

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0600 – Ministry of Defence
Matter	7 – Strategic Settlements (Policy 21)
Relevant questions nos	1 – 4 inclusive

*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/>

Shropshire Local Plan Examination

Hearing Statement on behalf of the Ministry of Defence

Matter 7: Strategic Settlements (Policy S21 Only)

Question 1. Is the policy justified, effective and consistent with national planning policy?

1. The Ministry of Defence (MOD) believes that most areas of the policy are justified, effective and consistent with national planning policy. However, there are two outstanding, detailed areas on which the MOD has concerns and considers that further change is required.
2. Paragraph 97 of the National Planning Policy Framework (NPPF) requires planning policies and decisions to take into account defence requirements by “*b) recognising and supporting development required for operational defence and security purposes*”. By including Policy S21 within the Local Plan, the Plan provides a policy hook to support future development at RAF Cosford. In addition, the removal of the majority of RAF Cosford from the Green Belt will provide the MOD with a significantly decreased planning risk for future projects and proposals and will enable additional flexibility which will assist with estate planning going forwards. The reduced planning risk afforded by Policy S21, coupled with the sustainable location of the site, is likely to make the site more attractive for Defence investment in the future.
3. Paragraph 142 of the NPPF requires that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Plans should also give first consideration to land which has been previously developed and/or is well served by public transport. RAF Cosford is an existing, large and well established site which benefits from close links to the strategic corridor of the M54, Cosford Railway Station, National Cycle Route 81 and existing bus routes. A significant part of the Strategic Site comprises previously developed land.
4. NPPF Paragraph 142 also requires local policies to set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. Criterion n within Policy S21 addresses this requirement. Whilst MOD has some concerns with regard to the detailed wording of this criterion, the principle of including it within the policy is supported.
5. The two outstanding areas that MOD would like to see change with the policy relate to Part 4 and Criterion n of the policy.

Policy S21, Part 4

6. Paragraph 16(d) of the NPPF requires that plans should “*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”.
7. As noted within the MOD’s Regulation 19 representation, MOD has concern with the term “*coordinated and complementary*” which is considered to be an ambiguous statement and open to interpretation. Is it the *use* of developments within the site that need to be complementary or do the *designs* need to be complementary, and

complementary in terms of what? Materials? Layout? The term “coordinated” could imply that the development of each area of the site needs to be brought forward together or needs to be linked in some way.

8. Recent discussions between the MOD and the Council have indicated that the wording was included to make sure that discussions took place between the different site users to ensure that development brought forward on one part of the site would not cause an issue for other areas of the site. Whilst this intention is appreciated, the MOD remains concerned that the subjective nature of the term could result in a different interpretation of this part of the policy by case officers determining planning applications in the future.
9. Within its Regulation 19 representation to Policy S21 the MOD requested changes to this criterion to remove the term “coordinated and complementary” in order to ensure that this part of the policy is sound. However, if the Inspector is not minded to recommend such a change, an alternative option that could address the MOD concerns would be the inclusion of additional wording within the policy’s explanatory text to provide clarification on what the term “coordinated and complementary” will mean in practice and how it should be interpreted.

Policy S21, Criterion n

10. Following on from further discussion between the MOD and the Council, the remaining key areas of concern with regard to the soundness of this criterion relate to:
 - the application of the criterion to *any* development proposal; and
 - the apparent inflexibility of the criterion and the potential for it to be read as requiring improvements on land that is not within the ownership of the MOD.
11. The first bullet point is not considered further here as the issue is covered within the representations that the MOD provided to the Regulation 19 consultation. However, meeting the requirements of NPPF Paragraph 16(d) in terms of clearly written and unambiguous policies links to the second bullet point above.
12. The MOD appreciates the need for a reference to compensatory improvements to environmental quality being required to mitigate against the impact of removing land from the Green Belt, in accordance with Paragraph 142 of the NPPF. However, whilst the reasoning behind the inclusion of the part of the criterion that relates to compensatory provision is understood, the MOD believes that the wording of the criterion needs further clarification.
13. The MOD’s Regulation 19 response requested the following changes to this criterion:

Compensatory provision to the remaining Green Belt at RAF Cosford ~~will~~ could include appropriate additional planting to improve visual amenity and biodiversity and/or creation of linkages to green infrastructure networks and corridors beyond the site.

14. With respect to the requested change to make explicit reference to the remaining Green Belt at RAF Cosford, following further discussion with the Council it is appreciated that as the Strategic Site also includes the area of land which occupies the new Midlands Air Ambulance Charity (MAAC) Headquarters, this change would not be appropriate. Therefore, the MOD is content to withdraw that element of the representation.
15. However, the MOD retains concerns that the way the criterion is currently written results in an overly restrictive approach to compensatory measures, rather than being able to consider what may be most appropriate on a case by case basis, whether that be additional planting, linking up habitat corridors / green infrastructure networks or other compensatory measures. As currently written the criterion implies that all development should include the creation of linkages to green infrastructure networks and corridors beyond the site. Given that “beyond the site” could involve a requirement for the MOD to make improvements to land outside of its ownership this may not be feasible and could create issues in terms of future management of any newly created habitat.

New Permitted Development Right

16. Since the Local Plan Regulation 19 consultation took place, a new permitted development right (PDR) has come into force which relates to Defence related development. “The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 inserted Class TA into Part 19 of The Town and Country Planning (General Permitted Development) (England) Order 2015. Class TA came into force on 11 January 2022. It is worth giving some consideration as to whether the introduction of this new PDR has any bearing on the justification and effectiveness of Policy S21.
17. This new PDR allows for the erection, extension or alteration on a closed defence site by or on behalf of the Crown of – a) single living accommodation (defined as a building used for the purpose of providing living accommodation for single or unaccompanied persons) and b) a non-residential building.
18. The new PDR is complex and has a number of associated restrictions, limitations and conditions. Development on a site is allowed up to a ceiling based on the amount of floorspace that was in place on the site on the baseline date of 11 January 2022. For Single Living Accommodation (SLA) the PDR permits an uplift of 25% over and above the baseline SLA floorspace, and for non-residential buildings an uplift of 35% over and above the baseline for non-residential buildings. Therefore, once the 25% and 35% figures have been reached, Class TA can no longer be used for that specific site.
19. The PDR does not allow for the development of Service Family Accommodation (houses for service personnel and their families / dependants) and cannot be used for development falling very close to the perimeter of a site. It is also restricted to enabling buildings up to a maximum of 12 metres in height. The Midlands Air Ambulance

Charity and RAF Museum elements of the strategic site would not be able to use the new PDR as they would not meet the definition of a “closed defence site”.

20. Whilst the new PDR does provide the MOD with additional flexibility at RAF Cosford, it will not cover all development at the site and therefore does not reduce the need for removal of the Green Belt from this location, nor reduce the justification for or effectiveness of Policy S21.

Question 2. Are there exceptional circumstances to justify the removal of the site from the Green Belt?

21. Development proposals brought forward by or on behalf of the MOD at RAF Cosford under Policy S21 will be required in the national interest, to support national Defence operations and activities.
22. The national (and international) importance of the site, in terms of RAF Cosford being an active Defence establishment, the presence of the RAF Museum and the world renowned Cosford Air Show is a key consideration in the assessment of exceptional circumstances. RAF Cosford is a large, established site that has a history going back to the 1930s, well before the designation of the West Midlands Green Belt. Looking to the future the site has been recognised by the MOD as having a long-term role for Defence. As part of work being undertaken on the optimisation of the Defence estate, RAF Cosford is designated as a “receiver site”. Such a designation enables a site to be considered for better utilisation / efficiency (primarily to enable potential land release elsewhere on the estate), consolidation of assets, creation of centres of specialisation, and reduction of running costs. The important role that RAF Cosford plays within Defence and the work that the MOD is undertaking to develop a strategy for the future expansion of the site is highlighted further within the Statement of Common Ground (SoCG) between Shropshire Council and the MOD.
23. The MOD believes that exceptional circumstances exist to justify the removal of the site from the Green Belt and that these have been considered in detail within the Council’s Green Belt Release Exceptional Circumstances Statement – December 2020 (EV051). The MOD supports the Council’s assertion within this Statement that the demonstrable exceptional circumstances relate to considerations such as the exceptional nature of the development, site sustainability and the contributions of the site to the aspirations of the Council’s Local Plan and Economic Growth Strategy. These considerations are picked up further within the SoCG between Shropshire Council and the MOD.

Question 3. Why is the site being taken out of the Green Belt now? Has there been attempts to remove it from the Green Belt as part of earlier development plans?

24. The MOD benefitted from Crown Immunity from the Planning Acts until 7 June 2006, when new regulations brought into force the provisions of the Planning and Compulsory Purchase Act 2004 that removed Crown Immunity. Prior to this, development by or on behalf of the MOD was undertaken via the non-statutory arrangements within the DoE Circular 18/84 "Crown Land and Crown Development". These arrangements were designed to replicate the procedure for planning applications and appeals so far as practicable. As the MOD benefitted from Crown Immunity until 2006, within the context of gaining support for Defence related development within local planning policies, there was no need for engagement with local plans in Shropshire prior to this date.
25. In 2009, as part of the development of the Shropshire Core Strategy, the MOD submitted representations to the "Issues and Options" and "Policy Directions" consultation stages. These representations made the case for RAF Cosford to be removed from the Green Belt. At "Publication" stage in March 2010 the MOD representation supported the recognition of RAF Cosford as a major developed site within the Green Belt, provided that more detailed consideration of the site was undertaken as part of the preparation of the Site Allocations and Management of Development (SAMDev) DPD. This response was a result of Shropshire Council's comment within its consultation statement that any changes in the Green Belt boundary would be determined through the preparation and subsequent reviews of the SAMDev DPD. Subsequently, when the SAMDev DPD was in preparation, Shropshire Council concluded that a Green Belt review was unnecessary at that time. However, the Inspector's Report following the SAMDev introduced a main modification which set out a commitment to an early review of the Local Plan, including a detailed review of the Green Belt boundary.
26. Discussions between the MOD and Shropshire Council early in the local plan review process highlighted the fact that the Council was undertaking a Green Belt review to support the local plan review. Therefore, this provided a logical point to consider the role that RAF Cosford plays within the Green Belt in Shropshire and to look at the feasibility of the removal of RAF Cosford from the Green Belt. Accordingly, the MOD made representations at the various consultation stages arguing the case for the removal of RAF Cosford from the Green Belt to support Defence and provided additional evidence to Shropshire Council.

Question 4. What other sites were considered for the Midland Air Ambulance Charity headquarters? Were any of them outside of the Green Belt?

27. The Midlands Air Ambulance Charity (MAAC) has a lease on an area of land at RAF Cosford and operates one of its helicopters from the site. This use will continue until

they consolidate their activities onto the new headquarters building adjacent to RAF Cosford which is currently undergoing construction.

28. The MOD was not party to full details of the different sites that MAAC gave consideration to in developing proposals for a new headquarters site. However, discussions did take place between MOD and MAAC to determine whether MAAC could remain, and consolidate its activities, at RAF Cosford. Due to a number of factors including security considerations and legal / landholding requirements it was mutually agreed that this was not a feasible option.