Shropshire Council: Shropshire Local Plan

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:	Jim Bunce

Q1. To which document does this representation relate?

- [x] 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:	S5.1	Policy:	S5	Site:		Policies Map:	

Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

	Yes:	No:
A. Legally compliant	✔	
B. Sound		✔
C. Compliant with the Duty to Co-operate	✔	

(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.

The Windfall Allowance for Church Stretton is proposed as 121 homes (out of a Residential Guideline of 200).

The Windfall Allowance is a completely arbitrary figure. No assessment of local (AONB or Church Stretton) housing need has been attempted. Shropshire Council considers that settlement numbers are definitive targets, to be met or exceeded. Such a 'target driven' approach demonstrably drives the wrong behaviour in the Shropshire Hills AONB.

The attached document explains in detail why the arbitrary Windfall Allowance proposed for Church Stretton is unsound.

(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.

The Windfall Allowance of 121 should be removed from the Church Stretton Place Plan numbers and the Residential Guideline for Church Stretton.

(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:

To expand on the arguments why the Windfall Allowance for Church Stretton is not sound and should be removed from the Residential Guideline for Church Stretton.

(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.*

Signature: Jim Bunce

Date: 24/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

Additional Information - Jim Bunce - S5.1

1. Background and Context

This response relates to the **Church Stretton Plan Area (S5.1)** of the draft Shropshire Local Plan.

I welcome the decision of Shropshire Council to delete Land at Snatchfields Farm (CSTO21) as an allocated site for 70 houses, following the second Regulation 18 Consultation process which began in August 2020. I also welcomed the deletion of the Gaerstones site (CST020) as an allocated site for 40 houses, following the first Regulation 18 Consultation process which began in November 2018.

The same 'Land at Snatchfield Farm' was also proposed as a preferred site by Shropshire Council in the process leading to the *currently adopted* Local Plan. However, following the Regulation 18 Consultation process in 2014, the site was considered "not realistic"[1] by Shropshire Council and withdrawn from the Local Plan process.

During the ongoing Local Plan Review process Shropshire Council has failed to properly recognise that the Church Stretton Place Plan Area is within the Shropshire Hills AONB and properly apply the appropriate AONB and NPPF obligations.

As examples –

- No assessment of local (AONB or Church Stretton specific) housing need has been carried out by Shropshire Council at any stage of the ongoing Local Plan Review process.
- The Sustainability Assessment process and criteria were standard for all 18 Place Plan Areas – no consideration was given to AONB specific matters.
- In the Church Stretton Place Plan Area, major sites (which would clearly have caused significant harm to the AONB environment) were deliberately prioritised. Smaller sites (some brownfield and town centre) were deliberately screened out of the process. The Gaerstones Site (CST020) had the worst sustainability score of any site appraised across Shropshire but, incredibly, was proposed as a preferred site for Church Stretton in the November 2018 Regulation 18 Consultation process.
- No 'Exceptional Circumstances' case was published for major site CST021 until August 2020. Between November 2018 and July 2020 Church Stretton residents repeatedly asked Shropshire Council what their 'exceptional circumstances' case for CST021 was. It is now entirely clear that the exceptional circumstances tests were not even considered by Shropshire Council until shortly prior to the second Regulation 18 Consultation. The Save Snatchfield Group asked Legal Advisers to assess Shropshire Council's Exceptional Circumstances Statement, published August 2020. The feedback from Green Planning Studio was damning – "The justification provided for the delivery of houses within the AONB is weak and fails to demonstrate exceptional circumstances. Indeed, the test of exceptionality has neither been addressed nor met, it is *absent* from the Council's assessment process."[2]

[1] Shropshire Council Site Assessment, Document ev81_s5_church-stretton-site-assessment-submission-final
[2] Position Papers for Save Snatchfield Group, Green Planning Studio, September 2020

Following the welcome withdrawal of the Snatchfield Farm site (CST021), the 70 homes previously allocated to this site have been added to the 'Windfall' element of Church Stretton's Residential Development Guideline.

Settlement	Residential Guideline	Total Completions 16/17, 17/18 and 18/19	Sites with Planning Permission	Saved Sites	Local Plan Site Allocations	Windfall Allowance
Church Stretton (i)	200	17 (ii)	62	0	0	121

Notes –

(i) Church Stretton is the only settlement in the Church Stretton Place Plan Area where Shropshire Council seeks to allocate development through the Local Plan process. All other communities (All Stretton, Little Stretton, Cardington, Rushbury etc) are considered 'countryside'.

(ii) This figure only represents completions in Church Stretton itself. Completions in other communities within the Church Stretton Place Plan Area are excluded. As such, this figure significantly under-represents total completions locally. For example, in the 5 years period beginning 2013/14 and ending 2017/18 there were 217 completions in the Church Stretton Place Plan Area – an average of 43.4 completions per annum (16.6% affordable homes).[3]

The rest of this submission relates to the appropriateness of the Windfall Allowance of the above Residential Development Guideline. It is my contention that the deeply flawed Local Plan process to date has led to a situation where the above Windfall Allowance is demonstrably **'not sound'.**

2. Why is the Windfall Allowance 'not sound'?

<u>Residential Guideline and Windfall Allowance</u>

The Residential Guideline figure of 200 for Church Stretton is primarily designed to contribute to the Shropshire-wide growth aspiration of 30,800 homes by 2038.

Shropshire Council make a number of vague statements about the 'benefits' of development in Church Stretton. For example, in Paragraph 5.89 of S5.1 it is stated –

"The nature and scale of future development [in Church Stretton] is designed to maintain and enhance the settlement's role as a Key Centre and provide for the needs of the community and its wider hinterland."

[3] Mark Barrow, Executive Director of Place, Shropshire Council – FOI-CAS-1897586-C0D0Q1

However, the Church Stretton section of the Sustainability Appraisal and Site Assessment Environmental Report (December 2020) sums up the situation more accurately -

"The provision of services such as schools, doctors' surgeries and shops are likely to remain at current levels in the short to medium term but may *reduce* in the long term. A similar effect may be seen with existing levels of public transport infrastructure. This level of growth contributes to *Shropshire's* evidenced housing need, but this positive effect may be balanced by a lower level of affordable housing."[4]

At no point during the Local Plan Review process has Shropshire Council produced housing requirement figures for Church Stretton based on actual evidence – evidence that considers and appropriately reflects local needs, constraints, adherence to relevant national policy and the key issues for development in the AONB. Equally, Shropshire Council has pursued clearly untenable preferred sites (simply because they would produce significant housing numbers), contrary to all available evidence, planning obligations and best practice.

The net result of the shortcomings of the Local Plan process for Church Stretton is that Shropshire Council now propose a completely arbitrary Windfall Allowance of 121 for Church Stretton, simply to reach their own equally arbitrary target of 200. As such, the Windfall Allowance for Church Stretton (and the overall figure of 200) is **'not sound'**

Impact of a 'Target Driven' Approach

While Shropshire Council use the phrases Residential '*Guideline"* and Windfall *'Allowance',* the Council clearly consider these to be numbers that must be met.

Policy SP7 (Managing Housing Development) outlines that the settlement numbers should be achieved but may be exceeded. SP7 (3) confirms that the guideline number is "a *significant* policy consideration" and SP7 (4) ascribes weight to a failure to meet the guideline number.

Treating completely arbitrary numbers as definitive targets will drive the wrong approach to development in an AONB ie inappropriate developments (or those that demonstrably don't respond to local need) will be progressed merely to demonstrate achievement of a target. Indeed, even within the Regulation 19 Consultation period, this is happening in Church Stretton. At the Southern Planning Committee Meeting, 16 February 2021, it was argued strongly that the significant windfall target for Church Stretton (121 was specifically referenced) was reason for granting Outline Planning Permission[5] for application 18/01258/OUT. It should be noted that 18/01258/OUT is outside the Church Stretton development boundary (open countryside) and that the application was for 5 open market homes (not affordable homes). 18/01258/OUT also runs counter to numerous existing Shropshire Council policies and NPPF obligations (CS3, CS5, CS6, CS17, S5, MD2, MD12,

[4] Shropshire Council Sustainability Appraisal and Site Assessment Environmental Report (December 2020), Page 107, Summary for Church Stretton Settlement Strategy

[5] Recording of Southern Planning Committee Meeting, 16 February 2021, Agenda Item 5, Planning Application 18/01258/OUT

NPPF 170 and 172) but these were deliberately ignored by a clear majority of decision makers.

The above planning decision is even more worrying given that the Southern Planning Committee includes 3 members of the Shropshire Hills AONB Partnership.

Development numbers/development proposals in any designated area should be 'landscape led', respond to clearly identified local need, demonstrate how 'great weight' is given to conserving and enhancing the local environment, demonstrate that the exceptional circumstances tests have been met and be deliverable (without breaching national policy) **These essential tests of soundness are not met in the Church Stretton Place Plan.** Nor are these essential tests being met in Planning Application decisions.

The 'Target Driven' approach to Windfall numbers is likely to have another consequence. To meet an arbitrary Windfall number that equates to 61% of Church Stretton's total Residential Guideline, Shropshire Council are likely to continue to prioritise major development in the AONB. The Shropshire Hills AONB Partnership has noted -

"The overall concern is that the AONB designation is not being given adequate weight. Worryingly, every single known case of proposed 'major development' in our AONB since 2012 (11 cases) has been recommended by planning officers for approval."[6]

Any Place Plan that has the effect of prioritising major development in an AONB is **not sound.**

Five Year Housing Land Supply

The latest Shropshire Council – Five Year Housing Land Supply Statement (published 16 March 2020) demonstrates 6.42 years supply of deliverable housing land against the housing requirement within the adopted Core Strategy (2011) and 8.00 years supply of deliverable housing land against the housing needs identified using the Government's standard methodology.

As such, Church Stretton's Windfall Target is **not sound** – given that its primary purpose is to contribute to a Shropshire-wide housing target (not to meet any identified local need) and that Shropshire Council clearly demonstrate a five year housing land supply.

3. Conclusion

The excessive Windfall Allowance figure is a direct result of the fundamentally flawed process adopted by Shropshire Council in respect of the Church Stretton Place Plan. Shropshire Council failed to properly recognise, at the earliest stages of plan-making, that the Church Stretton Place Plan Area is within the Shropshire Hills AONB and properly apply the appropriate AONB and NPPF obligations. Undue emphasis was put on proposing

[6] Shropshire Hills AONB Partnership, Evidence to the Glover Review, Reply to Question 14, 4 December 2018

untenable major sites and more suitable brownfield and town centre sites were deliberately screened out of the process.

A completely arbitrary Windfall Allowance is now proposed by Shropshire Council, trying to reach the equally arbitrary Residential Guideline number.

The Church Stretton Windfall Allowance is **not sound.** It is not derived from any attempt to quantify local housing need and is primarily aimed at meeting a Shropshire-wide housing target.

4. What would make Church Stretton Plan Area (S5.1) sound?

The Windfall Allowance of 121 should be removed from the Church Stretton Place Plan numbers and the Residential Guideline for Church Stretton.

The West Oxfordshire Local Plan – Burford Charlbury Sub-Area

I appreciate that no two planning scenarios are identical and that every Planning Inspector will consider the individual circumstances pertinent to specific situations.

However, in writing this submission, I have considered the conclusions by the Planning Inspector examining the West Oxfordshire Local Plan – Burford Charlbury Sub-Area and the wording of the subsequently adopted (Sept 2018) West Oxfordshire Local Plan for the same Sub-Area.

The Inspector's conclusions are shown below (Paragraphs 218, 219, 222, 223 and 224), followed by the wording from the adopted West Oxfordshire Local Plan (Paragraphs 9.6.28, 9.6.29 and 9.6.31).

Planning Inspector's Conclusions

218. (No) substantive evidence before the examination identifies a housing requirement figure for the Burford – Charlbury sub-area which appropriately reflects needs, constraints, relevant national policy and the key issues for development and transport detailed in the Cotswolds AONB Management Plan.

219. Completions and existing commitments in the Burford – Charlbury sub-area amount to 774 dwellings. Taken together with completions and anticipated future supply in the rest of the district, the total supply is 15,799 – 99% of the plan period district-wide housing requirement figure. Consequently, there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford – Charlbury sub-area (either the site allocations or a reliance on future windfalls) simply to ensure that the district-wide

housing needs are met. Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury sub-area.

222. I recognise that to provide a degree of planning certainty it is desirable for a local plan to allocate sites for housing wherever possible. However, in the absence of a housing need figure for the Burford – Charlbury sub-area and in the particular housing land supply circumstances of West Oxfordshire as a whole at the present time, I conclude that soundly-based decisions on the balance of the benefits and harms of further housing development in this area can only reasonably be reached based on the detailed evidence submitted as part of specific planning applications.

223. Consequently, the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound.

224. In the light of this (further policy modifications) are also necessary to explain in the supporting text how proposals for housing development in this sub-area will be assessed. The policy and its supporting text are appropriate to the specific context of the AONB in West Oxfordshire (where, unlike in some districts, there is significant opportunity for general development needs to be met outside the AONB), it does not conflict with national policy and would, together with the other relevant policies, allow development which demonstrates overall benefits to the AONB to come forward.

West Oxfordshire Local Plan - Adopted September 2018

9.6.28 In recognition of the fact that the Burford - Charlbury sub-area is covered largely by the Cotswolds AONB, a more restrictive approach to new housing development will be applied than in the other four sub-areas. As set out in Policy H1, the amount of housing proposed for this sub-area in the plan period to 2031 (774 homes) is based on past completions and existing commitments only. No allowance is made for future speculative 'windfall' development (an allowance for which has been made in the other sub-areas).

9.6.29 This does not mean that no further housing development will be permitted within the Burford – Charlbury sub-area but proposals will be considered on a case by case basis. It will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area (eg meeting identified local housing needs) and which would clearly outweigh any likely harms (eg heritage, landscape, impact on local services). Proposals will also need to accord with other relevant plan policies, in particular OS2, H1, H2 and EH1. Housing proposals which constitute 'major development' will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.

9.6.31 The anticipated housing delivery for this sub-area is 774 homes in the period 2011 – 2031. It is anticipated that this will be met through a combination of homes already completed and existing commitments.