

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:	HMPC Ltd
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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" value="3"/>	Policy:	<input type="text" value="SP13"/>	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 checked="" 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 checked="" 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.

The local plan's employment provisions and proposal are not opposed by our clients. However there is very real concern that the plan fails at this important time to clarify the provisions to be applied to any particular allocated development when it is to be considered as a planning application. Consequently the plan is unsound because the proposals could cause harm to existing developments and interests if not appropriately addressed.

In allocating land for development, or taking forward previously allocated but unimplemented development sites as safeguarded through this plan, the opportunity must be taken to consider and assess all critical local issues which comprise material considerations to be considered at application stage. It is possible general harm can be predicted now and appropriate mitigation should be encompassed within the local plan.

The NPPF provides clear guidance on decision making and this need not be repeated in the local plan, but the new document must demonstrate that provisions of the NPPF taken as a whole will be applied at the time of individual decision making. The plan makes numerous

references to the NPPF, but there is no overt reference to NPPF paragraph 182, which safeguards existing business interests by requiring new development not to place unreasonable restrictions on neighbouring land uses. In our experience this is a matter frequently left to individual planning applications, when it is difficult for planning authorities to resist the prospect of new employment opportunities, and the decision balance is tilted unfairly in the favour of promised new employment over existing business activity. It is a question of ensuring neighbouring uses are compatible. While paragraph 3b of proposed Policy SP13 requires new uses or the intensification of existing uses to conform with neighbouring uses, it does not cover those situations, such as with our clients' business, where the uses are not similar in type or operation and where, with an inappropriate operation introduced, the neighbouring uses could be in conflict.

By way of example our clients operate an equestrian business on land north of the A53 at Market Drayton lies alongside an area of safeguarded employment land. It is quite possible for that land to be developed for employment purposes without any harm to our clients operation. However, the 'wrong type of employment' such as one generated noise and disturbance, could have a catastrophic impact on our client's operation of breeding horses, potentially forcing it out of business. The situation can be repeated in many other locations where adjoining land uses are inappropriate, but can be avoided with foresight in local plans where allocations are brought forward.

(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.

We suggest that to become sound Policy SP13 3(b) need be amended only slightly to explain fully what is meant by conformity; not simply that a new development is similar to adjoining developments, but that any new development and operation must be cogniscent fully of its potential impacts on all adjoining land uses. It should specify that inappropriate uses will not be permitted if any degree of harm identified, cannot be appropriately mitigated. The policy and or supporting explanation should clarify that any new development adjoining existing land uses will be expected to conform to a mode of operation that meets fully the principles included in the NPPF at paragraph 182.

(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)?

Office Use Only	Part A Reference:
	Part B Reference:

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:

The representation seeks only clarification and there should not be any reason to appear at an examination hearing. Should we continue to be dissatisfied with any modification to the policy or responding explanation, or if there is a lack of modification, we reserve the right to further explain our concern before an inspector.

(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: H B MORRIS

Date: 23/02/2021

Office Use Only	Part A Reference:
	Part B Reference: