

## Shropshire Council Response:

### Matter 1 – Legal/Procedural Requirements (policy SP3)

#### Issue

Whether the Council has complied with the relevant procedural and legal requirements.



## Questions

### Plan preparation

*Question 1. Is the Local Plan compliant with:*

- (a) the Local Development Scheme?*
- (b) the Statement of Community Involvement?*
- (c) the 2004 Act and the 2012 Regulations?*

### **Shropshire Council Response:**

- 1.1. Shropshire Council considers that the draft Shropshire Local Plan has been prepared in accordance with the adopted Local Development Scheme (March 2021). This document has been submitted in support of the draft Shropshire Local Plan (**EV008.01**).
- 1.2. Shropshire Council also considers that the draft Shropshire Local Plan has been prepared in general accordance with both the adopted Statement of Community Involvement (2021) and the Statement of Community Involvement (2011) which the currently adopted version superseded. Both of these documents have been submitted in support of the draft Shropshire Local Plan (**EV008.02 and EV008.03**). It has also been prepared in general accordance with public consultation requirements as set out in national legislation.
- 1.3. Shropshire Council considers that the plan preparation process and the draft Shropshire Local Plan has complied with the requirements of:
  - a. The Planning and Compulsory Purchase Act (2004) as amended.
  - b. The Town and Country Planning (Local Planning) (England) Regulations (2012) as amended.

## **Sustainability Appraisal**

*Question 2. Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the Sustainability Appraisal (SA)?*

*Question 3. Does the SA test the Local Plan against the preferred options chosen and all reasonable alternatives?*

### **Shropshire Council Response to Questions 2 and 3:**

#### **Background**

2.1. The SA for the Local Plan was carried out in 7 stages:

- SA Scoping Report (**EV002**)
- Issues and Options SA (**EV003.03**)
- Preferred Scale and Distribution of Development SA (**EV004.03**)
- Preferred Sites SA (**EV005.03.01-EV005.03.02**)
- Strategic Sites SA (**EV006.03**)
- Regulation 18 Pre-submission Draft Shropshire Local Plan (**EV007.04.01- EV007.04.21**)
- Environmental Report at the Regulation 19 Pre-submission Draft Shropshire Local Plan stage (**SD006.01-SD006.22**)

2.2. Natural England, Historic England, the Environment Agency, all Shropshire Town and Parish Councils, members of the Shropshire Local Nature Partnership and neighbouring Local Authorities were consulted on a draft of the SA Screening Report (**EV001.01**) before this was finalised. A summary of the representations to this consultation is included in **EV001.02**.

2.3. All the SA Reports and a summary for each (except the Environmental Report (**SD006.01**) which includes an executive summary) were available for public consultation alongside the relevant Local Plan documents.

2.4. The SA Scoping Report (**EV002**) set out 16 Sustainability Objectives (SO). These follow the 12 topics set out in Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. To ensure the SO were appropriate for Shropshire, the 12 topics in the Regulations were used as a basis for a comprehensive review of baseline information and other relevant plans and programmes. Table 5.1 in the SA Scoping Report (**EV002**) shows how the SO relate to the topics.

2.5. The SA Scoping Report also established assessment criteria. These were derived from the criteria set out in Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004 and are given in Table 5.4 in the SA Scoping Report (**EV002**).

- 2.6. To comply with Article 5 (1) of the Strategic Environmental Assessment (SEA) Directive, strongly positive or strongly negative effects were classed as significant. The SA Scoping Report (**EV002**) then set out that where significant negative effects were recorded, then mitigation measures would be proposed in line with Annex 1 of the SEA Directive which requires:

*'measures ..... to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme'*

- 2.7. In recognition of the fact that some of the SO are too broad and strategic for an effective appraisal of proposed site allocations and that the scoring system for site assessment should provide for a clear comparison of options, the SA Scoping Report (**EV002**) set out a methodology for the SA of sites. Table 5.7 in the Scoping Report (**EV002**) shows how the criteria for site assessment relate to the SO and gives the scoring options.
- 2.8. The SA process was iterative, and changes were made to policies and proposed site allocations as the Local Plan progressed.

### **Sustainability Appraisal of the Local Plan documents**

- 2.9. The following sections show the options assessed at each stage of the Local Plan preparation process, identify any significant effects, and set out mitigation options as appropriate.

#### SA of the Issues and Options (**EV003.03**)

- 2.10. This evaluated the following 9 options against the 16 SO:

- Housing Requirement Option 1: Moderate Growth
- Housing Requirement Option 2: Significant Growth
- Housing Requirement Option 3: High Growth
- Strategic Distribution Option A: Current Policy - Rural Rebalance
- Strategic Distribution Option B: Urban Focus
- Strategic Distribution Option C: Balanced Growth
- Economic Growth Option 1: Significant Growth
- Economic Growth Option 2: High Growth
- Economic Growth Option 3: Productivity Growth

- 2.11. A matrix was used to record the assessment results and a textual summary of these were provided for each option. Whilst significantly positive results were recorded for many options, there were no significantly negative scores.

#### SA of the Preferred Scale and Distribution of Development (**EV004.03**)

- 2.12. This evaluated the following 25 options against the 16 SO:

- Housing Requirement
- Preferred Employment Land Requirement

- Distribution of Development
- Rural Settlements: Community Hubs and Community Clusters.
- Managing Development in Community Hubs
- Managing Development in Community Clusters
- Residential Development in the Wider Countryside
- Non-Residential Development in the Wider Countryside
- Shrewsbury Settlement Strategy
- Bridgnorth Settlement Strategy
- Ludlow Settlement Strategy
- Market Drayton Settlement Strategy
- Oswestry Settlement Strategy
- Whitchurch Settlement Strategy
- Albrighton Settlement Strategy
- Bishop's Castle Settlement Strategy
- Broseley Settlement Strategy
- Church Stretton Settlement Strategy
- Cleobury Mortimer Settlement Strategy
- Craven Arms Settlement Strategy
- Ellesmere Settlement Strategy
- Highley Settlement Strategy
- Much Wenlock Settlement Strategy
- Shifnal Settlement Strategy
- Wem Settlement Strategy

2.13. A matrix was used to record the assessment results and a textual summary of these were provided for each option. Whilst significantly positive results were recorded for many options, there were no significantly negative scores.

#### SA of the Preferred Sites (EV005.03.01-EV005.03.02)

2.14. The Preferred Sites Local Plan document covered 56 settlements: Shrewsbury (the Strategic Centre); 5 Principal Centres; 11 Key Centres and 39 Community Hubs. Housing allocations were proposed in the majority of settlements, whilst employment sites were only proposed in Bridgnorth, Ludlow, Oswestry, Shifnal and Shrewsbury.

2.15. The SA assessed all the sites (more than 2,000 in total) in the Shropshire Strategic Land Availability Assessment (SLAA) in each of the 56 settlements for housing. The SLAA sites in Bridgnorth, Ludlow, Oswestry, Shifnal and Shrewsbury were also assessed for employment uses. All sites were evaluated in the context of each settlement (in common with the Local Plan site assessment process), rather than against all other SLAA sites in the county.

2.16. The SA methodology for proposed site allocations was refined at this stage to enable the results to be used in the wider Local Plan site assessment process.

- 2.17. The negative and positive marks for each site were combined to give a numerical value. For those settlements with more than 10 SLAA sites, the lowest and highest values for that settlement were used to determine a range. The range was then divided into three equal parts.
- 2.18. Where three equal parts were not possible (for instance in a range of -8 to +4 = 13 points) the largest part was assigned to the higher end of the range (for instance -8 to -5 = 4 points, then -4 to -1 = 4 points and lastly 0 to +4 = 5 points). This was based on the assumption that there are likely to be more negative than positive scores.
- 2.19. Those sites in the lowest third of the range were then rated as 'Poor', those in the middle third as 'Fair' and those in the upper third as 'Good'. A Poor rating was deemed to be a significant effect and would require mitigation measures if allocated.
- 2.20. Some smaller settlements had less than 10 SLAA sites. This made robust conclusions very difficult since a comparison of 3 SLAA sites (for example) using the equal division of a range loses its meaning. Instead, the numerical scores were provided for these settlements so that an empirical comparison could still be made.
- 2.21. Eleven of the 93 proposed housing sites and 3 of the 17 allocated employment sites were rated as Poor. Tables 4.3 and 4.4 in the Preferred Sites SA Report (**EV005.03.01-EV005.03.02**) outline the proposed mitigation measures for each of these sites. These measures were included in the site guidelines for the relevant sites in the Preferred Sites Local Plan.

#### SA of the Strategic Sites (**EV006.03**)

- 2.22. SA was undertaken for all sites in Shropshire that are individually larger than 25ha (58 in total). It evaluated them for both housing and employment uses. The sites were assessed as a group to match the way the Local Plan site assessment process was carried out and the assessment followed the methodology established for the Preferred Sites.
- 2.23. One of the proposed strategic sites (IRN001 the former Ironbridge power station) was rated as Poor for both housing and employment. Paragraph 4.4 of the Strategic Sites SA (**EV006.03**) explains the criteria that were scored negatively.
- 2.24. Proposed mitigation measures for both housing and employment uses on IRN001 are given in Paragraph 4.5 of the Strategic Sites SA (**EV006.03**). These measures are reflected in the site guidelines.
- 2.25. Site P26 amended (Junction 3 of the M54) was also rated as Poor. Paragraph 4.6 of the Strategic Sites SA (**EV006.03**) explains the criteria that were scored negatively.

- 2.26. Site P26 amended (Junction 3 of the M54) was not proposed for allocation at this stage of the Local Plan but if it subsequently came forward then the mitigation measures set out in paragraph 4.7 of the Strategic Sites SA (**EV006.03**) were recommended.

**SA of the Regulation 18 Pre-submission Draft Local Plan (EV007.04.01-EV007.04.21)**

- 2.27. Policies SP1 to DP35 were assessed using the same methodology as the Issues and Options SA and Preferred Scale and Distribution of Development SA.

- 2.28. Settlement policies S1 to S18 were not assessed. They implement policy SP2 but were not considered to represent reasonable alternatives for SA purposes. To be such, any evaluation should be capable of guiding the choice of an option by providing differing results. An individual evaluation of each settlement policy is unlikely to offer this. This approach follows NPPG which states that

*'reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made'*

- 2.29. Strategic Settlement policies S19, S20 and S21 were included in the proposed site allocations SA

- 2.30. Table 10.1 in the Regulation 18 SA Report (**EV007.04.01-EV007.04.21**) identifies the significant effects for the policies.

- 2.31. The SA of proposed site allocations assessed all the SLAA sites (as well as land promoted for development since the publication of the SLAA) in the 57 settlements where growth was proposed. It followed the process used for the Preferred Sites and Strategic Sites SA.

- 2.32. Ten of the 73 housing sites and three of the 7 employment sites were rated as Poor. Table 10.4 in the Regulation 18 SA Report (**EV007.04.01**) shows the mitigation measures proposed. These were included in the relevant site guidelines in the Regulation 18 Local Plan.

**SA of the Regulation 19 Pre-submission Draft Local Plan (SD006.01-SD006.22)**

- 2.33. Policies SP1 to DP33 were assessed using the same methodology as the Issues and Options SA and Preferred Scale and Distribution of Development SA.

- 2.34. Settlement policies S1 to S18 were not assessed. They implement policy SP2 but were not considered to represent reasonable alternatives for SA purposes. To be such, any evaluation should be

capable of guiding the choice of an option by providing differing results. An individual evaluation of each settlement policy is unlikely to offer this. This approach follows NPPG which states that

*'reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made'*

- 2.35. Strategic Settlement Policies S19, S20 and S21 were included in the proposed site allocations SA
- 2.36. Table 11.1 of the Environmental Report (**SD006.01-SD006.22**) identifies the significant effects for the policies.
- 2.37. SA was carried out for the 57 settlements where growth is proposed in the Regulation 19 Pre-Submission Draft Plan as well as the 2 strategic settlements and 1 strategic site.
- 2.38. A number of new sites were promoted during the Preferred Sites, Strategic Sites and Regulation 18 consultations. These were included in the site SA for the Regulation 19 Pre-Submission Draft Plan alongside all SLAA sites. Sites in the same settlement were then assessed against each other. These form the options which the SA must consider.
- 2.39. It should be noted that the results for the Regulation 19 Plan site SA differed from those of the Preferred, Strategic Site and Regulation 18 SA due to the inclusion of more recently promoted sites and because some sites were re-assessed in response to representations at the Regulation 18 stage. Additionally, some sites were assessed more than once: those in settlements where housing and employment allocations are proposed were assessed for both uses. Where these sites then also met the criteria for strategic sites, they were separately assessed in that context for both housing and employment use. As sites are scored relative to all other sites in that settlement/all other strategic sites and for more than one use, it is possible that one site may have several different ratings.
- 2.40. Nine of the housing sites and three of the employment sites were rated as Poor. Table 11.4 in the Environmental Report (**SD006.01-SD006.22**) shows the mitigation measures proposed. These measures are also included in the relevant site guidelines in the Local Plan.

## **Conclusion: Question 2**

- 2.41. The Council considers that the SA process has adequately and accurately assessed the likely environmental, economic, and social impacts of the draft policies and proposed site allocations throughout each stage of the Local Plan preparation process. A

thorough and robust methodology was agreed at the SA scoping stage and refined as necessary as the Local Plan progressed. Significant positive and negative effects were defined and, in line with national planning practice guidance, mitigation measures have been included in the Local Plan where significant negative effects were identified.

**Conclusion: Question 3**

- 2.42. At the Issues and Options stage 3 housing requirement, 3 strategic distribution and 3 economic growth options were evaluated.
- 2.43. At the Preferred Scale and Distribution of Development stage, options for the housing and employment land requirements and the distribution of development between urban centres and the wider countryside were assessed as well as the emerging strategies for 17 settlements.
- 2.44. The Preferred sites SA (**EV005.03.01-EV005.03.02**) evaluated more than 2,000 options for housing and employment (the latter for Bridgnorth, Ludlow, Oswestry, Shifnal and Shrewsbury only) in Shropshire whilst the Strategic Sites SA (**EV006.03**) assessed 58 options for sites that were individually larger than 25ha.
- 2.45. The SA of the Regulation 18 Pre-submission Draft Shropshire Local Plan (**EV007.04.01-EV007.04.21**) re-evaluated the previous 2,000-plus sites, the 58 potential strategic sites and those promoted since the previous two stages for housing and employment uses (the latter for Bridgnorth, Ludlow, Oswestry, Shifnal and Shrewsbury and the strategic sites only). SA was also carried out for the 49 draft policies.
- The Regulation 19 Pre-submission Draft Shropshire Local Plan SA (**SD006.01-SD006.22**) assessed new sites that had been promoted since the earlier rounds of consultation as well as the 2000-plus sites assessed in the previous SAs. The 50 draft SP and DP policies were also subject to SA.
- 2.46. The Council therefore considers that the SA has tested the Local Plan against the preferred options chosen and all reasonable alternatives.

*Question 4. Have any concerns been raised about the SA methodology and what is the Council's response to these?*

**Shropshire Council Response:**

- 4.1. A Sustainability Appraisal (SA) was undertaken at every stage of the Local Plan preparation process and an SA Report (as well as a SA summary) was published alongside each Local Plan consultation

document. An Environmental Report (**SD006.01-SD006.22**) was submitted with the Regulation 19 Pre-submission Draft Shropshire Local Plan.

- 4.2. The methodology for the SA is set out in the SA Scoping Report (**EV002**) and summarised in the Council's response to Matter 1 questions 2 and 3.
- 4.3. The SA for the Draft Shropshire Local Plan policies follows this methodology. There have been no concerns raised about the SA for policies at any stage in the Local Plan preparation process.
- 4.4. The SA methodology for land promoted or proposed for allocation was amended to reflect both the practicality of its application and consultation responses as the various Regulation 18 stages of the Local Plan progressed. Table 5.7 in the Scoping Report (**EV002**) shows how the criteria for site assessment relate to the SO and gives the scoring options.
- 4.5. The Preferred Sites SA site assessment methodology was adapted to enable the results to be used in the wider Local Plan site assessment process. This is set out in the Preferred Sites SA Report (**EV005.03.01- EV005.03.02**) and summarised in the Council's response to Matter 1 questions 2 and 3. The SA for the Strategic Sites (**EV006.03**) also used this methodology.
- 4.6. This methodology was amended again for the Regulation 18 Pre-submission Draft Shropshire Local Plan SA (**EV007.04.01- EV007.04.21**) in respect of the proposed site allocations and in response to comments received to the Preferred Sites consultation. These raised concerns that the issue of climate change had not been adequately considered in the SA site assessment process, particularly Sustainability Objective (SO) 6, 'Reducing the need of people to travel by car'. The SA Scoping Report (**EV002**) had translated this into criterion 6 'Regular peak time public transport service within 480m of site boundary' but this had been omitted from the Preferred Sites and Strategic Sites SA due a lack of data.
- 4.7. To rectify this, a data gathering exercise was undertaken to inform the Regulation 18 Pre-Submission Draft Local Plan SA (**EV007.04.01-EV007.04.21**). This mapped all bus stops and train stations within 480m of all SLAA sites around the 58 settlements identified for growth. A new criterion 6 ' Site boundary within 480m of a public transport node with a regular service offered during peak travel times' was then added to the SA site evaluation matrix.
- 4.8. Concern had also been raised at the Preferred Sites stage, that the impact of development on air quality (SO11 Conserve and enhance Shropshire's air quality and reduce the risk of air pollution) was not being adequately addressed through the SA process.
- 4.9. Criterion 10 in the site SA 'Site wholly/partly within an Air Quality Management Area' is designed to address this, but it was recognised

that impacts on Air Quality Management Areas (AQMA) may occur from an increase in traffic movements resulting from development on sites at some distance from the AQMA.

- 4.10. However, the assessment of such impacts usually takes place at the planning application stage, as a technical exercise involving traffic and air quality modelling. As such it was considered that this approach would not be a reasonable or proportionate one for all the 2000-plus SLAA sites. Instead, it was considered that the proximity of a site to the public transport network (as expressed in site assessment criterion 6) and criterion 5 which assesses proximity to a range of services and facilities, were provided a sufficient evaluation.
- 4.11. The amended site assessment methodology was used for the Regulation 19 Pre-submission Draft Local Plan SA (**SD006.01-SD006.22**). At this point, the notes to the assessment matrix for the SA of sites (see Table 10.1 in the Environmental Report **SD006.01**) were expanded in response to representations received during the Regulation 18 consultation. The amendment gives greater clarity on how the assessment was carried out.
- 4.12. The consultation responses to the Environmental Report are given in **GC4a**.
- 4.13. Several of these relate to perceived inaccuracies in the scoring of sites. The Council has reviewed the SA scores for the sites affected and concluded that in all cases, the changes suggested would not alter the site's rating.
- 4.14. Many responses cover the issue of SA ratings. Either the site being promoted in the response scores more highly than the one proposed for allocation, or the proposed allocation site's rating is lower than the site favoured by the respondent. In these instances, the Council considers that whilst the SA rating for a site is an important consideration in the wider site assessment process, the overall decision on allocation takes a number of other factors into account as well. Thus, the SA rating is not the sole determinant.
- 4.15. A number of responses stated that the SA was flawed because it did not consider alternative sites, of which the site they were promoting was one. The Council considers that as the SA assessed all the SLAA sites for each settlement, the requirement to consider all reasonable alternative sites has been met.
- 4.16. Those responses which express concern about either the SA methodology for sites, or the way in which it has been applied, are set out in Table 4.1 below, along with the Council's response to each.

**Table 4.1: Details of concerns about SA methodology with the Council’s responses.**

Representor	Concerns	Shropshire Council Response
A0014 B091	Amendments to the SA site assessment methodology are insufficient to address the key issue of climate change (assessing whether a bus stop is within 480m gives an indication of the scale of the problem). The Sustainability Appraisal should be subject to a thorough review and rewrite.	The Council considers that the SA and site assessment process complies with the Environmental Assessment of Plans and Programmes Regulations 2004 and is a robust, proportionate, and fair way of evaluating sites.
A0060 B006, A0286 B006, A0312 B006, A0313 B006, A0636 B006 and A0637 B006	The SA fails to properly assess sites against all SO, especially proximity to public transport (SO6 incorrectly recorded as quality of agricultural land), reduction of carbon emissions (SO12) and adaptation and mitigation to climate change (SO13).	The Council considers that it has complied with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and the Planning and Compulsory Purchase Act 2004 for its SA and site assessment process.
A0090 B004	Consider the SA is very poor quality (it does not compare carbon emissions between sites, assesses against specified measures rather than comparing sustainability with alternative sites, and fails to recognise societal conditions regarding access to private vehicles and efficiency of public transport) and cannot be taken to support the strategy proposed in draft Policy SP2.	The Council considers that it has complied with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and the Planning and Compulsory Purchase Act 2004 for its SA and site assessment process.
A0305 B003	Appraisal scoring did not include all the criteria stated to be assessed.	The Council considers that it has complied with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and the Planning and Compulsory Purchase Act 2004 for its SA and site assessment process.
A410 B002	The detailed criteria listed against Criteria 4/5 and 6 should have a better match with those listed in Table 1 of the Hierarchy of Settlements (HoS) document. The simplistic, binary scoring criteria used in the SA does not match the sustainability criteria used in the HoS of villages to determine their suitability as Community Hubs. There is no similar weighting of the relative importance of each criteria. The scoring system used in the stage 2a (site assessment) should use absolute scores, not scores that are relative only to other sites in that particular settlement - the implication is that the best sites	The Planning and Compulsory Purchase Act 2004 requires SA to be carried out for new or revised Local Plans and as such SA is an important consideration in the site assessment process. However, as the Council's site assessment documents show, SA is one of many considerations of the suitability of a site for housing or employment use. It is thus not the main determinant.

Shropshire Council Response to Matter 1 of the Stage 1: Matters, Issues and Questions on the draft Shropshire Local Plan

Representor	Concerns	Shropshire Council Response
	<p>within a settlement are picked out, with little reference as to how they fit in to a county-wide standard.</p> <p>To assess the CO2 emissions saving potential of a site, it seems insufficient only to consider the items within Criteria 4/5 and 6. Other factors could have included the propensity of the site for solar gain (e.g. north facing or south facing), or the distance from a supermarket.</p> <p>The whole methodology as summarised in Diagram 1.1 at page 5 of the SA is undermined when it is possible to override a highly negative sustainability score, as is the case with the Ironbridge site, by proposing mitigation measures.</p> <p>The SA is not a reliable guide to the true sustainability of any one site and should not be relied on as a determinant of allocated sites.</p>	
A0586 B008	<p>No relevant scoring criteria is included for Sustainability Appraisal Objective SO6 within stage 2a of the site assessment for the preferred sites or strategic sites consultations (subsequently included within the next Regulation 18 consultation), no explanation for this omission was made. Would also question whether criteria now included meets the requirements of the Sustainability Objectives SO6 as set out within the Sustainability Appraisal.</p>	<p>The omission was made in error and corrected in later appraisals. As such the Council considers that the SA and site assessment process is legally compliant, appropriate, robust and proportionate.</p>
A0609 B032	<p>The following concerns with the Sustainability Appraisal (SA) methodology are identified:</p> <p>The assessment omits SAMDev Plan allocations that are proposed to be retained. As such the Council may be criticised for not being able to compare these allocations with the sites within the SA. Recognise the SAMDev Plan allocations were subject to SA at allocation, however assessment criteria and spatial context is now different. This may be a significant oversight given National Planning Practice Guidance (NPPF) requires SA to develop Local Plan options including reasonable alternatives and evaluate the likely effects of the Local Plan and alternatives.</p> <p>The SA scoring utilised a distance of 480m as the average 10-minute walking distance (derived from the Council's Open Space, Sports &amp; Recreation Interim Planning Guidance (September 2010)).</p>	<p>Shropshire Council is not proposing to allocate existing SAMDev Plan Allocations, rather it is saving the existing allocations. As such it is not considered necessary or appropriate for these saved sites to be included within the Sustainability Appraisal (SA) for site assessment process, unless they have been considered for alternative uses.</p> <p>The SA Scoping Report set out the proposed criteria for site evaluation. The Scoping Report was subject to consultation in the early stages of the Plan making process and amendments made as a result. As such, the Council considers the SA</p>

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Representor	Concerns	Shropshire Council Response
	<p>This was based on Planning Policy Guidance 17 (PPG17) which has been revoked. 800m is the normal proxy for a 10-minute walking distance as established by reputable and much utilised sources. Consider use of 480m is not justified and instead 800m should be used.</p> <p>It is unclear how measurements have been taken - walking distance or as crow flies. This should be clarified.</p>	<p>criteria for site evaluation to be appropriate and does not propose any change.</p> <p>Within the SA, access to services has been assessed 'as the crow flies'. Whilst there will inevitably be debate about what is considered an appropriate distance for an average 10-minute walk, the priority is ensuring a consistent assessment: this is what has been undertaken to inform the draft Shropshire Local Plan. As such the SA and site assessment process are considered appropriate, proportionate and robust.</p>
A624 B002	<p>The SASA (sic) takes an inconsistent approach in relation to previous Council and Planning Inspectors' assessments, it fails to recognise the ability to mitigate potential impacts, consideration of proximity is crude and approach does not recognise the ability to provide additional facilities on larger sites (such as the land at Wrexham Road which serve to enhance their sustainability). It does not take proper account of the three objectives of sustainable development set out in the National Planning Policy Framework.</p>	<p>The Council considers that the SA and site assessment process complies with the Environmental Assessment of Plans and Programmes Regulations 2004 and is a robust, proportionate and fair way of evaluating sites. No change proposed.</p>

*Question 5. Have the requirements for Strategic Environmental Assessment (SEA) been met?*

**Shropshire Council Response:**

- 5.1. Under Sections 19 and 39 of the Planning and Compulsory Purchase Act 2004, Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).
- 5.2. The SA process for Development Plans also incorporates Strategic Environmental Assessment (SEA) in accordance with the requirements of European Directive 2001/42/EC "*on the assessment of the effects of certain plans and programmes on the environment*" (The SEA Directive). The SEA Directive has been transposed into UK law through Statutory Instrument 2004 No 1633: The Environmental Assessment of Plans and Programmes Regulations 2004.
- 5.3. The SEA Directive and the Environmental Assessment of Plans and Programmes Regulations require a report (an Environmental Report) to be produced detailing information that may be reasonably required, taking into account current knowledge and methods of assessment and the contents and level of detail in the plan or programme and its stage in the decision-making process.
- 5.4. Information likely to be provided in the Environmental Report includes: the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects; an outline of the reasons for selecting the alternatives dealt with; and the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme. Government Guidance (ODPM, 2005) promotes the integration of the SA and SEA processes into one report: the Council has taken this approach.
- 5.5. The Local Plan preparation process includes several stages. As the SA/SEA process is intended to guide the selection of sustainable options, the Council carried out SA for all the stages of the Draft Shropshire Local Plan process, the last of which was the production of the Environmental Report.
- 5.6. Table 5.1 below (Table 2.1 in the Environmental Report **SD006.01**) shows the way in which the Draft Shropshire Local

Plan SA process has followed the requirements set out by both the SEA Directive and the Environmental Assessment of UK Plans and Programmes Regulations 2004 (Part 3, Schedule 2 Regulation 12 (3)).

5.7. The Council considers therefore, that the requirements for Strategic Environmental Assessment have been met

**Table 5.1 European Directive 2001/42/EC and the Environmental Assessment of UK Plans and Programmes Regulations 2004 Requirements and where they have been met**

<b>SEA Directive requirements</b>	<b>Where they have been met</b>
a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Sustainability Appraisal Scoping Report (EV002) Environmental Report (SD006.01-SD006.22)
(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Sustainability Appraisal Scoping Report (EV002)
(c) the environmental characteristics of areas likely to be significantly affected;	Sustainability Appraisal Scoping Report (EV002)
(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	Sustainability Appraisal Scoping Report (EV002)
(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	Sustainability Appraisal Scoping Report (EV002)
f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape, and the interrelationship between the above factors;	Preferred Sites Sustainability Appraisal Report (EV005.03.01-EV005.03.02) Strategic Sites Sustainability Appraisal Report (EV006.03) Environmental Report (SD006.01-SD006.22)
(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	Preferred Sites Sustainability Appraisal Report (EV005.03.01 -EV005.03.02) Strategic Sites Sustainability Appraisal Report (EV006.03) Environmental Report (SD006.01-SD006.22)

<b>SEA Directive requirements</b>	<b>Where they have been met</b>
(h) an outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Issues and Options Sustainability Appraisal Report ( <b>EV003.03</b> ) Preferred Options Scale and Distribution of Development Sustainability Appraisal Report ( <b>EV004.03</b> ) Preferred Sites Sustainability Appraisal Report ( <b>EV005.03.01-EV005.03.02</b> ) Strategic Sites Sustainability Appraisal Report ( <b>EV006.03</b> )
(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;	Environmental Report ( <b>SD006.01-SD006.22</b> )
(j) a non-technical summary of the information provided under the above headings.	Environmental Report ( <b>SD006.01-SD006.22</b> )

### **Habitat Regulations Assessment**

*Question 6. Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the Habitats Regulations Assessments (HRA)?*

#### **Shropshire Council Response:**

#### **Background**

6.1. The HRA process assesses the likely social, economic, and environmental impacts that a Local Plan may give rise to which may adversely affect the integrity of internationally designated sites through the identification of effect pathways. An effect pathway is determined by the potential for an impact to occur on the features for which the international site is designated. A pathway is deemed to exist when these features could be affected by; the type of development; its location; scale; duration; frequency and timing; or other operations, activities or changes in use proposed by the Local Plan. These may apply during construction or through long-term after-use of the development. Impacts may be direct or indirect, temporary or permanent, continuous or intermittent, positive, neutral or negative and reversible or irreversible.

#### **The HRA process for the Local Plan**

6.2. Shropshire Council carried out a Habitats Regulations Assessment at every stage of the Draft Local Plan Preparation process.

6.3. A HRA screening process was undertaken for the: Issues and Options; Preferred Scale and Distribution of Development;

Preferred Sites; and Strategic Sites Local Plan stages. The screening process evaluated which international sites, draft policies and proposed site allocations could be excluded from further HRA.

- 6.4. A full HRA was undertaken for the Regulation 18 Pre-Submission Draft of Plan and the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan.
- 6.5. An HRA report was prepared at each Local Plan stage, and this, along with a summary HRA document were sent to the statutory consultees and made available for public comment at the same time as the relevant Draft Local Plan document.
- 6.6. The conclusions for each HRA with respect effect pathways and the internationally designated sites affected, are set out below.

#### Issues and Options HRA

- 6.7. The Issues and Options HRA (**EV003.05**) concluded that 20 of the 22 international sites identified as potentially being affected by the Local Plan should be carried forward for consideration in subsequent HRAs of the Local Plan.
- 6.8. The HRA screened: options 1-3 for the housing requirement; options A-C for the spatial distribution of growth; options 1-3 for the strategy for employment growth and the proposed approach to rural policy.
- 6.9. It concluded that these could all potentially have a significant effect on one or more international sites depending on the size of growth and the size and location of site allocations and should therefore be carried forward for consideration in subsequent HRAs of the Local Plan.

#### Preferred Scale and Distribution of Development HRA

- 6.10. The Preferred Scale and Distribution of Development HRA (**EV004.05.01-EV004.05.02**) identified possible pathways for significant adverse effects on the 20 international sites identified in the Issues and Options HRA and placed these into 3 main categories: air pollution, water pathways and recreation. Some general avoidance and mitigation measures were described for each category.
- 6.11. The HRA then screened the draft policies for the Strategic Centre, Principal Centres, Key Centres, Rural Areas and the management of development in Community Hubs and Clusters for potential significant effects on international sites. It concluded that none of these draft policies could be screened out as having no likely significant effect on international sites at this

stage in the Local Plan development. All draft policies should therefore be carried forward for consideration in subsequent HRAs of the Local Plan.

#### Preferred Sites HRA

- 6.12. The Preferred Sites HRA (**.01-EV005.05.04**) screened out 4 Special Areas of Conservation (SAC) and 8 component sites of the Meres and Mosses Phase 1 and 2 Ramsar sites. Pathways for possible effects on the remaining sites were refined to 4 categories: air pollution; water pathways; recreation; and light pollution. Avoidance/mitigation measures were outlined for each pathway and research was commissioned to investigate whether there were likely to be significant effects, alone or in-combination, from air pollution derived from extra traffic generated by the proposed preferred site allocations (Traffic Assessment).
- 6.13. All the preferred housing and employment sites in the Local Plan were assessed (**EV005.05.05** gives the results) but none were screened out, pending the results of the Traffic Assessment and the Council's Water Cycle Study.

#### Strategic Sites HRA

- 6.14. The Strategic Sites HRA (**EV006.05**) identified that 23 international sites could potentially be affected by the allocation of the proposed Strategic Sites. Of these, 9 SACs and 17 component sites of the Meres and Mosses Phase 1 and 2 Ramsar Sites were screened out. The remaining sites were carried forward for consideration in subsequent HRA of the Local Plan.
- 6.15. All the Strategic Sites were assessed but none could be screened out at this stage as the results of the Traffic Assessment and the Water Cycle Study were not available. Recommendations for further information gathering and avoidance/mitigation were made.

#### Regulation 18 Pre-Submission Draft HRA

- 6.16. The HRA of the Regulation 18 Pre-Submission Draft of the Shropshire Local Plan (**EV007.06.01-EV007.06.03**) identified 24 international sites for consideration and five main effect pathways; air pollution; hydrogeological impacts; recreational and other disturbance impacts; introduction of invasive species; and light pollution.
- 6.17. The conclusion sections for the international sites given in Section 3 of **EV007.06.01** show that the Regulation 18 Local Plan passed the Appropriate Assessment (AA) for all

internationally designated sites, except the Severn Estuary SAC/SPA/Ramsar Site. With respect to the latter, it was anticipated that forthcoming (at that stage) Statements of Common Ground with the relevant water companies would provide more information and allow the HRA to be updated at the Regulation 19 stage.

#### Regulation 19 Pre-Submission Draft HRA

- 6.18. The HRA of the Regulation 19 Pre-Submission Draft of the Shropshire Local Plan (**SD008.01-SD008.03**) identified 24 international sites for consideration and four main effect pathways; air pollution; hydrological impacts; recreational and other disturbance impacts; and light pollution.
- 6.19. The conclusion sections for the international sites given in Section 3 of the Environmental Report (**SD008.01**) show that the Appropriate Assessment (AA) was passed for all international sites at the Regulation 19 stage.

#### **Conclusion**

- 6.20. HRA was carried out for all stages of the Local Plan preparation process. Screening of proposed policies and sites allocations was carried out for the; Regulation 18 Issues and Options; Preferred Options and Scale of Distribution of Development; Preferred Sites; and Strategic Sites stages; and a full assessment was completed for the Regulation 18 and 19 Pre-submission Draft stages.
- 6.21. Internationally designated sites and the effect pathways for these were identified and Appropriate Assessment carried out where necessary. All draft policies and proposed site allocations passed the Appropriate Assessment at the Regulation 19 consultation stage.
- 6.22. The Council therefore considers that the likely environmental, social, and economic impacts of the Local Plan have been adequately and accurately assessed for their effects on international sites by the Local Plan HRA.

*Question 7. Is the Local Plan's approach to water nutrient neutrality justified, effective and consistent with the National Planning Policy Framework (the Framework) and the requirements of HRA?*

**Shropshire Council Response:**

7.1 The most relevant parts of the Framework are Paragraphs 174 and 179. Footnote 61 to paragraph 179 refers to Circular 06/2005. Relevant text from both is set out below.

Paragraph 174

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

Paragraph 179

*To protect and enhance biodiversity and geodiversity, plans should:*

*a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity <sup>61</sup>;*

Footnote 61

*Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.*

The following paragraphs of Circular 06/2005 are the most relevant:

Paragraph 17

*If the decision-taker concludes that a proposed development (not directly connected with or necessary to the management of the site) is likely to significantly affect a European site, they must make an appropriate assessment of the implications of the proposal for the site in view of the site's conservation objectives. These relate to each of the interest features for which the site was classified and will be provided in more detail by English Nature (now Natural England)) which should be consulted for the purposes of the assessment*

Paragraph 54

*..... planning authorities have a general duty under regulation 3(4) of the Habitats Regulations to have regard to the requirements of the Habitats Directive in exercising their functions, including their plan-making function....*

Paragraph 55

*Whilst it may not be possible to carry out an assessment at the development plan stage that would be as detailed as that*

*required under regulation 48 (of the Habitats Regulations) for a specific project, for which consent is sought, local planning authorities should nevertheless adopt the precautionary principle and should undertake sufficient assessment of any proposal in a development plan likely significantly to affect a European site.*

- 7.2 The requirements of the Framework and Circular 06/2005 can be summarised as:
- a. Sites of biodiversity value should be protected in a manner commensurate with their statutory status
  - b. The Local Plan should safeguard internationally designated sites of importance for biodiversity
  - c. Shropshire Council has a duty to have regard to the requirements of the Habitats Regulations 2017 when making the Local Plan
  - d. The Council should undertake sufficient assessment of any proposal in the Draft Shropshire Local Plan likely to significantly affect a European site.
  - e. The Council should consult Natural England on the HRA
- 7.3 The Council has undertaken a Habitats Regulations Assessment of the Draft Shropshire Local Plan (**SD008.01**). Paragraph 2.50 of this shows that: *'water quality or quantity impact pathways have been identified for ... the River Clun Special Area of Conservation (SAC)*
- 7.4 Table 3 shows that: *'any development in the catchment of the river Clun is likely to increase nutrient levels in the river and have an adverse impact without mitigation'* and the River Clun SAC should be: *'considered further in the Appropriate Assessment'*
- 7.5 Paragraphs 3.23 to 3.36 provide the Appropriate Assessment (AA) for the River Clun SAC.
- 7.6 Paragraph 3.23 states that: *'the sole feature for which the River Clun SAC is notified is the presence of the extremely rare Freshwater Pearl Mussel (Margaritifera margaritifera) and the site is: 'in unfavourable declining condition for a number of reasons including high levels of silt and nutrients (particularly ortho-phosphate (P) and nitrogen (N), which affect the health of the pearl mussel population.'* It identifies that *'wastewater from houses and businesses releases P into the catchment (up to 35% of the total, the remaining P coming largely from farming activities). P is discharged to the environment via the mains and sewage treatment works, from cesspits, septic tanks or package treatment plants.'*

- 7.7 Paragraph 3.27 concludes that: *'most of this development (proposed by the Draft Shropshire Local Plan) is likely to have an adverse effect on site integrity without mitigation measures.'*
- 7.8 The AA considers avoidance and mitigation measures to safeguard the SAC in paragraphs 3.28 to 3.35. The potential effects on delivery and viability are assessed further under Question 8 of Matter 1 below.
- 7.9 Paragraph 3.30 states that: *'Shropshire Council is continuing to liaise with Natural England, the Environment Agency and Severn Trent Water as well as other stakeholders to find solutions and to update the Nutrient Management plan together with the underlying evidence base. A revised nutrient management plan or action plan, providing the required certainty that mitigation measures will be implemented, would help to unlock future development.'*
- 7.10 Paragraphs 3.31 to 3.35 outline the protection that draft policies DP12, DP13, DP19, DP20, DP21, DP22 and DP25 provide for the River Clun SAC.
- 7.11 Paragraph 3.35 shows that mitigation measures to avoid an adverse effect on the River Clun are required by draft policies S2.1, S2.2 S2.3 and S7.3.
- 7.12 Paragraph 3.36 concludes the AA for the River Clun SAC and finds that: *'Through the Development Policy and Settlement Policy wording and the statutory requirement for a project level HRA for development, there will be no adverse effects on the integrity of the River Clun SAC as a result of the Draft Local Plan'*
- 7.13 With reference to the AA conclusion, draft policy DP12 requires a project level HRA for all planning applications likely to have a significant effect on an internationally designated site. Draft policy DP13 (with proposed modifications as shown in **SD003**) requires development in the Clun catchment to be nutrient neutral or to reduce nutrient levels. Natural England's letter to the Council of 16<sup>th</sup> March 2022 and associated documents (**OD002, OD002a, OD002b, OD002c, OD002d, OD002e, OD002f, OD002g**) demonstrate that nutrient neutrality is an acceptable means of safeguarding internationally protected sites likely to be adversely affected by water quality issues
- 7.14 Draft policy DP13 meets the requirements of the Habitats Regulations by restricting development in the River Clun catchment to that which can demonstrate either nutrient neutrality or a reduction in nutrient levels through the implementation of mitigation measures. In line with the Habitats Regulations, policy DP13 also specifies that such mitigation measures must not compromise the ability of the SAC to reach favourable conservation status.

- 7.15 The Council has consulted Natural England (NE) on all HRA documents for the Local Plan at all stages of the Plan preparation process. NE's advice at the Regulation 19 consultation stage led the Council to propose modifications to draft policy DP13 (**SD003**). A Statement of Common Ground has been prepared between the Council and NE (**EV025**).
- 7.16 The Council has also responded to the NE/EA Joint Advisory Position on the Clun catchment 23.07.21 (**Appendix C to EV025**) which advised the Council to produce *'as part of your local plan and growth aspirations, an evidence base of possible mitigation measures, in sufficient detail including feasibility/likely cost, etc'*.
- 7.17 The Council's River Clun Phosphate Calculator (**GC4y**), the River Clun Phosphate Budget (**GC4v**), River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**) and the River Clun SAC Nutrient Neutrality Delivery Options report (**GC4w**) fulfil this request. The Council considers that the mitigation measures detailed in these documents can be relied upon to conclude that there will be no adverse effect on the integrity of the River Clun SAC. This is consistent with the requirements of HRA.
- 7.18 The Council has also set up the Strategic Clun Liaison Group. This meets monthly and comprises senior officers from Shropshire Council, Natural England, the Environment Agency and Severn Trent Water. The aim is to restore the Clun catchment to favourable conservation status whilst balancing the need of the local community to thrive.
- 7.19 The Council thus considers that its approach to water nutrient neutrality in the Local Plan is justified, effective and consistent with the Framework and the requirements of HRA. A Habitats Regulation Assessment was carried out at for all stages of the Plan preparation process. This undertook an Appropriate Assessment for the River Clun SAC which concluded that the Local Plan's draft development and settlement policies were sufficient to prevent an adverse effect on the integrity of the River Clun SAC.
- 7.20 Natural England and the Environment Agency were consulted on each HRA document. Their advice at the Regulation 19 consultation stage led to proposed modifications to draft policy DP13 and the recommendation arising from the NE/EA Joint Advisory Position on the Clun catchment 23.07.21, (**Appendix C to EV025**) to provide a further evidence base of possible mitigation measures, has been implemented.

*Question 8. a) What are the conclusions of the River Clun SAC Mitigation Measures Study? b) Which proposed site allocations are affected? c) (i) Is the mitigation possible and (ii) how will it affect delivery of the affected sites? d) Will it impact on viability?*

**Shropshire Council Response:**

a) *What are the conclusions of the River Clun SAC Mitigation Measures Study?*

8.1 The River Clun SAC Mitigation Measures Study comprises four documents:

- River Clun Phosphate Calculator (**GC4y**)
- River Clun Phosphate Budget (**GC4v**)
- River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**),
- River Clun SAC Nutrient Neutrality Delivery Options report (**GC4w**)

River Clun Phosphate Calculator (**GC4y**)

8.2 This is a bespoke Excel based tool for the River Clun SAC. It can be used by developers, the Council or statutory consultees to calculate the amount of phosphate that would need to be offset by mitigation measures for any residential development proposal in the River Clun catchment. It works by calculating the amount of phosphate produced by the existing land use for a proposed development site and then doing the same for the phosphate that would be produced by the new development. The net figure (i.e. the current level of phosphate subtracted from the post-development level) is the amount of phosphate (in kg/year) that would need to be mitigated.

River Clun Phosphate Budget(**GC4v**)

8.3 This uses the River Clun Phosphate Calculator to work out the total amount of phosphate that would need to be mitigated to allow all residential development likely to be completed between 2022 and 2038 in the Clun catchment (304 dwellings), to proceed.

8.4 The phosphate budget is 20.65 kg/year.

The River Clun Phosphate Mitigation Measures Solutions for Residential Development Report (**GC4u**)

8.5 This sets out suitable mitigation options that can be used to offset the phosphate budget as below:

- a. Take land out of agricultural use
- b. Cease fertiliser and manure application
- c. Construct riparian buffer strips
- d. Plant wet woodlands

- e. Undertake wetland creation
  - f. Carry out water company improvements
  - g. Install SuDS (sustainable drainage systems).
- 8.6 Table 6-2 in **GC4u** sets out the amount of land needed for options (a) to (e) and gives costs. Option (f) does not involve land and the land needed for option (g) should ideally be incorporated within the development site. Table 6-2 also shows the area of land required for each measure as a percentage of the suitable land in the catchment. This has been individually calculated for each option.
- 8.7 From this table and the discussion of options in the report, the following conclusions can be drawn:
- a. Whilst a relatively large area of land would need to be taken out of agricultural use this still represents only a small percentage of the total agricultural land within the catchment (1.67% for arable and 0.78% for livestock). This measure gives good phosphate reductions but is relatively costly.
  - b. Cessation of fertiliser application, whilst using more of the suitable land (3.33% or 8.4% for grassland and arable respectively), providing a smaller phosphate reduction and being significantly more expensive, could be used as a short-term, temporary bridging option whilst longer term measures become established
  - c. Riparian buffer strips have the lowest cost per kg of phosphate removed each year and would require a very small area of land (0.16% of the total area identified as suitable for this land use within the catchment). This is also the lowest cost option with a one-off contribution of £795 per dwelling.
  - d. Wetland creation is slightly more expensive than riparian buffer strips but would remove more phosphate and requires an even smaller amount of land. The land take for this measure represents 1.31% of the 197.75 ha within the catchment identified as suitable for wetland conversion.
  - e. \*Severn Trent Water have recently completed upgrades to several treatment works, and some are now operating close to industry best practice discharge concentrations. These works are now discharging effluent significantly below the permit limits, meaning that the potential to reduce phosphate concentrations through wastewater treatment works in the catchment is limited. However, an estimated 53-58 properties in Clunbury are currently served by septic tanks/package treatment plants. Connecting these to mains sewerage would offset almost all the phosphate budget (19.69kg/yr of 20.65kg/yr). Furthermore, once all residents had been

connected, upgrading the treatment works would take the total phosphate reduction to 27.57kg/yr.

- f. \*Changing the discharge location of the Bishop's Castle wastewater treatment works from the river Clun to the river Onny would deliver a reduction of 31.9kg/yr as well as reducing the phosphate budget by 3.07kg/yr to 17.58kg/yr
- g. On-site SUDs could remove anything from 10% to 100% of the phosphates from a new development. Pairing on-site SUDs with any of the above measures has the potential to deliver not only nutrient neutral development, but to provide a betterment.

*\*The DEFRA announcement (improving wastewater treatment works section) of 16<sup>th</sup> March 2022 indicates that Ofwat is developing a proposal that could enable water companies to directly accept developer contributions for improvements to wastewater treatment works as a means of mitigating nutrient loads from new developments.*

#### River Clun SAC Nutrient Neutrality Delivery Options report (GC4w)

- 8.8 This provides details on the delivery and funding mechanisms by which the mitigation options set out in the River Clun Phosphate Mitigation Measures Solutions for Residential Development Report can be delivered.
- 8.9 There are 5 options for who delivers the mitigation measures:
  - Developers on their own
  - Local Authority strategic scheme
  - third party scheme
  - Local Authority nutrient trading platform
  - Third party nutrient trading platform.
- 8.10 This report concludes that whilst developers and landowners in the Clun catchment could not deliver strategic mitigation, such an approach requires limited input from the Council. A Local Authority scheme could provide strategic mitigation measures whilst offering the greatest security and control over delivery, but it would also require greater input and capital expenditure from the Council. A nutrient trading platform would likely be led by a third party rather than the Council but current trading platforms elsewhere in England are in still in their pilot or development stage and are unlikely to be rolled out at a national scale for a few years.
- 8.11 The wastewater and drainage improvement options identified in the River Clun Phosphate Mitigation Measures Solutions for Residential Development Report could be delivered by Severn Trent Water with input from the Council.

8.12 Funding options for mitigation measures are given as:

- planning conditions,
- planning obligations (such section 106 agreements),
- the Community Infrastructure Levy (CIL)
- homeowner contributions

8.13 Financial contributions must adequately cover the financial investment to deliver the mitigation schemes and any monitoring and maintenance requirements in perpetuity.

8.14 Planning conditions can only be used for on-site measures such as SuDS.

8.15 Section 106 agreements could cover off-site mitigation measures and the Council has good legal and administrative support for this form of developer contribution.

8.16 CIL is well established in Shropshire. Draft policy DP25 allows the Council to use CIL funds to support any critical infrastructure requirements resulting from development. There is therefore the potential to use contributions from development in the wider Shropshire Council area, not just the Clun catchment, for the delivery of mitigation measures.

8.17 Homeowner contributions offer an alternative to developer contributions but are likely to be difficult to implement and future cost uncertainties may make the new housing less attractive to purchasers.

8.18 There are two options for pricing developer contributions: an average fixed price applied to all houses within the catchment or a variable price depending on house size and location.

*b) Which proposed site allocations are affected?*

8.19 The proposed new site allocations are:

- Bucknell – BKL008a for 20 dwellings
- Clun – CLU005 for 20 dwellings

8.20 In addition, there are 7 saved residential site allocations:

- Bishop's Castle - BISH013 for 40 dwellings
- Bucknell - BUCK001 for 70 dwellings
- Clun - CLUN002 for 60 dwellings
- Lydbury North – LYD007 for 8 dwellings, LYD008 for 5 dwellings LYD009 for 2 dwellings and LYD011 for 4 dwellings

*c) (i) Is the mitigation possible*

8.21 Natural England's water quality and nutrient neutrality advice of 16<sup>th</sup> March 2022 (**OD002f**) sets out 7 principles that any mitigation measures relied on in an Appropriate Assessment

(AA) would need to comply with to meet the requirements of the Habitats Regulations.

- 8.22 These principles are more relevant for the development management process, where any AA will have been prepared with full knowledge of the details of a planning proposal. Paragraph 55 of circular 06/2005 acknowledges this point;

*Whilst it may not be possible to carry out an assessment at the development plan stage that would be as detailed as that required under regulation 48 (of the Habitats Regulations) for a specific project, for which consent is sought....*

*...local planning authorities should nevertheless adopt the precautionary principle and should undertake sufficient assessment of any proposal in a development plan likely significantly to affect a European site.*

(see also Matter 1 Question 7)

- 8.23 Taking the precautionary approach as advised, the Council considers it useful to assess the proposed mitigation measures against these principles with reference to:
- Draft Shropshire Local Plan policy DP13: Development in the River Clun Catchment (with the assumption that the modifications proposed in document **SD003** for policy DP13 are accepted)
  - the Draft Shropshire Local Plan HRA (**SD008.01**)
  - the Council's River Clun Mitigation Measures Study (**GC4u, GC4v, GC4w and GC4y**).

- 8.24 *Principle 1: Have scientific certainty that the measures at the time of the AA will deliver the required reduction to make the plan or project 'neutral'.*

- 8.25 The AA for the River Clun SAC in the Draft Shropshire Local Plan HRA (paragraph 3.36) concludes that: '

*Through the Development Policy and Settlement Policy wording and the statutory requirement for a project level HRA for development, there will be no adverse effects on the integrity of the River Clun SAC as a result of the Draft Local Plan' (see also Matter 1 Question 7).*

- 8.26 In practice, all planning applications in the Clun catchment will have to meet the requirements of draft policy DP12: The Natural Environment and will thus need an AA as part of an HRA. The AA for planning proposals will be able to rely on draft policy DP13. This states;

*'All measures relied on to deliver either nutrient neutrality or a reduction in nutrient levels must demonstrate with sufficient certainty that they:*

*a. Will achieve either nutrient neutrality or a reduction in nutrient levels:'*

8.27 The Council therefore considers principle 1 to be satisfied.

8.28 *Principle 2: Have practical certainty that the measures will be implemented and in place at the relevant time when the AA is undertaken, e.g. secured and funded for the lifetime of the development's effects.*

8.29 In the same way as Principle 1, the AA for development proposals will be able to rely on draft policy DP13 which states that:

*2. All measures relied on to deliver either nutrient neutrality or a reduction in nutrient levels must demonstrate with sufficient certainty that they: .....*

*b. Can be secured and funded for the lifetime of the development's effects:'*

8.30 To provide additional confidence on funding, draft policy DP25 provides certainty that the strategic and critical infrastructure needs of development in the Clun catchment (which would include the mitigation necessary to allow development to be nutrient neutral) can be met through the Community Infrastructure Levy and/or Section 106 agreements (see also the response to question (d) below).

8.31 The Council therefore considers principle 2 to be satisfied.

8.32 *Principle 3: Be preventive in nature so as to avoid effects in the first place rather than offset or compensate for damage. This applies both temporally and spatially.*

8.33 Temporally: The Council will be able to use planning conditions to ensure that mitigation is in place and is shown to be effective through monitoring before occupation of new dwellings commences.

8.34 Spatially: Although the details of the location of mitigation measures are only likely to be known at the development management stage, the Council will be able to use the pre-application and HRA/AA process to ensure that the location of mitigation measures is upstream of where the surface water run-off and waste-water input enters the River Clun.

8.35 The Council therefore considers principle 3 to be satisfied.

8.36 *Principle 4: Not undermine the objective of restoring the site to favourable condition by making the 'restore' objective appreciably more difficult or prejudicing the fulfilment of that objective.*

8.37 Draft policy DP13 states: *2. All measures relied on to deliver either nutrient neutrality or a reduction in nutrient levels must*

*demonstrate with sufficient certainty that they: .... c. Do not compromise the ability of the River Clun SAC to reach favourable conservation status. The ability to meet this principle relies in part on information about what actions are needed to meet the 'restore' objective.*

- 8.38 The NE/EA Joint Advisory Position on the Clun catchment 23.07.21 (**Appendix C to EV025**) confirms in the 2nd paragraph on page 2, under the 'Restoring the Clun' heading that *'The responsibility for producing a river restoration plan sits with NE in partnership with the EA, however input from other parties such as Severn Trent Water and Shropshire Council is essential both for plan writing and delivery.'* and the last line of paragraph 1 page 4, states that *'in the absence of any detail currently, we (NE and EA) do not have options or know which measures will need to be utilised to restore the site.'*
- 8.39 Further, under the Restoration Plan heading on page 4, NE and EA advise that *' timescales and likelihood of delivery (for a restoration plan) are currently unknown'.*
- 8.40 Since the NE/EA Joint Advisory Position was published, Shropshire Council has set up the Strategic Clun Liaison Group. This brings together senior officers from the Council, Natural England, the Environment Agency, and Severn Trent Water to progress the restoration of the River Clun SAC through collaborative working. The Liaison Group is making progress, but to date, has not provided the Council with information on what is needed to meet the 'restore' objective.
- 8.41 Nonetheless, the Council appreciates there needs to be a realistic possibility that suitable mitigation measures exist. The Council considers that the River Clun Mitigation Study (**GC4u, GC4v, GC4w and GC4y** and summary above) demonstrates that this is the case.
- 8.42 The measures set out in the Study can be divided in those involving land-take and those which do not. Those involving land-take are the ones most likely to conflict with measures needed for the restoration of the SAC. Table 6-2 of the River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**) shows the amount of land needed for measure (see also the Council's response to question 8(a) above).
- 8.43 Of these, all except the cessation of fertiliser to arable land, require less than 4% of the total area of suitable land in the catchment.
- 8.44 The lowest cost option, riparian buffer strips, requires 5.9ha. This represents 0.16% of the 3,659ha considered suitable for conversion to this use within the catchment. Figure 13 in

Appendix A of the River Clun Phosphate Mitigation Measures Solutions for Residential Development Report (**GC4u**) indicates that land suitable for conversion to riparian buffer strips is widespread throughout the catchment. Use of this measure would leave 99.84% of land suitable for riparian buffer strips in the catchment available for restoration measures.

- 8.45 Opportunities for wetland creation are more restricted (these are also shown in Figure 13 of Appendix A to the Report), but this measure requires a very small amount of land - 2.58ha in total - or 1.31% of the suitable land in the catchment. This would leave 98.69% of suitable land available for restoration measures.
- 8.46 Even the most expensive mitigation option- stopping fertiliser application to grassland - would only take up 3.33% of suitable land. This leaves 14,989ha grassland (96.67% of the suitable area) available for restoration measures.
- 8.47 Of those measures not requiring land-take elsewhere in the catchment, SuDS have the potential to reduce phosphates by at least 10% and possibly 100%. Draft policy DP22 (Sustainable Drainage Systems) requires all major developments to incorporate SuDS whilst all other forms of development are strongly encouraged to provide SuDS.
- 8.48 The requirement for major development to incorporate SuDS would apply to all saved and proposed residential allocations in Bishop's Castle, Bucknell, Clun and Lydbury North as well as any windfall development in the catchment.
- 8.49 Additionally, section 2.1 of the River Clun Phosphate Budget (**GC4v**) assumes there would be no reduction in surface water run-off from SuDS, so pairing SuDS with any of the measures involving land-take will further reduce the amount of land needed for the latter.
- 8.50 Lastly, connecting all properties in Clunbury to the wastewater treatment works followed by an upgrade or alternatively, discharging the effluent from the Bishop's Castle treatment works into the river Onny instead of the river Clun, do not involve a change in land use. The DEFRA announcement (improving wastewater treatment works section) of 16<sup>th</sup> March 2022 indicates that it might be possible for these measures which would need to be implemented by Severn Trent Water, to be part funded by developer contributions in the future.
- 8.51 The Council therefore considers principle 4 to be satisfied.
- 8.52 *Principle 5: Not directly use or double count measures that are already in place or must be put in place to protect, conserve, or restore the site (to meet article 6(1) and (2) requirements) in order to justify new growth. For example, 'measures identified*

***in a Diffuse Water Pollution Plan (DWPP) or a Nutrient Management Plan (NMP) as needed to restore the site (such as wastewater treatment work upgrades that do not take account of growth) cannot also be used as mitigation for development'*** (my emphasis)

8.53 The River Clun SAC does not have a DWPP. An NMP (**EV092**) for the River Clun was prepared by NE and EA in 2014. The upgrades to wastewater treatment works recommended in section 8.3 paragraph 29, have now been carried out by Severn Trent Water.

8.54 There is no other information on measures needed to restore the site (see the NE-EA Joint Advisory Position Statement (**Appendix C to EV025**) extracts in Principle 4 above).

8.55 The Council therefore considers principle 5 to be satisfied.

8.56 *Principle 6: Be carefully justified together with calculations of the change in the nutrient contribution before and after the development taking account of any mitigation on land outside the development.*

8.57 The Council will be able to use the AA process at the planning application stage to assess whether applicants have used the River Clun Phosphate Calculator correctly to ensure that the nutrient contributions from the site before development takes place and those from the land providing the mitigation have not been overestimated. Conversely, it will be important to determine that the nutrient contributions from the site after development are not underestimated.

8.58 The Council therefore considers principle 6 to be satisfied.

8.59 *Principle 7: Ensure that there is no real risk that the existing land use, which may be maintained by neutrality (or an improvement), undermines the conservation objective to 'restore' the site to favourable condition. This applies to the existing land use at the development site and at any off-site mitigation land. See Annex 1 for further details.*

8.60 *Annex 1 states that:*

*The basis of nutrient neutrality is that there is no increase from the existing nutrient contribution at a Habitats site as a result of the plan or project. Where a Habitats site is already unfavourable, there is the potential that making a fresh decision under the HRA process to sustain the current nutrient contribution could mean that development may inadvertently undermine the achievement of the restore objective by others.*

*Under the HRA authorisation regime (e.g. regulation 63), developers are not responsible for achieving the restore objectives of the site. Instead, competent authorities must*

*ensure, prior to giving their authorisations, that their plans or projects do not undermine the achievement of the conservation objectives.*

*When determining whether nutrient neutrality is appropriate for certain types of plans or projects in a particular catchment, consideration should be given to the existing land use contribution which may be maintained under nutrient neutrality.*

*...where there is a real risk that the existing land use would undermine the conservation objective to restore the site to favourable condition, then plans or projects which lock in high nutrient sources may need to do more to reduce the contribution from the existing land use to a level which is compatible with restoration....*

*...Therefore, competent authorities should be considering in their AAs whether or not the plan or project will hinder achievement of the conservation objectives. In addition, **Natural England will advise competent authorities where it considers there to be credible evidence that the existing land use contributions represent a real risk to compromising the restore objectives in a meaningful way** (my emphasis).*

- 8.61 The River Clun SAC is in unfavourable condition and pollution from agricultural activities is the major contributor (see the source apportionment section in the Executive Summary of 2014 River Clun Nutrient Management Plan 2014 (**EV092**)). There is therefore a risk that in calculating the amount of nutrients to be offset, development in the Clun catchment would lock in high nutrient sources. However, Natural England have not advised Shropshire Council that they consider this to be the case i.e. they have not informed the Council that there is credible evidence that the existing land use contributions represent a real risk to compromising the restore objectives in a meaningful way.
- 8.62 The Council therefore considers this principle to be satisfied.
- 8.63 In summary, the Council considers that all 7 of the NE principles are satisfied and so concludes that mitigation is possible.
- c) *(ii) how will it affect delivery of the affected sites?*
- 8.64 Firstly, the Council has taken a precautionary approach to the timescales for the delivery of the proposed site allocations (and other forms of development within the Clun catchment). Specifically, the 5 Year Housing Land supply assessment (**GC4j**) assumes that the proposed site allocations will be delivered toward the end of the Plan period (2038).
- 8.65 Secondly, the Council considers that the requirement of the National Planning Policy Framework and the Habitats Regulations can be met (see also Matter 1, Question 7) with respect to planning proposals in the catchment.

8.66 Thirdly, draft policy DP25 provides certainty that the strategic and critical infrastructure needs of development in the Clun catchment (including the mitigation necessary to allow development to be nutrient neutral) can be met through the Community Infrastructure Levy and/or Section 106 agreements.

8.67 As such, the Council is confident that the proposed site allocations are deliverable and viable.

d) *Will it impact on viability?*

8.68 The River Clun Mitigation Measures Study (**GC4u, GC4v, GC4w and GC4y**) provides costs for a range of suitable mitigation measures. Draft policy DP25 provides a mechanism for the allocation of developer contributions to meet the infrastructure needs of development.

8.69 It is considered that developer contributions will be sufficient to fund the measures necessary for nutrient neutral development as well as any other infrastructure needs in the Clun catchment. The Council is confident therefore, that the cost of mitigation measures will not adversely affect the viability of development in the River Clun catchment.

*Question 9. a) Is it appropriate to deal with mitigation measures through a Supplementary Planning Document (SPD)? b) Should it be resolved before the Local Plan is adopted?*

**Shropshire Council Response:**

a) *Is it appropriate to deal with mitigation measures through a Supplementary Planning Document (SPD)?*

9.1. The explanation to draft policy DP13 (with proposed modifications as shown in **SD003**) envisages that

*4.138 ...mitigation measures to support development in achieving nutrient neutrality or a nutrient reduction will be set out in a River Clun Catchment Supplementary Planning Document (SPD). This SPD will be prepared once a River Clun SAC Restoration Plan is in place. And 4.140 The River Clun Catchment SPD will also include a nutrient calculator*

9.2. Since the Draft Local Plan was submitted, the Council has commissioned the River Clun Mitigation Measures Study This was completed in April 2022 and comprises:

- River Clun Phosphate Calculator (**GC4y**)
- River Clun Phosphate Budget (**GC4v**)
- River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**),

- River Clun SAC Nutrient Neutrality Delivery Options report (**GC4w**)

(see also Matter 1 Question 8).

9.3. The Council considers that the Study provides developers with the tools to determine the amount of nutrients which need to be offset for a given development proposal and a range of suitable mitigation measures with delivery options. This provides further support for the delivery of policy DP13.

9.4. Notwithstanding this, the Mitigation Measures Study recommends some next steps (section 6.2 of the River Clun Phosphate Mitigation Measures Solutions for Residential Development report **GC4u**). These include:

*A database or spreadsheet-based tracking tool to register and record the phosphate loading for each development and identify which schemes this will be delivered through. This should include details of any agreements. The tool should be able to assign credits from various mitigation schemes at various stages of a development's lifetime*

9.5. Such a tool is only one part of the further work needed to deliver and monitor the mitigation measures required by policy DP13. As the Case Studies in the River Clun Phosphate Mitigation Measures Solutions for Residential Development report show, the practicalities of delivering mitigation measures can require the establishment of complex financial and land management arrangements. The administration and monitoring of such a system will be key to ensuring that the mitigation measures offset the extra nutrients generated by residential development in practice.

9.6. The Council considers therefore, that a River Clun Catchment SPD would provide further appropriate support for draft policy DP13. Such an SPD would advise on the use of the River Clun Phosphate Calculator and River Clun Phosphate Budget and set out the Council's preferred mitigation option(s), the preferred delivery mechanism for this/these, and details on the operation of a scheme for the latter. The aim would be to provide guidance and clarity for applicants to support compliance with draft policy DP13 and to aid in the practical implementation of mitigation measures.

b) *Should it be resolved before the Local Plan is adopted?*

9.7. The Council considers that the River Clun River Clun Phosphate Calculator (**GC4y**) and River Clun Phosphate Budget (**GC4v**) provide the tools necessary for developers, the Council, and

statutory bodies to assess the amount of phosphates that would be generated by any proposal for new residential development in the river Clun catchment. The River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**), and River Clun SAC Nutrient Neutrality Delivery Options report (**GC4w**) then provide options and mechanisms for delivering mitigation measures to wholly offset the amount of nutrients produced.

- 9.8. The Council considers therefore, that nutrient neutral development is deliverable during the Local Plan period (see also the Council's response to Matter 1 Question 8).
- 9.9. Furthermore, it is the Council's view that the Mitigation Measures Study provides the additional evidence needed to support draft policy DP13 as requested by Natural England and the Environment Agency in their Joint Position Statement (**Appendix C to EV025**) (see also the Council's response to ID5 **GC5**).
- 9.10. An SPD would add value to policy DP13 by clarifying how the findings of the Mitigation Study can be put into practice, but whilst it could be prepared in advance of the Local Plan being adopted it would only come into effect after adoption.

*Question 10. a) Are there any outstanding objections from Natural England or the Environment Agency to the Plan proposals? b) If so, what are these and how is the Council working to overcome them?*

**Shropshire Council Response:**

*a) Are there any outstanding objections from Natural England or the Environment Agency to the Plan proposals?*

10.1. Natural England (NE) and the Environment Agency (EA) made objections at the Regulation 19 stage which remain unresolved (see also the Council's response to ID1 (**GC4**) Paragraph 8).

*b) If so, what are these and how is the Council working to overcome them?*

10.2. The outstanding objections from NE and EA relate to the effect of the proposed development in the draft Shropshire Local Plan on the River Clun Special Area of Conservation (SAC). The objections are detailed in the Statements of Common Ground with each agency (**EV025** for NE and **EV022** for EA).

- 10.3. Since the Statements of Common Ground were prepared, Shropshire Council set up the Strategic Clun Liaison Group in October 2021. This brings together senior officers from the Council, Natural England, the Environment Agency, and Severn Trent Water in a collaborative format.
- 10.4. The Group's joint position statement (**GC4d**) states:
- The Strategic Clun Liaison Group recognises the need for a long term plan to identify and prioritise the suite of mitigation and restoration measures. This will need to identify and provide a work programme for the mixture of short, medium and longer term management measures required throughout the catchment.*
- 10.5. The Council is thus working collaboratively with NE and EA to find a way forward for the River Clun SAC in respect of both implementing mitigation measure for new development and defining restoration measures to bring the site back to favourable conservation status.
- 10.6. Following the NE-EA Joint Advisory Position on the Clun catchment 23.07.21 (**Appendix C to EV025**) which states that: "*...we have been advising you to produce, as part of your local plan and growth aspirations, an evidence base of possible mitigation measures, in sufficient detail including feasibility/likely cost, etc.*" the Council also commissioned the River Clun Mitigation Measures Study.
- 10.7. The brief for this work (**GC4c**) was circulated to the Strategic Clun Liaison Group and the consultants carrying out the work (Royal Haskoning DHV) attended the mitigation measures workshop run by the Group in early 2022.
- 10.8. The completed River Clun Mitigation Study was published in April 2022. It comprises four documents: a River Clun Phosphate Calculator (**GC4y**), a River Clun Phosphate Budget (**GC4v**), a River Clun Phosphate Mitigation Measures Solutions for Residential Development report (**GC4u**) and a River Clun SAC Nutrient Neutrality Delivery Options report (**GC4w**).
- 10.9. All documents have been circulated to the Strategic Clun Liaison Group. The Council has also brought them to the attention of individual NE and EA officers via email.
- 10.10. The Council considers the River Clun Mitigation Measures Study provides the detailed evidence base of feasible and costed mitigation measures requested by NE and EA and therefore that their concerns should be satisfied. However, despite ongoing liaison with both agencies there has been no formal

communication from either as to whether their position has changed from that set out in their objection to the Regulation 19 Plan or from that subsequently stated in their joint position statement.

*Question 11. The proposal for the North-West Relief Road (NWRR) is not a specific allocation in the Local Plan and is subject to separate HRA process. What is the latest position on the planning application for this project? Does the Local Plan rely upon the NWRR to deliver sites allocated in it?*

**Shropshire Council Response:**

*a) What is the latest position on the planning application for this project?*

11.1. The planning application reference number for the NWRR is: 21/00924/EIA.

11.2. The Council is expecting supplementary information for this Planning Application to be provided on matters raised by the Environment Agency, Natural England and Severn Trent Water as well as an update on the Habitats Regulations Assessment by July 2022. The proposal will then be subject to re-consultation with the potential for consideration by the relevant planning committee in September 2022.

*b) Does the Local Plan rely upon the NWRR to deliver sites allocated in it?*

11.3. The overall vision and strategy within the draft Shropshire Local Plan is not considered to be reliant on the NWRR. However, delivery of the NWRR is supported in principle, and as such the proposed line of the road is identified on the Policies Map to provide context for the proposed strategy for Shrewsbury.

11.4. Shropshire Council considers that one site within the draft Shropshire Local Plan is reliant on the NWRR. The site guidelines for Land west of Ellesmere Road, Shrewsbury (SHR173) stipulate that *“To ensure suitable access arrangements are achieved as well as protecting local amenity value on Ellesmere Road, the delivery of this development is directly dependent on the approval and construction of the North West Relief Road. Development on the site will not commence until such time as the North West Relief Road is operational.”*

11.5. The NWRR would also benefit other proposed allocations in and around Shrewsbury, by contributing to and forming part of the solution for mitigating their potential highway impacts.

## **Equalities**

*Question 12. Is there any substantive evidence to show that the Local Plan would have significant effects on equalities and, particularly groups with protected characteristics that have not been found in the Council's assessment?*

### **Shropshire Council Response:**

- 12.1. Shropshire Council considers that there is no substantive evidence to show that the draft Shropshire Local Plan would have any significant effects on equalities, particularly groups with protected characteristics.
- 12.2. The development of the draft Shropshire Local Plan has been informed by iterative Equality and Social Inclusion Impact Assessment (ESIIA). An ESIIA (**EV003.07, EV004.07, EV005.07, EV006.07 and EV007.08**) has been undertaken at each of the Regulation 18 'Plan Making' consultation stages. An ESIIA (**SD010**) was also undertaken at the Regulation 19 'Pre Submission' stage of consultation. These assessments have not identified any significant effects on equalities, including on groups with protected characteristics.
- 12.3. The preparation of the draft Shropshire Local Plan has also been informed and assessed by an iterative Sustainability Appraisal (**EV003.03, EV004.03, EV005.03.01-EV005.03.02, EV006.03, EV007.04.01-EV007.04.21 and SD006.01-SD006.22**), which includes an evaluation of social factors.
- 12.4. Specifically, the Council's Sustainability Appraisal Scoping Report (**EV002**) sets out objectives to help ensure that all sections of society are considered. Objectives SO3 and SO4 (see Table 5.1 in **EV002**) seek to:
- SO3: Provide a sufficient amount of good quality housing which meets the needs of all sections of society,"*  
and  
*SO4: Promote access to services for all sections of society."*
- 12.5. The supplementary questions for these Sustainability Objectives (Table 5.2 of **EV002**) expand on the matters to be considered as below by asking whether the policy will:
- SO3
- *Meet evidenced housing needs?*
  - *Reflect the requirements of all sections of society in terms of location and affordability as well as adaptability for an ageing population?*
  - *Help to meet the needs of priority households?*
- SO4
- *Enhance access to outdoor spaces?*

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- *Increase provision or connectivity of services such as broadband or renewable energy?*
- *Maintain or enhance access to services and amenities such as schools, doctor's surgeries, Post Offices, shops, parks, play areas or sports facilities?*

12.6. These Sustainability Objectives (with their supplementary questions) were used to evaluate all the draft policies within the relevant stages of the draft Shropshire Local Plan. They were also adapted for use in the wider Local Plan site assessment process. The modifications to the Sustainability Objectives for site assessment are summarised in the Council's response to Matter 1: Questions 2, 3 and 4.

12.7. The development of the draft Shropshire Local Plan has also been informed by engagement and consultation, including with relevant stakeholders, at key stages during the review process. It is not considered that this engagement has identified any significant effects on equalities, particularly groups with protected characteristics.

12.8. The implementation of the draft Shropshire Local Plan will be monitored through the Authority Monitoring Report (AMR).

*Question 13. Does the supporting Equalities and Social Inclusion Assessment identify all relevant groups with protected characteristics?*

**Shropshire Council Response:**

- 13.1. Shropshire Council considers that the Equalities and Social Inclusion Impact Assessment (ESIIA) process undertaken to inform the preparation of the draft Shropshire Local Plan appropriately considered all relevant protected characteristic groups and other groups in Shropshire. Such groups included:
- a. Age (including children, young people, young people leaving care, people of working age, older people – some may be in more than one group).
  - b. Disability (including mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV).
  - c. Gender re-assignment (including associated aspects: safety, caring responsibility, potential for bullying and harassment).
  - d. Marriage and Civil Partnership (including associated aspects: caring responsibility, potential for bullying and harassment).
  - e. Pregnancy & Maternity (including associated aspects: safety, caring responsibility, potential for bullying and harassment).

- f. Race (including ethnicity, nationality, culture, language, gypsy, traveller).
  - g. Religion and belief (including: Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others).
  - h. Sex (including associated aspects: safety, caring responsibility, potential for bullying and harassment).
  - i. Sexual Orientation (including associated aspects: safety; caring responsibility; potential for bullying and harassment).
  - j. Other: Social Inclusion (including families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families, people for whom there are safeguarding concerns; people you consider to be vulnerable).
- 13.2. ESIIA has been undertaken at each stage of Regulation 18 'Plan Making' consultation ((**EV003.07, EV004.07, EV005.07, EV006.07 and EV007.08**) and at the Regulation 19 'Pre Submission' stage of consultation (**SD010**).

*Question 14. Does the submitted evidence show that the Local Plan would not have significant effects on equalities in respect of all groups?*

**Shropshire Council Response:**

- 14.1. Shropshire Council considers that the draft Shropshire Local Plan will have a positive effect on all groups in society. Indeed, it is intended to do so, given its aim of achieving sustainable development and the long term sustainability of Shropshire.
- 14.2. This is reflected within the proposed vision and objectives of the draft Shropshire Local Plan. Furthermore, the draft Shropshire Local Plan identifies a spatial strategy for the level, distribution and design quality of development which it is considered will positively contribute to the achievement of sustainable development and the long-term sustainability of Shropshire. It is also considered to directly respond to the unique and varied characteristics of Shropshire and the needs of our diverse communities.
- 14.3. Shropshire Council considers that the submitted evidence supports the conclusion that the draft Shropshire Local Plan will have a positive effect on all groups in society.

- 14.4. It has been informed by an iterative Equality and Social Inclusion Impact Assessment (ESIIA) process. The ESIIA undertaken at the Regulation 19 'Pre Submission' stage of consultation (**SD010**) concludes that the draft Shropshire Local Plan will have a medium or low positive impact on the protected characteristic groups and other groups in Shropshire.
- 14.5. The preparation of the draft Shropshire Local Plan has also been informed by an iterative Sustainability Appraisal (**EV003.03, EV004.03, EV005.03.01-EV005.03.02, EV006.03, EV007.04.01-EV007.04.21** and **SD006.01-SD006.22**) which included the consideration of social factors - see the Council's response to Question 12 above.
- 14.6. The implementation of the draft Shropshire Local Plan will be monitored through the Authority Monitoring Report (AMR).

### **Climate change**

*Question 15. How does Policy SP3 along with the overarching strategy of the Local Plan secure the development and use of land which contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004 and paragraphs 152 – 158 of the Framework?*

### **Shropshire Council Response:**

- 15.1. The requirements of S19 (1A) of the Planning and Compulsory Purchase Act 2004 and paragraphs 152 – 158 of the Framework for development plans can be summarised as:
- a. plans should (taken as a whole) include policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.
  - b. plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, water supply, biodiversity and landscapes.
  - c. new development should avoid areas which are vulnerable to climate change.
  - d. where development in vulnerable areas is brought forward, risks should be managed through measures such as green infrastructure.
  - e. the location, orientation and design of development should be planned in ways that help to reduce greenhouse gas emissions.

- f. plans should maximise the potential for suitable renewable and low carbon energy and heat sources whilst addressing their adverse impacts.
  - g. development should minimise energy consumption by taking account of landform, layout, building orientation, massing and landscape.
  - h. plans should encourage new development to use decentralised, renewable or low carbon energy.
  - i. plans should support community led initiatives for renewable energy.
- 15.2. Many of the policies in Draft Shropshire Local Plan include measures designed to promote the adaptation to and mitigation of, climate change as follows:
- a. direct reference to the need to consider climate change
  - b. reduce the need to travel
  - c. promote sustainable transport
  - d. maintain local services and facilities
  - e. provide new local services and facilities
  - f. protect or enhance the natural environment
  - g. minimise resource use e.g. reduce energy needs, reduce waste
  - h. maximise resource efficiency e.g. energy, water, increase recycling
  - i. reduce flood risk
  - j. make efficient use of land
  - k. promote renewable or low carbon energy sources
- 15.3. Table 15.1 below demonstrates which policies, and parts of policies, include which measure (1 – 9 above) and how these measures meet the requirements of S19 (1A) of the Planning and Compulsory Purchase Act 2004 and paragraphs 152 – 158 of the Framework (as summarised in a-i above).

**Table 15.1**

<b>Policy</b>	<b>Paragraph no</b>	<b>Measure</b>	<b>Requirement</b>
SP1	1c	1	a
	1d	6	b, c, d, e,
	1f	10	a, e, g,
	1g	4	a, e
SP2	1	1	a
	5 (a -c)	2, 3, 4 and 5	a, e
	6	2, 3, 4 and 5	a, e
SP3	1a, d, e,	2, 3	a, e
	1b	7, 8, 10	a, e, g,
	1c	7, 8	a,

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<b>Policy</b>	<b>Paragraph no</b>	<b>Measure</b>	<b>Requirement</b>
	1f	7, 11	a, f,
	1g	8	a, e,
	2 (a-d)	11	a, f, h,
	3 (a-c)	6	a, b, c, d, e,
	4a	9	a, b, c, d, e,
	4b, c,	6	a, b, c, d, e,
	4d	7	a, g,
SP5	3a	1, 7, 8,	a, e, f, g,
SP6	3	2	a, e,
	5*	3	a, e,
	7*	5	a, e,
SP8	1b	1, 7, 8,	a, e, g,
SP9	4b	1, 7, 8	a, e, g,
SP10	6e	1, 7, 8	a, e, g,
SP12	1	11	a, f, h, i,
	5b	11	a, f, h, i,
	5e	1, 3	a, e,
	5f	6	a, b, d,
SP13	3c	11	a, f,
SP14	1	2, 3	a, e,
SP16	1	2, 3	a, e,
	2	7, 8	a
SP17	1	7, 8	a
	2	2, 8	a, e,
DP3	1h	4	a, e,
DP4	1j	4	a, e,
DP5	1i	4	a, e,
DP6	1h	4	a, e,
DP7	1k	4	a, e,
DP9	8	5	a, e,
	9	2,3	a, e,
DP10	1g	2	a, e,
	12	9	a, b, c, d,
DP11	1a	8	a, e, g,
	1b	7	a, g,
	1c	7	a, f,
	1d	11	a, f, h,
	2	2,3,6,7,8,9,11	all
	3	1, 8, 11	a, f, g, h, i,
DP12	all	6	a, b, c, d, e,
DP13	all	6	a, b, c, d, e,
DP14	all	6	a, b, c, d, e,
DP15	4	6	a, b, c, d, e,
	5	6	a, b, c, d, e,
DP16	2	6	a, b, c, d, e,
	3c	9	a, b,

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<b>Policy</b>	<b>Paragraph no</b>	<b>Measure</b>	<b>Requirement</b>
	3f	6	a, b, c, d, e,
	3h	6	a, b, c, d, e,
	4	6	a, b, c, d, e,
DP17	all	6	a, b, c, d, e,
DP18	3	6, 7	a, b, c, d, e, g,
DP19	all	6	a, b, c, d, e,
DP20	all	7, 8	a, b, g,
DP21	all	9	a, b, c, d,
DP22	all	6, 9	a, b, c, d, e,
DP24	all	6	a, b, c, d, e,
DP26	2	11	a, b, f, h, i,
	4	11	a, b, f, h, i,
DP28	2	1, 2	a, e,
	3 (a-g)	1, 3	a, e,
DP31	1b	3	a, e,
	1e	9	a, b, c, d,
	1f	6	a, b, c, d, e,
DP32	1	6, 8	a, b, c, d, e,
	2c	8, 11	a, f, h,
DP33	2b	11	a, f, h,

\*assumes paragraph numbering is corrected

### **Neighbourhood plans**

*Question 16. Does the Local Plan set an appropriate framework, and allow a suitable role, for existing and future neighbourhood plans in the plan area?*

#### **Shropshire Council Response:**

- 16.1. Yes, Shropshire Council considers that the draft Shropshire Local Plan sets an appropriate framework and allows a suitable role for existing and future Neighbourhood Plans in the area.
- 16.2. With regard to existing 'made' Neighbourhood Plans, the draft Shropshire Local Plan works alongside their aspirations where they share the same plan period.
- 16.3. Where they do not share the same plan period (as is the case for the Much Wenlock and Shifnal Neighbourhood Plans which cover the period to 2026 in line with the adopted Local Plan), there is a need to plan effectively to the end of the plan period addressed within the draft Shropshire Local Plan (2038). In these cases, the Shropshire Local Plan provides a development strategy for these areas to 2038. However, the policies and proposals within these Neighbourhood Plans which conform with

the draft Shropshire Local Plan will continue to form part of the Development Plan for the area.

- 16.4. Future Neighbourhood Plans include those which are known to be in production and those which may be produced during the plan period to 2038.
- 16.5. With regard to those that are known to be in production, Shropshire Council has liaised with the relevant Town/Parish Council and Neighbourhood Plan Group (as appropriate) in order to understand their planned scope and aspirations. The draft Shropshire Local Plan is responsive to and reflective of this planned scope and aspirations. It has also been informed by the progress being made in the preparation of these documents.
- 16.6. For instance, the emerging Bishop's Castle, Broseley, Cleobury Mortimer and Dorrington Neighbourhood Plans intend to provide development strategies for these settlements. As such the relevant settlement policies (S2.1, S4.1, S6.1 and S16.2) in the draft Shropshire Local Plan, identify residential and where appropriate employment development guidelines for these settlements, but explains that the Neighbourhood Plans will identify the strategy for achieving these development guidelines.
- 16.7. With regard to Neighbourhood Plans that may emerge in the future, the draft Shropshire Local Plan provides a framework which will facilitate these documents positively influencing the sustainable development of their communities. In particular:
  - a. Draft Policy SP2 specifies that *"formal Neighbourhood Plans will be supported and can identify development opportunities which will complement proposals in this Local Plan"*.
  - b. Draft Policy SP2 also explains that where rural communities are not identified as Community Hubs or Community Clusters, they can use Neighbourhood Plan's to 'opt-in' to Community Cluster status (this is also reflected in draft Policy SP9).
  - c. The explanation to draft Policy SP5 which addresses high-quality design explains that community led plans (including Neighbourhood Plans) can *"provide information on locally distinctive design factors, which should be considered in the context of this Policy"*.
  - d. Both draft Policy SP8 and draft Policy SP9 which manage development in Community Hubs and Community Clusters respectively include a requirement that development proposals *"positively responds to design criteria and policies identified within relevant Neighbourhood Plans and Community Led Plans"*.

- e. The draft settlement policies (S1-S18) specifically reference the need for development proposals to positively response to community-led plans (including Neighbourhood Plans).

### **Plan period**

*Question 17. Is the Local Plan period of 2016 to 2038 consistent with national policy? If not, is there justification for this?*

#### **Shropshire Council Response:**

- 17.1. Yes, Shropshire Council considers that the proposed plan period of 2016 to 2038 is consistent with national policy.
- 17.2. Specifically, consistent with the requirements of Paragraph 22 of the National Planning Policy Framework (NPPF), the proposed plan period is sufficient to allow for the draft Shropshire Local Plan to look forward 15 years from its adoption, allowing it to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
- 17.3. It is noted that Paragraph 22 of the NPPF also states that *“Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”*, however Footnote 16 of the NPPF states that this requirement is subject to *“transitional arrangements”* that *“are set out in Annex 1 of the NPPF”*.
- 17.4. Paragraph 221 of Annex 1 of the NPPF states *“For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point this version is published...”*
- 17.5. The 2021 version of the NPPF was published on the 20<sup>th</sup> July 2021. Shropshire Council commenced its Regulation 19 pre-submission consultation on the 18<sup>th</sup> December 2020. As such, these transition arrangements apply to the draft Shropshire Local Plan.