

Hearing Statement for the Shropshire Council Local Plan Examination

Matter 1 – Legal/Procedural Requirements (Policy SP3)

Statement on Behalf of the Stanmore Consortium Ref: A0497

ID 10

SHROPSHIRE LOCAL PLAN EXAMINATION

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Matter	1
Relevant Question No.s	1, 2, 3, 4, 5, 15

Stage 1 Hearing Statement

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1. Introduction

- 1.1. This Hearing Statement is on behalf of The Stanmore Consortium (“TSC”) (Apley Estate and Stanmore Properties) and should be read in conjunction with previous representations made on behalf of TSC at the Regulation 18 and 19 Stages.
- 1.2. In 2017 Shropshire Council approached TSC with a view to delivering proposals for a Garden Community for the future housing and employment needs of Bridgnorth on land owned by TSC.
- 1.3. In November 2018 the Shropshire Local Plan Review: Consultation on Preferred Sites was published with a masterplan mixed use garden settlement at Stanmore, initiated by the Council, as a Preferred Site. This followed extensive discussion between the Council and TSC, public consultation and provision of detailed information requested by the Council.
- 1.4. In April 2020 the Council abruptly changed its position on the Stanmore Garden Community proposal to an alternative on land west of Bridgnorth, not previously promoted nor consulted upon. This alternative was included in the Regulation 18 and 19 Stages of the Local Plan.
- 1.5. TSC have continued to promote Stanmore Garden Community as the best option for Bridgnorth and Shropshire.
- 1.6. This Hearing Statement focusses on those specific questions which are directly relevant to TSC’s position.

2. Matter 1 – Legal/Procedural Requirements (Policy SP3)

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?

Q1(b) Statement of Community Involvement

- 2.1. We do not consider the Local Plan is compliant with the Statement of Community Involvement (SCI).
- 2.2. The Regulations¹ require LPAs to review SCIs² at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community³.
- 2.3. The Council's SCI (June 2021) replaced the June 2011 SCI; The Regulation 18 and 19 Stages were prepared based on the 2011 SCI, and don't reflect changes in the process of Local Plan making since 2011 and the changes made to ensure up to date consultation methods are implemented, particularly as the Draft Plans were issued during the period of Covid 19 lockdown.
- 2.4. The public and interested parties have been frustrated in understanding the process of the Local Plan because of the way the documents on the website are presented, making it difficult to understand which documents are important and their status.
- 2.5. For example, it is unclear that;
 - the documents all have equal "status" as part of the Regulation 19 consultation
 - the consultation welcomed comments on all the documents
 - the alternative sites are to be promoted in the same way as comments are invited on the Strategic and Settlement Policies.
 - the public can comment on the site assessment procedure and are able to suggest alternative sites.
- 2.6. These deficiencies create an unlevel playing field, particularly in terms of the options being consulted on for the proposed allocations. This is a fundamental flaw in the process adopted.

¹ Local Planning Authorities

² Statements of Community Involvement

³ PPG Paragraph: 062 Reference ID: 61-062-20190315

Question 2

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

- 2.7. The SA does not accurately assess the environmental, social and economic effects of the Local Plan.
- 2.8. The SA is central to the tests of soundness of a Local Plan Review and aims to make sure that plan proposals are the most appropriate given the reasonable alternatives. The Council have failed to apply these tests consistently. For example, at Bridgnorth, the SA demonstrates the preferred site, Tasley Garden Village, is not rated as highly as an alternative, SGC, yet Tasley is the preferred site allocation.
- 2.9. The Council have failed to avoid significant adverse impacts or consider alternative options which reduce or eliminate such impacts. Where significant impacts are unavoidable, suitable mitigation measures should be considered⁴.
- 2.10. For example, at Bridgnorth, the preferred site selected at Tasley Garden Village⁵ shows adverse impacts; given there is an alternative option which reduces the impacts, it is considered that the SA findings do not support the approach of the Council and the strategy of the Plan
- 2.11. At Tasley, housing is proposed on the area which was rated “poor” in the Regulation 18 Plan and has a score of -8 at the Regulation 19 Stage. At Stanmore⁶ (SGC), housing is rated ‘Fair’, with a score of “-5”. The employment at Stanmore⁷ is also rated ‘Fair’. Stanmore has less significant effects and is more sustainable than Tasley based on the Council’s assessment conclusions.
- 2.12. When the details of how the assessment conclusions are studied, it becomes clear that there are inconsistencies in the approach. For example, Stanmore⁸ scores better than the Council, partly due to the revised site area reducing the impacts and partly because it has been mis-scored in places. This is discussed in question 4.
- 2.13. Even with inaccuracies and deficiencies of the process, Stanmore⁹ is still rated as ‘Fair’ for the elements proposed.
- 2.14. Sites rated as ‘Poor’ are considered to have likely significant adverse effects for which mitigation measures should be proposed. However, the Council have taken mitigation measures to an extreme in some cases and ignored the compound effect of multiple mitigation measures required on single sites. For example, in the case of Bridgnorth, as there is an alternative site that is not ‘poor’ rated, there should be no need for mitigation and should be favoured before looking to mitigate.

⁴ NPPF paragraph 32

⁵ BRD030

⁶ BRD032

⁷ BRD032

⁸ BRD032

⁹ BRD032

- Tasley¹⁰ is rated as ‘Poor’ for Housing in the Regulation 18 SA, with multiple mitigation matters proposed to address the ‘Poor’ rating, as set out below. The effect of the mitigation proposed is however questionable.:

1. *The site is not within walking distance (480m) of many services and facilities* - Mitigation Proposed - includes measures to provide facilities on site and connections to Bridgnorth.

Attention is drawn to the requirement to mitigate by providing ‘*significant and effective pedestrian and cycle links.*’ This is stated to include as a minimum ‘*pedestrian and cyclist footbridge crossing of the A458 at an appropriate location near Ludlow Road roundabout, subject to ground investigations and available land.*’ To mitigate the ‘Poor’ rating it is essential such links can be viably delivered as part of the proposals, be satisfactorily achieved, and demonstrated at this stage that the necessary links are capable of being delivered. TSC have major concerns whether this can be achieved in a satisfactory and financially viable way as set out in the Regulation 19 Representations.

2. *Part of the Site is within Flood Zones 2 and 3* - Mitigation Proposed - a suitable drainage strategy is required, and no development should take place in the areas at high risk of flooding. It should be demonstrated now that all development including access roads can be achieved on areas at low risk of flooding, taking account of other constraints that affect layout such as buffers for the livestock market and listed buildings. Locating open space in the areas at high risk of flooding compromises the recreational use and additional land might be needed.

3. The site contains a Listed Building - Mitigation Proposed - through design and layout should reflect and respect the heritage assets. Green Infrastructure can create appropriate settings although this is yet to be demonstrated. Where there is harm to the significance of a listed building there is a presumption against the development. It is not clear that presumption has been accounted for.

- The Regulation 19 SA changes the scoring for the Tasley Site¹¹ in relation to Criteria 5 “Distance to Primary Schools” the basis for the criteria is 480m (the average distance walked in 10 minutes) derived from Shropshire Councils Accessibility Standards. However, this should be the actual walking distance rather than “as the crow flies” distance, which is fundamentally misleading. It is assumed that the relevant school in this case is Castleford Primary School, to use a direct “as the crow flies” distance is far too simplistic and takes absolutely no account of topography, a dual carriageway and accessible footpaths; the actual distance to walk, even with a pedestrian crossing of the A458 in place (which there is no guarantee is deliverable) is 800m to the closest edge of the Tasley Allocation. This would result in as a negative score as shown recorded in the Regulation 18 SA producing an overall rating of “poor”.

2.15. The findings of the SA do not support Shropshire Council’s approach or the Plan’s strategy. The SA demonstrates the preferred sites do not score as well as the alternatives, for example, the scoring for the proposed Tasley Garden Village¹² is not rated as highly as the SGC site¹³. The

¹⁰ BRD030

¹¹ BRD030

¹² BRD030

¹³ BRD032

evidence base therefore does not support the preferred site allocations and the approach does not accord with the policy of the NPPF that requires an alternative with a lesser impact should be considered.

- 2.16. There are scoring inaccuracies and distortions of the outcome due to the nature of the assessment process that when corrected show some sites score more positively than allowed for, which further reinforces the conclusion that the evidence shows that some alternatives should be favoured over allocated sites.
- 2.17. The Council are inconsistent in the application of their policies. They seek to deliver a Garden Villages, but then ignore the principles of Garden Villages in their site allocations, such as locating them close to employment areas to reduce travel to work time and environmental damage. The Council have challenging environmental pollution targets which have also been ignored in the site allocations, with sites some distance from employment areas, being chosen over those that are closer and which score more highly in other assessments.

Question 3

Does the SA test the Local Plan against the preferred options chosen and all reasonable alternatives?

- 2.18. The SA has not considered reasonable alternatives on an accurate basis and not been informed by up-to date evidence about the impacts of the alternatives. Therefore, it is considered that the SA does not meet the statutory and legal requirements.
- 2.19. The SA must assess reasonable alternatives on a fair and accurate basis as part of a comparative process, informed by up-to date evidence, in accordance with paragraph 32 of the NPPF.
- 2.20. Furthermore, PPG states that the SA needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted.
- 2.21. The comparative appraisal of sites contains erroneous conclusions regarding the impact of alternative sites and proposed allocations.
 - For example, in Bridgnorth the land at Tasley¹⁴ and Stanmore¹⁵, where there are inconsistencies in relation to proximity to employment and schools, and impact upon heritage and landscape, as set out in the response to Question 2 above.

¹⁴ BRD030

¹⁵ BRD032

Question 4

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

- 2.22. Yes, concerns were raised, and the Council provided unsatisfactory responses.
- 2.23. With regards to methodology, SA Chapter 2 sets out the basis for scoring. Each land parcel is tested against 15 different SA criteria. It includes a description of effect and scoring on significance of the effect using scores double negative (- -), negative (-), neutral (0), positive (+) and strongly positive (++). The sustainability objectives are set out to assess sites for allocation.
- 2.24. The negative and positive marks for each site are combined to give a numerical value. For those settlements with more than 10 SLAA sites, the lowest and highest values for that settlement are used to determine a range. The range is then divided into three equal parts. Those sites in the lowest third of the range are rated as 'Poor', those in the middle third as 'Fair' and those in the upper third as 'Good'.
- 2.25. The Council's methodology falls short for two reasons; the scope of the baseline information and the way the SA objective (SO15) assess heritage.
- 2.26. Baseline information should draw on the sustainability issues facing Shropshire. One of these issues is climate change and SA objective SO6 'Reducing the need of people to travel by car' has not been adequately considered in the assessment process.
- 2.27. For example, in Bridgnorth, there is a need to increase self-containment and reduce commuting, which generally takes place by car. This could be achieved by providing good access between housing and local jobs and focusing development in accessible locations. This approach will reduce the overall miles travelled, thus contributing positively to the climate change emergency. To address this issue, an additional criterion (6) should also be added for 'An employment area within 480m of the site boundary' where Yes = plus score (+) and No = minus score (-).
- 2.28. In relation to the heritage assessment, the SA scores sites on proximity to designated heritage assets, whether a site has a designated asset within its boundary¹⁶; and whether a site falls within a standard specified distance of an asset¹⁷. In the case of SA for another authority in the West Midlands, Historic England have expressed concerns about the limitations of this approach. It is "effect on significance" rather than proximity, of each allocated site and reasonable alternative, that should be assessed. An assessment of significance of heritage assets is required so a sensitivity rating can be used, and a highly sensitive site would have a significant negative effect.
- 2.29. An assessment of sensitivity should be used to judge potential impacts, rather than just proximity. Examples of the limitations and inaccuracies with the scoring within the SA are set out below:

¹⁶ Criterion 13

¹⁷ Criterion 14

- The scoring of site P56 is reduced because of proximity to TPOs and direct impact upon Ancient Woodland, when in fact there are no TPO's present and there would be no direct impact on Ancient Woodland.
 - Site P56 scores a double negative for having a Scheduled Monument within the site. However, the Scheduled Monument boundary covers a minute area on the north west boundary and it's been confirmed by Historic England (HE) that the designation is incorrectly shown on the Register, which is in the process of being corrected. HE has confirmed they do not consider there would be any impact on the setting of the Ancient Monument.
 - All Stanmore sites should be attributed a positive for coming within 480m of accessible natural green space (Criteria 5) as Stanmore Country Park is on their boundaries.
- 2.30. One of the deficiencies of the SA tool is that a 'criteria description' may only apply to a small part of a parcel yet the whole parcel is blighted by the conclusion of significant effects when the criteria description is not representative of the whole parcel.
- 2.31. For example, site P54 covers an area over 2km across, it scores a negative for displacing an existing waste management operation. The facility is not within the site and is not close to the promoted SGC. It would not be displaced by the proposed new village, in fact it would supply electricity made from waste to the new village, which should be seen as an environmental benefit.
- 2.32. A change was made as a response to comments received to the Preferred Sites Consultation that was translated into criteria 6 in the Scoping Report as 'Regular peak time public transport service within 480m of the site boundary'. For consistency the same distance is suggested for an additional criterion 6.
- 2.33. It is also considered that the methodology (in keeping with Garden Village principles) should include a new criterion which accounts for proximity to existing employment in order to reduce travel distances. A new criterion should be added for 'An employment area within 480m of the site boundary'. In addition, an assessment of effect on significance of heritage assets need to be undertaken, to assess potential impacts rather than relying solely on proximity.

Question 5

Have the requirements for Strategic Environmental Assessment (SEA) been met?

- 2.34. The SEA Directive¹⁸ and the EAPP Regulations¹⁹ require the SEA to provide information on "secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects".
- 2.35. Each development management policy and site allocation should be assessed to predict and evaluate the likely cumulative and synergistic effects of all policies and sites of the Local Plan in-combination. Cumulative and synergistic effects can be defined as:

¹⁸ Annex 1(f)

¹⁹ Environmental Assessment of Plans and Programmes Regulations 2004

- Cumulative effects arise, for instance, where several proposals each have insignificant effects but together have a significant effect, or where several individual effects of the proposal have a combined effect; and
 - Synergistic effects interact to produce a total effect greater than the sum of the individual effects, so that the nature of the final impact is different to the nature of the individual impacts.
- 2.36. There has been no consideration of the cumulative or synergistic effects that will arise with other policies.
- 2.37. There has been a failure by the Council to meet the SEA Directive and Regulations requirements to assess what the combined effects that the Local Plan policies and site allocations would have on the social, economic and environmental conditions within the County.

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?

- 2.38. Policy SP3 should actively manage patterns of development to reduce emissions. This should be recognised in the Local Plan and applied in the approach to identifying sites, which clearly not been the case. The location and juxtaposition of uses should be the starting point.
- 2.39. TSC support development in Shropshire that will help bring a transition to a zero-carbon economy. TSC is generally supportive of the means in SP3 but consider this should be extended to recognise how land use planning can contribute. The measures stated can be met by selecting the location of sites to be allocated and the benefits brought by the juxtaposition of uses. The policy needs amending.
- 2.40. NPPF Section 9 promotes sustainable transport and states ‘transport issues should be considered from the earliest stages of plan making and development proposals’²⁰. It says ‘the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions and improve air quality and public health’.
- 2.41. Directing development to the most sustainable settlements is a start, but it should be recognised that within those settlements, some locations and some developments can contribute more than others in a transition to zero-carbon. For example, certain locations within those settlements reduce commuting. In the case of Bridgnorth, commuting is generally to the east of the settlement to employment locations such as Stanmore Business Park, the Black Country to the east and Telford to the north. Therefore, a development on the east side of the settlement will significantly reduce the miles travelled by car compared to development

²⁰ paragraph 105

on the south or west. Furthermore, by locating jobs next to housing, the need to travel is reduced.

- 2.42. In the case of Bridgnorth, it is estimated that by allocating development at Tasley Garden Village rather than SGC, will result four times more traffic routing north and east compared to the west. The significance for growth is that, to the west, significantly more traffic will need to cross town (and the river bridges) compared with a development to the east.
- 2.43. Planning for a juxtaposition of uses can also reduce the need to travel, for example in the case of Stanmore Business Park at Bridgnorth, current evidence shows that for one of the major local employers circa 72% of its employees currently commute more than 10 miles each way to and from work. Based on the principle of connecting housing provision with employment, it is clear it can assist in increasing the availability of employees to Bridgnorth companies and would reduce the number of in-commuters.
- 2.44. Policy SP3 should actively manage patterns of development to reduce emissions, and this should be recognised in the policy and applied in the approach to identifying sites, this has clearly not been the case. The location and juxtaposition of uses should be the starting point.



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