

ID7

Shropshire Local Plan Examination

Stage 1 Matters, Issues and Questions

Introduction

The examination will take place in two stages.

Stage 1 will cover the legal and strategic issues set out below.

If after the Stage 1 hearing sessions, we consider that in relation to these issues the Local Plan is likely to be capable of being found legally compliant and sound (having regard to the potential for us to recommend modifications), Stage 2 will then commence.

Stage 2 will consider the minerals and waste policies, development management policies and the site allocations. A further set of matters, issues and questions will be issued for the stage 2 hearings in due course.

Matter 1 – Legal/Procedural Requirements (policy SP3)

Issue

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

Questions

Plan preparation

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?

Sustainability Appraisal

2. Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the Sustainability Appraisal (SA)?
3. Does the SA test the Local Plan against the preferred options chosen and all reasonable alternatives?
4. Have any concerns been raised about the SA methodology and what is the Council's response to these?

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

Habitat Regulations Assessment

6. Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the Habitats Regulations Assessments (HRA)?
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?
8. What are the conclusions of the River Clun SAC Mitigation Measures Study? Which proposed site allocations are affected? Is the mitigation possible and how will it affect delivery of the affected sites? Will it impact on viability?
9. Is it appropriate to deal with mitigation measures through a Supplementary Planning Document (SPD)? Should it be resolved before the Local Plan is adopted?
10. Are there any outstanding objections from Natural England or the Environment Agency to the Plan proposals? If so, what are these and how is the Council working to overcome them?
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?

Equalities

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?
13. Does the supporting Equalities and Social Inclusion Assessment identify all relevant groups with protected characteristics?
14. Does the submitted evidence show that the Local Plan would not have significant effects on equalities in respect of all groups?

Climate change

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?

Neighbourhood plans

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

Plan period

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

Matter 2 – The duty to co-operate

Issue

Whether the Council has complied with the duty to cooperate in the preparation of the Local Plan.

Questions

General

1. What are the genuinely strategic matters for the Local Plan as defined by S33A (4) of the Planning and Compulsory Purchase Act?

Overall housing provision

2. Who has the Council engaged with in terms of overall housing provision and what form has this taken?
3. What are the relevant inter-relationships with other neighbouring authorities in terms of migration, commuting and housing markets?
4. How have these inter-relationships been considered in preparing the Local Plan in terms of identifying the Local Housing Need (LHN) and setting the Local Plan's Housing Requirement?
5. What is the justification for the allocation of 1500 homes to meet some of the unmet housing need from the Black Country?
6. Are there any other issues of unmet housing needs within the Housing Market Area (HMA) or relating to other authorities? If so, how are these being addressed?
7. Are the Statements of Common Ground (SoCG) with neighbouring authorities and stakeholders still relevant and up to date?
8. What is the position of other authorities in the HMA and elsewhere in terms of the planned level of housing in Shropshire? Have specific concerns been raised through duty to co-operate discussions or representations which still are unresolved?
9. In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

Jobs growth and employment land provision

10. Who has the Council engaged with in terms of jobs growth and employment land provision and what form has this taken?
11. What are the relevant inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?
12. How have these inter-relationships been considered in preparing the Local Plan in terms of jobs growth and employment land provision?
13. What is the justification for the allocation of 30ha of employment land to meet some of the unmet need from the Black Country?
14. In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?

Transport infrastructure

15. What are the strategic matters and particular issues relevant to the Local Plan?
16. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
19. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Water resources/wastewater

20. What are the strategic matters and particular issues relevant to the Local Plan?
21. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
22. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Flood risk

23. What are the strategic matters and particular issues relevant to the Local Plan?
24. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
25. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Minerals and waste

26. What are the strategic matters and particular issues relevant to the Local Plan?
27. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
28. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Site allocations

29. Are there any cross-boundary issues such as transport, education, health or other infrastructure requirements that arise from the proposed housing and employment site allocations? If so, how have they been addressed through co-operation.

Other strategic matters

30. Are there any other strategic matters and particular issues relevant to the Local Plan?
31. Who has the Council engaged with on any other strategic matters? When did this engagement begin, has it been active and ongoing and what form has it taken?
32. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Matter 3 – Development Strategy (Policies SP1 – SP15)

Issue

Whether the Development Strategy is justified, effective and consistent with national policy.

N.B. Detailed issues concerning the individual proposed site allocations will be dealt with at the stage 2 hearings.

Questions

1. How do the strategic policies in the Local Plan accord with paragraphs 20-23 of the Framework?
2. Does Policy SP1 include criteria to assess development proposals against? Does it replicate other policies in the Local Plan? Is it necessary and effective?
3. What is the basis for the overall spatial strategy and broad distribution of growth set out in Policy SP2? What options were considered and why was this chosen?
4. Should Policy SP2 define the scale of development expected in the various urban locations and rural settlements?
5. The spatial strategy in the Core Strategy has a rural focus, while the submitted Local Plan's spatial strategy is urban focussed. The latter holds a list of 'saved sites' in appendix 2 which the Council intends to rely upon to meet the new spatial strategy and development requirements. Do the 'saved sites' accord with the spatial distribution of the submitted Local Plan? What will be the policy basis for these 'saved sites'? By relying upon such an approach, is the Local Plan positively prepared, justified, effective and consistent with national policy?
6. Is it appropriate to show 'saved sites' on the proposals map given they are not site allocations in the submitted Local Plan, bearing in mind regulation 9 of The Town and Country Planning (Local Planning) (England) Regulations 2012?
7. What proportion of housing supply comes from the 'saved sites'?
8. What proportion of the 'saved sites' have an extant planning permission and what is their level of contribution to the housing supply?
9. Is Policy SP3 justified, effective and consistent with national planning policy and Planning Practice Guidance (PPG)?

10. Is Policy SP4 necessary as it rehearses national planning policy, contrary to the advice in PPG (Paragraph: 036 Reference ID: 61-036-20190723)?
11. The Framework at paragraph 28 advises that *'non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods, or types of development. This can include...the provision of infrastructure and community facilities at a local level...establishing design principles...'* Are Policies SP5 and SP6 strategic policies or development management policies?
12. What is the status of the West Midlands Design Charter and does Policy SP5 align with its principles? Is there any scope for tension between Policy SP5 and Policy DP24? Is Policy SP5 justified, effective and consistent with national policy?
13. How have the health impacts of the Local Plan been assessed and addressed? Is Policy SP6 justified, effective and consistent with national policy?
14. Is Policy SP7 positively prepared, justified, effective and consistent with national policy? How have the residential guidelines been derived? Do these policies duplicate parts of other policies?
15. Is the Community Hub and Community Cluster approach to development set out in Policies SP8 and SP9 justified and effective and consistent with national planning policy? Do these policies duplicate parts of other policies?
16. Is the approach to development in the countryside, set out in Policy SP10, justified and effective and consistent with national planning policy? Should it be more flexible and less restrictive? Is the policy overly long and complicated and does some of it duplicate other policies? Would this policy be more effective as several shorter, targeted development management policies?
17. Is Policy SP12 justified effective and consistent with national policy?
18. Is Policy SP13 justified effective and consistent with national policy? Should figure SP13.1 text be included within Policy SP13?
19. Is Policy SP14 justified effective and consistent with national policy? Should the corridors be marked on a map or plan? Is this policy consistent with other policies in the Local Plan? Is it the purpose of this policy to allow for significant growth in addition to

that allocated in the Local Plan, including development in the Green Belt?

20. What is the national planning policy basis for Whole Estate Plans (Policy SP15)? What will be the process for endorsement and what will be their purpose? Should SP15 be a non-strategic policy?
21. Does the Local Plan strategy rely on windfall development and is the windfall allowance based on paragraph 71 of the Framework? Does the windfall allowance for housing need to be set out in the Local Plan?
22. Does the Local Plan allocate 10% of the housing requirement on sites no larger than one hectare as set out in paragraph 69 of the Framework or is the Council relying on windfalls and commitments?
23. Should the Local Plan include more small and medium size sites to provide greater choice, flexibility, and certainty?
24. How have the settlement boundaries been decided and were they reviewed when preparing this Local Plan?

Matter 4 – Housing and Employment Land Needs (policy SP2)

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall provision for housing and employment land.

Questions

Housing

1. Is the preferred approach to housing growth and the housing requirement set out in Policy SP2 of 30,800 dwellings (1,400 dwellings per annum) over the plan period of 2016 to 2038, justified, positively prepared and consistent with national policy?
2. Is the housing requirement in the Local Plan appropriately aligned with forecasts for jobs growth?
3. What provision is made within the Local Plan to fulfil the identified unmet housing needs of the Black Country, and will the Local Plan's approach be effective in addressing this sustainably within the plan period, in accordance with national policy?
4. The soundness of proposals for the land allocations in the Local Plan will be considered at Stage 2 of the Examination. However, given that many 'saved' sites which are not before us are included in the housing land supply, is it realistic that this examination can determine if the Council have a 5-year supply of deliverable housing land?
5. The Council in response to our initial questions said that they wish to 'fix' their 5-year housing land supply and have included 10% buffer. Assuming it is agreed that we can determine if the Council have a 5-year supply of deliverable housing land, PPG at Paragraph: 010 Reference ID: 68-010-20190722 says that "*When confirming their supply through this process, local planning authorities will need to be clear that they are seeking to confirm the existence of a 5 year supply as part of the plan-making process, and engage with developers and others with an interest in housing delivery (as set out in [Paragraph 74a of the Framework](#)), at draft plan publication (Regulation 19) stage.*" Can the Council please confirm if they did this and if so, provide evidence of it?
6. Should the Local Plan include a housing trajectory showing the expected rate of delivery of housing land?

Employment Land

7. Is the preferred “balanced growth” approach and the resulting employment land requirement set out in Policy SP2 of around 300 hectares (14ha per annum) over the plan period of 2016 to 2038, justified, positively prepared and consistent with national policy?
8. What provision is made within the Local Plan to fulfil the identified unmet employment needs of the Black Country, and will the Local Plan’s approach be effective in addressing this sustainably within the plan period, in accordance with national policy?
9. Should the employment land requirement be also expressed in terms of the number of jobs expected to be provided?

Matter 5 - Gypsies, Travellers and Travelling Showpeople (policy SP10)

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision of accommodation for Gypsies and Travellers.

N.B. Detailed issues concerning Policy DP8 will be dealt with at the stage 2 hearings.

Questions

1. The Shropshire Gypsy and Traveller and Travelling Showpeople Assessment (GTAA) was published in 2017 and then subject to a 'focussed review' and later update in 2019. The Council has confirmed in their response to our initial questions that the 2019 update did not involve a re-survey of the Gypsy and Traveller community. We have been informed that the 2019 update relied on the knowledge of the Council's Gypsy liaison team, other professionals, planning approvals and unauthorised encampments. Is the approach to meeting the needs of the Gypsy and Traveller and Travelling Show People community in the Shropshire, justified, effective and consistent with the Planning Policy for Traveller Sites (PPTS)?

In particular:

- a. Table 7.4 of the GTAA (2019) sets out the past turnover rate of pitches/plots on public sites. The Council has relied on turnover as a way of meeting the accommodation needs of Gypsies and Travellers for quite a few years. Has this approach met these needs and if so, can the Council please provide evidence to show this?
- b. Should turnover data continue to be relied upon solely to calculate the future requirements of the area's GRT community? What certainty is there that turnover will continue at that rate? Is turnover on public pitches necessarily a sign of new pitches becoming genuinely available to meet the needs of the 43 families shown in the GTAA (2019) who meet the PPTS definition of Gypsy and Traveller?

- c. Do the turnover assumptions relied upon to meet future needs include all vacant plots/pitches, bearing in mind some may be vacant for a particular reason or are not genuinely available because of cultural or family matters?
 - d. How have the Council taken account of changes in particular family circumstances such as household formation, or those of new families? Will the overall supply of pitches grow to meet the increased needs of the Gypsy and Traveller community in Shropshire that will arise from new household formation as well as potentially new families moving into the area?
 - e. We note that the 2017 GTAA recorded 83 Gypsy and Traveller families living in bricks and mortar housing (data taken from 2011 census). How does the GTAA (2019) take account of changing preferences of those settled Travellers who make up most of the area's GRT community? Does the evidence provide a robust assessment that vacancies will arise and be available for those not currently on a pitch? Have their needs been considered in the 2019 update?
 - f. What measures have been employed to avoid double-counting due to circumstances other than movement within the Local Plan area, for example where there has been a change in head of household?
 - g. How has the Council ensured that concealed households and other forms of overcrowding have been considered in their assessment of future needs?
2. What evidence exists about the future requirements of other caravan and boat dwellers and how does the Local Plan address any identified needs?
 3. What changes have occurred to the baseline position since the GTAA (2019) was undertaken about households permanently occupying caravans, Travelling Showpeople, the supply of sites, plots and pitches, transit demand and supply of transit sites?
 4. The GTAA (2019) does not show a requirement for more sites for transit plots/pitches and recommends that the effect of recently consented provision on unauthorised encampments is monitored and where necessary reviewed. What monitoring has been undertaken in the intervening period and does this signify any change in needs for transit provision?

5. Please provide a list of council owned sites and private sites along with current vacancy data for each of them.
6. What new pitches have been granted planning permission since 2016/2017 when the GTAA (2017) found a shortfall of 17 pitches in Shropshire?
7. It is clear from the Inspector's report in relation to the SAMDev examination that several historic planning permissions for Gypsy and Traveller sites do not have conditions restricting occupancy to Gypsies and Travellers. If this is the case, can details be provided of whether those sites are currently occupied by gypsies and travellers or by members of the settled population?
8. Did the Council undertake a 'call for sites' capable of meeting future needs and if so, what was the outcome?
9. What is the future supply for the first 5 years, years 6-10 and where possible, years 11-15 in terms of private and public provision respectively in terms of both numbers of pitches and plots? Are there any temporary permissions which could lapse within the plan period which would affect this supply?
10. What measures have been employed within the Council's assessment to ensure that the future supply of sites, plots and pitches will be capable of meeting future needs in terms of size, location, cultural requirements, family connections and tenure type?

Matter 6 – Green Belt and Safeguarded Land (policy SP11)

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall approach to the Green Belt.

Questions

1. What is the basis of the Green Belt Review? What methodology has been applied and is it soundly based? Is the Council's approach to the Green Belt assessment robust and in line with national guidance?
2. Has a comprehensive assessment of capacity within built up areas been undertaken? How have all potential options on non-Green Belt land in the countryside been assessed and discounted?
3. Have opportunities to maximise capacity on non-Green Belt sites been taken (including increasing densities)?
4. Have discussions taken place with neighbouring authorities about whether they could accommodate some of Shropshire's identified housing and employment land needs?
5. How have the conclusions of the Green Belt Review informed the Local Plan? Do decisions on Green Belt releases reflect the need to promote sustainable patterns of development, and prioritise sites which are previously developed and/or well served by public transport? Where is this evidenced?
6. Has meeting some of the housing and employment needs of the Black Country led to the need to release or safeguard more land from the Green Belt?
7. Is the extent of safeguarded land sufficient to meet longer term needs beyond the plan period and are they justified?
8. Do the exceptional circumstances, as required by paragraph 136 of the Framework, exist to justify the Local Plan's proposed removal of land from the Green Belt, including safeguarded land?
9. Does the Local Plan seek compensatory improvements to the environmental quality and accessibility of the Green Belt?
10. Are all the sites proposed for release or safeguarding and their boundaries clearly shown on a map?

Matter 7 – Strategic settlements (policies S19 - S21)

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall approach to strategic settlements.

Questions

Policy S19 – Clive Barracks, Tern Hill

1. Is the policy justified effective and consistent with national planning policy?
2. Is the housing trajectory for the site realistic and deliverable?
3. Have the infrastructure requirements of the proposed strategic settlement been adequately identified and costed? Including the requirements for:
 - a) road improvements
 - b) air quality mitigation measures
 - c) sustainable transport networks
 - d) the primary school
 - e) healthcare
 - f) green infrastructure
 - g) leisure and sports facilities
 - h) local centre facilities
 - i) contamination remediation.
4. Is there evidence that the infrastructure requirements will be delivered within the necessary timescales?
5. Should a map or plan identify specific allocation/areas within the policy area for employment use and the local centre etc?
6. Should the policy be more prescriptive about the types of employment uses?

Policy S20 – Former Ironbridge Power Station

1. Is the policy justified effective and consistent with national planning policy?
2. What planning permissions exist for this site allocation?

3. Have landscape, flood-risk, noise, air quality, natural heritage and heritage assessments been carried out to inform the development of the site?
4. Have the infrastructure requirements of the proposed strategic settlement been adequately identified and costed? Including the requirements for:
 - a) road improvements
 - b) air quality mitigation measures
 - c) sustainable transport networks
 - d) the primary school
 - e) healthcare
 - f) green infrastructure
 - g) leisure and sports facilities
 - h) local centre facilities
 - i) contamination remediation.
5. Appendix F of document GC4j (5-year housing land supply statement annexes) shows that it is expected that this site will begin delivering dwellings in 2024/25 at an initial rate of 70 dwellings per annum (dpa). Is this realistic?
6. Should a map or plan identify specific allocation/areas within the site allocation for employment use and the local centre etc?
7. Should the policy be more prescriptive about the types of employment uses?
8. What work has been undertaken in relation to the site's mineral extraction opportunities? Would mineral extraction delay the development of the site?

Policy S21 Strategic Site: RAF Cosford

1. Is the policy justified effective and consistent with national planning policy?
2. Are there exceptional circumstances to justify the removal of the site from the Green Belt?
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?
4. What other sites were considered for the Midland Air Ambulance Charity headquarters? Were any of them outside of the Green Belt?

Matter 8 – Infrastructure and delivery, monitoring and viability (policies SP1, SP2, SP14)

Issue

Whether the approach to infrastructure delivery, implementation and monitoring is positively prepared, justified and consistent with national policy.

Questions

Infrastructure

1. What strategic infrastructure is necessary for the Local Plan (including saved sites) to be implemented? What is the likely cost? How will it be brought forward and funded?
2. What are the likely impacts of the proposed scale and distribution of development on the various aspects of infrastructure? How have these been assessed?
3. Are the infrastructure requirements clearly set out in a policy/policies in the Local Plan? If not, should they be?
4. Shropshire's Strategic Infrastructure and Investment Plan 2022 includes a number of projects that have funding gaps. Are these likely to affect the delivery of the Plan, including the saved sites), and if so how?
5. Are there known sources of funding for development expected to be delivered in the first 5-7 years of the Local Plan? Are these all in the Council's latest Infrastructure Delivery Plan?
6. Will the delivery of strategic infrastructure allow for the delivery of planned development in line with the submitted housing trajectory (examination document GC4p)? If not, what will be the shortcomings and how will the Council address these matters?
7. How will the provision of infrastructure be related in terms of timing/phasing to development proposals / areas?
8. Has the Council produced an Infrastructure Funding Statement as recommended in PPG (Paragraph: 059 Reference ID: 61-059-20190315)? If not, please explain why.
9. Are there effective mechanisms in place between the Council, other neighbouring authorities and infrastructure providers to co-ordinate the planning and provision of infrastructure?

10. How will other agencies and organisations be involved? What level of commitment/agreement is there?

Monitoring / Implementation

11. How will the implementation of the Local Plan be monitored in terms of its effectiveness and any unintended consequences?
12. Are the proposed monitoring indicators measurable?
13. Should the Local Plan's monitoring framework include specific policy objectives, contextual indicators, monitoring targets and triggers for any future remedial actions including a development plan review and update?

Viability

14. Has the viability assessment been carried out following the advice in the PPG?
15. Why was the viability assessment not updated at the regulation 19 stage of the Local Plan preparation and where is the justification for this? Is the viability assessment up to date and does it justify the policies in the Local Plan?
16. Has the Council engaged with landowners, developers, and infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage?
17. Has appropriate regard been had to the cumulative impacts on development of all existing and proposed local standards, supplementary planning documents and policies?
18. Within Shropshire's Strategic Infrastructure and Investment Plan 2022 there are some projects which rely on developer contributions. Have these been taken into account in the viability assessment?
19. Does the viability assessment identify any issues with viability and if so, what are these? Are they likely to undermine the deliverability of the Local Plan? If so, how does the Council intend to address the issue?

THE END