

Pre-Submission Draft Shropshire Local Plan 2016-2038
Comments from Shropshire Hills AONB Partnership 9th October 2020

The AONB Partnership is a Joint Advisory Committee established by Shropshire Council with other parties specifically to advise in relation to the AONB and its purposes. This response has been informed by consultation and discussions with members of the AONB Partnership.

Many policy areas of the Plan have some relevance to the AONB, and we welcome that consideration of the AONB designation is embedded widely across many areas of the Plan. This response will first comment on Policy DP26 Shropshire Hills AONB, followed by S5 Church Stretton Place Plan Area, then the supporting document 'Shropshire Hills AONB Exceptional Circumstances Statement', and followed by consideration of other policies relevant to the AONB.

Policy DP26. Shropshire Hills Area of Outstanding Natural Beauty

This is the first time in planning policy under Shropshire Council there has been a specific and distinct policy for the Shropshire Hills AONB, and this is welcomed. We feel however there are areas where this policy can be improved.

Para 1. Development should "contribute... towards the policies and actions set out in the AONB Management Plan". The positive framing of this section is understood, but the aspiration that developments governed by the planning system 'contribute to' the actions as they are set out in the Management Plan seems unrealistic. Similarly, developments should comply with the Management Plan policies, but 'contributing to' the policies seems the wrong phrasing.

The important thing is that development contributes to conserving natural beauty. It may on occasions enhance natural beauty. But in reality how much development in the rural context of the AONB actually enables better management of wildlife sites, heritage assets or the wider countryside and how would it enable this? This part of the policy could be used to justify harmful developments on the basis that profit generated may be used to invest in this sort of conservation activity. **The sections on design and enhancing sense of place and character are valuable, but this section about better management adds little and should probably be removed.**

Seeking betterment or improvement of the AONB from development is a laudable aim, but minimising harm should come first. Intrusive developments are sometimes claimed to 'improve' the landscape through add-on bits of tree planting, etc, when the actual built development is harmful to landscape character. In the AONB statutory purpose 'conserve' comes first, 'enhance' second. **Adapted text from part 1 should be moved lower down the policy and the first section should be used to set out overall policy for protection of the AONB applicable to all development. This should be consistent with the wording of AONB Management Plan Policy P1 Protection of the AONB. This should include the wording 'great weight' being given to the purposes of designation in planning decisions' – that is all decisions.**

References to the Management Plan should not just be about 'contributing to' and about special qualities. **Reference should be made to 'having regard to guidance within the AONB Management Plan'** (those narrative parts of the Plan which are not policy or actions).

Suggested wording

All development in the AONB should be sustainable, consistent with the primary purpose of the designation to conserve and enhance natural beauty, and support the Special Qualities of the AONB as set out in the AONB Management Plan. 'Natural beauty' encompasses the natural

and human elements that make the AONB distinctive – geology and landform, climate and soils, wildlife and ecology, the history of human settlement and land use, archaeology and buildings, cultural associations and people. In line with national policy, great weight will be given in planning decisions to the purpose of AONB designation, and account taken of the policies and guidance within the AONB Management Plan as a material consideration.

Para 2 – The wording is ambiguous – does the ‘significant adverse effect’ bar apply just to development proposals outside the AONB or also to minor developments within it? **This ambiguity can best be resolved by separating out consideration of development outside the AONB into a new clause (probably moved down to before the current para 4). This should make reference to the ‘setting’ of the AONB, the established terminology in relation to development outside an AONB, as introduced within the most recent Management Plan, and align with Management Plan Policy P1 viii).**

‘Significant adverse’ is the highest category of impact and it is quite easy for assessments to judge impact to be less than this. Applying this high bar to minor developments does not provide the AONB with adequate protection. The problem in practice for the AONB from minor developments is small scale cumulative change through lack of quality of development, and this will not be addressed by a policy which only restricts developments with ‘significant adverse’ effects. **The policy needs to also cover developments with lesser degrees of impact – these may not necessarily be refused but they should be adapted to minimise impact. Location, form and massing should be considered within ‘design’ as well as architectural aspects of building design and materials.**

Specifically mentioning ‘minor development’ may not be necessary (major development being the exception to which extra provisions apply), and **the remainder of this section could be rolled into an improved section 1 covering protection of the AONB with regard to all development.**

Para 3 This policy must be seen in the context of contentious casework in recent years – large scale housing proposals, large scale agricultural developments, and the history that since the 2012 NPPF, the vast majority of major developments within the AONB have been recommended by the Council for approval. This cannot be seen to be ‘exceptional circumstances’ and has been flagged in published reviews by national bodies as a poor record of protection of the AONB by Shropshire Council through planning control. This new policy must drive a new approach to major development in the AONB by the Council. The need for better protection from major development is a key reason the AONB Partnership has expressed interest in following new national best practice for a bespoke AONB planning policy document (such as a DPD). If the Local Plan is to serve instead of an AONB specific policy document, it must address this need.

The final sentence of section 3 *“Permission will be granted in exceptional circumstances..”* does not reflect the strength of the NPPF policy, and **the NPPF wording should be quoted directly *“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”***

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

The definition of major development in Annex 2 of NPPF is excepted by footnote 70 specifically with regard to paras 173 and 173 of the Framework – para 172 being the AONB policy. **This**

definition does not therefore apply universally for development within AONBs, though it may be used as a guide. The policy needs to make provision for developments falling outwith this definition to be classed as 'major', which could be smaller developments than those in the NPPF definition.

The AONB Management Plan on p33 sets out some criteria to guide judgements of whether a development affecting the AONB is major, and these should be referenced in the policy.

Suggested additional text:

Whether a proposed development constitutes major development will be a matter for the relevant decision taker, taking into account the individual characteristics and circumstances of the proposal and the local context. In determining whether a proposed development constitutes major development the Councils will consider whether by reason of its location, scale or massing, form, character or nature, the proposal has the potential to have a significant adverse impact on the natural beauty of the AONB. Criteria set out in the AONB Management Plan will be used as a guide. The nature of the AONB landscape means that even some smaller-scale proposals may be considered to be major development depending on the local context.

Comments on explanatory notes:

4.227 Suggest '*and are deemed in government policy to have equal landscape quality and protection to National Parks*'. The statutory primary purpose is to 'conserve and enhance natural beauty'.

4.229 The AONB Partnership prepares the Management Plan but both local authorities formally approve it.

4.231 Section 87 – this duty applies to AONB Conservation Boards only, not to AONB Partnerships, and should be omitted here. Similarly in the last lines of this section – the secondary functions are not statutory for AONBs without a Conservation Board and so this part of the Act is not applicable to the Shropshire Hills AONB.

4.235 Mention 'setting' of the AONB as above. Views into the area are also important. The wording "developments... likely to have a significantly negative effect" will be "very carefully considered" is not really adequate, or consistent with the policy para 2 where it says these will be 'resisted'.

S5 Church Stretton Place Plan Area

Para 2. The evidence behind the local needs should be referenced.

Potential improved wording:

To promote a vibrant local community and to support services, modest scale growth and investment will be supported in Church Stretton where it closely reflects identified local needs within the AONB and conserves and enhances the local landscape and settlement character.

Schedule S5.1(i). Residential Allocations: Church Stretton Key Centre

Snatchfield Farm (CST021) allocation for 70 houses

The evidence of need and possible alternatives in relation to the impact of this proposed major development in the AONB has not been adequately demonstrated, and so as it stands the AONB Partnership must object to the allocation of this site. We would refer for details to the considerable community submissions on this site, including from Church Stretton Town Council.

As identified in our response to the Preferred Sites consultation in January 2019, the Snatchfields site is lower than Gaerstone and more integrated with the town, but is nevertheless of high visual sensitivity as the land provides a valuable section of green open space within the development boundary, and linking strongly to the hillside above. The site also has ancient field patterns, and will be difficult to access for housing.

Further detailed comments on this topic are made below on the 'Exceptional circumstances for major development in the AONB' document.

Para 5.85 **This section should include reference to Caer Caradoc, Hazler, Ragleth and Helmeth and the Lawley to the east of the A49.** These environmental and heritage assets are key to the consideration of some of the past or present potential development sites for the town.

Line 3 should refer to Place Plan area?

5.87 Suggest *"The high quality environment is a defining positive feature of the town but does provide a significant constraint to development"*. This helps to read less negatively.

5.88 The fact that services and facilities are provided for the rural hinterland does not appear to justify the housing allocation.

'Exceptional circumstances for major development in the AONB' supporting document

Church Stretton

The case for exceptional circumstances has been reviewed in relation to the Snatchfield allocation for Church Stretton, and we suggest this does not adequately address the tests, in the ways set out below:

Need

- The figure of 200 dwellings needed for the town is quoted but not justified. There is background work on how this figure has been derived but it should be referenced for scrutiny and explained here. Stating that 9 dwellings per year is less than previous rates of delivery does not prove need. **The actual evidence of local need should be shown.**
- Key Centre argument – the case is made that as a Key Centre it is a service centre, including for the rural hinterland. Surely this justifies the provision of services in the town rather than provision of more housing? **If the new housing is judged to be essential to ongoing provision of those services, then that should be evidenced.**

Scope for developing outside designated area (or meeting the need in some other way).

- Shrewsbury is described as having a different role and cannot be expected to support the town's economy or support local communities in the way that Church Stretton itself does – again the focus seems to be on the provision of services which does not justify why more housing can't be in Shrewsbury? The whole county strategic approach of focussing development on bigger urban centres shows that bigger settlements can indeed take housing pressure off smaller settlements – the only thing that remains in contention is to what degree this is done. This relates back to need – and whether the 200 allocated for Church Stretton really are about local need or just a proportion of the county need. The numbers allocated to Church Stretton have been reduced in different policy documents over recent years – this shows it can be done – so what is the limiting factor that says it can't be done further?

Therefore the alternative of allocating greater numbers to other settlements has not been adequately addressed.

- Craven Arms can't meet Church Stretton's housing need – this is not proved by the statements made that Craven Arms is only having saved housing allocations. The requirement to address alternatives in these 'exceptional circumstances' tests is a strong one, and **the arguments relating to Craven Arms must be fully laid out if this option is to be discounted.**
- **The alternative of revisiting whether there could be hubs and clusters in the Church Stretton Place Plan area has not been considered and should be included.**
- The alternative of allocating higher numbers to windfall sites has not been addressed. It is accepted that the windfall allocation is quite considerable, but again the alternatives must be fully addressed. **If there is a limiting factor on higher numbers for windfall sites, this should be explained.**
- The alternative sites previously considered (including the site by the school, Springbank Farm, Gaerstone and New House Farm) are not set out here as alternatives which have been considered. Again, this work has been done, and **should be referenced and summarised.**

Effect on the environment

- **The documents and evidence considered (mentioned earlier in the document in the sites review process diagrams) should be referenced.**
- Para 4.22 mentions historic assets but this is not further mentioned in the section and is relevant to the Snatchfield site.
- **The concerns raised in regard to highways access to Snatchfield should be addressed here.**
- The fact that this parcel has the lowest sensitivity rating of parcels east of the A49 does not make the impact here any less, or necessarily acceptable. This would be an argument relating to the second test about alternatives. This test should be about a bar of acceptability of impact. The decision overall and the public interest consideration should surely be where the argument about 'least worst option' may have to come in?

Clee Hill

4.41 and 4.49 Should this refer to CHK002?

The alternative of considering sites in parcels of lower sensitivity has not been adequately addressed.

4.49 **The allocation of a site within a parcel identified as of 'high' landscape and visual sensitivity for housing has not been adequately justified.** 'Fly tipping and incongruous built form' contributing to poor quality and condition of the landscape are not only solvable through the building of new houses.

Clun

4.68 The rather simplistic argument that Bishop's Castle fulfils a different function to Clun because it has been designated in a different category by the Council does not wholly stack up. The interaction of settlements and the functions they provide is more complex than saying a Key Centre is different to a Hub. It is precisely part of the concept and definition of a Key Centre that it does provide functions to the surrounding hinterland including other settlements. People in Clun are expected to have to travel to Bishop's Castle for certain services. **The concept of some**

people living in Bishop's Castle and working in Clun is not so different and should be addressed.

The alternative of revisiting whether there could be additional hubs and/or clusters in the Bishop's Castle Place Plan area has not been considered and should be included.

4.72 Line 4 Clun not Clee Hill.

SP3. Climate Change

Para 3. Carbon capture and storage is usually taken to mean the industrial process of capturing carbon such as from flue emissions of power stations and locking it up underground. **In this more general context as here, 'carbon sequestration' would be a better terminology. (Also in para 3.28 and 3.30d).**

Explanation This section should refer to the declaration of climate emergency by the Council. The Strategy resulting is referenced, but the Council has many strategies and has not declared other emergencies. This underlines the over-riding importance of this cross-cutting issue.

SP4. Sustainable Development

This whole section hinges on the 'presumption in favour', rather than any reference to what 'sustainable' development actually is. This is a huge missed opportunity and **explanations of sustainable development should be included.** There is ample material to draw on here, such as the UN Sustainable Development Goals. This would help this section to set out over-arching principles behind the Plan. This explanation and qualifier about sustainable development is needed, as the presumption in NPPF is often in practice taken simply to mean a presumption in favour of development.

SP5. High-Quality Design

Since it is accepted that there should be higher standards of design within the AONB should this not be mentioned within this policy?

SP7. Managing Development in Community Hubs

SP8. Managing Development in Community Clusters

The now historical allocation of Community Hubs and Clusters arguably does not serve the AONB well. These are not in fact distributed evenly around the AONB and the south of the county. While in the far west this reflects sparsity of population, the fact of no definition of Community Hubs or Clusters within the Church Stretton Place Plan is something of an anomaly. It also feeds directly into the planning pressures affecting the town, since it is acknowledged that development opportunities are limited there due to the uniquely high quality landscape. **The allocation of Community Hubs and Clusters should be reviewed in order to achieve a landscape-led approach to housing allocation for local need within the AONB, as is now identified nationally as good practice for these national landscapes.** Again, if the Local Plan is to serve instead of an AONB specific policy document, it must address this need.

SP9. Managing Development in the Countryside

This policy does not adequately address the issue of large intensive livestock units, which have been the commonest form of major development within the AONB in the last decade. It has also been an area of significant contention elsewhere in Shropshire and so should be addressed in this policy as well as relying on the AONB policy DP26. The AONB Management Plan policy P5 Agricultural Development has some material to draw on here. Key issues are around airborne nitrogen, waste materials especially in relation to the water environment, the physical landscape impact of large buildings, noise and odours, and associated traffic. The Plan should actively encourage sustainable forms of farming (with explanation) as is done for other sectors and economic activity.

The policy also does not provide adequate guidance on large scale renewable energy installations (i.e. those not directly associated with other built development, but sited in the countryside). This includes solar farms and onshore wind. Again this has been an area of contention in the AONB, and we have seen a solar farm outside the AONB refused on landscape grounds, while one within the AONB was granted. National policy has steered away from onshore wind, but the imperative of the Climate Emergency means an enormous shift to renewables. The AONB Partnership is fully supportive of urgent action for the climate, but believes this can be done without compromising the qualities of the AONB, which are important in the broader ecological and climate crisis.

These are both key areas in which there is a case for an AONB specific policy document for the Shropshire Hills AONB, and the Local Plan must address this need if it is to serve the purpose instead.

SP10. Shropshire Economic Growth Strategy

Para 1. The first sentence reads like an Economic Strategy vision but not a planning policy.

Para 3.88 The visitor economy is underpinned by Shropshire's high quality environment, especially in places such as the AONB. This is undermined by the history of major development in the AONB, and **the new Local Plan must take steps to protect the AONB better from major developments, to safeguard the long term economy of the area as well as the environment.**

SP11. Delivering Sustainable Economic Growth and Enterprise

3.108 Shropshire Hills AONB not Shropshire AONB.

DP9 Strategic Corridors

As well as considering the direct impact of possible strategic corridor development within the AONB, **the indirect impacts on the AONB of this policy overall need to be considered.** This would include development in the corridor outside the AONB but within its setting, but also the impact of increased road traffic along the corridor. The noise of road traffic on the A49 has been shown to be the major factor affecting tranquillity in the AONB, one of the special qualities and key attractions to visitors and inward investment.

4.91e Shropshire Hills AONB not Shropshire AONB. Craven Arms is not within the AONB.

4.93 'Very special circumstances' – **if this refers to NPPF's 'exceptional circumstances' for major development in AONBs, the same wording should be used.**

DP11. Tourism, Culture and Leisure

The focus from the start on sustainable tourism is welcomed. This can be explained further and covered more fully, as in comments below along with some improved wording in places.

1b. Suggest 'engagement' rather than 'connections' and access to 'high quality nature and heritage sites' rather than 'heritage trails and parkland'.

1c. Suggest 'rivers, meres and mosses'.

1e. The heritage is what should be preserved rather than the brand.

1g. Suggest the 'reputation' of Shropshire rather than the 'role'.

Rural areas sentence – should cross reference DP26 – appropriate scale and character is key for tourism development in the AONB.

Suggest 'or to an established...' Text is ambiguous – but is assumed to mean proposals should be close to rather than be an established enterprise.

Para 3 Screening has too much prominence here – suggest 'well designed and sited...'

Tranquillity can also be threatened by inappropriate development or activities. **The policy should also refer to tranquillity and the need to take into account noise and light pollution.**

Para 7. Camping sites have the least impact of any tourism development, due to their limited built development and temporary occupancy. They are an under-represented feature of the holiday accommodation offer in the county and should not be unduly discouraged.

Para 8. Cumulative impact is much more likely to be an issue for caravans, chalets and cabins than for campsites (which are unlikely to be clustered in a small area). **Reference should be made to limiting caravan, chalet and cabin development for reasons of capacity and scale (including cumulative impacts) as well as referring to landscaping and design.**

The policy paragraphs should recognise other aspects of sustainable tourism - energy efficient (cross reference to DP12), sustainably sourced materials, actively supporting conservation, access to recycling, public transport, waste reduction/management, local employment, low pollution (noise, light, emissions, waste) strong retention of benefits in the local economy, social benefits – to local community, and addressing needs of diverse range of visitors

Explanation

There is a need for greater explanation of sustainable tourism. One definition is:

The aim of sustainable tourism is to increase the benefits and to reduce the negative impacts caused by tourism for destinations. This can be achieved by:

- *Protecting natural environments, wildlife and natural resources when developing and managing tourism activities*
- *Providing authentic tourist experiences that celebrate and conserve heritage and culture*
- *Creating socio-economic benefits for communities through employment and income earning opportunities*

4.106 Suggest 'humans' in place of 'man'. Add 'nature' before produce.

4.107 Offa's Dyke Path National Trail, and suggest add 'and the Shropshire Way'.

4.108 Suggest mention Montgomery Canal.

4.109 British Waterways is now the Canal and River Trust. The depth of content on railways and canals in the policy is not matched by that on the natural environment which probably has a broader appeal and this balance should be redressed.

DP13. The Natural Environment

Many of the policies start with ambitious and positive visionary statements. Here we have 'avoidance of harm'. **There should be references to biodiversity loss and the ecological emergency being as significant as climate change, to the fact that the natural environment keeps us alive and is hugely positive to people's health and wellbeing, and to the need for development to support nature recovery.**

Suggest also making reference to how a healthy natural environment underpins both the land sector (farming and forestry) and visitor economy, and the jobs they support.

There should be some mechanism to ensure off-site biodiversity net gain is delivered, monitored and managed. Perhaps the "conservation covenant" needs to be more explicit and binding.

The policy should ensure that there is some element of like for like in Biodiversity Gain. For example loss of a wetland or wildflower meadow may not wholly be compensated for ecologically by new hedgerows/trees – there appears to be emphasis on tree and woodland habitats in DP13.

DP14. Development in the River Clun Catchment

The AONB Partnership has done as much practical work as any organisation on the Freshwater Pearl Mussel and water quality in the Clun Catchment, and welcomes this policy. Publicly funded work over many years to address these issues on the ground has been undermined by factors working against water quality.

Should there be some clarification regarding Permitted Development? In these cases the onus is more on the developer/farmer/agent to make sure the River Clun is not impacted, but the system of PD notification should enable the importance of these issues to be flagged.

Should there be some reference to indirect impacts of development? e.g. manure spread to land and ammonia deposition from Intensive Livestock Units, and exercising control through the planning system. The effects of these on the river and catchment far outweigh those from domestic developments.

DP17. Landscaping of New Development

This policy should mention the AONB in the cross-reference DP26 and also refer to guidance within the AONB Management Plan on landscaping.

DP18. Landscape and Visual Amenity

4.159 The AONB designation is mentioned but the additional protection conferred by the designation and the statutory AONB Management Plan should also be referred to.

DP19. Pollution and Public Amenity

4.171 *"Background levels of ammonia in the air and nitrogen loads deposited on natural habitats are generally well above the levels and loads recognised as causing damage throughout Shropshire."*

This is the only reference to ammonia in the whole document – it seems inadequate with regard to controls especially as we are at exceedance. **There should be policy to address how ongoing development will contribute to bringing N2 and NH₃ deposition down to sustainable levels.** There will be in-combination effects regardless of mitigation – **should this section specifically refer to Shropshire Council Interim Guidance Note GN2?**

DP20. Water Resources and Water Quality

The policy and explanation should refer to Natural Flood Management.

DP30. Health and Wellbeing

The policy should refer to the proven benefits of contact with nature for health and wellbeing, and the need therefore to protect and provide and maintain high quality natural areas as well as local greenspace sites.

DP 33. Managing Development and Operation of Mineral Sites

There are some significant mineral sites and reserves within the AONB, and this policy should cross-reference the AONB and policy DP26.

S2. Bishop's Castle Place Plan Area

See comments relating to Clun above.

S10. Ludlow Place Plan Area

See comments relating to Clee Hill above.

S20. Strategic Settlement: Former Ironbridge Power Station

This site is already the subject of a planning application to which we have made a detailed response, objecting principally on the basis of the scale and proximity of this major development in the immediate setting of the AONB.

We are not opposed to the principle of development on the former power station site, but the importance of the AONB was downplayed and the setting of the AONB not adequately taken into account in the masterplan and application.

We welcome para 3h referencing the greenfield elements of the site and their sensitivity in relation to the AONB, but reiterate that we expect the proper consideration of the AONB to result in actual change to the proposed development to reduce its impact on the setting of the AONB, mainly by reduction in scale at the western edge. **The policy should refer to the scale of development reflecting proximity to the AONB, as well as design and layout.**