

REPRESENTATION FROM STEPHEN MULLOY REGARDING THE SOUNDNESS OF THE SITE ALLOCATIONS AND MANAGEMENT OF DEVELOPMENT (SAMDev) PLAN, PRE-SUBMISSION DRAFT (FINAL PLAN)

The SAMDev pre-submission draft final plan, was offered out for public consultation from the 18th March to the 28th April 2014 inviting representations on its 'soundness', specifically on whether it has been positively prepared (objectively assessed), justified (based on proportionate evidence), effective (deliverable), and consistent with national policy.

This statement raises concerns regarding 2 main issues:

- 1. Ineffective engagement and consultation with the community; and**
- 2. Self-promotion of community Hubs & Clusters.**

1. INEFFECTIVE ENGAGEMENT & CONSULTATION WITH THE COMMUNITY

1.1 The SAMDev Pre-Submission Draft (Final Plan) is accompanied by a consultation statement that runs to 272 pages and, if taken on face value, creates an impression of a sustained and comprehensive campaign of engagement with the community. Indeed, the opening sentence declares that ***"Shropshire Council has engaged widely and extensively"***. However the important word that is missing here is **effectively**, and it is the quality of the engagement or consultation that is far more important than the quantity.

1.2 The preparation of the SAMDev Plan spans both the Town & Country Planning (Local Development) (England) Regulations 2004, and the Town & Country Planning (Local Planning) (England) Regulations 2012. The Council's consultation statement says that the requirements of Regulations 25 (2004 Act), and Regulation 18 (2012 Act) have been met.

1.3 This is true in so much as those regulations only require the local planning authority (LPA) to consult those **they 'think'** will be affected by the DPD, or those they **'consider appropriate'** in the case of the 2004 Regulations, or in the case of the 2012 Regulations, those that the LPA consider **'may have an interest'** or are **'considered appropriate'** to consult with. These are all subjective requirements.

1.4 It should be noted that Regulation 18 (2012) goes further by including residents or other persons carrying on business in the area, but only as the LPA ‘**considers appropriate**’, and they must ‘**take into account**’ any representations made to them as invited under the Regulation. Overall, in my opinion, these Regulations provide too much discretion to the LPA on the breadth and depth of the consultation, and as Shropshire Council generally lack objectivity, desire and commitment when engaging with the community, then the effectiveness of their consultations is questionable.

1.5 When the Department for Communities and Local Government (DCLG) consulted (July 2012) on the changes to the 2004 Regulations, they set out to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform, which lists **seven criteria**:

- (1) Formal consultation should take place at a stage when there is scope to influence the policy outcome.*
- (2) Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*
- (3) Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.*
- (4) Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.*
- (5) Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees’ buy-in to the process is to be obtained.*
- (6) Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.*
- (7) Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.*

These seven criteria are considered appropriate for a consultation on the changes to the preparation of Local Plan Regulations, but would **appear too onerous for preparation of the Local Plan by Shropshire Council**.

1.6 If we judge Shropshire council’s approach to consultation throughout the LDF preparation by the seven criteria used by DCLG we find:

- (1) Generally the community were not aware of the Issues and Options Consultation (2010) or the Preferred Options (2012) which is a stage when there was **scope to influence the policy outcome** regarding the location of major development schemes in Shropshire.
- (2) Many of the consultations were shorter than 12 weeks.

- (3) There was little **scope to influence** the policy because of the lack of creativity in the engagement process which left many documents too deep to penetrate, and the **benefits** of the proposals were mainly expressed by way of Developer Contributions that would be available to communities accepting development.
- (4) The main target of the LPA is **technical consultation** as Shropshire Council considers this provides the most beneficial contribution and conforms to their adherence to the 80:20 rule (Pareto Principle) with 80% of the results coming from the first 20% of effort. More commonly referred to as the vital few and trivial many, the 'trivial many' have to be proactive in finding the information themselves. Research has shown that any non-individualist social welfare function violates the Pareto principle and conflicts especially in its outcomes with the processes of Policy Making and Social Choices (Kaplow & Shavell 2002). This is a seriously flawed approach resulting in poor policy making.
- (5) The Local Development Framework (LDF) began in 2009 with the 'Issues & Options' consultation on the Core Strategy and the experience of that process was supposed to be drawn upon for future consultations (Shropshire Council, LDF Sub-Committee Report (Item 7) 27th April 2009). This consultation was conducted just prior to the formation of Shropshire Council as a Unitary Authority, and was described as "one of the largest planning policy consultations to have taken place in Shropshire" resulting in **just 421 responses**. Shropshire Council officers expressed their experience from that consultation as follows:
- (a) Areas should be identified for **improved engagement** and long term challenges have been highlighted which could influence the style and publicity of future consultations.
 - (b) The Shropshire wide nature of planning policy is a barrier to some degree of understanding and interest at the local level as there is little immediate **geographic context** for communities to relate to.
 - (c) The level of publicity for consultation events was a key factor in the overall level of interest, and it was also accepted that issuing **press releases is no guarantee** they will be picked up by the press, and therefore there will always be a 'hit and miss' element to this form of publicity.
 - (d) People tended to respond well to **direct correspondence** and requests by local Members.
 - (e) Local Joint Committees (LJC's) were described as especially useful and can continue to have an ongoing role in future community engagement.

(Unfortunately the attendance at LJC's is minimal in the urban areas and composed largely of grant applicants, and in rural areas consist mostly of a 'get together' for Parish councillors).

- (f) It was recognised that defined consultation periods can place **restrictions** on the ability of some sections of society to become involved in the plan making process, and there is clearly a need to continue efforts to engage **'hard to reach'** groups through a variety of means.
- (g) In the longer term, it was proposed to make inquiries to Shropshire's Education department about the possibility of establishing some aspects of Planning within the curriculum of Shropshire Schools. ***(However, this was never progressed, and when proposed again in 2013, was dismissed out of hand).***
- (h) There were clearly **lessons to be learnt** and emerging issues to tackle. Future consultations on LDF documents will need to reflect these issues and seek to ensure an effective and efficient engagement. These issues include: resource requirements; the continued use of local community meetings; the need for officers to enhance local knowledge; and the format and timing of promotional publicity.
- (i) An emerging issue is the **level of resources** needed to effectively manage consultation events, both in time of on-running budget requirements and the amount of officer hours required. ***(The method used in this first consultation was particularly resource intensive, so with the more recent staff reductions and budget restrictions it is difficult to believe that Shropshire Council improved the effectiveness of the consultation methods when the focus will have been on efficiencies).***
- (j) A more **targeted approach** was then proposed for future consultation methods and suggested to be more efficient and effective, support the **better use of officer resources**, enabling a more appropriate focus to be achieved for site specific allocations in the Site Allocations DPD (SAMDev).

These early experiences have not been drawn upon, other than to adopt a more targeted approach to consultation which relies on technical, and self-selected consultees on the LDF database. There has been **no buy-in to the process** and it has been allowed to become a burden to those that have the stamina, interest, or indeed duty to remain involved, and this has been expressed at Parish council meetings.

- (6) Analysis of consultation feedback is very subjective and the selection of the Shrewsbury West Urban Extension (SWSUE) is a prime example of how the consultation has been manipulated to get the desired result.
- (7) Finally, the consultation criteria says that officials running consultations should **seek guidance** in how to run an effective consultation exercise and share what they have learnt from the experience. Unfortunately there is **no appetite in Shropshire Council** to run an effective consultation because of the cost and officer time required. Each time there has been a challenge of the poor consultation, various statistics are presented by the LPA, meetings and press releases are quoted, but the litmus test is the number of people responding or attending, and these have been woefully low in many cases.

There are many excellent publications on effective consultation, one of which is '**Community Engagement in Plan Making**' produced by the Planning Advisory Service (PAS) which encourages creative and imaginative consultation methods.

For those seeking to demonstrate the value of public engagement, then you need look no further than the publication by Involve '**Making the Case for Public Engagement**'. This demonstrates, with examples, how savings can be made by avoiding legal challenges, through effective consultation. There can be no better example for Shropshire Council than the recent ruling in the Court of Appeal that went against them, where it was held that a '**legitimate expectation**' creates a **duty to consult when a person has an interest, which the law decides is one, which is to be protected by procedural fairness**. But will the lesson be learnt?

1.7 The statement of consultation says that the LPA have also met the requirements of the Council's own Statement of Community Involvement (SCI) which was adopted in February 2011. The SCI was presented to Cabinet on the 15th February 2011, following a 12 week consultation period on the draft version, and adopted by Council on the 24th February 2011.

1.8 The officer's report to Cabinet stated that the final version reflected the consultation responses as well as the **emerging Localism agenda**. There were only 29 consultation responses, and only 14 of those responses came from the 163 Town or Parish councils in Shropshire. The strong message from that consultation was that **electronic means of communication are disenfranchising**. This was acknowledged in the report (Para 9) by saying there

needed to be a behavioural change by members of the public, but no indication of how the council will instigate or help the change, or deal with consultation during any interim period of adjustment. There is a commitment by Shropshire Council in the SCI (Para 2.5, bullet point 8) to “Encourage the greater use of electronic communication”, but there is no palpable evidence of how this has been done, and has been left to gradually materialise as an organic process.

1.9 Paragraph 4.1 of the SCI responds to accusations that the preparation of local planning policies are over complicated and disconnected with local people. It says that the process has been made more streamlined and efficient in recent years, but does not reflect on the effectiveness of these changes. The key role of the SCI is described as ***“to spell out exactly how the public can get involved in the plan making process, and to make this involvement easy, accessible and transparent”***. How can this be achieved if the public are not aware of the existence of the SCI?

1.10 Paragraph 4.2 says that Shropshire Council has already made considerable efforts to engage communities in plan preparation through the Interim Community Involvement Statement (ICIS) adopted in September 2008. What they fail to disclose is that they **only received 8 responses** to its consultation, and this guided the Issues and Options (SAMDev) consultation of April/June 2010.

1.11 The SCI creates a ‘legitimate expectation’ as held in the Court of Appeal ***[EWCA Civ 1029 (2009) R (Majed) v London Borough of Camden]*** and the place of legitimate expectation in public law was broadly summarised ***[EWCA Civ 755 (2008) R (Bhatt Murphy) v Independent Assessor]*** as follows:

“The power of public authorities to change policy is constrained by the legal duty to be fair (and other constraints which the law imposes). A change of policy which would otherwise be legally unexceptionable may be held unfair by reason of prior action, or inaction, by the authority.”

1.12 As mentioned in Paragraph **1.6(7)** above, Shropshire Council have recently lost a case in the Court of Appeal ***[EWCA Civ 404 (2014) R (The Queen, on the application of LH) v Shropshire Council]*** where it was broadly held:

“legitimate expectation creates a duty to consult when a person has an interest, which the law decides is one, which is to be protected by procedural fairness.”

The Courts have clearly found Shropshire Council’s methods of consultation wanting in this case, and only reinforces the view, held by many, that ‘**lip-service**’ is paid to most approaches to community engagement by Shropshire Councils. The SCI is the ‘foundation stone’ of a collaborative local development plan; get that wrong and everything falls apart, unless we are prepared to accept a corrupt system with a façade of community involvement and ownership.

1.13 A petition was set up on the Shropshire Council website calling for better engagement by Shropshire Council: (<http://shropshire.gov.uk/committee-services/mgEPetitionDisplay.aspx?ID=11&RPID=0&HPID=0>) and this has received 190 signatures so far on-line, but one person alone has collected 460 signatures from ‘door knocking’, on a casual basis, with a clear indication that 97% of those asked felt that the reliance of Shropshire Council on electronic communications was disenfranchising. This evidences how more effective direct communication is, and the irony is that Shropshire Council will argue that the lack of response to the e-petition demonstrates that people are happy with the way things are. A leading Shropshire Councillor recently commented at a meeting which had 3 members of the public in attendance ***“The public are obviously happy with the way we are doing things or they would be turning up in numbers at meetings such as this to let us know.”*** That meeting was at 6pm, mid-week, and was not advertised on local council noticeboards. The reality is that the public have little confidence, faith, time or belief that they can affect decision making, and when they do try, it can involve a nightmare journey lasting 2 years just to get an amendment to a highways issue! The public do not want to get involved in that bureaucracy.

1.14 A full statement on ‘The Ineffectiveness of Shropshire Council’s SCI’ was originally submitted to Shropshire Council in June 2008, and then subsequently to the Local Government Ombudsman (LGO) in October 2012 as part of an escalated complaint covering a number of policy issues. The Ombudsman would not investigate the SCI as it had been considered by the Planning Inspector as part of the examination of the Shropshire Core Strategy. A copy of that statement is attached to this submission, and it raises significant concerns about the approach to preparing an SCI, the removal of the need for it to be independently examined, and the reliance of the Inspector on the submission

of a 'declaration of compliance' by the LPA. It is important to bear in mind that **"the absence of representations on a matter is not a guarantee of soundness"** and if the consultation is poor or ineffective, then it will be lacking in a significant amount of objective criticism from those not consulted.

1.15 A prime example of how objective criticism, or forensic analysis can identify issues with development plans, submitted by an LPA, is the way that the **Inspector at the Core Strategy (CS) was misled** by the promoters of the Shrewsbury West Urban Extension (SWSUE) and the LPA, over the viability of the scheme. This is explained in the objection to the first phase planning application (Ref: 14/00246/OUT) at paragraphs 29 – 36, a copy of which is attached to this statement.

1.16 Whilst on the subject of the SWSUE it is worth mentioning briefly, the way that Bicton Parish Council (BPC) say they were not aware of the SWSUE (which is within their parish) until it was already in the CS. Examination of the CS took place November 2010, with the Inspectors report dated 7th February 2011. The consultation process would have been designed around the principles in the Interim Statement of Community Involvement (Adopted July 2008) which says at paragraph 3.4:

"Whilst an equal voice should of course be given to all sections of society, the involvement of some key groups have been identified as central to developing a new set of planning documents for Shropshire. These include: Parish/Town Councils – these organisations can provide an invaluable contact with local communities and will be particularly valuable for providing a local perspective when there are proposals for a specific site."

1.17 Issues surrounding the SWSUE have become more questionable recently with one of the BPC members being reported to the police for failing to declare a pecuniary interest in the SWSUE as a part landowner, and the lack of objectivity by Shropshire Council in declaring that an Environmental Impact Assessment (EIA) was not required on the SWSUE, a scheme which is effectively 'owned' by the LPA. Earlier this month (April 2014) a request was submitted to the Secretary of State for a Screening Direction on an EIA, alongside a Call-In request.

1.18 Such are the circumstances surrounding the selection of the SWSUE (which included manipulation of consultation responses within EV24 of the CS evidence base) it not only calls in to question the integrity of that process, but the whole of the LDF itself. I say this not just from my own perspective, but

also from personal interaction with over 400 local residents, attendance at over 50 council meetings, and discussions with members of the Shrewsbury West Residents Association (SWRA).

1.19 The SCI sets out (table 4.2) methods of informing communities and includes Parish/Town councils as playing a central role in informing local communities about current consultations and in expressing the views of local residents effectively. When Shrewsbury Town Council (STC) was asked what role they had played in the above, they said:

“Generally we do not consult on other organisations’ consultations and we rely on our elected members’ understanding of their wards and the issues that affect their electors and residents.”

This response underlines the fears expressed in the guidance from the Royal Town Planners Institute (RTPI) ‘Guidelines on Effective Community Involvement and Consultation’. Sect 13 looks at effective roles for elected members and says:

“There is an inherent tension between representative democracy and consultative democracy, and some local politicians will fear that wider consultation undermines their electoral mandates.”

Consultative democracy makes the ‘job’ a lot harder for elected members, particularly those that have held their seats for some time. There needs to be a sea-change, and a recognition that being a council member means having to adapt to these changes, or stepping aside in favour of those that can and will.

A petition was presented to Shropshire Council with 1,000 signatories in September 2013, voicing concerns that they were not aware of the SWSUE until July 2013. This demonstrates that STC, and the elected members, have not fulfilled their obligations or duties as prescribed in the SCI, not embraced the localism agenda, and have let their community down.

1.20 On the 11th November 2013, a presentation was given to STC, by a member of the public, about the lack of community engagement from the council, backed up by another **petition signed by 600 residents** who felt that they are not engaged effectively. It was pointed out that STC has a duty to engage with its residents, alongside Shropshire Council, but this is not happening. It was also pointed out that there was no clear process on how to target ‘hard-to-reach’ groups, and that 80% of users found the Town Council

website difficult to use and could not find what they were looking for. An offer was made, by the presenter, to work with, and assist the Town Council to improve the communication strategy, but this was declined.

1.21 An STC communications working group was set up which consisted of two Town Councillors, and the Town Clerk. This group met in isolation, without any input from the public or the contribution from the presenter of 11th November 2013, and reported back to the Finance & General Purposes Committee on the 7th April 2014. The report said ***“Guidance has been sought and the Code of Recommended Practice and statutory guidelines suggests Shrewsbury Town Council already complies over and above what is expected of a Town Council, especially having been accredited with Quality Council status a few years ago”***.

1.22 However, a member of the public pointed out to STC that the revised communications strategy suffered from ‘verbal incontinence’ with phrases like **“The Council will deliver core actions, deploying regular, targeted and proactive communications integrated across the full range of marketing and communications disciplines in order to maintain reputation and residual perception”**. This means nothing to the target audience.

1.23 STC recently positioned notice-boards around the parish, these get a mention in the introduction of the communications strategy, and that’s it. There is no conformity with the notice-boards, and they are not used for consultation purposes, and many are filled with irrelevant information and do not even include dates of council meetings. These could be a very effective method of communicating with the community, but their lack of use is testament to a ‘lip-service’ approach.

1.24 The opening sentence of the STC communications strategy says: **“Communication plays a vital role in everything we do at STC”**, yet the strategy is created in isolation without consultation. With this approach it is difficult to believe that STC can fulfil their obligation set out in Table 4.2 of the Shropshire Council SCI in providing a voice for the local community to raise issues.

1.25 Shropshire Council commissioned a report ‘Shropshire’s Emerging Approach to Localism’ (<https://shropshire.gov.uk/media/830926/shropsEV11-outcomes-paper-1-positive-planning-with-rural-communities-shropshires-emerging-approach-to-localism.pdf>) which was used as evidence (EV11) at the

Core Strategy examination. In the foreword, the author refers to comments made by the then Minister for Decentralisation and Planning, Greg Clark, who said ***“Government’s intention is that forward planning will become a much more local function. Planning authorities will be expected to work alongside local communities to determine a shared vision for the future and to enable and shape development to deliver it”*** and that ***“The Localism Bill (Act of 2011) will include a requirement that local development plans are generated via collaborative democracy”***.

1.26 This approach was acknowledged in the opening paragraphs of the Core Strategy with a commitment to a process of collaboration. The author finalises his report by reflecting on how localism is not just about planning and that it is a government aspiration that it extends to every area between state and citizen, and that he ***“awaits with interest Shropshire Council’s blue print for change as they tackle the localism agenda full on”***.

1.27 Shropshire Council’s ‘blue print’ materialised in the form of the ‘Business Plan and Financial Strategy 2014 – 2017’ which leads with the slogan ***“As soon as possible, everything is as efficient as it can be, focusing on the customer, prevention and partnership. Our customers are at the centre of everything we do.”*** This Business Plan has been widely criticised by opposition groups in the Council, and described as a ‘close of business plan’. A public question was raised at the Performance Management Scrutiny Committee on the 27th November 2013, querying the proposed methods of consultation and the artificial set piece debates that take place in the council chamber. A response was given by the Leader of the Council (from the public gallery) who took the opportunity to announce the news that the Council had been successful with the Judicial Review of the consultation methods used in the decision to close adult day care centres. The Leader claimed that this validated the Council’s consultation processes. However this ***decision was overturned on appeal***, and is the decision referred to in paragraph **1.12** above. This therefore validates the public belief that Shropshire Council’s methods of consulting and engaging the community are artificial, and that this is service wide.

1.28 The SAMDev Consultation Statement says at paragraph 3.3 that: ***“Community consultation and the idea of ‘localism’ has been a key part of the SAMDev Plan’s preparation. The Council’s approach to community engagement has far exceeded the level required by national regulations and has allowed the Council to better reflect local community visions and priorities.”*** Unfortunately this sentiment is not one that is recognised within

much of the community as evidenced by the petitions that have been submitted to Shropshire Council and the validation by the Court of Appeal.

1.29 The Consultation Statement lists consultation bodies and methods used at various stages of the plan preparation, and the County's Local Joint Committees (LJC's) are said to have been used as the geographic basis for consultation (Para 4.2) outside of Shrewsbury. During late 2013, I attended eleven LJC's as part of research into community engagement, three of these were outside of Shrewsbury and had the following attendance:

LOCAL JOINT COMMITTEE	Cllrs	PUBLIC	COMMENTS
Longden, Ford & Rea Valley 9 th October 2013	6	2	Meeting in small room at end of unlit car park area.
Burnell & Severn Valley 14 th October 2013	11	1	Member of public was former Parish Councillor.
Loton & Tern 17 th October 2013	11	2	9 Cllrs signed petition for better engagement.

The current Chief Executive addressed an LJC on 12th July 2012 in his role as Area Director Central Shropshire and when asked the question: ***“Localism was a good idea in practice, but how were the Council going to encourage and engage with large proportions of the community when only a small percentage of people ever get involved?”*** He responded as follows:

“Elected members would be working closely with local communities and in the future local people would elect a person who was responsible for their needs. There were issues with getting the wider community involved, and the importance of engaging them in places they normally congregate, such as schools, community centres, shops, leisure facilities and having conversations locally was important to developing service provision and matching them to community needs.” He also stated:

“Nationally local community meetings did not bring in large areas of the community, which is why the Council needed to go out into the community instead of expecting people to come to them. Local Joint Committees were only one method of engagement and there was a need to get into the community to get feedback in order to change and adapt.”

1.30 I also attended a further 8 LJC's within Shrewsbury and these were better attended by the public, and interestingly, the only Councillors attending were those who actually sit on the committee. The following table gives a breakdown of the attendance:

LOCAL JOINT COMMITTEE	Cllrs	PUBLIC	COMMENTS
Bowbrook, Copthorne & Radbrook. 25 th Sep 2013	3	60	High turnout due to concerns over SWSUE
Monkmoor, Underdale and Abbey. 3 rd Oct 2013	3	17	Working on a Ward neighbourhood plan
Bicton Parish Council. 8 th Oct 2013	6	26	Parish most affected by SWSUE
Harlescott & Bagley. 15 th Oct 2013	3	11	Most public were applying for grant funding
The Severn Loop. 23 rd Oct 2013	3	19	Presentation on Business Improvement District
Bayston Hill. 24 th Oct 2013	2	40	Active, but 25 signed petition for better engagement
Meole, Sutton & Column. 5 th Nov 2013	3	17	Cllr Tandy unhappy being informed of SC matters at LJC!
Shrewsbury Wide. 14 th Nov 2013	12	50	Many speakers and grant funding applicants

Only two of these meetings discussed anything to do with the SAMDev Plan, and they both received an update by Shropshire Council's Senior Specialist in Planning Policy. The mood in the room was pretty hostile at both meetings because people did not understand the process, need for the housing, or why they had not been involved, or at least informed earlier. The attendance at all urban meetings was higher, but even 50 members of the public at a Shrewsbury Wide LJC, only represents around 0.07% of the population of the Parish.

1.31 Most planning professionals are members of the Royal Town planners Institute (RTPI), and whilst there is an abundance of engagement and consulting guidelines published, many of which are very creative and imaginative, the RTPI have their own ‘Guidelines on Effective Community Involvement and Consultation’ which follows a Charter of seven basic principles, Integrity, Visibility, Accessibility, Confidentiality, Disclosure, Fair Interpretation, and Publication.

The RTPI guidelines define consultation as ***“The dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, and normally with the objective of influencing decisions, policies or programmes of action.”*** It is helpful to extract some comments from that publication to understand how our professionals are being guided:

- . *From time to time, it is necessary to re-engage with those who have ceased to participate, and on every occasion, the basis of trust between the parties is of paramount importance.*
- . *It is especially important to ensure engagement with hard-to-reach and other community groups which have traditionally been neglected.*
- . *Acting in accordance with an approved Statement of Community Involvement (SCI) to ensure consistency of approach.*
- . *Conducting a formal dialogue with stakeholders at least once a year to discover their perceptions of the consultation and public participation processes.*
- . *Developing thematic or geographic panels of people or representatives.*
- . *Publicising SCI's appropriately and ensuring they are supported by adequate budget and capacity.*
- . *Increasing emphasis on participative methods where literacy standards are less of a barrier to participation.*
- . *Ensuring that the use of e-consultation is never such as to exclude those without access from participating in specific consultations.*
- . *Publicising the use of e-consultation methods so as to increase public and stakeholder awareness and maximise take up of the channel.*
- . *Many of those whose views are most critical for local authorities are relatively less capable of expressing themselves.*
- . *By hearing a wider range of opinions, planning can take account of issues and perceptions which have hitherto been relatively neglected.*
- . *Even handed treatment of stakeholder groups (some with opposing views) is essential to avoid suggestions of bias.*
- . *The new emphasis on community involvement will require substantial investment in building and deploying the skills of public engagement and consultation.*
- . *Bigger effort made in the early stages of the planning cycle will result in savings later on.*
- . *Involve Councillors fully in the preparation of SCI's so they understand their role.*
- . *Building excellent relationships with representative groups is a high priority for all public bodies, but is particularly important if planners are to carry communities with them in the interests of sustainable development.*

And finally one point that reflects the feelings of many who did not become aware of the Local Development Plan preparation until it's later stages, and have been alarmed at the controversy surrounding the selection of the SWSUE,

is: ***“Controversial proposals or a history of poor relationships can result in considerable scepticism and, in extreme cases, a clear lack of confidence in the impartiality of the consultant.”***

1.32 If we look at Appendix C of the Consultation Statement (Preferred options Consultation Strategy – March 2012), and look at the Shrewsbury Place Plan Area, the first 23 questions deal with the parish of Shrewsbury which has a population of around 70,000 people. The number of respondents vary from 102 to 161, to each question, although one question received a significantly higher response with 234 replies. Given the number of residents in the parish, and that landowners, developers and agents will also be responding (with multiple identical responses in some cases [EV24]), then this does not provide a particularly representative consultation response. Appendix G refers to the ‘Revised Preferred Options’ consultation in 2013, and questions asked about the Shrewsbury Place Plan area receive between 10 and 30 responses. A question on whether to remove the reference to relocation of the Park & Ride for the SWSUE received just 22 responses. Thirteen agreed with the proposal (probably the agents as they did before in EV24) but the importance of that question was not explained, and could have a significant impact on the environment, although this will not become apparent until it is too late because the LPA have said an Environmental Impact Assessment (EIA) is not required.

1.33 Trust is clearly paramount if there is to be effective engagement, collaboration, and a shared vision of the future development of communities. Unfortunately there have been too many occasions where Shropshire Council have broken this trust, whether it is through misleading the Inspector at the Core Strategy examination, or commissioning consultants in liquidation to conduct an affordable housing viability study.

1.34 There is a lot of controversy at the moment surrounding the 5 Year Housing Land Supply, and that the National Planning Policy Framework (NPPF) paragraph 49 penalises local authorities that do not have one. It states that policies for the supply of housing cannot be considered up to date if a 5 year housing land supply cannot be demonstrated.

Shropshire Council wrote to the Planning Minister on the 14th April 2014 setting out a case for an amendment to the calculation of the 5 year housing land supply because they feel they are being penalised for the under-delivery in previous years, which they blame on the market downturn. As a result,

applications are being judged on the presumption in favour of sustainability, and this is conflicting with local communities as the council points out ***“The consequences of this at a local level are not insignificant with a huge erosion of the relationship and trust with local communities developed through the plan making process now being borne out at planning committees where, in the absence of a 5 years’ supply of housing land, applications (many speculative) are being assessed on their broad sustainability credentials in accordance with the NPPF.”***

1.35 The issue is one of trust, and it does concern me that the council do not accept any responsibility at all for the situation, and those that understand the system, planning professionals & some lay people, dispute the figures being presented by the council. If we look at the planning notes provided with the letter to the Planning Minister there are misleading facts, and some economy with the truth, as follows:

a) Para 2, bullet point 3 – “Implemented a dynamic viability approach to affordable housing targets to ensure responsiveness to market conditions.”

They did indeed implement a dynamic viability index, and for this reason the Inspector at the Core Strategy found the draft policy sound. However, after the examination, the adopted version of the policy SPD ‘Type and Affordability of Housing’ introduced a new paragraph (4.29) which effectively denied discretionary relief if viability was an issue. This cynical approach to viability and the Inspectors report was demonstrated at a planning appeal in August 2012 (APP/L3245/A/12/2176986) where the appellant argued that the scheme was not viable with the affordable housing contribution. In response, at paragraph 14 of the decision, it says:

“The Council drew attention to the importance of seeking affordable housing contributions on all sites, regardless of scale, because of the high proportion of small sites in the Council’s housing land supply. It was argued that, because the Shropshire Viability Index (Dynamic Viability Index) ensures deliverability at a plan-wide level, the deliverability of an individual small site is of less importance. It was also suggested that the Council does not have the capacity to discuss and negotiate the appropriate level of individual contributions on large numbers of small sites.”

It was only with the introduction of the Growth and Infrastructure Act 2013, that Shropshire Council were forced to remove the affordable housing contribution if it made the scheme unviable. Shropshire Council is proud to

announce that they have been at the forefront of delivering successive Governments' initiatives on planning, but surprisingly feel that a **recession** is the correct time **to introduce developer contributions** (for all development), refuse discretionary relief on viability grounds, and believe this will not have affected housing schemes coming forward, particularly small schemes which make up 60% of the development in Shropshire. The latest Dynamic Viability Index (Sep 2013) is also flawed, and now penalise a developer severely if the build costs drop without any change in the House Price Index (HPI). A drop of £5,000 in build costs will result in an additional £10,800 being paid in affordable housing contributions!

b) Para 2, bullet point 6 – “Embedded localism in its approach to planning the scale and distribution of housing, particularly in the rural areas, and supports Neighbourhood and Community-led Planning.”

The Shrewsbury West Residents Association have been trying to get support for a Neighbourhood Plan, but a recent article in the Shropshire Star said: ***“Councillors have rejected the idea of conducting a neighbourhood plan to help guide future developments over fears it could cost in the region of £250,000.”*** The article continues reporting members to have said ***“Members of the town council’s finance and general purposes committee said conducting a neighbourhood plan for the whole of Shrewsbury would be difficult, costly and ineffective.”*** Town councillors who also sit on Shropshire Council are quoted as saying:

“It is a massive task that will inevitably take up large amounts of officer time and is expensive and I also question the usefulness of neighbourhood plans;

Government policy on the importance of neighbourhood plans may change by the time a Shrewsbury-wide one was completed; and

Unable to support the idea over fears it would cost in the region of £250,000 including £100,000 to carry out the referendum part of the process.”

If this is supporting neighbourhood plans, I can only imagine what will be said when the Council opposes them! Also the cost of a referendum for the parish of Shrewsbury is circa £20,000 (not £100,000) according to the Shropshire Council’s Legal & Democratic Services who would conduct the process.

c) Para 3 – “Up until the publication of the NPPF in March 2012, Shropshire could demonstrate a 5 years’ supply of housing land and, and until the economic downturn impacted on development rates from 2009/10 onwards, delivery was in line with the planned rates....”

If you look at the Shropshire 5 year housing land supply statement of April 2012 it shows the housing requirement as **6,950** (2012-2017) and the delivery shortfall as **921**. The Council argue with the Planning Minister that it is the under-delivery for which they are being penalised, so if you remove this from the requirement, but still include the 20% buffer for consistent under-delivery, then the housing requirement is **8,340**.

The total deliverable sites as of 1st April 2012, was **7,723** and this represents a **4.6 year housing land supply**. Without the 20% buffer, the housing requirement would be **6,950** and this would produce a **5.56 year housing land supply**. But this is on the basis that we accept that the ‘deliverable sites’ figure of 7,723 is deliverable, and the evidence coming forward (See Planning Ref: 14/00518/OUT ‘SAMDev housing figures analysis’ and Ref: 13/00639/FUL ‘Appeal Statement’) suggests that this is not the case and that the **over-estimation** lies somewhere between **4,724** and **7,474** for the remaining Plan period.

In essence, the housing land supply figures are open to a great deal of interpretation, and the total deliverable sites figure requires a lot of officer time to confirm that sites are capable of being delivered within the 5 years. Shropshire Council do not have that resource, therefore too many assumptions are made about sites being deliverable (217 in the Oswestry area alone), and this is leading to constant massaging of the figures. Therefore you cannot blame the problem on the NPPF alone, as this has only reduced the ability for LPA’s to massage figures, and highlighted the problems within the planning system of identifying sufficient land to allow the housing targets to be met.

Conclusion

The Council are correct in one thing, no matter what the facts are, the consequences are that there is a huge erosion of the relationship and trust between local communities and the LPA, and this has to be addressed through better engagement. All of the consultations carried out in the preparation of the Local Development Plan are based on an ineffective Statement of

Community Involvement which has not been endorsed or received any kind of mandate from the community. Guidance from the RTPI has not been followed, neither have concerns raised by the public about poor consultation methods been listened to.

Shropshire Council has a 'People's Panel' and this is promoted as one of the easiest ways for the public to have their say if they have ideas about how things could be improved. I applied to join the People's Panel on the 26th September 2013 (Form Ref: 2462021) but have had no acknowledgement or contact about the application from Shropshire Council.

On the one-hand, Shropshire Council claim to embrace Localism, and then refuse to support neighbourhood planning in Shrewsbury. With the use of electronic communications, the planning system is opening up to those that are able to access the information in that way, and there are benefits to LPA's that use this method effectively and proportionally, but the downside is that it leaves LPA's open to public scrutiny that they have never experienced before.

2. SELF-PROMOTION OF COMMUNITY HUBS & CLUSTERS

2.1 The policy for Community Hubs and Community Clusters is expressed at CS4 of the Core Strategy, adopted March 2011, and communities are able to 'opt-in' or out being a Hub or Cluster. Paragraph 4.65 (CS4) explains the vision of making rural settlements more sustainable:

"4.65 It reflects the need for an enterprising response to the challenges of climate change, and for new models of living based on greater local self-sufficiency and self reliance. Rather than abandoning settlements that have lost services as perpetually 'unsustainable', this approach seeks to improve the sustainability of rural settlements and their hinterlands, even those that start from a low base. Shropshire Council will work with communities, including delivery stakeholders and landowners that wish to achieve this vision."

2.2 Paragraph 4.66 (CS4) explains the process:

“4.66 Shropshire Council is adopting a “bottom up” approach, whereby it works with communities at the parish and village level in together undertaking an intelligent analysis of the nature of their local community and how their village functions, and how it can be improved. This is done through an interactive toolkit that starts with the Parish Plan or Village or Town Design Statement where available; secondly adds statistics compiled by Shropshire Council, such as Census data, to provide a quantitative basis for discussion; and thirdly engages with the local community in a Community Testing Event to arrive at an agreed view of how the community regards its current sustainability. This methodology will provide quality evidence to help the planning authority make robust decisions on the designation of Community Hubs and Community Clusters. Undertaking the assessment does not commit a community to seek Community Hub or Community Cluster status. The approach is detailed further in the SAMDev DPD.”

2.3 Paragraph 4.67 (CS4) explains that ***“A key consideration in identifying Community Hubs and Community Clusters is the views of the local community regarding whether they wish to put themselves forward for this status, whether singly or as a part of a networked group of settlements.”***

2.4 The interactive toolkit referred to in paragraph 4.66 (CS4) for the basis of intelligent analysis is the ‘Rural Toolkit’ (<https://www.shropshire.gov.uk/facts-and-figures/development/shropshire-toolkits/>) and to date, only 29 communities are listed as having completed the Rural Toolkit exercise, therefore those communities that have opted out of being a Community Hub or Community Cluster, without taking part in the rural toolkit exercise, have **not complied with the requirements of CS4 paragraph 4.66.**

2.5 Appendix E, of the SAMDev Consultation Statement, covers Managing Development in the Countryside at MD7, and paragraph 5 says: ***“It was also stated that reliance on the view of the Parish Council to ‘opt in’ as a Hub or Cluster is not sufficient and more emphasis needs to be placed on local evidence.”*** and;

Page 252 expresses further concerns:

“OTHER ISSUES:

Several respondents took the opportunity to comment on parts of the Oswestry Place Plan area which were not subject to consultation in the Revised Preferred Options.

Identification of Hubs and Clusters

There are concerns that it has not been possible to comment on settlements or promoted sites in the Oswestry area where the Parish Councils have chosen not put their villages forward as hubs or clusters (eg. West Felton, Morda, Trefonen). ***There are concerns that the council’s ‘rural rebalance’ approach will not be delivered where some villages are excluded.*** It is not clear whether the fact that these parishes will therefore have limited CIL revenue has been adequately explained to the local community. ***Some respondents feel***

that the decision to let Parish Councils decide whether to opt-in or out is flawed since they are not equipped or funded to make major decisions affecting the shape of their villages for the next 20 years.”

2.6 The Shropshire Core Strategy Policy Directions (2009) stated at paragraph 3.13: ***“Responses to the consultation on Issues and Options repeatedly referred to the need to ‘enable the rural communities to thrive and grow’ and to ‘reinvigorate the countryside as a living and working environment instead of an elite retirement destination’. There is widespread consensus that Mathew Taylor MP is right in his analysis that, ‘the choice is between becoming ever more exclusive enclaves of the wealthy and retired, or building the affordable homes to enable people who work in these communities to continue to live in them.’ There is an appetite for change, and new models of living based on greater local self-sufficiency (including the use of ICT and mobile services).”***

2.7 This approach was set out in the introduction of the adopted Core strategy at paragraph 1.4:

“It is especially important to ensure that Shropshire’s Market Towns and rural settlements become more sustainable places and develop the resilience needed to meet the challenges of the 21st century. The Living Working Countryside Report (The Taylor Review 2008) and the Government’s response to it raise a clear expectation that the planning system will respond more positively to rural sustainability. It will support rural businesses and affordable housing development and use these as a catalyst to maintain sustainable places which have facilities and services such as shops, pubs, schools and local businesses. The West Midlands Regional Spatial Strategy emphasises the importance of understanding local needs both for affordable housing and promoting local regeneration and support for retaining or achieving new services designed to meet those needs. In Shropshire many of the changes necessary to help achieve this will be small scale, incremental, locationally specific and founded upon community engagement.”

2.8 This introduction to the Core Strategy and approach to rural sustainability is at odds with earlier comments made in the Core Strategy Policy Directions (2009), and also ignores the advice in the Taylor Review (Living Working Countryside). The above paragraph acknowledges the clear expectation that the planning system will respond more positively to rural sustainability, but then applies the caveat that limits development to ***“maintain sustainable places which have facilities and services such as shops, pubs, schools and local businesses”***.

2.9 The Taylor Review refers to this as the ‘sustainability trap’ which too many communities are caught in, and expresses this in the summary of Chapter 1:

“Planning must not determine the future development of rural communities against a narrow tick-box approach to sustainable development, assessing communities as they are now and not what they could be. In too many places this approach writes off

rural communities in a ‘sustainability trap’ where development can only occur in places already considered to be in narrow terms ‘sustainable’. The question planners must address is “how will development add to or diminish the sustainability of this community?” taking a better balance of social, economic, and environmental factors together to form a long term vision for all scales of communities. A mix of housing and employment opportunities are essential for the sustainability of rural communities.”

The approach in the Shropshire Core Strategy introduction (1.4) is also at odds with paragraph 14 of the National Planning Policy Framework (NPPF) which says: ***“Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...”*** The requirement to have services such as shops, pubs and schools, is not an objective assessment and further compounds the sustainability trap. Paragraph 28 (NPPF) promotes the retention and development of local services as above, which does not preclude the additional housing encouraging those services coming forward.

2.10 The Taylor Review explores the sustainability trap in great detail, paragraph 69 of the review says: ***“Prior to this review there have already been a number of criticisms of the way planning policy for sustainable development is interpreted and implemented at the regional and local levels. In particular, the way regional and local planners are applying these requirements through prioritising certain narrow environmental indicators (namely the objective to reduce energy use and emissions, measured almost exclusively by transport use).”***

Paragraph 71 goes on to say: ***“This is a particular barrier for rural development as national policy both implicitly and explicitly conveys the message to regional and local planners that development should be focused into areas which reduce the need to travel; directing new housing to be located near existing larger service centres and new enterprise to be located near concentrations of existing housing, both of which are more prevalent in urban areas.”***

The NPPF (Para 29) recognises these difficulties and says ***“that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”***, yet Shropshire Council planners automatically write off any scheme that does not have local services because of the need to travel.

2.11 Representations to the Review (Para 72) overwhelmingly echoed the concerns above, and also highlighted that as they have been left unchecked,

such narrow perceptions of 'sustainability' have become embedded in local planning and have affected the delivery of housing and economic development. It goes on to identify (Para 73) that the approach to sustainable development needs to be broadened to a better balance that integrates **social, economic and environmental** characteristics. These are now the three dimensions (NPPF Para 7) and are central to the purposes of the planning system.

Interpretation of these characteristics, within any proposed scheme, is a matter of judgement; in the first instance by planning officers, and then secondly by the planning committee who, as lay people, are less likely to understand the complex issues raised in the Taylor Review. In Shropshire the message is clear (CS Introduction Para 1.4), if you do not have local services, then your scheme will not be supported. This not only ignores the advice in the Taylor Review, but also lacks objectivity (NPPF 182) and questions the soundness of the SAMDev Plan.

2.12 The Taylor review summarises this view (Para 77) by saying:

“This all results in a ‘sustainability trap’. In essence, otherwise beneficial development can only be approved if the settlement is considered sustainable in the first place. Failure to overcome this hurdle essentially stagnates the settlement – freezing it in time – potentially for the life of the adopted development plan. This cannot be sound planning, since it makes communities less, not more, sustainable.” And paragraph 78 goes explains how this has materialised in practice:

“So many smaller rural settlements without certain services are written off as inherently ‘unsustainable’, in which case no new housing or economic development may be allowed at all. There is a widespread assumption that because smaller rural communities may have little or no services, shops or public transport of their own they are fundamentally unsustainable – and therefore not suitable for development on the grounds of an implied greater need to commute and travel by car to access services and employment. This has translated into restrictive local policy, and also reflects aspects of national policy (PPS1 – Patterns of development that reduce the need to travel by private car). Increasingly decision making in rural areas is determined solely by reference to limiting car based travel. While current Government policy does provide a more pragmatic stance this is not the interpretation applied ‘on the ground’.”

This is recognised in paragraph 29 (NPPF) which says: ***“the government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”*** and emphasises this at paragraph 34 by saying that although significant traffic generating development should be located where need to travel will be minimised and the use of sustainable transport modes maximised ***“this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas”***.

The Planning Office of the Land is Ours succinctly sums up the current situation:

“The burden of limiting car use and establishing a sustainable rural transport system should not, however, be left entirely to pioneers of sustainable rural lifestyles. It is not, after all, their fault that the rural railway network was demolished in the 1960s and 1970s and then built over. Sustainable rural transport is primarily the responsibility of the local authority and of the community at large. Local authorities should be examining ways in which public transport systems can be supported and extended, and means of improving facilities in outlying districts.”

2.13 An officers report was submitted to the Shropshire Council Local Development Framework (LDF) Sub Committee on 27th April 2009 which presented the Governments response to the Taylor Review, who had accepted all but two recommendations, in order to ***“aid and inform local decision making and policy formulation processes”*** for the local development plan. It highlighted:

“Shropshire Council, providing a rural renaissance lead identified, in producing for the West Midlands Regional Assembly (WMRA) the RSS Phase III Option Paper on critical rural services, the importance of the Taylor Review which: - Seeks to avoid the sustainability trap, whereby development is only allowed in rural areas if the settlement is deemed sustainable in the first place, by taking a broader view of sustainability and allowing any settlement to be considered for development.”

2.14 The Shropshire Core Strategy purports to embody an innovative approach to development; refers to the Taylor review, but clearly does not understand the intent, or if it does, is unable to apply the principles.

Shropshire Council's 'Analysis of the Issues & Options Consultation' of the Core Strategy (2009) made a key comment saying, ***"A settlement hierarchy with development in proportion to the services available has led to the closure of many services in rural settlements including post offices and schools"***.

2.15 Appendix E of the SAMDev Consultation Statement covers the key issues raised in the 2012 consultation on Development Management Policy Direction, and at paragraph 5 of MD7 said:

"Countryside, Community Hubs and Clusters – Several responses feel that limiting development to Hubs and Clusters is overly restrictive especially in some villages that are capable of supporting new development. It was also stated that reliance on the view of the Parish Council to 'opt in' as a Hub or Cluster is not sufficient and more emphasis needs to be placed on local evidence".

This is a message that is being repeated throughout the preparation of the local plan, and has also been advocated by the Taylor Review. Earlier consultees may have put faith in the rural toolkit being rolled out across the county before the SAMDev is examined, and thereby the issue of 'intelligent analysis' might have been addressed. However, this has not happened, and is something that Shropshire Council needs to address. Shropshire Council is aware of the consequences, but obviously feels that if you keep doing the same thing over and over again, you might eventually get a different result!

2.16 Shropshire's approach is to restrict development to Community Hubs and Clusters which we will be identified by the communities themselves through 'intelligent analysis' (CS4 para 4.66). The Core Strategy recognises that smaller settlements generally have fewer facilities, and will have to work harder to improve sustainability (CS4 para 4.63), and the methodology will provide quality evidence to **"help the planning authority make robust decisions on the designation of Community Hubs and Community Clusters"**.

2.17 In practice, this has been left to the individual Parish councils to decide, and it could be said that those who have taken part in the 'rural toolkit' exercises are equipped to make this decision. **But what about those who have not?**

2.18 This can be illustrated by reviewing the approach of **Montford Parish Council** (MPC), which, based on the 2011 Census, has **221** households, **574** residents, and is made up of the principle settlements of Montford Bridge (West), Shrawardine, Montford, and Ensdon.

It has nine Parish Councillors, eight of which were re-elected unopposed in the May 2013 local elections, and one co-opted onto the council. Start dates as councillors are listed on the MPC website as: 1973, 1991, 1991, 1998, 1998, 2002, 2005, 2010, and 2013. The council meets on the third Tuesday of each month.

2.19 MPC considered their response to the SAMDev at their meeting of **20th March 2012**. In attendance were, 5 Councillors, Parish Clerk, and **3 Parishioners**, plus the Parish Clerk from the adjoining parish of Bicton. In view of comments made, MPC decided to:

“withdraw its entire previous SAMDev comment and scrap its entire Montford Parish Housing Strategy (106 of June 2010 and Jan 2011) and replace it with this simpler policy:

3.2(e) Montford Parish Housing Strategy 123 = SAMDev Comment 123 -3.2e on 20th March 2012

(1) MPC prefers to consider every planning application entirely on its own merits on a case by case basis.

(2) MPC accepts a maximum total of TEN new private/low-cost houses to be built in Montford Parish to 2026 with four to five in any one site preferably in Montford Bridge rather than in Shrawardine and with five to six unspecified windfall houses anywhere in Montford Parish where there is suitable building land available and which is supported by MPC and recommended to be granted by the SC Planning Officers.

(3) This windfall policy includes Shrawardine village but MPC does not want Shrawardine to be clustered because all the access roads to the village are narrow winding country lanes and there are few facilities.

(4) The reason for MHS 123 is that MPC wants a flexible strategy for future housing in Montford Parish so that our small rural villages and hamlets are not overwhelmed with excessive and inappropriate new housing but on the other hand MPC does not want our parish to have to stagnate with no private development at all.

(5) New Village Envelopes for Shrawardine and Montford Bridge could be devised but the main constraint for Montford Parish will be: A maximum of TEN new houses of any kind to 2026.”

2.20 MPC held their Annual Parish Meeting on the 17th April 2012 which was flagged up on the noticeboards as a public consultation on the Montford Parish Housing Strategy (MHS) to 2026. **A routine parish meeting was held before the annual meeting, but Cllr McSporran refused to allow 3 members of the public to sit in on it!** Eight parish councillors attended the routine meeting, the SC councillor, parish clerk, and the local policeman. The minutes show that the

Montford housing strategy was discussed, and that the following three options should be put to the Annual parish meeting:

(1) MPC could ask for ALL Montford Parish to be designated Open Countryside with NO private housing; OR

(2) MPC could ask for Montford Bridge West to be clustered with places in Bickton so that a maximum of ten private houses could be built in unspecified locations at Montford Bridge West over the next fourteen years with the rest of Montford Parish designated Open Countryside with no private housing at all to 2026; OR

(3) MPC could ask for Montford Bridge West to be clustered with Shrawardine so a maximum of ten new private houses could be shared between these two settlements and all the rest of our parish to be Open Countryside.

Attendance at the Annual Parish Meeting afterwards included all 11 that attended the routine meeting, plus another **21 people**. The Chairman presented the three main options for the MHS as set out above. Numerous representations were received from the floor, many conflicting. The Chairman did not take “a straw poll or a formal poll or resolution” at the meeting, but assured everyone that MPC would now consider all the representations in an amended MHS.

2.21 MPC met again on the **15th May 2012** with 6 parish councillors, 1 SC councillor, parish clerk, and the SC LJC Officer. There were **27 parishioners** and other members of the public. MHS was discussed and views noted, but no actual wording was decided upon at this meeting, but the clerk was directed to invite SC’s Senior Planning Policy Specialist Officer to the next meeting.

2.22 MPC held their next meeting on the **19th June 2012** with 6 parish councillors, SC Planning Policy Manager, parish clerk, Nesses Action Group Secretary, SC councillor, and **7 Montford Parishioners**. A talk on the basic principles of the SAMDev was given by the SC Planning Policy Manager. The minutes say ***“As in all our previous MPC public consultations all the Shrawardine residents who expressed a preference said they wanted Shrawardine village to be designated as Open Countryside to help prevent any inappropriate or excessive development”***. There were only 3 Shrawardine residents present, one member of the public and two councillors. Minute 3.2(a) records: ***“After a discussion in which the Chairman asked for the views of all the Councillors at the meeting, the Clerk was instructed to draw up a new MHS based on these views”***.

2.23 The new MHS was presented to MPC at their meeting of 17th July 2012 with 8 parish councillors, parish clerk, SC councillor, agent from Carter Jonas, and **1 Shrawardine parishioner**. The minutes show that **“Shrawardine resident**

Alan Mace reiterated his previous requests for Shrawardine to be Open Countryside"

The following minutes constituted MPC's Housing Strategy and response to the SAMDev:

3.2 MPC's SAMDev reply to SC: to finalise the wording of Montford Parish Housing Strategy MHS 127. After exhaustive discussions on aspects of the SAMDev plan the Chair held the following two ballots:

a. MPC AGREES that all the land in Montford Parish excluding "Montford Bridge West" but including Shrawardine village and all the hamlets should be designated as "Open Countryside" with no new private houses to be considered until 2026 or until SC reviews its SAMDev plan at which time MPC might seek amendments: the votes were five in favour and three against: RESOLVED by a majority of two votes.

b. MPC ACCEPTS a quota of ten new houses including windfalls may be built at Montford Bridge West which is that part of Montford Bridge which lies in Montford Parish West of the River Severn and which has no village boundary but is considered to be within the existing village of 2012 or on land adjacent to it.

c. MPC wants Montford Bridge West to be a single cluster settlement with no preferred sites being designated but with a maximum of three to five new private houses to be built on any one building site in Montford Bridge West but only in locations which are supported by Montford Parish Council at the time:

This motion was RESOLVED unanimously but to prevent the quota of ten being promptly used up by say two sites with five houses on each being built in the first year or so MPC now included this extra proviso:

d. Extra Proviso: If a five house site has been permitted all other sites should be for one or two houses only.

e. Montford Housing Strategy MHS 127 now replaces all previous Montford Housing Strategies and all MPC previous SAMDev comments to Shropshire Council e.g. SC SAMDev Plan Preferred Options March 2012.

f. MPC would have preferred that all future planning applications in Montford Parish would be considered on their own individual merits but MPC was constrained by Shropshire Council's SAMDev rules and although MPC's main aim was for a flexible strategy some options were excluded in view of parishioners' opinions.

g. This Housing Strategy 127 does NOT imply that MPC is actively seeking ten new houses in Montford Bridge West it is simply an indication of the maximum development which MPC is prepared to accept.

Note: The Clerk has summarised MPC's finalised Montford Parish Housing Strategy MHS 127 at the end of these minutes under Minute 127-11.1 which he will email straight on to SC Planning Officers tomorrow.

11. CLERK'S SUMMARY of MPC's Final SAMDev Response to Shropshire Council Tues 17 July 2012

11.1 Montford Parish Housing Strategy MHS 127 Resolved under MPC Minute 127-3.2

- a. MPC AGREES that all the land in Montford Parish *excluding "Montford Bridge West"* but including Shrawardine village and all the hamlets should be designated as "*Open Countryside*" with no new private houses to be built until 2026 or until SC reviews its SAMDev plan when MPC might seek amendments.**

- b. MPC ACCEPTS a **quota of ten new houses** including windfalls may be built at **Montford Bridge West** which is that part of Montford Bridge which lies in Montford Parish West of the River Severn and which has no village boundary but is considered to be within the existing village of 2012 or on land adjacent to it.
- c. MPC wants *Montford Bridge West* to be designated a **single cluster settlement** with no preferred sites being designated but with a maximum of three to five new private houses to be built on any one building site in *Montford Bridge West* but only in locations which are supported by Montford Parish Council at the time.
- d. Extra Proviso: If a **five house site** has been permitted all other sites should be for **one or two houses only**.

2.24 In summary, the Montford Parish Council decision on Community Clustering was made as a result of **5 council meetings** between March and July 2012 at which the public attendance was, **(3), (21), (27), (7), and (1)** respectively.

There was **no ‘intelligent analysis’** of the parish area (CS4 4.66), no involvement in the rural toolkit exercise, no self-run parish exercise, no news letter delivered to all households, no consideration of the Taylor Review or mention of the sustainability trap, no reference to Core Strategy (CS4) Community Hubs and Community Clusters, no reflection of the needs of local people (CS4 4.59), no identification of community benefit (CS4 4.60), no consideration of raising the sustainability of smaller settlements (CS4 4.63).

The community was not polled, or even informally asked for their views by settlements so that Shropshire Council could work with the community to achieve their vision (CS4 4.65), there was no reference to Census data to provide a quantitative basis for discussion (CS4 4.66), and no engagement with the community in a Community Testing Event to arrive at an agreed view of how the community regards its current sustainability (CS4 4.66).

2.25 The Core Strategy (CS4) created a legitimate expectation that those processes would be followed in identifying Community Hubs & Clusters, and the power of public authorities to change policy is constrained by the legal duty to be fair. The examination of the SAMDev will be assessed to see if the consultation process allowed for effective engagement of all interested parties, and this is clearly not the case with Montford Parish Council, and no doubt, with all the other Parishes that did not take part in the rural toolkit exercise.

The Localism Act 2011 emphasised the importance of community-led planning, and the bottom up approach. It is not for Parish councils to make such important decisions without considering the views of the community and

conducting intelligent analysis. Instead they have been influenced by those with the 'loudest voice' who are comfortable in expressing their views in a public arena, and in the main, have a 'nimby' agenda.

2.26 The NPPF says that plans should include a mix of housing based on current and future demographic trends (para 50), development in one village may support services in a village nearby (para 55), local plans should be robust and comprehensive (para 58), all sections of the community should be involved in the preparation of the local plan (para 69), only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan (Para 154), each LPA should ensure that the local plan is based on adequate, up-to-date and relevant evidence (para 158), and finally, the plan should be prepared based on a strategy which seeks to meet **objectively assessed development** (para 182). **Without doing so, as in the case of those parishes that have not used intelligent analysis, then the local plan cannot be considered sound.**

2.27 At the June 2012 MPC meeting, the clerk was instructed to draw up a new Montford Housing Strategy **"based on the views of the committee"**. This is **not objective**, and as there was only one member of the public at the July 2012 meeting when the final strategy was considered and voted upon, it is hardly democratic either. The vote taken at the July 2010 meeting (See para 2.23 above) for Shrawardine remaining Open Countryside was 5 in favour and 3 against the proposal. **However 3 of the Councillors voting live in the village of Shrawardine. Shropshire Councils Code of Conduct for councillors does not permit members of the planning committee to vote or engage in the discussions of any application within their ward. The same principle applies to planning decisions made at Parish Council meetings if they form planning policy specific to their part of the parish. If not, how could they possibly demonstrate that they do not have a prejudicial interest?** On this basis, the vote at the July 2012 MPC meeting should be recorded as 2 in favour of Shrawardine remaining Open Countryside, and 3 against. This changes the whole landscape of MPC's SAMDev submission, and makes the SAMDev unsound.

2.28 If MPC had conducted some intelligent analysis, and viewed the 2011 Census data for Montford Parish they would have discovered the following information:

TENURE (221 households)	PARISH	COUNTY	ENGLAND
158 Owned (92 Outright)	71.5%	69.2%	63.3%
0 Shared Ownership	0%	0.64%	0.79%
11 Social Rented	4.9%	13.45%	17.7%
47 Private Rented	21.8%	15%	16.8%
5 Living Rent Free	2.3%	1.8%	1.3%

OCCUPATION (298 Persons)	PARISH	COUNTY	ENGLAND
35 Manager/Directors/Senior Officials	11.7%	11.75	10.8%
65 Professionals	21.8%	15.9%	17.5%
37 Associated Professional & Technical	12.4%	11.3%	12.8%
28 Admin	9.4%	10%	11.55
57 Skilled Trade	19.1%	15.2%	11.4%
26 Care/Leisure	8.7%	10.1%	9.3%
13 Sales/Customer Service	4.4%	7.2%	8.4%
8 Process/Plant/Machine Operators	4.0%	7.4%	7.2%
25 Elementary Occupations	8.4%	11.3%	11.1%

PEOPLE WITH SECOND ADDRESS	PARISH	COUNTY	ENGLAND
20 In the UK	3.5%	3.7%	3.7%
6 Outside UK	1%	1.2%	1.5%

POPULATION DENSITY PER/HECTARE	PARISH	COUNTY	ENGLAND
	3.5	1.0	4.1

HOUSE TYPE	PARISH	COUNTY	ENGLAND
148 Detached	65.2%	39.5%	22.3%
67 Semi-Detached	29.5%	33.4%	30.8%
8 Terraced	3.5%	16.8%	24.6%
2 Flat/Apartment	0.9%	1.8%	4.3%

HOUSEHOLD COMPOSITION	PARISH	COUNTY	ENGLAND
39 One Person	17.2%	28.9%	30.2%
22 One Person Over 65 Years Age	9.7%	13.9%	12.4%
104 Married Couple	45.8%	36.3%	33%
30 Married – No Children	13.2%	14.8%	12.2%
18 Co-Habiting	7.9%	10%	9.8%
15 Lone Parent	6.6%	8.5%	10.6%

2.29 A brief analysis of the above information shows that more than double the national average have more than two cars in Montford Parish, and still **considerably higher than the County average.**

Nearly four times the national average work at home, bus use in the parish is higher than the County average, walking to work is half the county average.

House ownership is higher than county and national average, but **social rented is around a third of county and national levels**, with private rented around 5% higher than county and national.

There is a **considerable higher level of skilled trade** in the parish compared to both county and national average, Professional occupations are around 5% higher, managers/directors/senior officials/associated are all around county and national average, but sales/machine operators/elementary occupations are all well below county and national levels.

Detached houses are triple national and a third higher than the county average, terraced housing is a fifth of county average and a sixth of national, but **flats/apartments are well below both.**

One person households are nearly half as much as county and national averages, married couples are nearly 50% more than average, but co-habiting and lone parents are lower than average.

2.30 Affordable housing needs were obtained via the Shropshire Council Housing Enabling Manager, and they show the following are registered with Homepoint for affordable housing in the Parish of Montford:

- . 3 people are on the waiting list
- . Only 1 appears to be local
- . All 3 seek 1 bed rented accommodation

2.32 In addition to the above, there has been an **advert on the Shrawardine noticeboard** for a few months now from someone seeking a house to rent, and there is also **a family who have kept horses in the village for 3 years but have been priced out of the local market and have been refused permission to build in the village on 'unsustainable' grounds.**

2.33 This is just some of the information that MPC should have considered as part of their intelligent analysis, but more importantly, they should have pro-

actively consulted with the local community, preferably using the rural toolkit, and then they could have considered the majority view, rather than those that seek to see parts of the parish remain a dormitory or retirement area.

CONCLUSION

2.24 In September 2010, Shropshire Council commissioned a report from Rural Innovation 'Positive Planning with Rural Communities – Shropshire's Emerging Approach to Localism' (<https://shropshire.gov.uk/media/830926/shropsEV11-outcomes-paper-1-positive-planning-with-rural-communities-shropshires-emerging-approach-to-localism.pdf>) which was EV11 at the Core Strategy Examination. At paragraph 18.0 of the report it covers 'Community Self Determination' with regard to classification of Community Hubs and Clusters, and paragraph 19.0 says:

“The Council recognises that it will need to persuade an Inspector that this approach is sound, but wants each community (settlement or cluster of settlements) to make this decision for itself.”

It is my strongly held opinion, based on evidence from reading the policy documents and experience of one parish trying to come to terms with, what they see as a very complicated SAMDev process, that any parish that has not conducted intelligent analysis, has not been provided with the correct tools, cannot be considered to reach an objective decision on self-determination, and this is contrary to the Core Strategy CS4.

For this reason and for the lack of effective consultation described in the first section, and the detail of this representation, I cannot see how SAMDev Policy MD7a can be considered sound.

Stephen Mulloy

27th April 2014

Attachments:

1. Representation to the Secretary of State for a Screening Direction for Planning Application 13/00265/OUT, and Article 14 Direction for Planning Application 14/00246/OUT
2. Statement on the Ineffectiveness of the Shropshire Council Statement of Community Involvement (SCI)
3. Comments on SWSUE Planning Application 14/00246/OUT