



## Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

### Main Modifications consultation

1 June 2015 – 13 July 2015

For Shropshire  
Council use

Respondent  
no:

### Main Modifications Consultation Form

The SAMDev Plan Schedule of Main Modifications includes a series of changes to the published SAMDev Plan. These suggested changes are being consulted on for a period of six weeks. For advice on how to respond to the consultation, and how to fill in this form please see the guidance notes on the Council's SAMDev Plan website at: <http://shropshire.gov.uk/planning-policy/samdev-examination/main-modifications-consultation/>.

#### Submitting comments:

Please fill in this form and return:

- Via email to: [Programme.Officer@shropshire.gov.uk](mailto:Programme.Officer@shropshire.gov.uk)
- By posting to: Daphne Woof - Programme Officer  
c/o Planning Policy Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND
- Comments must be received by 5pm on 13 July 2015. **Comments received after this time will not be accepted and will not be considered by the Inspector.**
- Please fill a separate for each Main Modification you are commenting on.
- Please clearly identify which Main Modification your comments refer to using the reference (i.e. MM1, MM2 etc) in the SAMDev Plan Schedule of Main modifications.
- Please do not repeat your previous comments as these have already been considered by the Planning Inspector. **Comments will only be considered that refer to a change as shown in the SAMDev Plan Schedule of Main Modifications.**

## Shropshire Council SAMDev Plan Main Modifications Response Form

- All comments received on the proposed changes within the time period will be considered by the Planning Inspector as part of the examination of the SAMDev Plan. The Inspector may wish to contact you to discuss your comments and concerns, prior to concluding the formal examination into the Plan.
- The personal information will only be used for purposes related to the consultation and the SAMDev Plan examination. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. However other information will be shared with the Planning Inspector.
- The information relating to your comments on the Main Modification (Part B) will be published on the Shropshire Council SAMDev Plan examination webpage.

### A) Your details:

#### 1) Who is making this representation?

Name:	Helen Howie
Organisation (if applicable):	Berrys
Address:	
Email:	
Telephone:	

Client's details (only applicable if you are acting as agent on behalf of another person or business)

Name:	Richard Hodson
Organisation (if applicable):	Persimmon Homes & Charles Church (West Midlands)
Address:	
Email:	
Telephone:	

**B) Your representations: What do you wish to object to/support?**

Please use a separate form for each Main Modification you wish to comment on. Only comments relating to a proposed Main Modification will be considered.

**1) Please give the Main Modification reference your comment relates to.**

Main Modification reference -

**MM14: addition of new paragraph at start of policy MD3:** “In addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a.”

**and accompanying MM15: insertion of new explanatory text:** “A key component of the housing land supply is the allocated housing sites identified in the Policies S1-S18, with related development guidelines. ‘Windfall’ development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan. The NPPF sets out a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions. With regard to housing development, local considerations include having regard to the design requirements of relevant Local Plan policies, the mix and type of housing, and the settlement housing guidelines.”

**2) Do you consider the proposed Main Modification addresses the following issues in relation to the policies concerned?**

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3) If you have answered ‘no’ to any of the above please specify your reason for objecting below. You should make clear why the Main Modification is either not legally compliant and/or unsound having regard to whether the modification is not: positively prepared; justified; effective; or, not consistent with national policy. Please see guidance notes for explanation of these terms:**

The proposed text is essential for making the Plan positively prepared and effective in terms of delivering the housing requirements set out in the Core Strategy. It is also necessary to ensure that the SAMDev Plan is in accordance with national policy, particularly the presumption in favour of sustainable development. However, as evidenced below, the relegation of the more important elements to explanatory text (MM15) and the weak wording of the additions to the policy (MM14) means that the changes are ineffective and therefore the Plan remains unsound.

MM15 is much more strongly worded than the policy that it seeks to explain. The proposed addition to the policy in MM14 is much weaker. In applying the policy decision makers will inevitably pay far more attention to the text in the policy itself rather than the explanatory text. The reference in MM14 to policies CS2, CS3, CS4, CS5, MD1 and MD7a reinforce the presumption *against* market housing development in the 'countryside', including greenfield sites on the edge of sustainable settlements but on the wrong side of the settlement boundary. The policy text (MM14) effectively over-rides the explanatory text (MM15) rendering it ineffective.

This application of policy MD3 is already apparent in recent planning decisions by Shropshire Council. For example, the Liverpool Road site in Whitchurch (discussed at the SAMDev Plan hearing session on 18<sup>th</sup> December 2014, site reference WHIT008 or 14/05569/FUL) was refused on 3<sup>rd</sup> July 2015, among other reasons as, *"the development proposes housing development in an area identified as countryside for planning purposes which does not comply with the restricted development supported in the (countryside) policies. The site is not a recognised site for development in accordance with SAMDev policy S18..."* **The refusal notice and the officer report did not make any reference whatsoever to policy MD3.**

Please also see our comments on MM203 (changes to the Whitchurch policy S18.1).

This is not an isolated example. Another recent example where policy MD3 is being ignored include an application at Cross Houses (15/00539/OUT) opposite the village post office and shop, in which the policy response dated 30<sup>th</sup> June 2015 stated: *"there are no proposed modifications which relate to Cross Houses. In light of this it is considered that the SAMDev Plan establishes Cross Houses as a settlement in the open countryside...It is not considered therefore that the principle for open market residential development in Cross Houses has been established."* The policy response makes it clear that development should be considered contrary to the SAMDev Plan. Policy MD3 is not referred to once in the policy team response. It is clear that the proposed modifications to policy MD3 are ineffective.

Since the SAMDev Plan examination hearings in November and December 2014, the Council has taken an increasingly hard line against applications that lie outside development boundaries. Additional examples of schemes adjoining the development boundaries of Market Towns, Community Hubs or Community Clusters that the Council have refused, using the SAMDev Plan policies relating to that settlement but ignoring policy MD3, include:

- Land south of the A49, Ludlow (13/03862/OUT) for 215 dwellings, refused 30<sup>th</sup> July 2014;
- Station Road, Condover (14/00335/OUT) for 47 dwellings, refused 25<sup>th</sup> November 2014;
- Teal Drive, Ellesmere (14/03370/FUL) for 68 dwellings, refused 19<sup>th</sup> February 2015;
- Land at Longden (14/00467/OUT), refused 12<sup>th</sup> March 2015;
- Land south of Plealey Lane, Longden (15/00724/OUT), refused 21<sup>st</sup> May 2015.

In summary, at the hearing sessions the Council gave the impression that they took a positive view of development in sustainable locations. However later actions in refusing sites adjoining development boundaries shows that in reality the Council is seeking to refuse all sites outside development boundaries. It is evident from a number of decisions taken by Shropshire Council over the past 6 months that policy MD3 is ineffective in applying the presumption in favour of sustainable development.

The proposed modification to insert a new paragraph at the start of policy MD3 is easily ignored because it does not add anything new. The proposed new explanatory text is easily ignored because it is only explanatory text. It is apparent that the proposed modifications are insufficient to ensure the Plan will deliver sufficient housing, so the Plan remains unsound as it is:

- **Not positively prepared** and **not effective** as it does not ensure delivery of the amount of windfall required to meet the Core Strategy housing requirement; and
- **Not consistent with national policy** in relation to applying the presumption in favour of sustainable development.

Continue on a separate sheet if necessary

- 4) Please set out what change(s) you consider necessary to make the SAMDev Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

The proposed new text in MM15 should be inserted into the **policy** rather than into the explanatory paragraph, in order to ensure the modifications are effective.

Continue on a separate sheet if necessary.

Please note you should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change. After this stage, further submissions will only be accepted at the request of the Inspector.

**You must return this form by 5pm on Monday 13 July 2015.**

**You can e-mail it to:**

[Programme.officer@shropshire.gov.uk](mailto:Programme.officer@shropshire.gov.uk)

Shropshire Council SAMDev Plan Main Modifications Response Form

**Or return by post to:** Daphne Woof - Programme Officer, c/o Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**The Programme Officer will acknowledge receipt of comments submitted by e-mail.**