

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0148
Matter	1
Relevant questions nos	16

*Your unique reference can be found in the Schedule of Respondents (Schedule 3 of document SD014.01) at:

<https://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/earlier-regulation-18-plan-making-stages-of-consultation/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/>

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**Shropshire Local Plan
Examination
Response to Matter 1:
Legal/Procedural
Requirements**

Land at Wolverhampton Road, Shifnal

L&Q Estates Limited

June 2022

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1.0 **Introduction**

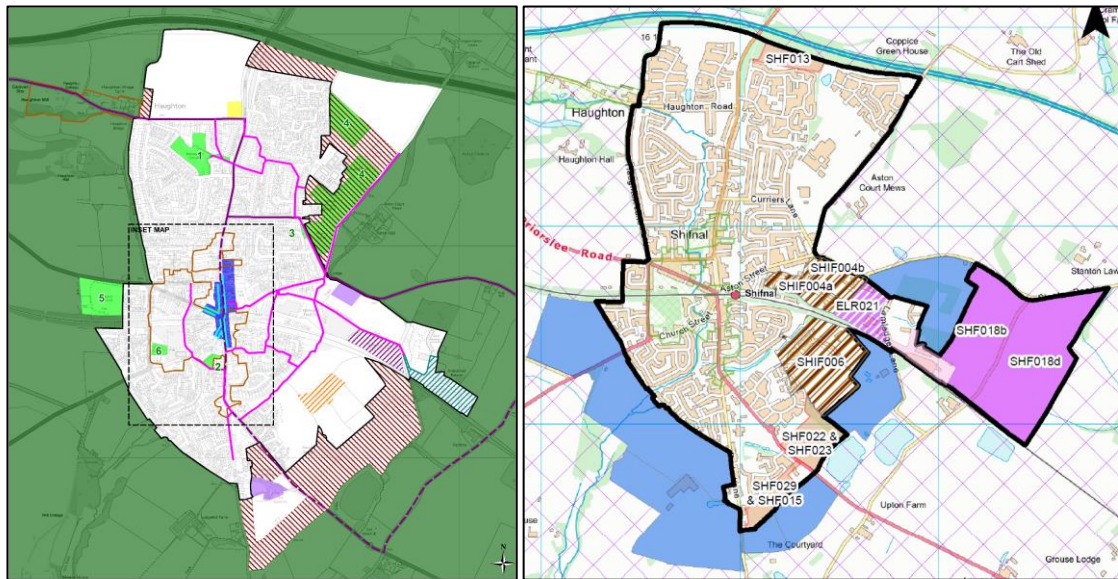
- 1.1 This statement to Matter 1 (Legal/Procedural Requirements) of the examination of the Draft Shropshire Local Plan ('DSLPL') is submitted by Lichfields on behalf of L&Q Estates Limited ("L&Q Estates").
- 1.2 It follows the submission of representations to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (December 2020) in respect of land north of Wolverhampton Road, Shifnal, in which L&Q Estates has land interests. For reference, the representations comprising these proposed changes were identified under Representation Reference **A0148**.
- 1.3 The National Planning Policy Framework ('NPPF') outlines that during the examination process a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspectors' questions which set out why we consider changes to the DSLPL are necessary to ensure the soundness of the Plan.
- 1.4 This Statement has been prepared in line with the Guidance Note (Ref: ID6) for the Examination.

2.0 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?

- 2.1 In general, **yes**. However, there is concern as to how a decision-maker would respond to planning applications in accordance with draft housing allocations that are located within areas outside of the defined Settlement Boundary of “made” Neighbourhood Plans.
- 2.2 In particular, L&Q Estates is promoting land off A464, Wolverhampton Road, Shifnal, which includes part of the proposed allocation between Windmill View and The Monument (Site Allocation Reference SHF022 & SHF023). A Neighbourhood Plan for Shifnal covering the period 2014-2026 was “made” in 2016. In this respect, DSLP Policy S15(2) (Shifnal Place Plan Area) states that “*policies and proposals within the Neighbourhood Plan which conform with the Local Plan will continue to apply through the lifespan of the Neighbourhood Plan.*”
- 2.3 Whilst this would generally remove the risk of a conflict between the Shifnal Neighbourhood Plan and the draft Shropshire Local Plan, L&Q Estates consider it should be made clear that planning applications according with draft Site Allocations SHF022 & SHF023 will not be resisted on the grounds of conflict with Shifnal Neighbourhood Plan Policy SL1 (Green Belt, Safeguarded Land and Shifnal Settlement Boundary) which states:
- “The settlement boundary of Shifnal Town is shown on the Proposals Map. Development or redevelopment will be permitted within the settlement boundary subject to the other policies in this plan and those in the Shropshire Local Plan.*
- Outside the settlement boundary within the Safeguarded Land, only development that is not prejudicial to the potential future use of this land to meet Shifnal’s longer term development needs will be supported.*
- Within the Green Belt development should comply with national policy, Core Strategy Policy CS5 and SAMDev Policy MD6.”*
- 2.4 As per the Shifnal Neighbourhood Plan Proposals Map, draft Site Allocations SHF022 & SHF023 are located outside of the defined Settlement Boundary, as shown in the below extract alongside the Local Plan Policies Map (Shifnal Place Plan Area):

Figure 2.1 Shifnal Neighbourhood Plan Proposals Map (Left) and DSLP Proposals Map for Shifnal (Right)



Source: Shifnal Neighbourhood Plan and Draft Shropshire Local Plan

2.5 At face value, Shifnal Neighbourhood Plan Policy SL1 would not expressly support a planning application at draft Site Allocations SHF022 & SHF023 given that they form the area “outside the settlement boundary within the Safeguarded Land”. As DSLP Policy S15(2) is silent on the application of Shifnal Neighbourhood Plan Policy SL1, there may be ambiguity as to how a decision-maker should respond, contrary to NPPF paragraph 16(d):

“Plans should... contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”

2.6 In this respect, NPPF paragraph 30 provides some clarity which largely removes such ambiguity:

“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”

2.7 Additionally, Section 38(5) of the Planning and Compulsory Purchase Act 2004 confirms:

“If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

2.8 Consequently, this would appear to remove the potential risk identified above, however, L&Q Estates maintains that such risk could be altogether avoided through the provision of policy wording clarifying the issue.

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