

Eddie West  
Local Plan Team Leader  
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By email only:  
[Planningpolicy@Shropshire.gov.uk](mailto:Planningpolicy@Shropshire.gov.uk)

**Our Ref:** SA23612/ST/ML  
**Date:** 1<sup>st</sup> February 2021

Dear Eddie,

## **Shropshire Local Plan – Regulation 19 consultation**

Our client, Mr Chris Jones, has the following comments on the emerging Shropshire Local Plan. For your ease of use these are also replicated on the attached forms:

Part A: Consultees' details

Part B: representations on:

- Policy: Strategic Policy SP2 - 'Strategic Approach'
- Policy: Settlement Policy S14.2 - 'Community Hubs: Oswestry Place Plan Area'
- Policy Map: Inset S14 - 'Llanymynech & Pant'
- Site Allocation: PYC021 - 'Land east of A483, Pant'

### **Strategic Policy SP2 - 'Strategic Approach'**

This policy's aspiration to accommodate, "investment and new development that contributes to meeting needs and making its settlements more sustainable" is supported.

The identification of Pant as a Community Hub settlement accords with the Local Plan's vision in this regard, given Pant's range of facilities and services including a primary school, community hall, public house, shop/post office and recreational facilities. In addition the settlement lies on the A483 trunk road and benefits from excellent public transport links to the services and facilities of larger area centres.

Having sufficient 'critical mass' in the number of households in the settlement is essential if Pant is to maintain the vitality of village services and facilities such as the school, shop, pub, and public transport services. The identification of Pant as a

Community Hub and therefore the provision of planned housing up to 2036 will help secure the future of the settlement going forward.

**Settlement Policy S14.2 - 'Community Hubs: Oswestry Place Plan Area';  
Inset S14 - 'Llanymynech & Pant'; and  
Site Allocation PYC021 - 'Land east of A483, Pant'**

#### ***Q4. Why the Plan is unsound***

The designation of Pant as a Community Hub settlement in Policy S14.2 is strongly supported as this is seen as vital to ensuring the settlement's long-term future. Pant benefits from a range of facilities and services including a primary school, community hall, public house, shop/post office and recreational facilities. In addition, the settlement lies in a strategically important location on the A483 trunk road and benefits from excellent public transport links to the services and facilities of larger area centres. Having sufficient 'critical mass' in the number of households in the settlement is essential if Pant is to maintain the vitality of village services and facilities such as the school, shop, pub, and public transport services.

However, in Schedule A5(ii) 'Residential Guidelines and Residential Supply within the Community Hubs' in Appendix 5, it is identified that Pant has a residential development guideline of 50 dwellings. Only 3 settlements out of the 40 settlements identified as Community Hubs have lower settlement guideline figures. It is contended that the residential guideline figure for Pant does not reflect the size of the settlement, its range of services and facilities nor its strategic location on the A483. This failure to provide Pant with a sufficient level of growth over the Plan period will have a detrimental impact upon the vitality and sustainability of the settlement.

In addition, it is also noted from Schedule A5(ii) that of the 50 dwelling residential development guideline, 25 are to be provided on a single allocated site and 12 are to be provided as windfall development.

This reliance, on a single allocated site and windfall development, is considered to be wholly inappropriate for the following reasons:

- ***Site Allocation PYC021***

Paragraph 67 of the National Planning Policy Framework (NPPF) identifies that "Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan".

In this regard, the National Planning Policy Framework provides the following definitions:

**Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable

with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

**Developable:** To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

It is considered that site allocation PYC021 may fail to meet the definition of both a 'deliverable' site and a 'developable' site. Proposed housing allocation PYC021 is identified as being capable of accommodating 25 dwellings on a site of 1.89 hectares. Such a density of development would appear to be unrealistic due to:

*i) The linear nature of the site.*

The site is not significantly wider than the existing residential plots on the opposite side of the A483 to the site. These existing plots extend to no more than 17 in total and benefit from individual highway accesses direct from the A483 and therefore have a more land efficient layout than that proposed for the housing allocation site (a proposed single access point).

In addition, the site's capacity is further reduced by the requirements identified in the site guidelines for proposed allocation PYC021, including that the site will provide a parking solution for the village shop opposite and appropriate buffering from the Local Wildlife and Environmental Network to the east of the site.

*ii) The infrastructure improvements required to enable the site's development*

The guidelines for proposed allocation PYC021 detail that the site requires an appropriate access and measures to provide a parking solution for the village shop opposite.

With regard to the highways infrastructure required, the highways consultee response provided in the sustainability appraisal's "Oswestry Place Plan Area Site Assessments" states "Assumes development will fund suitable single new A483 access and will fund review and extension / changes to the 40mph / 30mph speed limit and village gateways plus any necessary traffic calming e.g. roundabout. Also fund footway on eastern side of A483 along site frontage and suitable pedestrian crossing facility". It is evident that the

highways infrastructure and car parking requirements have the potential to significantly reduce the overall capacity of the site and have significant financial implications that, in combination with the financial implications of other requirements such as affordable housing and open space provision, raise significant questions over the viability of the site's development.

In summary, it is considered that the nature of proposed housing allocation PYC021 and the infrastructure required to enable its development raise significant questions over whether the site can deliver the number of houses proposed and whether its development is financially viable.

- ***Windfall Development***

Without amendment to the development boundary of a settlement, windfall sites are a finite and diminishing resource and significant reliance on such sites to meet the needs of a settlement is therefore wholly inappropriate.

This is especially true for Pant, where the delivery of sufficient windfall development is problematic given the tightly drawn settlement boundary, the landform (including topography) and the highway infrastructure in the settlement. Significant reliance on windfall development to meet the needs of the settlement over the Plan period is therefore considered inappropriate and further land should be included within the development boundary of the settlement (and potentially allocated for residential development) to ensure that the needs of the settlement and surrounding area are met and consequently the aims and objectives of the Plan are realised.

To conclude, for the reasons set out above, including the under-provision of housing growth in the settlement, the over-reliance on windfall development, the uncertainty over delivery of housing on the single allocated housing allocation and the availability of alternative unconstrained, developable and deliverable housing sites, means Policy S18.1 fails the 'positively prepared', 'justified', 'effective' and 'consistent with National Policy' tests of soundness.

### ***Q5 Modifications necessary to make the Plan sound***

To make the Plan 'sound' requires the allocation of additional land in the settlement of Pant to deliver housing.

Policy S14.2 and the Pant Policies Map should therefore be amended to include the site submitted under the Council's Call for Sites and identified as PYC020 'Land adjoining The Red House, Pant' within the development boundary (and potentially allocated for residential development).

Site PYC020 was subject to assessment by the Council as part of the Plan preparation process and the results of the assessment are included within the sustainability appraisal's "Oswestry Place Plan Area Site Assessments".

# BERRYS

It is noted that, within the site's assessment, the site is incorrectly identified as being located within a Conservation Area, and therefore scored a double minus in this regard. Nonetheless, even with this inaccuracy, the results of the site assessment highlight that residential development on the site is both achievable and viable (in the Stage 2b Screening). The only reason stated for the site remaining as countryside was the narrowness of the access lane resulting in difficulties for HGVs etc accessing the site. However, the highways consultee has responded positively stating that the development would be acceptable subject to a safety review of the lane demonstrating that it would be appropriate for pedestrians to share the road space given the low levels of traffic using this no-through road.

It is evident, from the assessment undertaken by the Council, that site PYC020 is unconstrained, available and deliverable. Therefore, given the uncertainties over delivery of dwellings on the proposed allocation (PYC021) and windfall sites, site PYC020 should be included within the development boundary (and potentially allocated for residential development in policy S14.2). As detailed within the Strategic Land Availability Assessment (SLAA) site submission it is envisaged that PYC020 will provide for up to 6 dwellings, a density of development that reflects existing built development within the area and can be accommodated in the settlement with ease.

The inclusion of site PYC020 within the Plan would result in a greater level of certainty that the overall housing requirement for Pant will be met and that the aims and objectives of the Plan, including the strategic growth objectives in this area of the County, will be realised over the Plan period.

## **Next Stages**

I trust you will take these representations into account. If you have any queries whatsoever, please don't hesitate to contact me to discuss.

Yours sincerely,

**Mike Lloyd BA(Hons) MA MRTPI**  
**Senior Planning Consultant**  
**For and on behalf of Berrys**  
**DDI: 01743 290646**  
[mike.lloyd@berrys.uk.com](mailto:mike.lloyd@berrys.uk.com)

## 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:	Mike Lloyd (BERRYS) on behalf of Mr C. Jones
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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="text"/>	Policy:	S14.2	Site:	PYC021 and PYC020	Policies Map:	S14
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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

(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 Text Overleaf.

#### **Q4. Why the Plan is unsound**

The designation of Pant as a Community Hub settlement in Policy S14.2 is strongly supported as this is seen as vital to ensuring the settlement's long-term future. Pant benefits from a range of facilities and services including a primary school, community hall, public house, shop/post office and recreational facilities. In addition, the settlement lies in a strategically important location on the A483 trunk road and benefits from excellent public transport links to the services and facilities of larger area centres. Having sufficient 'critical mass' in the number of households in the settlement is essential if Pant is to maintain the vitality of village services and facilities such as the school, shop, pub, and public transport services.

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(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.

Please see above.

(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:**

In order to participate in, and therefore assist in ensuring, comprehensive consideration of the appropriateness of the planned level and distribution of residential growth in Pant during the Plan period.

(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:
	Part B Reference:

Signature: M Lloyd

Date: 01/02/2021

Office Use Only

Part A Reference:

Part B Reference:

## Representation Form

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### Part B: Representation

Name and Organisation:	Mike Lloyd (BERRYS) on behalf of Mr C. Jones
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#### Q1. To which document does this representation relate?

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- 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="text"/>	Policy:	<input type="text" value="SP2"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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

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##### Strategic Policy SP2 'Strategic Approach'

This policy's aspiration to accommodate, "investment and new development that contributes to meeting needs and making its settlements more sustainable" is supported.

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(Please tick one box)

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Office Use Only	Part A Reference:
	Part B Reference:

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

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Signature: 

M Lloyd
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Date: 

01/02/2021
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Office Use Only	Part A Reference:
	Part B Reference: