment process.
- 4.78. Many of these were resolved through ongoing discussion as the Local Plan Review progressed. Those still present at the Regulation 19 consultation stage are proposed to be resolved through a series of proposed minor modifications, with the exception of the impact of development on non-designated archaeological features on site SHR166 in Shrewsbury. The Council's Statement of Common Ground with Historic England shows the minor modifications proposed and gives more information on the remaining unresolved concern for site SHR166.
- 4.79. Proactive engagement and 'duty to cooperate' discussions with adjoining Local Planning Authorities and County Councils identified the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS) and Offa's Dyke (parts of which are designated as a Scheduled Monument (SM) and other parts are unscheduled) as important cross boundary heritage features, amongst others. These assets have been considered as part of the Shropshire Local Plan Review process. Furthermore, Policy DP23 of the draft Shropshire Local Plan seeks to safeguard heritage assets and their settings, in line with national legislation, policy and guidance.

Sports Facilities

- 4.80. Proactive engagement and 'duty to cooperate' discussions have occurred with Sport England throughout the Local Plan Review process. This positive engagement has led to the identification of many priorities and issues concerning the protection and provision of sports facilities, many of which have been embraced/resolved as the Local Plan Review progressed.
- 4.81. However, Sport England identified a number of concerns with proposals within Representations submitted to the Regulation 19 stage of consultation. The majority of these concerns are proposed to be addressed through proposed minor modifications. The exception to this is concerns about the provision of relocation of sporting and recreational facilities in Market Drayton. This relocation represents a long-standing community priority, which has its origins in the draft Market Drayton Neighbourhood Plan, and the draft Shropshire Local Plan is seeking to facilitate its achievement. Whilst a minor modification is proposed on this matter to provide greater certainty, this concern remains unresolved. Further information on this matter is provided within the Council's Statement of Common Ground with Sport England.