Trefonen Rural Protection Group

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SHROPSHIRE COUNCIL - LOCAL PLAN REVIEW
Regulation19 Stage FINAL CONSULTATION RESPONSE **25th FEBRUARY 2021**

Policy SP2 Strategic Approach and Schedule SP2.2: Community Hubs Para SP2.6 and **Hierarchy of Settlements Para 5.41 & Table 10**

The Draft Plan is **unsound** because the determination of settlement status for development and housing allocation is fundamentally flawed due to the **Hierarchy of Settlements** still containing additional relaxation wording **Para5.41** that is contrary to the full definition of Settlement requirements within the HofS **and**, critically, contrary to Climate Change policies (both adopted and proposed).

Additionally the HofS assessment scoring still contains many inaccuracies which makes it unfit for its intended purpose of being a **"***robust methodology*" for "*appropriate and robust assessment"* for ***objectively*** comparing settlements.

Para5.41 introduces an element of *subjective* assessment. That is completely at odds with the aims to the HofS Methodology, and for addressing the concerns of the SAMDev Examination Inspector in their Report 30th October 2015

The Threshold for Hub status of 48points was set by a "*3point gap*" in the original 2017 Table 10 settlement scoring as noted in HofS 2017 Para5.40. As previously raised, this gap **never existed**. That inaccuracy led to the addition of the relaxation wording in Para5.40 to make the policy fit the results rather than the results meeting the policy.

Subsequently in HofS 2018 the written reference to "*3point gap"* determining the threshold was omitted but, critically, the Threshold score remained unchanged at 48points and the relaxation wording was retained. Just removing the wording does not correct the mistake in setting the Threshold at 48points when full Hub criteria is not met by settlements above that score. The issue of inaccurate assessment & scoring has not been fully addressed.

The HofS 2020 Para 2.8 disclaimer "Note" that *"it is not intended to represent a comprehensive assessment of all every services or facilities"* just compounds the inaccuracy. This assessment underpins the decisions on the development status of settlements and their development guidelines; and therefore it is **critical that it is 100% accurate**. As it is **not**, the whole outcome is flawed and unsound.

The officer's proposal of a "*larger range*" of services and facilities to compensate for the lack of these fundamental criteria is **not defined**, and is purely **subjective.**

It is patently obvious that facilities such as fortnightly mobile library visits, children's playgrounds, outdoor sport facilities & green space **cannot** possibly compensate in any way for lack of employment and/or public transport.

This relaxation makes the **Hierarchy of Settlements**, and therefore the Draft Local Plan, **unsound**.

We have raised these concerns at every stage of "Consultation" since the HofS was first published in October 2017, including information on known inaccuracies and areas of doubt that required checking to provide a true comparison between settlements against full Hub criteria.

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We attach our submission to the most recent Regulation 18 consultation July 2020 detailing all the points of concern that make the Hierarchy of Settlements and therefore the Draft Local Plan, unsound.

There are clear contradictions between the Sustainability Objectives set out in the Sustainability Appraisal with the application & relaxation of full Policy criteria within the Hierarchy of Settlements and with Community Hub designations which are purported to give significant positive effects on sustainability

Modifications necessary

1) The Hierarchy of Settlements must be amended.

It must correspond with and support the Spatial Vision, SP1 Shropshire Test, **SP3 Climate Change** and **Sustainability Objectives SO5, SO6, & SO12** which seek to minimise car travel and maximise trips by sustainable travel, and to reduce carbon emissions.

In **Para 5.41** setting a minimum range of only 5 from 20 services & facilities for a Hub settlement is patently far too low and must be increased.

In **Para 5.41** the relaxation wording must be removed
Remove "*In circumstances where there is no regular public transport service; and/or high speed broadband; and/or multiple significant employment opportunities, a larger range of services and facilities would be necessary to compensate to enable a settlement to achieve the specified point's threshold.*

The **full** Hub criteria set out in **Para 1.16 Table 2** and **Para 5.35 Table 6** must be used to determine Settlement status. Critically the requirement to have both "*significant employment opportunities"* **and** "*peak time public transport"* for Hub status must be met.

To achieve its stated purpose, the HofS must be an *objective* assessment and not include any element of *subjective* assessment.

The Settlement Threshold must be determined by the **full** Hub criteria, **not** by any "*gap*" that appears in the results, **nor** by any relaxation wording introduced to support inaccurate scoring results i.e. the Threshold must be set by the policy and **not** that the policy be re-written to fit the results.

The Table 10 assessment needs to be properly and fully reviewed using on the ground evidence of service & facilities and employment opportunities confirmed locally, not just reliance on the Mint Database information.

2) The list of Settlements must then be reviewed to confirm compliance with the **full** Hub criteria, and;

3) The Draft Plan settlement development status & allocations amended accordingly

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Policy SP2 and S14.2 Community Hubs – Oswestry Place Plan Area Schedule SP2.2 and S14.2.1

Without prejudice to our overarching amendment to the HofS and review of all Settlement statuses, we would specifically raise that **Trefonen does not have any** "*significant employment opportunities"* **or** "*peak time public transport".*
It is the **only** proposed Hub settlement with **neither of these** key requirements.

1) Therefore, Trefonen **does not meet** the criteria for **Hub** settlement status, and allocating it as such would be contrary to SP3 Climate Change and Sustainability Objectives SO5, SO6, & SO12 which seek to minimise car travel and maximise trips by sustainable travel, and to reduce carbon emissions.

Trefonen should be designated "*Other Rural"* settlement, for which it meets the full criteria,

Housing provision required to meet "*identified local needs"* for truly "*Affordable Homes"* for local people ascertained by application to Home Point Housing Waiting List or by Right Homes Right Places or local Housing Needs Survey during the period of the Plan can be met by Rural Affordable Exceptions Policies DP4 – DP7 – and contribute as 'Windfall' to the overall Housing Target.

2) We are very concerned that multiple "*small*" developments to reach the currently proposed *"guideline"* of 50 additional dwellings would have a **cumulative impact** amounting to the same, or arguably greater, impact as a large development on our village over the course of time. We do **not** believe that is the intention of NPPF in allowing *Rural Exception* developments in and around rural settlements.

Modifications necessary

1) Trefonen should be designated "*Other Rural"* settlement, for which it meets the full criteria, and **deleted** from **Policy S14.2.Community Hubs** – Oswestry Place Plan Area **and** from **Appendix 5 Schedule A5(ii)** Residential Guidelines and Supply within Community Hubs.

No housing guideline should be allocated, excepting the principle of Windfall for housing provision required to meet "*identified local needs"* for truly "*Affordable Homes"* for local people to be met by Rural Exceptions Policies, which are allowed in '*Countryside*' outside existing settlements with schools, under policies **DP4, DP5, & DP7** to meet local needs established by Housing Needs Survey during the Period of the Plan

2) **Limitations** on cumulative *"Exception Site"* developments adjacent to individual settlements **must be** included within policies **DP4, DP5, & DP7**

NOTE – our understanding is that "*identified local needs*" are for people who either live in or in close vicinity to our village, have strong local family connections to the village, or *need* to live here for work (e.g. agriculture, tourism); and that it is not intended to be meeting the housing needs of other villages in our wide rural Parish, nor, in particular, the needs of Oswestry Town if those are not being meet by development on allocated sites, or other parts of the county generally to meet ambitious Housing Targets. We believe there is a fundamental difference between *need* and *want* when determining where new housing is required.

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Policy DP3, DP4, DP5, DP6, DP7
Paras DP3.1(h), DP4.1(k), DP5.1(i), DP6.1(h), DP7.1(l) and (n).

None of these Policies refer to access to employment.
There is a requirement for reasonable access to local services by walking, cycling or public transport, but none of these Policies refer to daily access to employment.

Sustainable travel to work is key for the suitability of developments and meeting Climate Emergency aims and Policy SP3 Climate Change and Sustainability Objectives SO5, SO6, & SO12

If employment is not available in the settlement then there must be daily peak time public transport. These Policies aim to assist lower income households. As many low paid jobs are weekends or shifts this really needs to be 7days week and cover early starts late finish shifts e.g. 6.00am 10.00pm

Also access to key Secondary services like GP, dentist, and pharmacy by return public transport at suitable times of day is vital – appointments are often not available at peak times

These Policies aim to assist lower income households. If they are not to become burdened with additional costs and/or isolated from a wider range of opportunities (e.g. budget supermarket shopping, leisure and cultural activities) then a regular and frequent public transport, including evenings and weekends, is fundamental.

Modifications necessary
Add a requirement to have access to employment and secondary services & facilities into -

DP3 Affordable Housing Provision - DP3.1(h)
DP4 Affordable Exceptions - DP4.1(k)
DP5 Entry Level Exceptions - DP5.1(i)
DP6 Single Plot Exceptions - DP6.1(h),
DP7 Cross Subsidy Exceptions - DP7.1(l) and (n).

Policy DP4 Affordable Exception Sites
Para DP4.1(c) limits development to that required by Identified Local Needs survey

However, the Policy does not include a definition of scale, which is only set out in the Explanation para 4.57 saying there is an "expectation" that will not exceed 25dwellings adjacent to Strategic, Principal & Key Centres.

That is very open to interpretation and not binding, so gives no confidence to local residents.

For Community Hubs & Clusters and other rural settlements there is no limitation to scale of development.

As 'Affordable Exception' developments are predominately intended to be built adjacent to those rural settlements, any development could be large in relative terms.

There is also no cumulative impact limitation on multiple developments adjacent to settlements.

In Policy DP5 Entry Level Exception Sites DP5.1(b) includes limitations of scale within policy wording
In Policy DP7 Cross Subsidy Exceptions DP7.1(e) includes guide of scale within policy wording

We believe that Policy DP4 Affordable Exception Sites must define limits of scale and cumulative impact adjacent to Community Hubs & Clusters and other rural settlements (as well as limited to Identified Local Needs) within Policy.

Modifications necessary
Add limitations of scale into Policy DP4

Adjacent to Strategic, Principal or Key Centres the scale of the development will solely be dictated by the evidence of local affordable housing need, but will not normally exceed 25 dwellings.
Adjacent to Community Hub or Community Cluster or other Settlements the scale of the development will solely be dictated by the evidence of local affordable housing need, but will not normally exceed 10 dwellings.

Add wording to address cumulative impact from multiple "small" Affordable Exception developments – particularly relevant to smaller settlements where this would have a greater impact if different landowners promote development on adjoining fields.

DP4, DP5, & DP7 Cumulative Impact risk from all "Exception Site" policies

Multiple or phased "exception" developments would have a cumulative impact amounting to the same, or arguably greater impact, as a large development on rural settlements over the course of time. Particularly relevant to smaller settlements would be where different landowners promote development on adjoining fields.

We do not believe that this is the intention of NPPF in allowing Rural Exceptions. Limitations on cumulative "Exception Site" developments adjacent to individual settlements must be included within these policies.

Modifications necessary
Add wording into Policy DP4, DP5, & DP7 to address cumulative impact from multiple "small" Affordable Exception developments.

Policy DP7 Cross Subsidy Exceptions
Para DP7.1(f)

We do not consider this specific policy is required as the **NPPF Para 77** already allows for viability discretion on 100% Affordable Housing Rural Exception developments, which are allowed in 'Countryside' outside existing settlements.

A key factor in viability of 100% Affordable Exception schemes is land value.
If landowners can foresee higher land value via a Cross-subsidy Exception scheme, that will be what they will hold out for. By introducing this specific policy it could reduce the percentage Affordable Homes provided.

Without prejudice to the above, if this Policy is to be retained then we disagree with the minimum 70% Affordable Homes requirement in DP7.1(f)

We consider it should mirror the Open Market development Affordable Homes requirements for its location within the county
i.e. it should be in North 90%AH / 10%OM
and in South 80%AH / 20%OM to reflect identified local needs.

Para DP7.1(a) refers to viability of schemes – how will this be determined?
Without public grant, viability is synonymous with profitability. It is inherent that Developers are profit led, and therefore they will seek to build the maximum Open Market housing within any development to maximise profit. Clearly, every development will differ in terms of land values and build costs related to site factors, and saleability of Open Market housing.
No indication is given of what might be deemed an acceptable profitability level on a scheme for the developer; nor how this would be assessed and determined within the Planning Application process (indeed is a it legally a consideration under the Planning Act?).

Modifications necessary
Remove DP7 completely;

Or, if not, change DP7.1.f wording
Delete at least70% and require it should mirror the Open Market development Affordable Homes requirements for its location within the county
i.e. it should be at least 90%AH in the North and 80%AH in the South to reflect identified local needs.

Policy DP7 Cross Subsidy Exceptions
Para DP7.1(a)

Para DP7.1(a) refers to unviability of 100% Affordable Exception schemes – how will this be determined?

Without public grant, viability is synonymous with profitability. It is inherent that Developers are profit led, and therefore they will seek to build the maximum Open Market housing within any development to maximise profit. Clearly, every development will differ in terms of land values and build costs related to site factors, and saleability of Open Market housing.

No indication is given of what might be deemed an acceptable profitability level on a scheme for the developer; nor how this would be assessed and determined within the Planning Application process (indeed is a it legally a consideration under the Planning Act?)

Which Department within the Council would undertake this commercial profitability assessment of submissions?

Modifications necessary
Add wording into DP7 Cross Subsidy Exceptions as to how "unviable" will be assessed – submission information and process for review & assessment

Add wording into DP7 Cross Subsidy Exceptions to define "viability" e.g. possibly by maximum profitability margin limits over development costs.

SP5 High Quality Design

There is no reference to Neighbourhood Plans, Community Led Plans or Village Design Statements being considered as part of compliance with this policy.

This should be included for these documents to be "material considerations" as part of overall siting, site layouts, housing styles, and individual dwelling designs

It is noted that SP8(i) & SP9(h) refer to Neighbourhood Plans and Community Led Plans, but they do not refer to Village Design Statements which are more likely to be in place for Community Hubs and Clusters and smaller settlements

Modifications necessary
Add wording to SP5
for Neighbourhood Plans, Community Led Plans or Village Design Statements being considered as "material considerations" as part of overall siting, site layouts, housing styles, and individual dwelling designs

Add wording to SP8(i) & SP9(h) to refer to Village Design Statements

Sustainability Appraisal

The whole document is **not objective** but puts a positive spin on everything that the Cabinet sought to promote from the outset of the Review in its "*highly ambitious*" High Growth strategy for both housing and economic growth.

Hierarchy of Settlements
There are clear contradictions between the Sustainability Objectives set out in the Report with the application of Policy within the Hierarchy of Settlements and with Community Hub designations which are purported to give significant positive effects on sustainability.

The relaxation of key criteria for Community Hub settlements in the HofS to not require multiple significant employment **and** peak time public transport is still included .

Lack of these will fundamental requirements will result in additional private vehicle use travel use which is **contrary** to the Council's Climate Emergency Policy, to NPPF, and to Government's Zero Carbon aims.

It is **contrary** to the **"*Spatial Vision*"** and **SP3 Climate Change** and **Sustainability Objectives SO5, SO6, & SO12** which seeks to minimise car travel and maximise trips by sustainable travel, and to reduce carbon emissions.
Road transport is identified as the largest single contributor of CO2 emissions
SO6 is explicit to focus developments to accessible locations, and reduce vehicle use.

Table 1.1 Housing Targets
All options proposed at initial Issues & Options stage were above the FOAHN identified needs of the county, with additional growth additions of 5%, 10% or 15% respectively.

Therefore they all have significant benefits, irrespective of current SAMDev targets. The lower rates might as well not have been included as options if they were never going to be given creditability in the sustainability assessment

Table 1.2 'Poor' sites.
Numerous sites assessed as '*Poor*' appear to have been selected to be allocated for development. That makes no sense.

Table 2.7
There is no assessment of employment opportunities within the Sustainability assessments for residential sites – if they are available in the settlement, how far they are from the site, how accessible they are by sustainable travel walking wheeling or cycling, or by public transport at times when they will trade (including shift patterns if applicable)

These are key factors in achieving sustainable development to meet **Sustainability Objectives SO2 & SO4** economy and services, and also **SP3 Climate Change** and **Sustainability Objectives SO5, SO6, & SO12** which seek to minimise car travel and maximise trips by sustainable travel, and to reduce carbon emissions.
Road transport is identified as the largest single contributor of CO2 emissions
SO6 is explicit to focus developments to accessible locations, and reduce vehicle use.

Table 2.7 Services assessment
The footnote states that the list of services is consistent with the Primary Services in the HofS. **That is incorrect.**

Table 2.7 does not assess Nursery, Convenience Store, Post Office, Petrol Station which are considered "essential for day-to-day life", whilst including many Secondary items that are "nice to have but not essential".
Access to all the Primary services is fundamental to sustainability.

Table 2.8
Peak time public transport provision is included in Table2.7 but not in Table 2.8
This should be a key factor in assessing and comparing sites.

DP3 Affordable Housing Provision
This policy does not itself "*reduce the need for people to travel by car*", that is purely determined by the siting of the Open Market development that it forms part of and that being accessible by sustainable travel. If sites or settlements do not have that provision then all residents will have to use cars, potentially impacting more on lower income households, and on the environment.

DP4 Affordable Exception Sites
This policy does not itself "*allow for a reduction in the need for private car use*" It may not increase the need if every one of the new residents uses the other options. Also the requirement is only to access "*local services*" which in a rural settlement might not include many secondary services or, crucially employment. If settlements or sites do not have that provision then all residents will have to use cars, potentially impacting more on lower income households, and on the environment.

Whilst minimal harm to landscape character and historic feature is noted for urban settings, the impact to rural settlements from these developments is not specifically considered, and the likely impact is played down to suit. DP5 Entry Level Exceptions includes consideration of this fact.

DP6 Single Plot Exceptions.
Only reference is to urban settings with no mention of locations in or adjacent to rural settlements where impacts will be greater

DP7 Cross Subsidy Exceptions
This completely overlooks developments adjacent to rural settlements.
These do not have the "*best access to services and facilities in the county*"
It cannot be said that they "*naturally"* reduce the need for travel by car, or that they "*encourage*" sustainable travel.

DP7 only requires access to local service and facilities, but makes no mention of accessibility to employment opportunities. If settlements or sites do not have work opportunities then all residents will have to use cars, which potentially impacts more on lower income households, and on the environment.

Modifications necessary

1) Review of the overall Housing Target figure against full assessed needs and additional sustainable growth – amend SP2 and associated housing allocations

2) The Hierarchy of Settlements must be amended.
It must correspond with and support **SP3 Climate Change** and **Sustainability Objectives SO5, SO6, & SO12** which seek to minimise car travel and maximise trips by sustainable travel, and to reduce carbon emissions.

In **Para 5.41** setting a minimum range of only 5 from 20 services & facilities for a Hub settlement is patently far too low and must be increased.

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To achieve its stated purpose, the HofS must be an *objective* assessment and not include any element of *subjective* assessment.

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The Table 10 assessment needs to be properly and fully reviewed using on the ground evidence of service & facilities and employment opportunities confirmed locally, not just reliance on the Mint Database information.

3) The list of Settlements must then be reviewed to confirm compliance with the **full** Hub criteria, and;

4) The Draft Plan settlement development status & allocations amended accordingly