

Response to Regulation 18: Pre-submission draft of the Shropshire Local Plan 2016-2038

Submission by the All Stretton Village Society

Introduction

The village of All Stretton is located within the Church Stretton Plan Area covered by draft policy S5. It lies within the Shropshire Hills Area of Outstanding Natural Beauty. This submission focuses primarily on draft policy S5 and argues that the importance of the AONB is such that it merits the creation of its own development plan. It references other AONBs, and seeks to persuade Shropshire Council to create an exemplar for planning through the establishment of a Shropshire Hills AONB Development Plan.

The significance of the AONB designation

The National Planning Policy Framework, paragraph 172 states that AONBs are nationally designated and enjoy the highest status of protection. This status is provided with statutory protection by s85(1) of the Countryside and Rights of Way Act 2000, which states:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”

This protection extends beyond landscape and scenic beauty. NPPF 172 goes on to state

“The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight...”

The ‘exceptional circumstances’ test for major development laid out by NPPF 172 has been interpreted by the courts as reflecting the requirement to give great weight to the protection of the AONB. As such it is of primary importance when developing the Local Plan for Shropshire and the bar for allowing any major development is set extremely high.

In the words of Sir David Keene PC, Lord Justice of Appeal, the legislation makes the Shropshire Hills AONB an area “hostile to development.” The message is clear. Parliament has decreed that AONBs are precious and must be protected, and the courts stand ready to enforce the will of Parliament.

Major development in the Church Stretton

The NPPF is clear: planning permission should be refused for major development other than in exceptional circumstances. In seeking to establish ‘exceptional circumstances’ NPPF 172 establishes three tests which must be satisfied, and the submissions by the Church Stretton Town Council, the Save Snatchfield Group, Green Planning Solutions and others admirably address the three tests. The ASVS would join with these groups and agree that these tests have not been met.

Policy S5 identifies site CST021, Snatchfields Farm as a residential site suitable for 70 dwellings, but it fails the 'exceptional circumstances' test and is unsuitable for housing designed for young families. In particular:

- The site is considered to be too far from schools and local amenities to be accessed on foot. Research shows a mother with two children, one in a pushchair, will typically walk no further than 800m, which rules CST021 out as a site suitable for young families. The significant gradient exacerbates this problem. The need to negotiate the A49 would necessitate changes to the traffic light sequencing to allow families to cross, impacting the through traffic on the A49. The introduction of an enhanced pedestrian crossing would be necessary and expensive.
- The location would promote additional traffic particularly at school times, exacerbating the congestion which already occurs when school ends. This would probably snarl the A49 itself because overcrowded turn lanes would obstruct through traffic. The necessity for two cars for a family makes this worse, but is also discriminatory for low income families.
- The unsuitability of Snatchfields Farm for young families is a further factor in developing a geographically complex site. Taken together it is likely that any developer will seek to abandon the construction of affordable housing citing economic viability, but such housing were it proposed would be another nail in the exceptional circumstances requirement that it is in the public interest.
- Significant ecological and environmental issues have also been identified by other commentators and the ASVS would endorse the importance of these and the need to preserve this environment, referencing again the NPPF's emphasis on the conservation and enhancement of wildlife and heritage.

Alternative sites

The argument which excludes the Snatchfields Farm site does not stop at the junction of the A49 but covers the whole of the AONB and, by implication, all of Church Stretton. That a particular site elsewhere in Church Stretton is deemed to not be as damaging as the Snatchfields Farm site does not make it automatically acceptable. To suggest alternative sites is by definition to:

- Accept that Shropshire Council have made the case for a major development in the town and that such a development is in the public interest,
- Accept that Shropshire Council have demonstrated that Church Stretton needs 200 more dwellings
- Accept that a major development elsewhere in the town would meet the NPPF 172 tests for exceptional circumstances
- Accept that there are no suitable sites outwith the AONB and the town

The reality is that these positions are no more acceptable for any other site than they are for Snatchfields Farm. Further, existing and future windfall planning consents will meet most of Shropshire Council's housing quota for the area, although without the use of major development

sites it is likely that grants to the council will be less. However, the politics involved in this debate can never justify forcing through an unneeded major development within an AONB.

Recap

Legislation affords AONBs the highest level of protection and the majority of commentators agree that the exceptional circumstances needed to override this protection do not exist. The Snatchfields Farm site has been widely debated as unsuitable but no better case has been made in favour of any alternative sites within the AONB. Shropshire Council believe a need exists but have not distinguished this general need from that required in an AONB.

Shropshire Hills AONB Development Plan

The area covered by the Shropshire Hills AONB should be removed from the existing draft Local Plan, which should then progress as needed to adoption.

A separate development plan covering the AONB should then be developed to identify the needs of communities and businesses located within this special area which should be integrated with the wider tourist and transportation requirements.

The easiest option would be to ignore this opportunity and to drive the Local Plan on regardless of the special requirements of the AONB within Shropshire. The better course of action is to strive for excellence. A similar debate has taken place elsewhere, and the first AONB DPD was developed by South Lakeland. In that case the AONB crossed boundaries but it is easier in this case because the Shropshire Hills AONB is entirely within Shropshire Council's jurisdiction.

The South Lakeland AONB DPD, adopted in 2019, can be found here:

<https://www.southlakeland.gov.uk/media/6461/final-aonb-dpd-adoption-accessible.pdf>

Conclusions

The proposed major development at Snatchfields Farm, being located within the Shropshire Hills AONB, does not demonstrate the exceptional circumstances necessary to permit major development. Further, NPPF 172 precludes any major development in AONBs except in exceptional circumstances, which essentially rules out any major development in the Church Stretton Plan Area or indeed within the AONB. The courts have previously shown themselves to be 'hostile to development' in AONBs, and stand ready to ensure that Parliament's wishes to protect AONBs are not ignored.

However, Shropshire have an opportunity to turn what is a potential problem into an exemplar of good local democracy and of planning strategy. The area covered by the AONB should be removed from the existing Local Plan, thus simplifying the passage of the rest of the plan to adoption whilst establishing a new, Shropshire Hills AONB Development Plan.