

## **Town Council Strategy Committee, Discussion Document – Stage 2 Local Plan EIP Hearings**

### **1. Introduction**

This short paper is intended to engender discussion at the March Strategy Committee Meeting ie **‘What input, if any, should the Town Council make in respect of the Stage 2 EIP Hearings?’**

The paper assumes that Stage 2 EIP Hearings will take place (this has not yet been confirmed by the Inspectors considering the Shropshire Draft Plan) and that Stage 2 Hearings will include consideration of both **Draft Policy S5.1, Development Strategy, Church Stretton Key Centre** and **Draft Policy DP24, Shropshire Hills Area of Outstanding Natural Beauty**.

At the Stage 2 Hearings, the Inspectors will consider whether individual policies are ‘sound’ or ‘not sound’. It is not the role of the Inspectors to further improve a policy that is already ‘sound’.

### **2. Background Context**

To input into Stage 2 EIP Hearings, any group or any individual needs to have met two prior conditions. Firstly, to have submitted objection(s) to specific policies at the final stage of the Local Plan consultation process (Regulation 19 Stage) and secondly, (as part of the same Regulation 19 Stage) to have stated that they wish to participate at EIP Hearings.

Whilst Church Stretton Town Council (Feb 2021) submitted an objection to Draft Policy S5.1, the Town Council specifically stated that they did NOT want to participate at the EIP Hearings. DP24 was not considered by CSTC.

Similarly, whilst the Shropshire Hills AONB Partnership submitted an objection to Draft Policy DP24, the Partnership also stated that they did NOT want to participate at the EIP Hearings. S5.1 was not considered by the Partnership.

However, an objection to S5.1 was submitted by me (as a personal submission but after discussion with key members of the then Save Snatchfield Group). A group objection to DP24 (Save Snatchfield Group, All Stretton Village Society, Clive Avenue Residents Association, endorsed by Shropshire CPRE) was also submitted by me. Both submissions stated that we DID want to participate at the EIP Hearings.

As such, there is the opportunity for the Town Council to ‘piggyback’ on one or both of these submissions – assuming that enough common ground is found. Both the Town Council and the Save Snatchfield Group have previously allocated funding should legal advice or legal representation be advantageous.

It should be noted that multiple developers want to make EIP inputs regarding S5.1, as do the Strettons Civic Society.

The remaining sections of this short paper are my own thoughts regarding possible future actions, although the section on DP24 relies heavily on the initial group submission by SSG, ASVS and CARA.

**Strategy Committee members should treat this short paper and its contents solely as the starting point for further discussion.**

### **3. Draft Policy S5.1, Development Strategy, Church Stretton Key Centre**

Much has changed since February 2021, when Regulation 19 submissions were made. We have completed the housing needs survey, we are clearer about the scope for development on brownfield sites within our development boundary, preparations are ongoing to get the Neighbourhood Plan underway and there have been two very useful Appeal Decisions (Springbank Farm and Long Mynd Hotel) by the Planning Inspectorate. Taking everything into consideration, the key paragraphs of S5.1 seem more reasonable than they did in February 2021.

**S5.1 (2).** *Church Stretton will act as a Key Centre and contribute towards strategic growth objectives in the south of the County, providing around 200 dwellings and around 2 hectares of employment development. New housing and employment development will respond to local needs.*

**S5.1 (3).** *New residential development will be delivered through the saved SAMDev residential allocation; appropriate small-scale windfall residential development within the Church Stretton development boundary shown on the Policies Map; and appropriate cross-subsidy and exception development where it is consistent with the relevant policies of this Local Plan.*

However, my continued unease with the above can be summarised as follows –

- There is little evidence (past or present) that developers or Shropshire Council believe “local needs” means Church Stretton needs.
- Presumably “small-scale” residential development means less than 10 (ie 10 being Shropshire’s intended definition of ‘major’). Does this mean that even appropriate ‘major’ developments within the development boundary will be resisted?
- There is no mention of prioritising brownfield sites, surely an important part of any strategy for development in an AONB.
- The relevant cross-subsidy and exception development policies should be clearly referenced. DP4 and DP7 are decent policies.

I would push to change the wording of S5.1 (2) and S5.1 (3).

**S5.1 (2).** *Church Stretton will act as a Key Centre and contribute towards strategic growth objectives in the south of the County, providing around 200 dwellings and around 2 hectares of employment development. New housing and employment development will respond to local needs. Applications for new residential developments should be accompanied by a proportionate assessment outlining how the proposal addresses identified Church Stretton housing needs.*

**S5.1 (3).** *New residential development will be delivered through the saved SAMDev residential allocation; appropriate windfall residential development within the Church Stretton development boundary shown on the Policies Map; and appropriate cross-subsidy and exception affordable housing sites in line with policies DP4 and DP7 of this Local Plan. New residential development on brownfield land within the development boundary should be appropriately prioritised.*

The revised wording in S5.1 (3) is closer to the Church Stretton wording in Mark Barrow’s Cabinet Paper (7 December 2020, Paragraph 5.10) which sought permission to submit the draft Local Plan for Regulation 19 consultation. Why the current wording of S5.1 (3) does not reflect the intent of the Cabinet Paper is unclear.

## Recommendation

Most communities who object to the development strategy for their towns or villages do so because of the overall scale of development proposed or the specific sites chosen. I don't think either applies in Church Stretton's case.

Given that the changes suggested in this paper are limited in nature (although very important in a Church Stretton context), there may be merit (once we have confirmation that Stage 2 will go ahead) in approaching Eddie West to see if SC would include the changes in their register of Modifications to the Draft Local Plan. The downside is that if our changes were included as Modifications we would be 'supporting' and not 'objecting' to S5.1. As such, my understanding is that we could no longer input directly into the EIP Hearings, although we could supply SC with information and analysis to counter developer arguments.

Should SC not want to include as Modifications, Plan B would be, of course, to argue our case at the EIP Hearings, with Green Planning Studio assistance if felt necessary.

## 4. Draft Policy DP24, Shropshire Hills Area of Outstanding Natural Beauty.

DP24 is a 3-page document that outlines Shropshire Council's intended high level approach to planning proposals within the Shropshire Hills AONB. While superficially attractive, DP24 minimises some AONB protections, including protections within the NPPF. While the NPPF will always be relevant, we should remember that the starting point when considering planning applications is policy within the adopted development plan. As such, the content of DP24 would be critical to planning decisions in our AONB in the future.

At present Shropshire Council has no development plan policy regarding the Shropshire Hills AONB, so DP24 would be a first. The genesis of DP24 should be seen in the context of the strong push for a separate DPD (essentially a standalone Local Plan for our AONB). The Shropshire Hills AONB Partnership, Save Snatchfield, ASVS, Civic Society and individuals all argued for a separate DPD and there was significant local press reporting.

Ultimately SC did not play ball and maintain that "[DP24] is the most appropriate mechanism for safeguarding the Shropshire Hills AONB". The AONB Partnership accepted that view but still objected (at both Regulation 18 and Regulation 19) to the specific *content* of DP24. Some changes were made to DP24 following Regulation 18 but none following Regulation 19.

So, what is wrong with DP24? For the purposes of this short paper, four examples should suffice.

- The opening paragraph of DP24 states,

*"Great weight will be given to conserving and enhancing the landscape and scenic beauty of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) by limiting the scale and extent of development in the designated area."*

The opening paragraph of any policy sets the tone for what follows and in this case is clearly designed to imply due regard to Paragraph 176 of the NPPF. However, the DP24 version of Paragraph 176 implies that the obligation to give great weight to conserving and enhancing landscape and scenic beauty can be met solely by limiting development in the AONB. Paragraph 176 says no such thing.

- The definition of ‘major’ development is important in the AONB. Should proposals be considered ‘major’ in an AONB then a series of ‘exceptional circumstances’ tests kick in. The exceptional circumstances tests help communities to effectively argue against inappropriate development in open countryside.

In DP24, SC have chosen to include the NPPF Annex 2 definition of ‘major’ development ie 10 or more homes or a site of 0.5 hectares or more. Shropshire Council have chosen to do this because *“This provides certainty for developers on the Council’s approach to development in the AONB”*.

However, in an AONB, the NPPF Annex 2 definition of ‘major’ is very clearly excepted by footnote 75. In effect, Local Authorities can conclude that smaller proposals constitute ‘major’ development ie by considering nature, scale and setting and whether there could be a significant adverse impact on the AONB environment. However, SC deliberately ignore this opportunity.

- Most policies in the draft Local Plan are Shropshire wide, written to be applicable to all communities and circumstances in Shropshire. However, DP24 only applies to the Shropshire Hills AONB. DP24 will not have significant weight unless it is clearly designated as an *exception* to other, Shropshire wide, policies. Currently, there are clear areas of conflict between DP24 and Shropshire wide policies. The AONB Partnership put this well in October 2020.

*“Other policies in the Plan will be quotable in support of certain types of development and will be used against this Policy [DP24] – so it needs to be clear, as with the NPPF, that the AONB policy is a geographically specific one which in that limited area is an exception to [other] policies .....*”

Strategic Policy SP7 illustrates one example where conflict is inevitable. SP7 outlines that residential development guidelines (targets) are a *“significant”* policy consideration and that market housing, outside the settlement boundary (ie open countryside), can be allowed where there is clear evidence that targets are unlikely to be met over the plan period.

- The multiple references to the AONB Management Plan are welcome. However, the AONB Management Plan will not always carry weight in planning decisions. The Planning Protocol between the AONB Partnership and Shropshire Council is clear that where there is conflict between the Management Plan and adopted Shropshire policies, then the latter has primacy.

## **Recommendation**

A standalone Development Plan Document (DPD) for the Shropshire Hills would be a much better outcome than DP24. However, without the support of the AONB Partnership, there would seem little point making that argument. In addition, the timeframe to get a DPD drafted and adopted is probably several years. No other communities within the Shropshire Hills AONB have objected to DP24.

We should continue to argue that DP24, in its current form, is ‘not sound’ and propose modifications to it. Once we have confirmation that Stage 2 will go ahead and that consideration of DP24 will form part of the Hearings, we should engage Green Planning Studio to work with us to prepare our input and present for us at the appropriate Stage 2 EIP Hearing.

**JB 5/2/23**