



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
- 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.

MM14: deletion of “~~Matching the Settlement Housing Guidelines~~” and accompanying
MM17: insertion of explanatory paragraph before text 4.20: “*The guideline reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. The guideline is not a maximum figure”...*

Reason for Modification:
“To clarify approach to settlement housing guidelines and settlement development boundaries.”

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 checked="" type="checkbox"/>
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input checked="" 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:

Apart from removing the reference to ‘matching’ the settlement guidelines in the heading, the policy remains one which seeks to apply the guidelines. The presumption in favour of sustainable development remains just one of 5 criteria, which significantly dilutes the national policy to ensure the presumption is a golden thread running through the planning system. The main modification is therefore inadequate to make the Plan sound as it remains **inconsistent with national policy**.

The settlement housing guidelines are not based on any objective evidence, but are simply figures chosen for local political reasons. As such the guidelines are **not positively prepared** and are **not effective** in delivering the Core Strategy housing requirement of 27,500 homes including 9,000 affordable homes. It is pertinent to recall that the modifications to MD3 were proposed by the Council to address, among other issues, the amount of windfall required by the SAMDev Plan. The shortfall outside settlement boundaries is summarised in the table below. The Council’s figures in the SAMDev Plan table MD1.1 /less the amount of housing planned in Hubs and Clusters, leaves 3,189 dwellings to deliver in the ‘countryside’. Development adjoining sustainable settlements will help meet this need, which is why policy MD3 is so important to the effectiveness of the SAMDev Plan.

Rural housing requirement

	Built 2006-2013	Committed 2013	Planned 2006-2026	Remaining to deliver to 2026
Rural Areas total as in table MD1.1	2,314	2,259	10,000	5,427
In Hubs & Clusters as per EV79 appendix	984	793	4,015	2,238
Beyond settlement boundaries	1,330	1,466	5,985	3,189

Finally but most importantly the Plan remains unsound as it is **not justified nor legally compliant** with the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In particular Regulation 12(2)(b) requires a Plan to consider and evaluate alternatives. Recent judgements of the High Court (see the Norwich case [EWHC/Admin/2012/344](#) and the Forest Heath case [EWHC/Admin/2011/606](#)) conclusively show that a planning authority must set out reasonable alternatives and evaluate them alongside the preferred option in accordance with the Regulations to avoid breaching the European Directive on Strategic Environmental Assessment (2001/42/EC).

The localism espoused by the SAMDev Plan clearly does not mean that there are no valid alternatives, as demonstrated by the inclusion in the SAMDev Plan of alternative settlement guideline figures and alternative sites that DO NOT have the support of the local town or parish council. There are a number of places in Shropshire where the local planning authority has over-ridden the town or parish council’s wishes, for example, Church Stretton, Bridgnorth and Shifnal, demonstrating that a localism-led plan does not preclude alternatives to the town or parish aspirations. The settlement housing guidelines (including those where villages have opted for ‘zero’) have not been assessed in accordance with the Regulations and consequently the Plan remains unsound.

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.**

A formal consideration of alternatives, as required by the Environmental Assessment of Plans and Programmes Regulations 2004 and confirmed by High Court judgements, is necessary to make the settlement guidelines acceptable, if policy MD3 requires them to be enforced by means of a criteria-based policy.

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

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.