

## 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:	Dr Robert Dennis
------------------------	------------------

#### 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:  Policy:  Site:  Policies Map:

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

- A. Legally compliant Yes:  No:
- B. Sound Yes:  No:
- 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.

Policy SP2 states that growth opportunities in rural areas should be closely aligned with the ability of villages to provide a suitable standard of services and facilities. In order to ensure this the Council stated that it would apply a consistent methodology for the identification of Community Hubs, assessed through the Hierarchy of Settlements document.

The policy identifies Community Hubs as significant rural service centres but it is unsound in its application as it is not based on up to date or accurate evidence and the treatment of changes to local services and facilities throughout the Plan's development has been inconsistent.

The Hierarchy of Settlements (August 2020) supports the Local Plan Review and Policy SP2, by setting out the methodology for identifying Shropshire's service centres. This is to provide Policy SP2 with specific and consistent criteria about Shropshire's settlements and their sustainability.

Para 2.6 of the August 2020 version of the Hierarchy of Settlements states the need to keep this evidence up to date with best available information about changing local facilities, services and

infrastructure, including feedback from previous consultation on the Local Plan Review and informal consultation with representatives of the local communities.

However, despite consultation responses highlighting changing evidence on the availability of local facilities in some of Shropshire's settlements, including the most recent Regulation 18: Pre-Submission Draft of the Local Plan (August 2020- September 2020), Policy SP2 does not take these into account.

Previous formal and informal consultations on the Local Plan Review have repeatedly highlighted the misidentification of available local services for the village of Clive. However Clive remains under Policy SP2 as a Community Hub and deemed a 'significant rural service centre' but without the actual presence of the necessary associated services and facilities to support this.

This raises significant concerns about the soundness of the application of the Hierarchy of Settlements evidence base in the development of the Regulation 19 Plan and the application of a consistent approach cross the whole of the Plan area. For example, the village of Myddle, like Clive, was initially identified as a Community Hub but following closure of the local convenience store in summer 2018, the evidence base was reviewed and it was determined that the village fell below the threshold to be considered a 'significant rural service centre'. The same consistent application of this methodology has not been applied to the village of Clive, despite falling under comparative circumstances with a closure of a local convenience store. The village thereby also falls below the threshold for a Community Hub. This was raised with Shropshire Council by the Parish Council, local residents and indeed the shop owner during the Regulation 18 consultation stage but the Regulation 19 Plan remains unchanged, rendering Policy S2.2 unsound as it is not justified and based upon out of date evidence.

*(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.*

Policy SP2 should remove reference to Clive as Community Hub as current evidence on availability and accessibility of local facilities and services means it does not meet the definition of a significant rural service centre as defined by the Hierarchy of Settlements evidence base and subsequent Local Plan policies.

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

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Office Use Only	Part A Reference:
	Part B Reference:

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**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:**

**Past engagement with Shropshire Council in the previous public consultation rounds has not addressed the issues raised in terms of the misrepresentation of local facilities and services.**

*(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: R Dennis

Date: 20/02/2021

Office Use Only

Part A Reference:

Part B Reference:

## 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)**.

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### Part B: Representation

Name and Organisation:	Dr Robert Dennis
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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:  Policy:  Site:  Policies Map:

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

- A. Legally compliant Yes:  No:
- B. Sound Yes:  No:
- 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.

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Policy SP7 recognises the importance of the residential guidelines for settlements, set out in Policies S1- S20 as an important policy consideration in managing future developments. It reflects the importance of settlement policy boundaries in strictly controlling development. This Policy is consistent with the Shropshire Test set out in Policy SP1 and the Strategic Approach in Policy SP2 which together support the NPPFs approach to significantly boosting housing supply whilst reflecting the unique character across Shropshire's urban and rural settlements through appropriate application and distribution of development across a settlement hierarchy. Removal of development boundaries or flexible application of the housing guidelines as a minimum could lead to uncontrolled and unsustainable development thereby conflicting with other policies within the Plan.

(Please continue on a separate sheet if necessary)

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*(Please tick one box)*

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Signature:

R Dennis

Date:

20/02/2021

Office Use Only

Part A Reference:

Part B Reference:

## Representation Form

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### Part B: Representation

Name and Organisation:	Dr Robert Dennis
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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="SP8"/>	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 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).

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<p>Policy SP8 states that Community Hubs have been identified through a Settlement of Hierarchy Assessment, which has assessed settlement function through the population and number of households within a settlement; and the extent to which the settlement provides services and facilities.</p> <p>The evidence within this Settlement of Hierarchy Assessment is not however based on accurate information and thereby Policy SP8 is not justified and is unsound.</p> <p>The Local Planning Authority considers that the methodology in the “Hierarchy of Settlements” has been applied on a consistent basis that has responded to changes in local provision. However, both formal and informal consultation rounds have identified inaccuracies within this evidence base. The Local Planning Authority, rather than addressing these matters prior to the Regulation 19 consultation, has chosen to defer them, rendering the Plan, Policy SP8 and the associated schedule SP2.2 unsound.</p>
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The current scoring within the Hierarchy of Settlements for Clive includes a bowling green as an outdoor sports facility and a local convenience store. Neither of these facilities are available to the community, following the closure of both the bowling green and the local convenience shop.

The Local Planning Authority has previously recognised that there is no bowling green as the facility now falls under a private residential dwelling. This was confirmed in the Shropshire Council Playing Pitch and Outdoor Sports Strategy Assessment Report (Oct 2020). This was a comprehensive assessment undertaken between 2018 and 2019, the accuracy of which has been confirmed by Shropshire Council. In this comprehensive assessment of bowls clubs and greens, Clive is not recorded as having such a facility. In spite of this, following consultation, the Local Planning Authority justifies its retention as a local facility for Clive because of its inclusion in the Council's Open Space Needs Assessment 2017. The Council's Open Needs Space Assessment 2017 is however based on information dating back to 2009. In the 2017 report only 500 sites were randomly assessed and "on-site surveys were not undertaken". The 2017 Open Space Needs Assessment itself acknowledges that "without a catchment area analysis it cannot detect the reality of variations in provision within each Place Plan Area". The 2017 Open Needs Assessment used historic data which was not locally verified and therefore includes significant inaccuracies. Indeed this out of date information has already been superseded by Shropshire Council's own formally adopted Playing Pitch and Outdoor Sports Strategy Assessment Report.

With regard to Clive's local convenience store, the Local Planning Authority has acknowledged that it has received correspondence from both the Parish Council and the shop owner that the shop is no longer in use and now falls within a residential curtilage. This has been formalised through a change of use planning application from the owner to provide a residential annex for this former shop (ref 21/00048/FUL). The Local Planning Authority were notified of these changes through the Regulation 18 consultation but no associated updates have been made to the Regulation 19 Plan, rendering Policy SP8 unjustified and unsound.

The Local Planning Authority appears to have taken an inconsistent approach in reflecting changes in local services and facilities during the Local Plan development. Comparative changes took place in the village of Myddle with the closure of the local shop resulting in a change in designation to Open Countryside. Similar changes have taken place to Cockshutt and Westbury. No other Parish Council has been asked to provide additional evidence to support these changes in designation. Correspondence regarding changing local facilities between the Parish Councils and the Local Planning Authority appear to have been sufficient.

Clive Parish, unlike other villages, has been asked to provide further evidence of marketing more widely or suitable assurances about the potential future uses for the facility. This is despite the owner directly confirming that the former shop now falls within his residential curtilage and that there is no intention to remarket or repurpose. This has now been formalised through a change of use planning application. Should the Local Planning Authority require evidence of marketing, there is evidence via Rightmove that Clive Village Shop and Post Office has previously and fairly recently been placed on the open market with Halls Estate Agents. As with many rural shops it was not considered to be financially viable and no offers were made. In an attempt to try and maintain this local facility, the current owner did offer it to the community to run but this offer was not taken up. It was most recently let on a short term tenancy to a local resident but this lasted only a year. This is now the third time in recent years that the shop has closed.

In a response to the Parish, the Local Planning Authority has recognised that the Council's methodology does require continued review, especially in light of any potential change to service provision resulting from the Covid 19 pandemic. However, rather than addressing with appropriate changes to the Plan following the Regulation 18 consultation, they have pushed review of Clive's

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	Part B Reference:

status to the proposed consultation on the Regulation 19 version of the Local Plan, asking the Parish to confirm whether they consider the identification of the Community Hub to be sound. On this basis and in light of the up to date information on local services, the Plan and Policy SP8 are not considered sound as they are not effective or justified.

The approach taken by the Local Planning Authority is concerning as it has resulted in inconsistent treatment of settlements throughout the Plan development. As a result, it also potentially now means a “main modification” to the Plan which needs to be considered by the appointed Inspector rather than being appropriately addressed following the Regulation 18 Consultation round. This calls into question the soundness of the Plan’s development and the validity of the previous consultation processes.

The Hierarchy of Settlements evidence base and Local Plan Policies are now based on inconsistencies which render them unsound. Revisions to the Hierarchy of Settlements evidence base over the Plan development has led to relaxation around the requirement for Community Hubs to have employment and peak time public transport, which should be fundamental to the determination of ‘significant rural service centres’. As a result, there are now inconsistencies in the policy, with the definition of Community Hubs continuing to be set out as ‘settlements considered to provide a combination of services and facilities; public transport links (often operating regularly through peak travel times); significant employment opportunities; and high speed broadband generally considered sufficient to meet the day-to-day needs of their resident communities’ but the assessment criteria and associated threshold no longer require such facilities to be present. This is illustrated by the example of Clive which when assessed clearly doesn’t meet the criteria for a Community Hub in that there is a reliance upon other settlements to meet day to day needs such as employment and local convenience goods. The Plan and Policy SP8 is therefore considered to be unsound as the methodology and application of associated evidence does not meet the intended definition of a Community Hub and the overall settlement hierarchy needed to maintain sustainability and is therefore not justified.

*(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.**

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Policy SP8 should remove reference to Clive as Community Hub as current evidence means it does not meet the definition of a significant rural service centre as defined by the Local Plan Review

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

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Office Use Only	Part A Reference:
	Part B Reference:



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**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)?**

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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:**

**Past engagement with Shropshire Council in previous public consultation rounds has not addressed the issues raised in terms of the misrepresentation of local facilities and services.**

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Signature: R Dennis

Date: 20/02/2021

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Part A Reference:

Part B Reference:

## Representation Form

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### Part B: Representation

Name and Organisation:	Dr Robert Dennis
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#### Q1. To which document does this representation relate?

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- 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="SP15"/>	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 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).

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Although Policy SP15 provides a framework for a long term vision of estate land within Shropshire, it is considered to be unsound because it does not recognise its relationship to other policies in the Plan and does not set out a framework for how this Policy relates to other policies in the Plan. It is therefore not considered effective. This Policy needs to be clear on the relationship between other rural settlements in the Plan, particularly Community Hubs. Without being specific on the relationship to Policy SP8, the Policy provides no framework for development for rural areas and poses the risk of the spreading and merging of development between the defined development boundaries of Community Hubs and neighbouring estate land. This would significantly increase housing numbers beyond the housing guideline for these settlements which has been set and consulted upon as the most appropriate on sustainability and character grounds. The Policy needs to reflect the distinction between Community Hubs and Estate Land to ensure these policies work in harmony and do not result in inappropriate rural development.

(Please continue on a separate sheet if necessary)

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Policy SP15 should explicitly reflect the relationship to Policies SP8, making clear that any land within whole estate plans falling within defined Community Hubs or Clusters needs to be consistent with the relevant settlement policy requirements and those of SP7 in relation to housing guidelines and development boundaries.

(Please continue on a separate sheet if necessary)

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

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	Part B Reference:

Signature: R Dennis

Date: 20/02/2021

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- (Please tick one box)

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

Paragraph:	<input type="text"/>	Policy:	SP17.2	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:

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As the overarching policies (SP2 and SP8) that guide Settlement policy 17.2 are unsound, Policy S17.2 is therefore also rendered unsound. Policy 17.2 is based on inaccurate and out of date evidence on settlement sustainability. In addition, there has been inconsistent consideration and treatment about the presence of local facilities and changing circumstances across parishes during the plan development.

The current scoring within the Hierarchy of Settlements for Clive includes the bowling green as an outdoor sports facility and the local convenience store. Neither of these facilities exist following the closures of both the bowling green and local convenience shop. These both are under private residential ownership and use. As a result, the scoring threshold for significant rural service centres has not been met and the village of Clive does not meet the requirements to be deemed a Community Hub under Policy S17.2.

The Local Planning Authority itself has recognised that there is no bowling green as the facility now falls under a private residential dwelling. This was evidenced in the Shropshire Council Playing Pitch and Outdoor Sports Strategy Assessment Report (Oct 2020). This was a comprehensive assessment undertaken between 2018 and 2019 the accuracy of which has been confirmed by Shropshire Council. In this assessment of bowls clubs and greens, Clive is not recorded as having such a facility. Despite this, consultation with the Local Planning Authority justifies its retention as a local facility for Clive following its inclusion in the Council's Open Space Needs Assessment which is based on out of date data from 2009. The Open Space Needs Assessment itself acknowledged that "without a catchment area analysis it cannot detect the reality of variations in provision within each Place Plan Area".

With regard to Clive's local convenience store, the Local Planning Authority has acknowledged that officers have received recent correspondence from the both the Parish Council and owner that the shop is no longer in use and now falls within a residential curtilage. This earlier engagement with the Local Planning Authority has been formalised into a change of use planning application from the owner to provide a residential annex for this former shop (ref 21/00048/FUL).

The Local Planning Authority appears to have been inconsistent in taking into account such changes in local services and facilities during the Plan development. Comparative changes have taken place in the village of Myddle where the closure of its local shop resulted in a swift change in designation to Open Countryside. Similar changes have taken place in Cockshutt and Westbury. There is no evidence that any other Parish Council has been asked to provide additional evidence to support this change in designation. Indeed, correspondence regarding changing local facilities between Parish Councils and the Local Planning Authority appear to have been sufficient. In comparison, there is evident disparity between the requirements placed on Clive Parish to further evidence these changes and a deferral by the Local Planning Authority to address via a main modification to the Regulation 19 Plan rather than addressing prior to the Regulation 19 consultation.

As a result, the Plan and Policy S17.2 do not meet the tests around being justified and effective and are therefore considered unsound.

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

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Office Use Only	Part A Reference:
	Part B Reference:

Policy SP17.2 should remove reference to Clive as Community Hub as current evidence on availability and accessibility of local facilities and services means it does not meet the definition of a significant rural service centre as defined by the Hierarchy of Settlements evidence base and subsequent Local Plan policies.

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- 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:**

**Past engagement with Shropshire Council in previous public consultation rounds has not addressed the issues raised in terms of the misrepresentation of local facilities and services.**

(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: R Dennis

Date: 20/02/2021

Office Use Only

Part A Reference:

Part B Reference: