

## Shropshire Local Plan Examination

Stage 1 Hearing Statement on behalf of Persimmon Homes and Taylor Wimpey (ID A0595)

Matter 1 – Legal Compliance / Procedural Requirements

Tuesday 5<sup>th</sup> July 2022

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

Issue - Whether the Council has complied with the relevant procedural and legal requirements

Relevant policy – SP3

#### Sustainability Appraisal

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

No – Whether or not there has been a systematic failing across the SA process, the SA has certainly not understood the environmental, social or economic effects associated with the land at Weir Hill SHR176

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

No – whilst it is not for a site specific consideration of allocations in this Examination Stage, the assessment of SHR176 is a clear example of failings in the SA and site assessment process. The environmental, social and economic effects of the Local Plan have not been adequately and accurately assessed in the Sustainability Appraisal in respect of this site, there are errors in the assessment, lack of evidence to support the officers' conclusions and therefore failings in the evidence base supporting the plan – SA is a critical iterative process which is a key document supporting the plan and therefore these failings need to be fully addressed.

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

Yes

#### General Commentary

Context to this Hearing Statement is provided in the NPPF and PPG. Paragraph 32 of the NPPF states that **“Local Plans and spatial development strategies should be informed throughout their preparation by Sustainability Appraisal”**.

The PPG confirms **“Every local plan must be informed and accompanied by a Sustainability Appraisal. This allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account and should play a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the local plan reflects sustainability objectives and has considered reasonable alternatives”**. (Paragraph: 037 Reference ID: 61-037-20190315)

Further the PPG adds (Paragraph: 001 Reference ID: 11-001-20190722) **“A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives”**. Further it states **“By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the plan.”**

Taylor Wimpey and Persimmon have submitted proposals at a number of stages of the Plan’s preparation suggesting the allocation of land for housing at Weir Hill Phase 3, Shrewsbury (SA Site Reference SHR176). Whilst the Examination of the Plan is not addressing specific allocations of sites, this is used as an example of how the SA process has not been undertaken in an effective, transparent and evidenced way and is referred to here in that context. The extent to which this is a systematic failing is touched on here and objections here highlight that;

- The nature, form and consequently environmental, economic and social implications of proposed reasonable alternative sites was not appropriately taken into account
- Evidence and information provided by Objectors explaining sites, proposals and planning context to assist the SA iterative process seems to have had no influence or effect on consideration of alternatives
- The SA assessment, outcomes and findings of reasonable alternatives is not a fair or true reflection of their environmental, economic or social implications

The approach to site selection within the Plan is set out in a number of documents but for housing proposals principally comprises assessments undertaken in respect of potential sites put forward through the Strategic Land Availability Assessment (SLAA) first produced in 2018, alongside the Sustainability Appraisal published alongside the Regulation 19 Plan.

For the requirements of the NPPF and PPG to be met, it is important that these documents comprise a sound consideration of reasonable alternative. The process is intended to be an iterative one and given the importance of SA in the formulation of the plan, it is vitally important that this evaluation was done effectively, fairly and underpinned by robust evidence of the expected environmental, economic and social implications of the reasonable alternatives.

It is of fundamental concern to Persimmon and Taylor Wimpey, irrespective of whether other sites in the SA process were assessed properly, their land at Weir Hill has not been fairly assessed as part of this process, the findings of the SLAA and its conclusions about the site have been based on a lack of understanding of the site and its proposals, without evidence to support its conclusions and remarks. The Sustainability Appraisal includes errors and incorrectly scores the proposals for this site in a number of key important aspects.

These concerns are fundamental in respect of the soundness of the site selection process as it relates to the land at Weir Hill Phase 3, resulting in it failing to be allocated in the plan without good and sound planning reasons. This is not least because of the following (again recognising this part of the Local Plan Examination process is not about specific site allocations, but these are provided by way of example of the failings of the SA process);

- The Sustainability Appraisal includes scoring for the site which incorrectly underscores the site in a number of key aspects and also fails to take into account aspects of the proposed mixed use components to the proposals which would directly address any perceived deficiencies in local infrastructure or facilities, noting with specific reference to the site assessments in Appendix Q to the SA (page 22, 213 and 610);
  - o The existence of a Tree Preservation Order to the boundary of the site where no trees whatsoever within the Order are affected by the proposed development should not count negatively against the site
  - o There is, in fact, a Primary School within 480m of the site
  - o The opportunity is proposed within the site for provision of a Doctors' Surgery
  - o Phase 1 and 2 of the development have already facilitated bus access to the site and the site is well served within 480m by a regular service
  - o None of the proposed site for housing is in fact within a high risk flood zone and suggestions in the assessment that "much of the it is in flood zones 2 and 3" are completely incorrect
  - o Landscape sensitivity and visual impact are over stated (see below)
  - o Highway access considerations have been judged without evidence and a misconception that the London Road link road will not be delivered until much later in the plan period (the link has now been constructed)
  - o None of the site proposed for development is in fact within the Environmental Network, moreover the proposals respond to opportunities to enhance the river corridor as part of wider objectives of the Council
  - o Any suggested expectation of loss of the environmental network is wrong. There is no suggestion whatsoever of any proposals here which would impact on the River Severn which is designated as a LWS. Trees and hedgerows are retained and ecology surveys support the development of the site without any undue harm in the same way as Phases 1 and 2 have been developed.
  - o Contaminated land is not a constraint to the site
  - o Noise from the railway line to the north is not a constraint to the development of the site

- o The development of the site would not have to await the development of Phases 1 and 2
- o The London Road access to Phase 2 is constructed and the development could contribute to housing supply without any delay
- The SLAA conclusions have unduly and incorrectly influenced the assessment of the site in key respects of landscape impacts, transport infrastructure and access, as well as sustainable land uses.

Based on the above examples, the Council's assessment of the site within the sustainability appraisal and site selection process has been misconceived and flawed. The Council have not judged the proposals fairly, have misunderstood the delivery of associated infrastructure including the delivery timeframe for the new London Road link which is in place to serve this phase as well as earlier phases. They have not had appropriate empirical evidence to judge highway implications and traffic. They have also failed to appropriately and fairly consider localised, site specific landscape implications.

The following is particularly highlighted with reference to the Appended supporting information which was submitted to assist the council in understanding the site and proposals so they could be fairly judged - they comprise a Vision Document (September 2020), Landscape and Visual Appraisal (PGLA, September 2020) and Transport Technical Note (Croft, September 2020);

**Landscape Sensitivity** – the landscape review undertaken by Gillespies for the Council as part of the Local Plan evidence base, identified the development on this site as an area of landscape medium / high sensitivity. The findings of the landscape review undertaken by Gillespies was used to inform the site assessment and is reflected in a specific line in the site assessment for each site in Appendix Q to the SA.

The assessment was not appropriate for the evaluation of small component parts of the wider landscape around the Town. Indeed the study itself highlights that it is **“a strategic assessment which provides the context for more detailed studies of individual sites. It does not make judgements on the appropriateness of specific developments on individual sites (and does not consider specific development proposals where these might exist). More detailed studies relating to specific site allocations and development proposals will be undertaken at a local authority level as part of the Development Plan and development management process”**. The character area classification of landscape sensitivity is therefore not a definitive factor in assessing site proposals, which have to be done in the context of the specific proposals themselves. Indeed, the Gillespies Report suggests as much in stating **“In this study visual aspects are considered in relation to landscape character and quality and not in relation to specific views (although these will be noted where they are a key characteristic of a particular area). This is because views and visibility change over short distance and can only be assessed in relation to a particular development type as part of landscape and visual impact assessment.”**

Persimmon and Taylor Wimpey's own assessment previously submitted to the Council and now further updated as attached in a September 2020 update by PGLA here highlights that the lack of granularity within the parcels of the SLVSA combined with the methodology is providing an assessment with inaccurate and distorted broad brush gradings regarding landscape and visual sensitivity. Further in this context the sensitivity grading is therefore not reflective of the more fine granular nature of the wider character area which means its usefulness and effectiveness as a tool to inform or strongly influence an assessment for a specific site such as this site SHR176 is obviously flawed and will not provide the local authority with an accurate and helpful evidence base for making decisions on site allocations.

A more appropriate and focused landscape assessment confirms significant less sensitivity, less than other sites around the Town which have been selected for allocation. The landscape sensitivity here is not medium high. It is self-evident that by comparison to the Gillespies work (and no criticism of its strategic approach and brief is intended), the landscape assessment work we have submitted as part of our evidence in support of this site does appropriately assess the specific site and its sensitivity, which is in fact Medium Low and landscape impacts moderate to negligible. This is noting particular proposals including the approach which safeguards as open space and landscape planting, those areas which may be more visually sensitive adjacent to the river. If the Officers' assessment has been influenced by the Gillespies' broad brush character assessment which itself evidently has and not the circumstances of this particular site and proposed development, then it is undoubtedly unfair and flawed.

**London Road Access** – a significant concern in the Council's assessment of this site was a misunderstanding that the delivery of the London Road link (through Phases 1 and 2) would as stated in the SA Appendix Q be provided much later in the Plan period such that the accessibility and traffic benefits of this link would not be available to Phase 3 in the short term. This is not the case. The delivery of the London Road link is conditioned in the current planning permission issued by the Council for Phases 1 and 2, such that no more than 175 homes within Phases 1 and 2 can be commenced construction and no more than 150 dwellings occupied before the London Road link is fully open to public use. With swift progress in the delivery of Phases 1 and 2 of the Weir Hill development, the link road has already been constructed and is available to provide access to Phase 3 of the development - previous concerns in this regard are misplaced. Equally no construction access whatsoever would be required to construct Phase 3 using Preston Street, which was a principal concern of the council in establishing the limits to occupations on Phase 1.

Phase 3 is in fact available for very early delivery in the Plan period and will support the plan housing delivery trajectory as other larger schemes will take some time to come forward.

Further transport analysis has been undertaken on potential traffic implications for Phase 3 in the attached Transport Technical Note (Croft September 2020). It highlights that the site is highly accessible including by non-car means; vehicle access is available and safe; an assessment of traffic from the development (including a considered assessment of traffic distribution with the London Road link in place) shows that it would have a minimal impact on Preston Street, or the wider highway network; there will be no requirement whatsoever

for construction traffic to use Preston Street as the London Road link will be in place and there is no highway or safety concerns that should prevent the site from being allocated. The Council have not prepared or considered any other transport evidence in their assessment of the site which contradicts these findings and their judgements in the SA Appendix Q assessment of the site are not based on any transport assessment work.

In summary, the assessment of SHR176 is a clear example of failings in the SA and site assessment process. In response to the Inspector's questions, the environmental, social and economic effects of the Local Plan have not been adequately and accurately assessed in the Sustainability Appraisal, the Local Plan has not properly assessed reasonable alternatives and these are legitimate concerns being raised about the SA methodology which the Council have not addressed.

## **Appendices**

Vision Document (September 2020)

Landscape and Visual Appraisal (PGLA, September 2020)

Transport Technical Note (Croft, September 2020);

Vision Document (September 2020)



Landscape and Visual Appraisal (PGLA, September 2020)

Transport Technical Note (Croft, September 2020);