



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:	Mr Adam Collinge
Organisation (if applicable):	Crestwood Environmental Ltd
Address:	
Email:	
Telephone:	

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

Name:	Mr Steven Birch
Organisation (if applicable):	JPE Holdings Ltd
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 - MM:28

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

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input 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:

The Main Modification correctly states that *“There are also two sites at Barnsley Lane, near Bridgnorth and Woodcote Wood, near Sherrifhales, where a resolution has been made to grant planning permission, but where consent has yet to be issued. **These are termed ‘unworked site commitments’**”*.

Our concern with this statement is that the inclusion of Barnsley Lane in particular, indicates the Council still believes this is a viable Mineral Development despite evidence to the contrary (refer to our previous representations reference document 165 – Pre-submission Representations JPE Holdings (attached for reference)) and that no formal planning permission has been issued for the Barnsley Lane site in over 10 years.

Unlike Woodcote Wood, no representations are understood to have been made in support of Barnsley Lane to confirm that the mineral reserve is still deliverable and that it will become operational during the plan period. Also, given that the permission resolution dates back to 2004 (the paragraph makes no reference to the historic nature of the resolution to grant planning permission), we believe, at this point in time, there is insufficient evidence to retain Barnsley Lane as an unworked site commitment with any realistic potential to be realised.

The SAMDev Plan allows for mineral production over the entire plan period. Should either of the ‘unworked site commitments’ fail to materialise over the plan period (noting that Barnsley Lane was did not become operational during the previous plan period), as evidence would suggest, there would potentially be a production shortfall and the SAMDev plan would likely be unable to fulfil its projected mineral supply and demand over the plan period. As a result, mineral production would become reliant on other sites (‘windfall sites’), not currently allocated, coming forward to make up the shortfall, as well as ensuring mineral production at other operational sites and the proposed allocated sites is maximised. The SAMDev Plan modification MM28 makes no provision for preferred options or actions the Council will take to rectify this situation during the plan period.

As such, we do not believe the number of allocations (deliverable allocated reserves) currently proposed is sufficient, particularly if the ‘unworked site commitments’ are not forthcoming and if for any other reason the operational and proposed allocated sites are unable to fulfil their projected mineral supply. We do not believe the SAMDev is positively prepared, justified or effective in meeting mineral demand over the plan period. Where mineral demand cannot or is not being met, this would potentially lead to speculative applications in inappropriate locations being bought forward which may be the only viable option at the time to maintain minerals supply.

Minerals Planning Practice Guidance states that the length of time of a landbank is the *“sum in tonnes of all **permitted reserves for which valid planning permissions are extant**, divided by the annual rate of future demand based on the latest annual Local Aggregate Assessment. In calculating landbanks, **the term permitted reserve includes current non-working sites but excludes those sites where mineral working cannot take place until there has been a review of the planning conditions attached to their planning permission.**”* Therefore we do not believe unworked site commitments with no extant planning permission can be included within the landbank, where evidence to the viability of the site (i.e. Barnsley Lane) being worked has not be sufficiently established. As such national policy indicates that further consideration be given to the need for more viable alternative allocations to make up any shortfall or meet production requirements.

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 main issue is whether, should a mineral production shortfall occur during the plan period due to the unworked site commitments remaining non-operational, what the Council and SAMDev plan would do to rectify the shortfall.

In our previous representations, we note that Cannebuff was a previously proposed mineral allocation in the draft SAMDev and only removed at Pre-submission stage. We still believe that Cannebuff should be allocated or referenced as an alternative Site for consideration, should any unworked commitments or allocations fail to progress. We also believe that the inclusion of the unworked sites in the aggregate landbank should be reconsidered and alternative minerals allocations considered. The plan should recognise the historic nature of the resolutions and should seriously reconsider whether Barnsley Lane should be retained as an unworked site commitment. If it is deemed appropriate to remove Barnsley Lane, a further mineral allocation would be required, in which case we believe Cannebuff would be the best alternative Site given its previous inclusion as a draft allocation.

Should further consideration of the number of proposed / existing allocations not be considered necessary, in order to be justified and provide the SAMDev and Council with the opportunity to be flexible and plan positively during the plan period, also addressing legitimate mineral production concerns, we would propose the following wording (**in bold**) be added to MM28 as a minimum:

“There are also two sites at Barnsley Lane, near Bridgnorth and Woodcote Wood, near Sherrifhales, where **an historic** resolution has been made to grant planning permission, but where consent has yet to be issued. These are termed ‘unworked site commitments’. **In the case of Barnsley Lane, the resolution to grant permission was granted in 2004.**

The Council recognises that should the ‘unworked site commitments’ remain unworked during the plan period, the proposed allocations within this plan will be insufficient to meet the Total Production Potential over the plan period (as outlined in Table MD5.3) or account for the mineral production Shortfall (as outlined in Table MD5.2).

Should it become clear during the SAMDev plan period, that either of the ‘unworked site commitments’ will not become operational, the Council will reconsider any resolutions to grant planning permission in relation to minerals developments and will actively promote and support alternative sustainable mineral developments capable of addressing any mineral production shortfall and supporting an identified need or mineral demand. During the preparation of this SAMDev Plan, a range of alternative proposed mineral allocations were considered. The planning authority will reconsider the viability of those proposals and look to support the most appropriately located schemes, subject to any planning policy or environmental considerations, where they would facilitate ongoing aggregate production requirements and an identified mineral demand”

Please also refer to our representation of modification MM30 and MM33.

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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.