

**ID14**

**Shropshire Council. Examination of Shropshire Local Plan 2016-2038**

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Mr West  
Planning Policy  
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7 June 2022

Dear Mr West

**Legal Compliance – Statement of Community Involvement**

Further to reading hearing statements in relation to Matter 1 and, in particular the issue of plan preparation and legal compliance, we have some further questions for the Council in advance of the hearing sessions.

It appears from what we have read and what we have been able to glean from the Council's examination website that the Council have 2 Statements of Community Involvement (SCI) (a 2011 version updated in 2014, but still dated 2011 and a 2021 version), and it is these 2 documents that are referenced by the Council in their evidence base and Matter 1 hearing statement.

Some of the Regulation 19 representations and more recent hearing statements demonstrate dissatisfaction in the Council's engagement activities, referring specifically to the failure of the Council to review the SCI, the approach taken to consultation during a lockdown and shortcomings regarding feedback prior to submission. These matters were not clearly articulated in the Council's Statement of Consultation and summaries provided which has caused delay in this issue being identified by us. Neither has this issue been addressed in the Council's hearing statement which explicitly relies on both the 2011/2014 and 2021 versions of the SCI.

Moreover, the Programme Officer has had communications from some members of the public advising that they were completely unaware of the progression of the SLP to submission and examination. Those parties have been advised that they were not eligible to raise concerns now or participate in the examination hearings.

The Framework at paragraph 16(c) requires *"plans to be shaped by early, proportionate and effective engagement between plan makers and parties including communities, local organisations, businesses..."*. At paragraph 35 the Framework requires the SLP *"to be prepared in accordance with the legal and procedural requirements"*.

Section 19(3) and (4) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to comply with their adopted SCI and Section 10A (b) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regs) says, *"A local planning authority must review a local development document within the following time periods...in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act"*.

In addition, Planning Practice Guidance advises, *"Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement. A local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan"*<sup>1</sup>.

Hence, the 2011/2014 version of the SCI, should have been reviewed by 2019 at the very latest and ideally coincided with the commencement of the review of the adopted development plan. However, it appears that this did not occur within the required timeframe. Can the Council please confirm if that is the case?

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<sup>1</sup> Paragraph: 071 Reference ID: 61-071-20190315

Consultation on the Shropshire Local Plan 2016-2038 took place between 2017 and 2021. Whilst the 2011/2014 SCI was in place for the early stages of consultation, it clearly refers to previous plan making activity and so it seems it was not up to date.

The Regulation 18 and 19 consultations took place between August 2020 and February 2021. It appears that during this time the SCI that was in place still had not been reviewed as required by 2012 Regs. Can the Council please confirm if that is the case?

We note that the 2021 SCI shows a material shift towards reliance on digital consultation and a move away from methods including:

- community drop-in events and presentations
- stakeholder workshops
- forums
- the Citizens Panel
- one to one meetings
- LSP groups (including access to the 3rd sector & hard to reach groups)
- the Youth Panel
- exhibitions and road shows
- the level and timing of feedback to representors

Furthermore, the Council's Statement of Consultation and appendices does not make explicit reference to these particular engagement measures and so this may well indicate that the apparent narrower scope of the 2021 SCI measures were implemented prior to its adoption. Can the Council please confirm whether that was the case, by providing a comprehensive schedule of how and when each of the Regulation 18 and 19 consultations were actually publicised and details of all of the events which were actually held in terms of dates, times, type of event, locations and intended audience along with the actions taken to engage with hard to reach groups.

In addition, we invite the Council's views on the status of the 2011/2014 SCI at the regulation 18 and 19 stage and the relevance of the 2021 SCI to this examination bearing in mind its adoption date. Can the Council also advise whether the SCI in 2011, 2014 and 2021 were subject to consultation themselves? We also invite views on whether the Council considers that any prejudice has occurred in light of the circumstances set out above and the reasons for this.

Clearly in light of the upcoming hearing sessions all of the issues raised in this letter need to be clarified as a matter of urgency in order to ensure the relevant hearing session is effective and efficient.

Can the Council please respond in full to this letter by Wednesday 15 June. We are not inviting a response from representors to this letter, but those appearing at the Matter 1 hearing session, who have previously expressed concerns about the consultation process will be able to comment on any new evidence submitted by the Council as a result of this letter verbally at the Matter 1 hearing session.

On receipt of this letter, please would the Council upload it to the Examination library and add a link to it on the 'Latest News and Updates' page.

Yours sincerely

Louise Crosby and Carole Dillon

Examining Inspectors