



For Shropshire
Council use

Respondent
no:

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

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name:	Mrs Sue Jenkins
Organisation (if applicable):	
Address:	

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name:	
Organisation	
Address:	
Email:	
Telephone:	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

The SAMDev Plan as a whole.

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	No	✓
Object	Yes	✓	No

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant	Yes	No	✓
Sound	Yes	No	✓

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	✓
Justified	✓
Effective	✓
Consistent with National Policy	✓

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

Positively prepared test

1. A Plan should be, "based on a strategy which seeks to meet objectively assessed development and infrastructure requirements" (NPPF 182). Shropshire Council's strategy of localism is an amalgam of what has been volunteered by Town and Parish Councils, rather than a strategy. A strategy would be set out clearly, and would be compared and assessed against alternative strategies. It is not. A strategy would lead to consistent policies. Yet in some parts of Shropshire the Town or Parish Council view has prevailed (eg. Broseley, Ellesmere, Shrewsbury), while in other areas the SAMDev Plan runs counter to the local council's view (eg. Church Stretton, Bridgnorth, Shifnal, Wem). It is increasingly obvious that there is no strategy, only a collection of disparate approaches.

Justified Test

2. A plan must be a logical and reasoned means of achieving its ends, involving objective assessment of alternatives. On a number of counts the SAMDev Plan fails to justify its approach.
3. There is insufficient justification of both the scale and the distribution of development between the market towns and key centres. This scant level of consideration is surprising, given that the Core Strategy effectively delegated the key strategic issue of the distribution of housing between the county's towns to the SAMDev Plan process (paragraph 4.33 of the Core Strategy).
4. Throughout the SAMDev plan process over 2010-2014, there has been a notable absence of any robust justification for the distribution of development between the county's towns. Similarly, the rationale for the scale of development in each town is in many cases circular, referring back to the Core Strategy which had in turn referred to the SAMDev Plan.
5. There is insufficient evidence to support the designation of Hub and Cluster Settlements. Paragraph 4.66 of the Core Strategy states that the Council will undertake with local communities, *"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 majority of the proposed hubs and clusters have not had such an 'intelligent analysis' and indeed have little justification beyond the parish council's minutes. Localism should equate to more than just the parish council's view.
6. Localism is a great and good concept, but rights come with responsibilities. It is a basic principle of all good planning, whether business plans or spatial plans, to thoughtfully consider alternative courses of action and justify the approach taken. It is also a statutory requirement that is fundamental to the soundness of a plan. This thoughtful consideration of alternatives should have been done in 2011 and 2012. A belated opportunity was also available through the revised Preferred Options stage in 2013. Yet most parish councils did not do this as they were not advised of the need to do so by Shropshire Council. Shropshire Council abdicated its responsibilities, inadequately equipping town and parish councils to take on the task that was left in their hands. True localism would have empowered town and parish councils with professional officer support to enable them to assess their options in a systematic and rigorous manner. Localism can work, provided the nettle is seized and local communities are provided with a suitable framework and good advice. Shropshire Council badly let down its local councils over 2011-2013 through its failure to consistently communicate what was required to make localism effective.
7. Localism cannot be an excuse for shoddy plan-making. For example, the Planning Practice Guidance (PPG) makes it clear that communities who allocate land for

development through a Neighbourhood Plan (NP) would have to meet the Environmental Assessment of Plans and Programmes Regulations 2004 (PPG Ref ID: 11-027-20140306). By extension, Shropshire Council's localist approach does not grant leeway against statutory requirements.

8. The Dawlish Parish Neighbourhood Plan (DPNP) was the first NP in the country to reach examination stage, with the DPNP Inspector's report issued in May 2012. The DPNP was held up as representing, "exactly the type of locally shaped, positive, planned approach envisaged by the NPPF" (Inspector's report paragraph 2.26). Nevertheless it was found to be unsound on a number of counts; firstly, that decisions about the quantity of housing must be taken by the Local Plan rather than the neighbourhood planning process based on objectively assessed needs (2.22); and secondly, that decisions were inadequately justified (5.12). The NP was found to be "neither positively prepared or justified" as the local community were required to make "difficult judgements about the appropriate level of housing growth for Dawlish which they were not equipped to do" (5.21). It is unfortunate that Shropshire Council failed to learn the lessons from the Dawlish front-runner, namely that localism does not absolve the local planning authority of its responsibilities for proper planning.
9. To summarise, Shropshire Council has failed to justify that the Plan provides the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. Localism is a poor crutch. The fact is that Shropshire Council failed to provide parish councils with the guidance necessary to ensure compliance with the tests of soundness formerly set out in PPS12 and latterly in the NPPF.

Effective Test

10. The ability of the SAMDev Plan to deliver the 9,000 affordable homes (33% of the total) required over the plan period is highly dubious. The number of affordable homes delivered over 2006-2013 is missing from the Annual Monitoring Report 2013. Despite the absence of this basic information, it is reasonable to surmise that Shropshire Council will fall far short of its requirement, given its under-delivery of total housing numbers and the low rate for affordable housing contributions (10%-20% depending on location).
11. Should the Government proceed with its stated intention to raise the threshold for s106 contributions to affordable housing to sites of 10 dwellings or over, this will accentuate Shropshire's delivery shortfall for affordable housing. A good plan should contain sufficient flexibility to adjust to significant changes that are on the horizon, and therefore the SAMDev Plan should address this issue rather than remain silent on affordable housing.

Consistent with national policy test

12. The Plan does not make sufficient provision for people who wish to build their own homes, nor does it make adequate provision for service families, gypsies and travellers and older people beyond mere token gestures (NPPF paragraph 50).
13. The Plan should have been, "prepared with the objective of contributing to the achievement of sustainable development" (NPPF 151). For many of the smaller hub and cluster settlements identified in the SAMDev Plan it is far from clear how the Plan meets this objective. For example, there are 26 hub or cluster groups that have

a housing guideline of 15 or fewer dwellings. Affordable housing in such villages is to be provided at the same rate as elsewhere in Shropshire, so the vast majority of village development will be market housing. The Plan fails to explain how this level of market housing contributes towards sustainability such that it delivers net gains across economic, social and environmental dimensions (NPPF 152). Surely this pattern of development will have negative impacts on the Core Planning Principles (NPPF 17) of promoting mixed uses and utilising sustainable transport.

Legal Compliance: The Localism Act 2011 and the TCPA2004

14. The SAMDev Plan does not comply with the statutory requirements to have regard to the Core Strategy as required by section 19(2) of the Town and Compulsory Purchase Act 2004 and to be consistent with the adopted development plan as required by section 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The SAMDev Plan as currently drafted is inconsistent with the adopted Core Strategy in the following regards:

- Policy CS3's various references to "development to meet local needs", a phrase implying limited levels of development, is stretched in its interpretation to extend from 150 dwellings for Bishops Castle, 200 for Broseley, 250 for Albrighton, 350 for Cleobury Mortimer, 370 for Church Stretton, and 1,250 for Shifnal. The varying size of these key centres does not fully explain the wide variation in annualised rate of growth from 0.4% p.a. to 2.0% per annum. These settlements 'to meet local need' include almost the entire range of growth shown in table 2.8 of the Technical Background Paper. Consequently there is a fundamental inconsistency in the application of Core Strategy policy CS3 which calls into question whether the SAMDev policies for each of the above 'local needs' settlements can all simultaneously be consistent with the Core Strategy. This point overlaps with related issues covered under the 'positively prepared' and 'justified' tests of soundness above.
- Policy CS4 states that Community Hubs and Clusters will, "become more sustainable by....providing facilities, economic development or housing for local needs" yet in many cases the Hubs and Clusters identified in the SAMDev Plan provide no more than a few market houses, failing to improve sustainability or provide facilities, employment or affordable housing. The Plan fails to demonstrate how many of the smaller Hub and Cluster settlements will become more sustainable. This point is also covered under the 'consistent with national policy' test of soundness above.

15. The Duty to Cooperate requires close working with neighbouring authorities on the evidence base underpinning housing and employment requirements, amongst others. This is particularly the case for Telford & Wrekin area, which is functionally closely related to Shropshire's housing market and economy. The two local authorities are also part of the same Local Enterprise Partnership. However none of Shropshire Council's evidence base appears to have been jointly prepared with Telford & Wrekin Council, or indeed with any of its neighbours. Shropshire Council have merely paid lip service to the duty, 'ticking the box' with ad hoc meetings and exchange of letters, rather than genuinely applying the duty in its preparation of the plan.

Legal Compliance: Sustainability Appraisal Regulations

16. The Plan does not meet the requirements for Sustainability Appraisal (SA) set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) on a number of counts.
17. The Shropshire Core Strategy makes it clear that the identification of community hubs and clusters are decisions for the SAMDev Plan. Furthermore, the process for identifying the Hub and Clusters Settlements is not pre-determined by the Core Strategy. The Core Strategy suggests that a detailed assessment will be undertaken involving both quantitative and qualitative evaluation to inform “robust decisions” (paragraph 4.66 of the Core Strategy) through the SAMDev Plan. It is to be expected therefore that the plan-making process will consider and evaluate alternatives to comply with section 12(2)(b) of the Regulations in respect of the Hub and Cluster settlements identified.
18. The Core Strategy indicates that a detailed assessment will be undertaken through the SAMDev Plan process involving both quantitative and qualitative evaluation to inform “robust decisions” on the identification of community hubs and clusters (paragraph 4.66 of the Core Strategy). In practice the SAMDev Plan appears to have simply followed parish councils’ request for designation. For villages proposed as hub or cluster settlements, the options of *not* being a hub or cluster, or of being a *larger* hub or cluster, are never considered. This is particularly pertinent for the many hamlets that are identified in the SAMDev Plan, where the sustainability benefits of very limited development have never been considered against alternatives.
19. Without a proper consideration of alternatives, the SAMDev Plan does not comply with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.
20. For Shropshire's towns and key centres, consideration of alternative scales of development in each town is reported in the SA report in extremely general terms (pages 34-51) and suggests that the appraisal of alternative options at Issues and Options stage in 2010 was precursory and addressed each settlement in isolation. There was no assessment of alternative distributions of development between the towns. Neither was there any assessment of alternative combinations of housing, employment and infrastructure development.
21. The SA for the towns does not appear to have been repeated after the Issues and Options stage, despite changes to the SAMDev Plan over 2012 and 2013. For a number of the towns and key centres, there were significant changes between the Issues and Options stage in 2010 and the Final Plan in 2014 which were never re-assessed. For example, the scale of development proposed for Bridgnorth increased from between 500 and 1,000 homes at Issues and Options stage to 1,400 homes at Final Plan stage, yet this higher scale of growth was never subject to sustainability appraisal. The overall scale of development in the towns has not been reviewed since the 2010 Issues and Options stage, while alternative distributions between towns and reasonable alternative mixes of employment, housing and infrastructure have never been evaluated. (Please also see the comments under the 'justified' test of soundness as to the relationship between the Core Strategy and the SAMDev Plan in this regard.)
22. While individual sites have been subject to detailed SA, each site appears to have been dealt with in isolation, rather than considered as part of a whole town

approach. Alternative combinations of sites are not considered, and it is not clear why some sites were chosen over others. Shropshire Council appears to have not taken the Environmental Assessment of Plans and Programmes Regulations 2004 seriously, despite recent cases at the High Court that have confirmed the tests required (EWHC/Admin/2012/606 and EWHC/Admin/2011/344).

23. For all the above reasons, the SAMDev Plan is unsound and does not comply with planning legislation.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

Test of Soundness: Positively prepared

The SAMDev Plan needs to follow a clear and consistent strategy. Consistency with the adopted Core Strategy would be a good starting point.

Test of Soundness: Justified

True localism demands a much more mature discussion about alternative options. Only by genuinely discussing alternatives will the local community be persuaded that the Plan reflects carefully made decisions by a parish council informed by clear evidence and with proper regard to robust process.

A robust assessment of the distribution of development across Shropshire's towns is necessary to justify the Plan and demonstrate that it will deliver the required level of development to meet objectively assessed needs and comply with the NPPF. Only when alternative approaches are genuinely considered can the Plan's strategy be properly justified as the best approach when considered against reasonable alternatives.

Test of Soundness: Effective

The delivery of affordable housing requires either a change to policy CS1 or a reconsideration of policy CS11 and affordable housing contributions.

Test of Soundness: Consistent with national policy

The Plan's approach to rural areas in particular needs re-considering in order to demonstrate compliance with national policy.

Specific provision should be made for housing for all types of people, including self-builders, older people, service families and travellers.

Legal Compliance: Development Plan

Replace Core Strategy policies CS3 with SAMDev Plan policies S1-S18.

Revise the Hub and Cluster Settlement Policies in S1-S18 so that they are consistent with

policy CS4.

Legal Compliance: Sustainability Appraisal

Regulation 8 of the Environmental Assessment of Plans and Programmes Regulations 2004 prohibits a plan being adopted until regulation 12, amongst others, has been complied with. Therefore the SAMDev Plan should not be adopted until there has been (1) a proper identification and assessment of reasonable alternatives for each of the villages in Shropshire; (2) an evaluation of alternative mixes, scale and distribution of development in and between the towns and key centres; and (3) reasonable alternatives are evaluated for addressing the policy issues covered by MD1-MD17. Meeting this legal requirement would furthermore provide for a more mature discussion with town and parish councils.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.

☒

No, I wish to pursue my representations through this written representation.

☐

If you wish to attend the examination, please explain why you think this is necessary in the box below:

The Plan is so fundamentally flawed that further discussion is required at examination.

Do you wish to be notified of any of the following? *Please tick all that apply. We will contact you using the details you have given above.*

When the SAMDev Plan has been submitted for examination	<input checked="" type="checkbox"/>
When the Inspector's Report is published	<input checked="" type="checkbox"/>
When the SAMDev Plan is adopted	<input checked="" type="checkbox"/>

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. 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. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.