



## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	ANNICE DIXON
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#### Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="checkbox"/> See attached statement	Policy:	<input type="checkbox"/> See attached statement	Site:	<input type="checkbox"/> See attached statement	Policies Map:	<input type="checkbox"/> See attached statement
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |   |
|--|------|---|
| A. Legally compliant                     | Yes: | No: <input checked="" type="checkbox"/> |
| B. Sound                                 | Yes: | No: <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | No:                                     |
- (Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attached statement Appendix 1  
This sets out in detail with supporting technical and legal evidence why the Plan and process leading up to it are considered to be contrary to the law, national policy and national guidance. The relevant legal case law, legislation, reference to NPPF paragraphs and national policy guidance on Plan Making and Sustainability are given in detail in the statement to substantiate with clear evidence why the Plan is legally non-compliant and unsound. It is noteworthy that these arguments have been made to the Council in the previous Reg 18 consultation, but the Council has failed to respond to any of the objections and evidence put forward to show why it disagrees with the technical, legal and policy evidence submitted.

In summary:  
Previous consultations failed to comply with the law and policy guidance on sustainability appraisals and hence also failed to comply with the law on the Plan complying with sustainable development requirements. Appraisal scoring did not include all the criteria stated to be assessed and the Plan allocated an employment site in Shifnal that had not been

AT ALL  
I AM TOTALLY IN AGREEMENT WITH THE ATTACHED DOCUMENTS! ANNE DIXON 2-2021



appraised at all. No reasons were given as to why more sustainable alternatives were rejected as required by the law. Information related to the SAs especially identification of site references to actual locations was not cross referenced or in one easily accessible location as required by case law (see attached statement for a detailed analysis of the law and its non compliance here).

The consultation process failed to to comply with all four legal principles a consultation process has to legally follow as set out in the Gunning case law (R v Brent LBC ex p Gunning 1985):- (1) proposals must still be a formative stage. Proposals in the Plan for the Shifnal Employment Site and RAF Cosford were being advertised in the Council's Invest in Shropshire brochure and onn their website as being available for development before consultations took place. There has also been no response to objections made and evidence submitted, indicating that the proposals were pre-determined as the Council have decided not to put forward any reasoning to rebut the onjectors evidence. (2) there must be sufficient information to enable the public to give "intelligent "consideration". The evidence base on the website has not provided many of the documents quoted in the Plan as being key to the proposals in the Plan. There is considerable inconsistency in the figures used, such as employment for the County and Shifnal, so that the public do not know which is the correct ones to be able to comment on. This is especially important when large amounts of Green Belt are being proposed to be removed based on these inconsistencies. The lack of crucial evidence on the evidence base for the public to view and assess and the amount of incorrect information shows that there has been insufficient information to meet this legal criteria. (3) there is adequate time for consideration and response. The consultation periods for this and the previous consultation were unreasonably short for the amount of information that was being presented to the public. (4) "conscientious consideration" must be given to the consultation responses before a decision is made. The Council has failed to respond to responses made and the evidence supporting those responses and failed to consider alternatives put forward.

The Plan and consultation process does not meet the tests of soundness in NPPF paragraph 35. "Positively Prepared" - proposals have not been supported by objective assessments with inconsistencies in sustainability appraisals, and employment and housing proposals which have not stood up to objective challenge. No evidence has been submitted to substantiate that there is an unmet need from the Black Country, nor to justify the amount of overspill development now proposed in the Plan. The Plan does not adequately address infrastructure needs that would allow for sustainable development. The Plan is principally based on economic objectives and fails to give proper consideration to the social and environmental objectives required for sustainable development. "Justified"- the Council have failed to show that they have considered reasonable alternatives put forward in consultation responses. As many supporting evidence documents have not been made available to the public on the website, the Council cannot show that the evidence is proportionate. "Effective" -especially bearing in mind the impact of Covid, and historical development rates, the Council have not shown that the high housing growth proposed and employment development anticipated, is deliverable within the Plan period. No statement of common ground has been submitted. "Consistent with national policy" - the Plan does not comply with NPPF policy nor with guidance in Plan Making and Sustainability Appraisal Notes. This includes failure to consider alternatives, failing to justify exceptional circumstances for removal of Green Belt and failure to provide a Council evidenced response to consultation comments.

The Plan fails to comply with the Council's Statement of Community involvement. In particular, they have not complied with the community involvement processes and have not shown how the public's views have been incorporated nor how the responses have influenced pain development.

The Council have failed to submit a Statement of Common Ground with either the Draft Reg 18 Pre Submission Plan when a Black Country Overspill for housing was proposed, nor with the current Reg19 Plan when additional employment overspill is proposed. This is contrary to the requirements of NPPF paragraph 27 and Planning Guidance Plan Making paragraphs 009 and 020.

Whilst it is noted that statements should be succinct, because of the extent of non-compliance

with the law, policy and guidance, the fact that the Council have failed to respond to objections raised in previous consultations, and the fact that no further submissions are allowed, it is considered essential that a fully detailed case be put to the Inspector. This shows that objections are fully referenced to supporting legislation and case law, planning policy, and Government guidance set out in its Plan Making and Sustainable Appraisal guidance notes. It also shows that all objections have been supported with detailed technical reasons, none of which have been responded to by the Council contrary to the law, the NPPF, Government guidance and the Council's own Statement of Community Involvement. Without this detailed supporting evidence set out in Appendix 1, it is not considered that the Inspector can properly assess the legal, procedural and soundness issues that have been raised.

*(Please continue on a separate sheet if necessary)*

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

*Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Summary of proposed modifications set out below. Detailed evidence to support the justification for these changes and why the Council's proposals are considered unsound or legally/procedurally non-compliant are set out in the attached statement Appendix 1.

**Policy S2**

Housing – the total requirement figure should be 25000 to reflect the housing need and the 1500 proposed Black Country overspill deleted. There is no sound evidence to justify such a large increase over need, it will be difficult to justify that this can be delivered as sustainable development, previous experience in the County shows that failure to deliver housing resulted in greenfield and Green Belt land having to be released and with the impact of Covid, a cautious approach to development should be taken at present. The Plan will be reviewed long before 2038 and this will be the opportunity to assess the impact of Covid and adjust development in the Plan above need if justified at that time. The Black Country Plan and supporting evidence is at an early stage so there is no justified evidence to support the need for such a large overspill to be allocated in Shropshire. The allocation also fails to take account of recent Government policy and financial support to the use of Brownfield sites which could now meet this housing need in the Black Country.

Employment – there needs to be a consistent employment figure in the different sections of the Plan and the 30ha proposed overspill allocation from the Black Country should be deleted. There is considerable inconsistency in the figures provided in the Plan varying from 300ha (policy S2) to 376ha (allocation total in settlement policies) to 414ha (Appendix 6 total for settlements) and this excluding employment proposed at RAF Cosford. The 300ha originally proposed to meet the County's own need to balance housing has also been reduced to include 30ha of Black Country overspill. In view of the impact on release of greenfield and Green Belt land and to evidence that proposals can meet sustainable development, a clear and consistent employment figure is essential for the Plan to be considered sound. The Plan needs modification to ensure that the employment figure given in this policy equates to the total employment figures in the settlement policies and then to the employment figures for settlements given in Appendix 6. The Black Country Plan and supporting evidence is at an early stage so there is no justified evidence to support the need for any overspill to be allocated in Shropshire. The allocation also fails to take account of recent Government policy and financial support to the use of Brownfield sites which could now meet this employment need.

Policies S12, S13, S14



Delete reference in these policies to allowing development outside settlements on green field and Green Belt land and delete inclusion of RAF Cosford as a Strategic Site. Replace with a general economic policy stating that any windfall/significant development that cannot be accommodated within a settlement would be considered on its own merits having regard to the need for the development, the availability of alternative sites and other development policies in the Plan specifically relating to sustainable development, climate change and any protected status of the land. The policies sections allowing for unrestricted economic developments outside settlements are considered superfluous as they would give carte blanche approval to economic development in a wide area outside established settlement areas, undermining the status of Green Belt and Safeguarded Land protection and stated reasons for allowing removal of Green Belt in the Plan. The policies as worded give no certainty or assurance to the public on what development can be expected for their area in the Plan and as such is contrary to policy and unsound. The proposed revised policy would still enable such economic development to take place but give a higher degree of justification and give the public the opportunity to input before any such decision was taken which would not be the case with the policies as worded.

#### Policy S15

Delete. No evidence has been submitted to justify this policy. Appendix 3 of the Plan states that "Key" evidence supporting this policy are Estate Plans prepared and in preparation and sustainability appraisal. However, no such estate plans are on the supporting evidence base and when challenged on this, in an e-mail of 20<sup>th</sup> January, the Planning Officer confirmed that "no estate plans have been prepared and agreed". Also, as there are no sites proposed, there can be no sustainability appraisal to support this policy. The inclusion of this policy is unsound with no evidence to support its inclusion. There is no reason why any proposals by an Estate could not be considered as and when they arise under the other policies of the Plan. By approving a "long term vision and objectives" which by definition may not be development specific, could allow for a degree of future flexibility that would prejudice the public's ability to have a say on a specific development proposal, as a decision in principle would already have been allowed. There were many objections to a proposal from Bradford Estates for a Garden Village in the Green Belt at Junction 3 of the M54. The Council have not included this proposal in the Plan, but by including this policy, it would allow the same proposal to be submitted as being in accord with this policy, overriding Green Belt policy concerns and the public's involvement in major development proposals. The policy by favouring a small section of the community – large landowners at the behest of all other landowners in the County – is an unfair and unequal policy contrary to equality legislation.

#### Settlement Policy S15 Shifnal

##### Housing

– amend windfall allowance from 30% of 322 housing required to be allocated (92 houses) to maximum 15% (48). Having regard to the potential windfall sites in the town, the percentage of windfall allocations in other settlements and to avoid pressure to release Safeguarded Land/Green Belt in the future to meet unmet windfall allowance, the existing figure is excessive. NPPF paragraph 70 states that "where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. The Council have failed to provide any evidence, let alone "compelling" evidence to justify such a high proportion of windfall allowance and so their proposal is unsound as being contrary to national policy.

– delete housing site SHF015/SHF029 as allocated site. Modify plan to show size of sites and housing densities proposed. The Plan does not indicate size or proposed densities, and from assessments there are differences in both between this Plan, previous consultation plans for the same sites and other evidence documents such as the Green Infrastructure Plan. As sites allocated will impact on the amount of land required to be taken out from Green Belt and Safeguarded Land, it is essential for the Plan to be considered sound that accurate figures are provided and justified, which is not the case here. A detailed assessment of these sites showing these inconsistencies is given in the attached Appendix 1. In summary, with a revised windfall allowance of 48 results in a requirement for allocating 274 houses. Site SHF013 is stated as being 3.87ha on the SLAA assessment. On the Preferred Sites consultation plan, all housing sites for Shifnal were given a density of 28.57 dwgs/ha. This gives 111 houses for the

site. However, no justification has been given in any of the consultation plans for the density of housing proposed for any allocated site. Government policy is to make efficient use of land with increased densities wherever possible with 30 dwg/ha being a more realistic figure for sites in Shifnal. This gives a figure of 116 houses. Site SHF022 is given as 1.74ha in SLAA: SHF023 in total is given as 13.99ha in SLAA with the Plan saying that the part proposed for Safeguarded Land as 10.4ha leaving 3.59ha as the remaining allocated for housing – the total for the allocated SHF022/pt SHF023 is, therefore 5.33ha. At a density of 28.57 dwg/ha gives a figure of 152 and with a more appropriate 30dwg/ha gives 160 houses. For the two sites at 30dwg/ha gives a total of 276 so not requiring the allocation of site SHF015/SHF029.

#### Employment

- revise employment figure to 16ha (14ha new) as originally proposed at Preferred Scale and Distribution consultation. The subsequent increase to between 39-41ha (there is inconsistency in this Plan and previous consultations on exact figure) is not based on evidence to justify the release of so much land from the Green Belt. The reasons given for the huge increase on that originally proposed do not stand up to scrutiny as the net built floorspace argument was already built into the County wide employment total required and so is double counting when applied here. Similarly the size of buildings reason is no different to that proposed for other settlements where no such increase has been proposed. Past decisions of the Council on releasing employment land for housing, the Council's own Employment Land Review (which is part of the evidence base), allowing 1100 houses in the town without requiring any employment land and past history of employment take up rate, plus the current doubts on the future of economic development resulting from the impact of Covid-19, are detailed evidence to support the originally proposed figure.

- delete SHF018b/SHF018d as allocated employment site and allocate SHF018a/P14 as allocated employment site. The proposed alternative has a lower negative sustainability appraisal score, is a more sustainable site on the SLAA assessment of sites, and has a lower Green Belt harm rating. In particular, SHF018d was originally proposed by the Council without carrying out any sustainability appraisal of the site as required by law and policy, and has a High harm score in the Green Belt Review Assessment 9(included in the evidence base) despite the Plan stating that the combined site only has Moderate-High harm, which is incorrect. No evidence has been submitted to show why the "reasonable alternative" site has not been considered as being appropriate and so the requirement that there be exceptional circumstances to remove SHF018b/SHF018d from the Green Belt has not been met. The allocation of the proposed site rather than SHF018a is contrary to the NPPF on Green Belt, the law and policy on sustainable development and sustainability appraisal, and the legal requirement for reasonable alternatives to be considered and reasons given to show why those alternatives were not selected.

#### Safeguarded Land

- delete SHF018a/P14 and allocate SHF018b as Safeguarded Land (SHF018d to remain in the Green Belt). See above paragraph for justification.

- delete SHF017pt/P16 (land between Park Lane and A4169) and SHF017pt (land between A4169 and railway line). Replace with allocated housing site SHF015/SHF029(see housing paragraph above); P15a Upton Lane/Lamledge Lane (part of which is Sub Opportunity Area Sh-1a in Green Belt Review Assessment); P15b (north-west Upton Lane), part of Sub Opportunity Area Sh-1a (north-west of Windmill/East A464). If it was considered that additional Safeguarded Land required to provide choice and flexibility in the future, then SHF032/pt SHF018c be more sustainable than Lodge Hill proposals, as closer to schools, employment area and town centre car park. The justification for removing the SHF017 and P16 (Lodge Hill) from the Green Belt does not stand up to scrutiny as evidenced in detail in the attached Appendix 1 statement. It is noteworthy that the Council have failed to respond to any of these detailed objections or to rebut them in any way. The fact that the Council have allocated this Safeguarded Land for specific development is inconsistent with such land allocated in other Green Belt settlements, contrary to NPPF Green Belt policy and failing to consider reasonable alternatives is contrary to the law. The alternative proposals are in more sustainable locations and their removal from the Green Belt would have less harm, especially as they would not see a significant reduction in the narrow belt of Green Belt separating Shifnal from Telford which would be the result with the Plan's proposed allocation.



Settlement Policy S21 – RAF Cosford

- Delete removal of site from Green Belt and delete site being a designated Strategic Site. The site should remain in the Green Belt as was accepted by the Inspector on the previous Local Plan. The present Green Belt and SAMDev policies for the site have not prevented major development being permitted and taking place at both the military base and Museum, with no time delay. All the development proposals in the Plan could similarly be approved within existing policies so there are no new exceptional circumstances to now remove the site from the Green Belt. Such removal is, therefore, unsound. The Plan states that the only reason to remove the site from the Green Belt is to allow for the specific developments referred to in the Plan; but by also including the site as a Strategic Site would leave the land open for unplanned economic development completely unrelated to its military/museum functions. By including the site as a Strategic Site contradicts the exceptional circumstances given for removing the site from the Green Belt. If the site is removed from the Green Belt, then it should not be allocated as Strategic Site but solely proposed for the specific military/museum functions stated.

- delete Air Ambulance site allocation. This site has now been granted planning permission for the stated use as an exceptional circumstance in the Green Belt. There are, therefore, no longer any exceptional circumstances to justify its removal from the Green Belt or indeed to require any allocation of the site. The proposal to also allocate the site as a Strategic Site would for the same reasons as stated above for the rest of RAF Cosford, would leave the site open for non-air ambulance development in the future, again undermining the stated reason for removing the site from the Green Belt. The proposal to remove the site from the Green Belt and allocate as part of the Strategic Site would be contrary to NPPF Green Belt policy as there are now no exceptional circumstances to justify such removal, and so is unsound.

*(Please continue on a separate sheet if necessary)*

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

*Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

**It is considered necessary to be able to highlight and explain the specific legal, policy and procedural defects in the Plan and its consultation process. The Council has failed to respond to any of the legal, soundness and procedural concerns and evidence raised in previous consultations and correspondence with the Council, and so an opportunity to challenge the Council's evidence at a hearing is the only way that the Inspector can fairly and proportionately consider the legal and soundness evidence.**

*(Please continue on a separate sheet if necessary)*

**Please note:** The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Office Use Only

Part A Reference:

25.2.2021