

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:	Tasley Parish Council
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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.

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.

<p>CONSULTATION REPRESENTATION ON THE R19 DRAFT SLP</p> <p>Dear Shropshire Council</p> <p>1. This is a representation from Tasley Parish Council (TPC) on behalf of its parishioners in response to the Regulation 19 (R19) consultation being carried out by Shropshire Council (SC) on its 'December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan' document bundle. The consultation was launched on 14 December 2020 and, at present, is scheduled to close on 26 February 2021.</p> <p>CONSULTATION ISSUE</p>
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2. Could it be evidenced that the draft Shropshire Local Plan (SLP) considered by Shropshire Council's Cabinet and approved by them to form the basis of a Regulation 19 Consultation (R19) at their meeting on 7th December 2020, and subsequently published for such a consultation, met the tests of soundness and legal compliance (including complying with the duty to co-operate) at the time the decision was taken to approve the draft SLP for consultation and when it was published for a R19 consultation?

FACTUAL BACKGROUND

3. Local Plans (LP) are prepared by Local Planning Authorities (LPA) and set out a framework for the future development of an area on a 15-year horizon. They define; the priorities for an area, strategic policies, the framework for neighbourhood plans, land allocations, infrastructure requirements, housing needs, requirements for safeguarding the environment, measures for adapting to climate change, and so on. They are also the starting-point for considering whether future planning applications should be approved.

4. The National Planning Policy Framework (NPPF) requires that LPs are examined by an independent Planning Inspector (PI) to assess whether they have been prepared in accordance with the duty to cooperate, legal and procedural requirements, and whether it is sound. The NPPF recommends that an LPA should submit an LP for examination by an independent PI only after it considers its LP sound, namely it is:

4.1 *'Positively prepared'*; the LP should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

4.2 *'Justified'*; the LP should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

4.3 *'Effective'*; the LP should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

4.4 *'Consistent with national policy'*; the LP should enable the delivery of sustainable development in accordance with the policies in the NPPF.

5. Section 1.1 of the *'Procedure Guide for Local Plan Examinations'* for PI's states that before an LP is submitted for examination: *"The LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements. In particular, they should ensure that it takes full account of all relevant policies in the NPPF and relevant guidance in the PPG. The plan should identify all the matters which need to be planned for, and provide policies to address them, paying careful attention to deliverability and viability. This approach may raise uncomfortable questions but the purpose of preparing a plan is to address all the necessary matters as far as possible, and not defer them to future updates or rely on the Inspector to deal with them at examination."*

6. The *'Gunning Principles'*, which are enshrined in law, state that *'a consultation is only legitimate when all of the principles have been met'*, namely:

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6.1 *'Proposals are still at a formative stage'*; a final decision has not yet been made, or predetermined, by the decision-makers.

6.2 *'There is sufficient information to give 'intelligent consideration''*; the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

6.3 *'There is adequate time for consideration and response'*; there must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation, despite the widely accepted twelve-week consultation period, as the length of time given for a consultee to respond can vary depending on the subject and extent of impact of the consultation.

6.4 *"Conscientious consideration' must be given to the consultation responses before a decision is made'*; decision-makers should be able to provide evidence that they took consultation responses into account.

7. SC's Statement of Community Involvement (SCI) states that the construction of the Shropshire Local Plan (SLP) *"should be community-led and iterative between residents and itself as the LPA."*

8. In January 2017, SC launched R18 consultations (R18) with the community on its draft SLP at the Issues & Options stage, the Preferred Scale & Distribution of Development stage in October 2017, the Preferred Sites stage in November 2018, and the Strategic Sites stage in July 2019; each consultation lasted between 6 and 10 weeks and included roadshows to present the draft SLP to the community.

9. On 28 April 2020, SC advised Parish Councils, by email, that officers were minded to recommend inclusion of the Tasley Garden Village (TGV) as a *'preferred-site'* and that, under SC's auspices, the TGV promoter Taylor Wimpey (TW) would start community consultation the following day. There were a number of concerning aspects arising from this communication, namely:

9.1 The information that officers were minded to substitute TW's TGV for the Apley Estate's Stanmore Garden Village (SGV), which had already been consulted on with the community for almost a year, was not made public at that stage.

9.2 There was no published overall draft SLP at that stage, simply the results of the relevant consultation stages.

9.3 Officers told TPC that their reason for preferring TGV over SGV was that the SGV was sited on Green Belt land where development could only be justified under *'exceptional circumstances'* and provided there was no *'viable alternative'*, whereas TW's late breaking TGV proposal was not sited on Green Belt land so had to be considered a *'viable alternative'* to the SGV.

9.4 Officers stated that the reason TW had to carry out a *"shortened consultation"* at short notice was so officers could complete their resultant *'Pre-Submission Draft of the Shropshire Local Plan July 2020'* in time for SC's Cabinet meeting on 6th July 2020, at which they would recommend that Cabinet approve taking the SLP forward to a R19 consultation, which they envisaged lasting 6-8 weeks and closing around September/October 2020.

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10. On 4th May 2020, despite full details not initially being available, TW launched an online consultation on its TGV proposal with the community that its own literature described as a ‘*promotion*’.

11. On 13 May 2020, to compensate for Coronavirus lockdown restrictions, the UK Government updated the SCI framework stating that LPAs “*are strongly encouraged to use online engagement methods to their full potential*”, and that they “*need to take reasonable steps to ensure sections of the community that don’t have internet access are involved, and consider alternative and creative ways to achieve this.*” (<https://www.gov.uk/guidance/plan-making#covid19>).

12. On 1st June 2020, TPC submitted a representation to TW on behalf of people already resident in Tasley Parish expressing deep concerns with the effectiveness of SC’s draft SLP to deliver sustainable development appropriate to the area and the environment, particularly with the scale and location of the TGV development and the rushed consultation on it, namely:

12.1 New housing developments in the Bridgnorth area need to be of a volume compatible with, and sensitive to, the town itself, and all of its inhabitants both current and future. The scale of the development proposed at the TGV site is simply too big to be absorbed into an historic town the size of Bridgnorth.

12.2 TPC considers that officers’ preference for having one large scale ‘Garden Village’ development concentrated in a single site in keeping with SC’s high growth strategy, is inappropriate and unsustainable for the historic town of Bridgnorth. TPC recommends SC seriously consider a ‘split sites’ approach, each of lesser scale developed independently. Such an approach would achieve sustainable growth with potentially less catastrophic impact on surroundings and environment. SC’s argument that only a ‘Garden Village’ configuration can deliver infrastructure and amenities is considered questionable given that developers could readily be conditioned by policies set out in the SLP to provide funding to upgrade the required amenities in central locations whilst retaining the integrity of Bridgnorth’s town centre.

12.3 The impact on Bridgnorth town's facilities, schools, health services, and car parking will always be significant whatever development approach is taken, but the impact will be reduced if SC were to adopt the approach put forward by the community-led Bridgnorth Plan Steering Group (BPSG) in its 2020 Bridgnorth Plan for the neighbourhood. National Government wants to see planning decisions taken at the lowest level possible and has introduced the ability for parish and town councils to produce neighbourhood plans which, once in force, should form part of the policies used to make decisions <https://www.local.gov.uk/councillors-workbook-planning>. Shropshire Council has also embraced the concept of a “Community Led Plan” in which a document setting out community preferences can be recognised as a material planning consideration, without going through the full Neighbourhood Plan process. <https://www.shropshire.gov.uk/planning-policy/neighbourhood-and-community-led-plans/>

12.4 The entire highways infrastructure in and around Bridgnorth is already showing signs of capacity constraints even before any of the sites allocated under SAMDev are developed and would need to be substantively improved to accommodate estimated increase in traffic resulting from ‘Garden Village’ developments such as TGV and SGV, yet no overall Highways Assessment had been carried out. Neither has a local Housing Needs Assessment nor detailed Infrastructure

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Plan been provided as part of the SLP evidence base to justify the ability of the area to absorb the proposed level of development at either SGV or the officer-preferred TGV site.

12.5 SC has not provided evidence to justify its policy of uplifting the number of dwellings required by central government by a further 19%. Neither has SC justified its decision to take on the Association of Black Country Authorities' (ABCA) anticipated unmet, and as yet unratified, housing quota. Planned SAMDEV housing already includes 500 dwellings in Tasley Parish, whilst the viable option to convert existing business properties to residential should also be considered by SC as this would be more sustainable particularly given the effects of the pandemic on businesses.

12.6 New developments should be leading examples of sustainability and be sensitive to the local environment and ecology. The SLP should set out comprehensive policies covering sustainability and the environment (climate emergency) to condition development proposals prior to land allocation in the LPR. Amenities, such as school, medical centre, shops and leisure areas, and social housing, should be provided as needed, not after 9 years as proposed by TW in its TGV development.

12.7 Housing developments should be initiated by need and not by cash generation, either in the form of rates by the Council, or excess profits by the developer. Whilst reasonable profits are necessary to make any project viable, policies in the SLP need to ensure a proportion of the profits generated are set aside to make any development ecologically sound and the best it can possibly be in terms of quality and sustainability whilst providing infrastructure and services for residents present and future.

12.8 TW's TGV proposal states there will be 1,250 economically active and employable residents within the TGV development, and this is in addition to the circa 750 additional employable residents within the SAMDev allocation. TW states that 1,700 new jobs would be created by the TGV development yet were unable to justify this estimate, stating simply that this was a target set by SC. When TPC put this 1,700 figure to officers prior to TW's consultation, officers stated this was not an SC target, that 1,700 new jobs was a high number, and that they considered a lower target more achievable. Officers declined to state a number they did consider achievable. In its SLP evidence base, SC does set the objective of one job per dwelling across the county. 1,700 new houses should therefore, according to SC, generate 1,700 new jobs, matching the number of new jobs put forward by TW in its TGV proposal.

12.9 TW's TGV proposal includes 16ha of employment land for B1, B2, B8 usage, i.e. offices, R&D, light manufacturing, storage and distribution. TW's display boards state *"The Garden Village would provide around 16 hectares of employment land to meet the needs identified within the emerging Shropshire Local Plan Review."* A further 6.3ha is planned within the SAMDEV employment land allocation in Tasley Parish. Currently there are only a few major employers, i.e. those with >100 employees, in Bridgnorth, and 90% of Bridgnorth businesses employ fewer than 10 people. No major employers have relocated to Bridgnorth in the last 20 years. Historically, employers are not highly attracted to Bridgnorth, particularly as it takes up to an hour to reach the M6 or the M5/M42 road links when compared to better access from the likes of Wolverhampton, Telford, and Shrewsbury.

12.10 TW's TGV proposal used the general Agricultural Land Classification ("ALC") map to determine that the land for its TGV site is grade 3. Farmers in the area have made a living from

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this land for generations suggesting the land is good agricultural land and likely to be graded at least 3a. SC should have carried out a detailed ALC survey as part of the SLP evidence base; such a survey would likely evidence the land to be of high quality meaning it should be reserved for arable agricultural use on the grounds of sustainability and food security.

12.11 SAMDev plans propose that the Livestock Market will be moved across the A458 from its current site as part of a new industrial site on the south of the A458. It was initially proposed during SAMDev planning to allow employment development around the existing Livestock Market but it was decided that there was a conflict with housing proposals so this was changed to moving the Livestock Market across the A458 and co-locating employment land with it. The Livestock Market was originally relocated from Bridgnorth town centre to its current location in order for it to be an acceptable distance from housing. TW's TGV proposal would, without justification, once again bring the Livestock Market within close proximity of housing.

12.12 TW's proposed TGV site encompasses the site for a proposed industrial poultry unit ("IPU") whose planning application (ref: 17/01033/EIA) is currently being redetermined by SC. If built, the IPU will process 1.5 million birds generating upwards of 4.000 tonnes of manure and emitting around 7 tonnes of ammonia annually. Daily, the IPU will expel obnoxious odours and toxic dust containing hazardous PM2.5 and PM10 particulates untreated into the atmosphere, and prevailing winds will disperse this pollution for kilometres over Bridgnorth Town and surrounding communities. SC first consented the planning application for this proposed IPU back in August 2017, and the Court of Appeal quashed that planning decision in May 2019. The application was submitted for redetermination in June 2019 and it remains a strong possibility that, regardless of SLP proposals, SC will consent this application again long before any TGV dwelling might be built. Regardless of SC's land allocation preferences and TW's and IPU developer's supposed land deal, the simple fact is nobody would ever willingly want to live on, or buy a house in a housing estate next to an operational IPU, or the threat of one, particularly if it has been consented. Until the threat or existence of the IPU is removed entirely, the TGV proposal cannot be considered viable.

12.13 During the TW consultation, TPC informed both TW and SC that parishioners were deeply concerned with the scale of the TGV development and the very short notice before being asked to comment on it. Parishioners considered TW's consultation rushed and poorly advertised, particularly as most only found out about it by word of mouth. TW stated it had been unable to advertise the consultation due to lockdown restrictions. SC did not publicly advertise TW's consultation nor present the draft SLP to the community either. TW took no "*alternative and creative*" steps (see para 11), such as offering telephone consultations, to ensure those digitally disadvantaged in the community had the opportunity to engage in the online consultation. Those who did try to make a representation complained that TW's website collected far too much personal data, and that they were only allowed to make a comment provided they first consented to TW using their personal data in whatever manner it chose. The type of personal data collected and consent required, which likely infringed UK-EU General Data Protection Regulations (GDPR) legislation, reflected that this was indeed a marketing-led promotion rather than a consultation. All this likely dissuaded and discriminated against many in the community from making a comment.

13. On 3rd June 2020, after a 3-day extension, TW closed its consultation on the TGV proposal.

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14. None of the material concerns TPC submitted to TW on the TGV proposal in a representation made on behalf of people already resident in Tasley Parish, were reflected in SC's resultant *'Pre-Submission Draft of the Shropshire Local Plan July 2020'* document bundle published ahead of a Cabinet meeting scheduled for 6th July 2020. There is no evidence that TW shared TPC's representation with SC.

15. On 15 June 2020, during public questions to SC's Cabinet, Cllr David Cooper of Bridgnorth Town Council (BTC) asked: *"At the Cabinet's next meeting on 6th July 2020, the Cabinet is due to consider a draft of the Local Plan for authority to proceed to regulation 19 consultation. Can you confirm that there will be no new proposals for sites, included in the draft plan, which had not been subject to a Regulation 18 consultation?"*

15.1 In response to Cllr Cooper's question, SC stated: *"The contents of the draft Local Plan will be made available on Friday 26th June ahead of Cabinet on 6th July. I therefore cannot confirm the contents at this stage. Should the draft Local Plan include proposed allocations which were not subject to the 'preferred sites consultation' between November 2018 and February 2019 under Regulation 18, the public will have sufficient opportunity to comment on their inclusion through the Regulation 19 consultation."*

15.2 Officers' assertion that a R19 consultation would provide sufficient opportunity to comment on allocations not subjected to *'the preferred sites consultation'* under R18 is not technically correct.

16. When Shropshire Council's Cabinet met on 20 July 2020, a report circulated with the agenda recommended that the Cabinet approve taking the *'Pre-Submission Draft of the Shropshire Local Plan July 2020'* forward to a R19 consultation. However, nearly an hour into the meeting, and after hearing questions submitted by members of the public (which, due to the nature of the meeting, were submitted in advance and read out by an officer of the Council rather than being presented by the questioners themselves), the Portfolio Holder for Housing and Strategic Planning announced that there was a revised recommendation, that the whole draft plan be subject to a further period of consultation under Regulation 18.

17. On 3rd August 2020, SC launched a R18 consultation on the resultant *'August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan'* document bundle.

18. Again, none of the material concerns raised during TW's consultation by TPC on behalf of people already resident in Tasley Parish were reflected in the *'August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan'* bundle.

19. On 29 September 2020, in compliance with SC's R18 consultation process, TPC mapped all relevant material concerns raised in TW's consultation (see points 12.1 to 12.12) to specific policy/para/points in the *'August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan'* bundle, then submitted these as 41 separate representations as objections made on behalf of people already resident in Tasley Parish, each objection submitted using SC's required form.

19.1 SC required each representation be submitted on its Part-B R18 Representation Form and that all completed Part-B forms from a single person/organisation be accompanied by a Part-A Representation Form detailing the person or organisation submitting the representation(s).

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The Part-B Form required the submitter state the specific policy/para/point in the SLP that the representation was commenting on, and whether the representation agreed or disagreed with it.

20. On 30 September 2020, SC closed the R18 consultation on the '*August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*'. No community roadshows, nor their equivalent, to present the draft SLP to the community were held by SC during the R18 consultation.

21. On 27 November 2020, SC published the resultant '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' alongside Cabinet papers ahead of a Cabinet meeting on 7th December 2020, at which officers again recommended Cabinet approve taking the draft SLP forward to R19 consultation.

22. Similar in size and content to the '*August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*' bundle, the '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' document bundle contains 59 documents totalling 5,832 pages with links, 8 of them broken, recursively referencing 93 other documents totalling 2,137 pages with links to a further 1,081 documents with more pages and yet more links to yet more documents, and so on. Based on these metrics, a reasonable estimate is that the draft SLP contains information spread across upwards of 10,000 or more pages.

23. The draft SLP bundle includes a document titled '*Consultation Statement December 2020*' in which is stated (on page 4, para 3.2) under the heading '*Summary of main Issues Raised and how they have been addressed*':

23.1 "*Where there have been objection to the Plan (evidenced in the detailed summary of responses contained in Appendices 1-5 of this Consultation Statement) which have not led to a change to the Local Plan, this does not mean the Council has failed to consider responses.*"

23.2 '*It is the role of the Local Plan to balance the material considerations raised as part of the process against a number of other issues, whether these be other consultation responses, evidence base documents, or the application of national planning policy.*'

23.3 '*It is this 'planning balance' which is central to the Plan making process, with consultation responses informing the approach towards what the Council believes to be a 'sound' Plan when assessed against the requirements of the National Planning Policy Framework and legally compliant (including complying with the duty to cooperate) Plan when assessed against relevant legislation and national policy.*'

24. The plan document included in the draft SLP bundle states (on page 10, para 2.27) under the heading '*Cross Boundary Issues and the Duty to Cooperate*' that: "*Legislation requires Council's preparing Local Plans to undertake a 'duty to cooperate', which makes it a legal requirement for Council's and statutory bodies to work together on strategic cross-boundary issues. In Shropshire's case the County is adjoined by several Local Authority areas, and there are areas beyond this with a functional relationship, most notably the Black Country. Positive conversations with relevant bodies have been ongoing over the course of the preparation of the Plan, and ahead of the submission of the Plan for Examination a full set of Statements of Common Ground will be made available. Where these cross-boundary discussions have led to a direct impact upon the Plan this is outlined in the respective policy or explanatory text.*"

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24.1 This statement is an explicit acknowledgement by SC that all necessary information has not been provided in the draft SLP bundle.

24.2 Stating that the missing information “*will be made available*” acknowledges its significance and implies that it will be provided in the future, presumably for a community consultation.

24.3 Clearly, it is not possible for the community to make an informed comment on information that has been acknowledged as required, but has not been provided.

25. Of the material concerns TPC raised in 41 representations on behalf of people already resident in Tasley Parish (see para 19), it can be evidenced that, with the exception of one concern touched upon but not addressed and another having a stipulation added that did not address the concern, essentially none were reflected in the resultant ‘*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*’ bundle; the two exceptions being:

25.1 ‘*SP3, para 2*’ — SC added the phrase “*promoting the use of renewables and low carbon energy sources*” to the policy paragraph. This change falls well short of evidencing how this or any other policy/para in the SLP would condition future planning applications to ensure this aspiration is delivered.

25.2 ‘*Settlement Policies S3 Bridgnorth Place Plan Area - S3.1(i) Mixed Use Allocations: Bridgnorth Principal Centre - Para (none specified), pages 170-172*’ — SC added a stipulation that “*Before occupation of the first dwelling on the site, any poultry units operating on the site or land within the wider site promotion identified on the Policies Map as a Potential Future Direction of Growth will cease operation.*” This stipulation was added to mitigate a conflict of interest between land allocated for mixed development (ref: BRD030) and a planning application (ref: 17/0133/EIA) for an IPU sited on the same land (see para 12.12).

26. On 1st December 2020, in response to a query from TPC on the number of questions the public could ask Cabinet in its 7th December 2020 meeting, SC stated: ‘*It is one question per person/organisation, and a person can submit a question on behalf of the Parish Council*’, adding that: ‘*it will be read out by the Director of Legal and Democratic Services at the meeting and the Portfolio Holder will provide a response. I confirm that the deadline is 13:00 on Thursday 3rd December but the earlier we receive questions the more likely that a full answer can be provided at the meeting. I will send you the link to a document with responses to all the public and member questions after the meeting*’.

27. On 3rd December 2020, in compliance with SC’s policy (see para 25), TPC submitted one question to Cabinet setting out summarised concerns with the ‘*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*’. The question comprised a preamble (see paras 27.1 to 27.8) setting out material background to the single question it was allowed to ask (see para 27.9), namely:

27.1 TPC notes that of all the material concerns in the 41 representations it submitted in the regulation 18 consultation on the “*August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*”, many relating to the viability of the TGV development, essentially not one, made by representatives of people already resident within Tasley, had been reflected in the ‘*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*’. (See para 25).

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27.2 Stipulations set out in Appendix 2 (page 21) and Appendix 1 (page 183) make clear a conflict of interest between the TGV proposal (ref: BRD030) and the planning application (ref: 17/0133/EIA) for an IPU at Footbridge Farm currently being redetermined by SC (see para 25.1 & 25.2). These statements are an explicit acknowledgment that the operation of an IPU at Footbridge Farm would be detrimental to the residential amenity of nearby dwellings.

27.3 Officers stipulated that should Cabinet approve the R19 Draft SLP, thereby allowing the TGV proposal to proceed to the next stage, and should SC's South Planning Committee consent the IPU planning application, thereby allowing it to be built and operate on the same site as that of the proposed TGV development, then at some time in the future, SC's Public Protection team is guaranteeing to stop the IPU operating.

27.4 The first dwellings on the TGV site would most likely be adjacent to the Ludlow Road, approximately 1.3km away from the proposed IPU site; much further away than existing homes on the Wenlock Rise estate, which is spread between 600 to 1,200 metres from the proposed IPU site, with allocated SAMDev housing even closer. It is therefore unclear how SC could possibly guarantee the protection of future TGV housing, whilst at the same time not guaranteeing similar protection for existing homes when consenting the IPU application.

27.5 It is unclear how the IPU owner would be compensated for the significant investment they would have made in their business prior to the first TGV dwelling being ready for occupancy. It is likely the IPU owner would use every means at their disposal, such as invoking the planning regulation '100 metre rule', to argue that if it was acceptable for the IPU to operate with existing housing 600 metres away, then it must be acceptable for the IPU to continue to operate when TGV housing is 1,300 metres away, or even just 101 metres away. Any lawyer worth their fee should be able to argue the IPU owner's case and win.

27.6 The guarantee proposed by Public Protection officers infers, but does not make explicit, that SC has legal precedent on which to grant planning permission that is conditioned to be revoked on a specific future event, and even if such a precedent did exist, again it is not explicit whether it is actually legally enforceable within planning law. These unknowns are risks, so SC would be well advised to seriously consider the question of compensation before proceeding.

27.7 These material concerns expose a level of uncertainty with the proposal put forward by officers regarding the TGV site's availability, and makes their proposal an unsound basis on which to make a strategic land allocation decision.

27.8 If the IPU planning application is not refused or withdrawn, it puts in doubt the viability of the site for a garden village at Tasley, and gives rise to a sound reason to relocate the garden village development to Stanmore instead, assuming any such large scale development in the Bridgnorth Area is viable.

27.9 Given all this, how can Cabinet be confident that if they approve the draft plan, stipulations set out in the SLP are actually able to guarantee stopping the IPU from operating before the first TGV residence is occupied, particularly as, if passed, planning law would presumably not have allowed SC to guarantee similar protection for much closer existing homes, such as those on Wenlock Rise estate, when it consented the IPU?

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28. On 7th December 2020, the officer responsible for reading out questions from the public to Cabinet's elected decision-makers did not read out the preamble in TPC's question (see para 26.1 to 26.8), instead only the enclosed question (see para 27.9) was read out.

28.1 The audio record of the meeting evidences that questions from Bridgnorth's community-led BPSG (see para 12.3) and local Tasley resident and Parish Councillor Sue Howle were also not read out in full, whereas questions from others containing multiple questions some with lengthy preambles covering other concerns, were apparently read out in full.

28.2 Anyone listening to the meeting, or a recording of it, would not have heard TPC's full question; they would have heard only a fraction of the considered points provided by TPC. Elected decision-makers would not have had their memories refreshed by TPC's question in the same way they had with other other questions that were apparently read out in full.

28.3 Officers told people they could ask only one question; it transpires they could have asked more.

29. The Cabinet Report, published ahead of the 7th December 2020 Cabinet meeting, referred to a document titled '*Supplement 7 Shropshire Local Plan - Appendix 4 07122020 1300 Cabinet*'. According to SC's '*Consultation Statement December 2020*', this Appendix 4 document is part of the SLP consultation evidence-base (see para 23.1).

29.1 The Appendix 4 document lists the content of each response/representation on a policy/site/map in the '*August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*' bundle and whether the response/representation agreed or disagreed with the specified policy/site/map in the draft SLP.

29.2 The Appendix 4 document does not in its '*detailed summary of responses*' evidence, by paragraph or point within a policy, residents' concerns expressed in responses/representations that had or had not "*led to a change to the Local Plan*" (see para 23.1), nor what those changes were, nor where they could be found in the vast draft SLP document bundle (see para 22).

29.3 Cabinet's elected decision-makers, none of whom represent a Tasley or Bridgnorth constituency, were supposed to scrutinise and "*conscientiously consider*" (see para 6.4), as they should, the information provided by officers on residents' concerns in this Appendix 4 document before deciding whether or not to approve officers' recommendation to take the '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' forward for a R19 consultation.

29.4 This sizeable 393-page Appendix 4 document containing voluminous but limited detail in tiny print making it very difficult to read, was not published to Cabinet, or the public, until late on Friday, 4th December 2020, preceding Cabinet's meeting at 1pm on the following Monday, 7th December 2020.

30. On 7th December 2020, Cabinet approved the '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' bundle for the purposes of a R19 consultation.

GROUNDS FOR CHALLENGE

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31. TPC challenges SC's decision to take the 'December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan' (R19 SLP) go forward to R19 consultation on the grounds of:

31.1 Failure to meet the test for soundness.

31.2 Failure to meet the test for legal compliance (including the duty to co-operate).

Ground 1: Failure to meet the test for soundness.

32. The Planning Inspector's Procedure Guide for Local Plan Examinations (see para 5) makes clear:

32.1 *"The plan should identify all the matters which need to be planned for, and provided policies to address them, paying careful attention to deliverability and viability."*

32.2 *"The purpose of preparing a plan is to address all the necessary matters as far as possible, and not defer them to future updates or rely on the Inspector to deal with them at examination."*

33. The R19 SLP explicitly acknowledges that all necessary information has not been provided in the document bundle before it was put out for community consultation (see para 24). Clearly, it is not possible for the community to make an informed comment on information that has been acknowledged as required, but has not provided (see paras 24.3 & 35.4).

Ground 1(a)

34. The R19 SLP has not been 'positively prepared' (see para 4.1) consistent with achieving sustainable development:

34.1 The housing need for the Bridgnorth Place Plan Area (BPPA) cannot possibly have been objectively assessed in the R19 SLP given that a Local Housing Needs Assessment (LHNA) for the BPPA has not been carried out (see para 12.4).

34.2 Based on the housing need assessment produced by the now defunct Bridgnorth District Council in 2006, the BPSG 'Consultation Document' (see para 12.3) extrapolated this assessment to 2036, concluding that 15,168 dwellings would be needed compared to the 16,200 proposed by the draft SLP at the time. BPSG provided all this information to SC, but this has not been reflected in the R19 SLP.

34.3 A 'Statement of common ground' has not yet been agreed with other Local Authorities, under the Duty to Cooperate. This would include agreement on the housing needs of adjacent and other local authorities and the extent to which they do not anticipate being able to meet them. At present, there is no evidence to indicate that all the other local authorities have completed their own housing needs assessments (see para 12.5).

34.4 SC has decided to allocate an additional 1,500 dwellings to meet the needs of other Local Authorities, including the Association of Black Country Authorities (ABCA). Notably, none of the members of the ABCA are neighbouring authorities to Shropshire. It may be more appropriate for Telford and Wrekin to contribute to this need. Furthermore, no evidence has been put

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forward to show that any financial contribution has been agreed with these authorities to cover the additional infrastructure costs that will be needed to provide for the additional 1,500 dwellings (see para 12.5).

34.5 The R19 SLP has not provided evidence to justify SC's policy of uplifting the number of dwellings required by central government by a further 19% (see para 12.5)

Ground 1(b)

35. The R19 SLP has not '*justified*' (see para 4.2) that it is the most appropriate strategy:

35.1 It has not been demonstrated that all reasonable alternatives have been considered, and sufficient, proportionate credible evidence has not been provided. Many strategic documents are either missing or lacking credible evidence. Consequently, it can only be concluded that the R19 SLP cannot be considered '*sound*'.

35.2 BPSG's 2020 Bridgnorth Plan, submitted in representations to SC during its R18 consultation (see para 17), provided a '*reasonable alternative*' for the Bridgnorth Place Plan Area (BPPA). There is no evidence to show that any of this community-led plan has been reflected in the draft SLP (see paras 14, 18, 25).

35.3 TPC were told by SC that the reason officers preferred the TGV over the SGV was that the SGV was sited on Green Belt land whereas TW's late breaking TGV proposal was not, so had to be considered a '*viable alternative*' to the SGV (see para 9.3). This sounds rational where it is not for the fact that the Green Belt land at Stanmore is there to stop urban sprawl from the West Midlands, yet by backing the TGV on prime farmland in Tasley village, officers are simply encouraging urban sprawl between Bridgnorth and Much Wenlock, rather than between Bridgnorth and the West Midlands. The TGV therefore cannot, in any right-minded way, be considered a '*reasonable alternative*' to the SGV given all it does is simply bounce the urban sprawl from one location to a less accessible one a couple of miles away on the wrong side of the road.

35.4 TPC concurs with BPSG's concern that how can the R19 SLP possibly be considered '*justified*' as an appropriate strategy based upon credible evidence (see para 4.2), when at least 10 further items, including strategic assessments, justifications, and plans should be included in the SLP evidence base, have not been provided?

35.5 TPC concurs with BPSG's concern that reasonable alternative plans have been shared with SC, however SC have not engaged with the community when asked to do so during the R19 and previous R18 consultations; no community meetings (even virtually) have been held (see paras 12.13 & 20).

35.6 The SAMDev for Bridgnorth Place Plan Area (BPPA) evidences that little employment land has been delivered over the previous plan period. The R19 SLP provides no credible evidence as to how the proposed new supply proposed will be delivered, or even can be delivered, set against existing allocations (see paras 12.9 & 12.11) in the BPPA. This lack of realistic credible employment land allocation is noticeably absent from the SLP Viability assessment.

Ground 1(c)

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36. The R19 SLP is not 'effective' (see para 4.3) because it is most likely not deliverable over the plan period, namely:

36.1 The R19 SLP includes proposals for a level of development of homes and employment land in the Bridgnorth Place Plan Area (BPPA) which appear to be well in excess of previous delivery levels, and no evidence has been provided to identify that there is a market capacity in Bridgnorth to absorb the proposed level of development nor that a 'Garden Village' approach preferred by officers is appropriate for the area (see paras 12.2, 12.3, 12.5, and 12.7).

36.2 Whilst the Shropshire viability study (HDH Planning and Development, July 2020) does test the financial viability of potential development of both the Tasley and Stanmore Garden Village proposals as 2 of 7 "strategic" housing sites, and suggests that they may be financially viable, this is subject to the caveat at para 10.83 that states: "*In considering these it is important to note that the Council is still working up the assessment of the strategic infrastructure and mitigation requirements for these sites*" and gives a "*best estimate*" of the amount of infrastructure contribution required. It appears that the evidential value of this assessment in supporting a contention that these sites are deliverable within the plan period is low in the absence of an infrastructure plan and (in particular) a strategic transport assessment for the Bridgnorth Place Plan Area (BPPA).

36.3 There is no evidence to suggest that Bridgnorth is an attractive location for new employment development and would be concerned about whether this is realistic given the town's relatively weak connectivity (see paras 12.9 & 35.6)

36.4 TPC concurs with BPSG's R19 comment that "*No credible evidence has been made available demonstrating that sustainable growth, addressing Bridgnorth's low level of employment self-containment, would result from the planned housing and employment land allocations. 757 dwellings were delivered between 2006 and 2019 and whilst there has been some delivery of employment land (on a much lower scale than is now proposed) it is unclear whether local employment has kept pace with household growth. 643 homes provided for under SAMDev remain to be delivered up to 2026 and there remains a significant shortfall in employment delivery.*" (See paras 12.8 & 12.9)

36.5 Notably, the Shropshire Viability Study (HDH Planning and Development, July 2020) indicates the Office and Industrial development are generally considered NOT VIABLE in Shropshire on either Green Field or Brown Field sites (albeit that the viability calculation for "larger industrial" development on green field sites is marginal – Viability Study Appendix 18). Office development in particular will be even less viable in post-Covid Britain when many office workers will retain their home-working status for at least part of the working week as is already being evidenced by companies looking to reduce their office footprints.

37. For the above reasons, the Decision (see para 2) was unsound and should be quashed.

Ground 2: Failure to meet the test for legal compliance (including the duty to co-operate).

38. The 'Gunning Principles' (see para 6) make clear:

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38.1 *“The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees [the community] to provide an informed response”* (see para 6.2).

38.2 *“Decision-makers should be able to provide evidence that they took responses into account”* and crucially, that they had given *‘conscientious consideration’* to the consultation responses before a decision was made (see para 6.4).

39. SC’s own SCI makes clear that the construction of the Shropshire Local Plan *“should be community-led and iterative between residents and itself as the LPA.”* (see para 7).

40. The UK Government *“strongly”* advises LPAs that they *“need to take reasonable steps to ensure sections of the community that don’t have internet access are involved, and consider alternative and creative ways to achieve this.”* (see para 11).

41. Tasley residents welcome new housing developments in their Parish and in Bridgnorth in general, but have deep concerns with the scale of the proposed TGV build; they consider it wholly inappropriate for the area and the environment, its location problematic given it’s sited on the wrong side of the A458 Bridgnorth bypass, the conflicted use of land between the TGV site and the site for a proposed IPU (which the majority in Tasley and Bridgnorth don’t want), the substantive lack of credible evidence justifying TGV’s *‘preferred site’* status (see para 35.3), and missing key assessments (see paras 35.4, 36.4), including assessments of *‘reasonable alternatives’* such as those proposed by the community-led BPSG in its 2020 Bridgnorth Plan (see paras 12.1 to 12.12).

42. TPC, along with many others in the surrounding Bridgnorth area, has consistently, and repeatedly, raised material concerns with SC’s draft SLP on behalf of people already resident in Tasley Parish, arguably one of the most impacted communities should the TGV proposal preferred by officers go ahead (see paras 12, 19, and 27).

Ground 2(a)

43. The SLP document bundle is a vast collection of interlinked documents comprising upwards of 10,000 pages or more of technically nuanced information containing thousands of links, some broken, to an untold number of further pages (see para 22).

44. Residents complained that SC did not provide adequate guidance on how to navigate this vast SLP document bundle nor make the information it contains *‘easily interpretable’*, as it should, *‘for consultees to provide an informed response’* (see para 38.1). Many asked why SC were not doing virtual roadshows to help the community better understand the content and how to navigate the bundle to find the content they are interested in making a comment on.

45. One Tasley resident, when expressing concern over how officers could possibly expect lay people, which includes elected decision-makers, to be able to *‘intelligently’* make *‘an informed comment’* on the information provided without some form of guidance, described the SLP as *‘an overwhelming tsunami of unfathomable information held back by an impenetrable wall of documents with links, some broken, to yet more unfathomable documents’*. And it has to be said that TPC has much sympathy with that view.

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46. Contra to strong advice from central government (see para 11), SC did not present the *'August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan'* to the community during the R18 consultation.(see para 20). It can only be concluded that this lack of presentation to the community will have dissuaded many from making a representation.

47. SC did however provide a *'How to get Involved'* webpage describing how to complete SC's R18 Part-A and Part-B Representation Forms (see para 19.1) and where to send them once completed, but there are issues with these forms, namely: .

47.1 These forms contain copy-protected elements; any attempt to save changes before removing the copy-protection resulted in all changes being discarded. TPC discovered, by trial and error, that to make the form usable, its elements had to have their copy-protection removed and the document saved without changes, then reopened and changes made before saving it again. It can only be concluded that this unnecessary, counter-intuitive, and unpublished process will have dissuaded many from making a representation.

47.2 The obfuscated way SC's R18 and R19 consultations are presented appear almost designed to make it as difficult as possible for people to take part; there is a vast quantity of information spread across numerous interlinked documents containing thousands of pages without any adequate guidance on how to navigate this information nor easily interpret what's there.

47.3 Without such guidance, how can lay people in the community possibly make an informed response to the SLP particularly as each representation has to be made on a separate form and relate to a specific part of a policy, site, or map within the vast SLP bundle.

47.4 To exacerbate matters, these representation forms, which are decidedly not 'user-friendly', control what people are allowed to comment on, they do not invite nor provide space for overall thoughts and opinions or ideas that do not fit into SC's existing policies and paragraphs; they do not allow people to comment on anything not in the SLP.

47.5 Officers admit the SLP has gaps (see para 24); it is missing vital information on strategic assessments, viable options, and infrastructure plan, so how can anyone restricted to using these representation forms possibly make an comment on what is known to be missing in the SLP, let alone what they think should be included but isn't?

48. How can the information provided in the August 2020 R18 SLP possibly be considered *"available, accessible, and easily interpretable for consultees [the community] to provide an informed response"* (see para 38.1), when there's no adequate guidance on it, no community presentation on it, and key information that's supposed to be in it has not provided (see paras 24, 35.4, and 36.4)?

Ground 2(b)

49. Under the auspices of SC, TW carried out a rushed and inadequate consultation on its TGV proposal in a manner that likely dissuaded and discriminated against sections of the community from making a comment (see paras 9, 9.1, 9.2, 9.3, and 12.13).

50. None of the material concerns submitted by TPC to TW on behalf of people already resident in Tasley Parish (see para 12.1 to 12.12) were reflected in SC's resultant *'Pre-Submission*

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Draft of the Shropshire Local Plan July 2020' document bundle. There is no evidence that TW shared TPC's submission with SC (see para 14).

51. Officers may well contend that once they realised the TW consultation was inadequate, they took action to remediate the problem (one they had created) by carrying out another R18 consultation, which should have been done in the first place. This would seem reasonable, even laudable, were it not for the fact that regardless of the TW consultation's obvious failings (see para 12.13), officers still recommended Cabinet approve taking the draft SLP to R19 consultation (see para 16).

52. Officers asserted that "*proposed allocations which were not subject to the 'preferred sites consultation' between November 2018 and February 2019 under Regulation 18 [i.e., the TGV], the public will have sufficient opportunity to comment on their inclusion through the Regulation 19 consultation.*" (see paras 15.1 and 15.2). It can only be concluded that the intent was to ensure the TGV was legitimately included in the SLP without carrying out another R18 consultation on it thereby hastening its progress to R19 consultation (see paras 9.3, 16, and 21).

53. It was only after the scope of an R19 consultation had been misrepresented to the public (see para 15) that Cabinet decided a further R18 consultation was required, presumably to legitimise the late introduction of the Tasley mixed development as a new '*preferred site*' (see para 9).

Ground 2(c)

54. Of the material concerns raised by TPC on behalf of people already resident in Tasley Parish during the subsequent R18 consultation, with the exception of one concern touched upon but not addressed and another having a stipulation added that did not address the concern, effectively none had '*led to a change to the Local Plan*' (see para 23.1) in the R19 SLP (see paras 14, 18, and 25).

55. It can only be concluded that the material concerns raised by TPC were either not '*conscientiously considered*' as they should have been by officers (see point 6.4), or that officers did consider them but deemed them irrelevant.

56. Officers may well contend they had '*conscientiously considered*' Tasley residents' concerns given that two of them had '*led to a change to the Local Plan*' (see para 23.1). This would seem plausible were it not for the fact that, after much research given the consultation evidence-base's limitations (see Ground 2(d)), it transpired that the resultant changes made to the SLP did not actually address the specific concerns TPC had raised (see para 25).

Ground 2(d)

57. According to SC, a document titled '*Supplement 7 Shropshire Local Plan - Appendix 4 07122020 1300 Cabinet*' (Appendix 4) should have contained "*a detailed summary of responses*" laying out responses/representations expressing residents' concerns received during the R18 consultation on the '*August 2020 Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*' (see para 29). Appendix 4 lists the content of each response/representation received and whether it agreed or disagreed to a specified policy/site/map in the SLP (see para 29.1).

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58. Appendix 4 does not evidence, by paragraph or point within a policy, whether residents' concerns expressed in a response/representation had or had not "*led to a change to the Local Plan*" (see paras 23.1 & 29.2), nor what those changes were, nor where they could be found in the vast SLP document bundle (see para 22).

59. Without this detailed evidence, how could anyone possibly be confident that residents' concerns had been '*conscientiously considered*' (see para 6.4) by officers when preparing the resultant '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' before recommending to Cabinet to approve taking it forward to R19 consultation?

60. Without this detailed evidence, how could Cabinet's elected decision-makers possibly be confident that "*this 'planning balance' which is central to the Plan making process, with consultation responses informing the approach towards what the Council believes to be a 'sound' Plan*" (see para 23.2), or that residents' concerns had been '*conscientiously considered*' (see point 6.4) by officers when preparing the resultant '*December 2020 R19 Pre-Submission Draft SLP*'?

61. SC Cabinet's elected decision-makers, none of whom represent a Tasley or Bridgnorth constituency, were supposed to scrutinise and '*conscientiously consider*' (see point 6.4), as they should, the information on residents' concerns provided in Appendix 4 before deciding whether or not to approve officers' recommendation to take the '*December 2020 Regulation 19: Pre-Submission Draft of the Shropshire Local Plan*' forward for a R19 consultation (see para 29.3).

62. The sizeable 393-page Appendix 4 document containing voluminous but inadequate detail, written in very small print making it very difficult to read, was not published to Cabinet, or the public, until late on Friday, 4th December 2020, preceding Cabinet's meeting at 1pm on the following Monday, 7th December 2020 (see para 29.4).

63. Give the late publication of this voluminous and unwieldy Appendix 4 document, and the limited information it contains (see para 29.4), how could elected decision-makers possibly be confident that they were fully apprised of residents' concerns, as they should, or how could they have possibly scrutinised in detail, as they should, that residents' concerns had been '*conscientiously considered*' by officers when preparing the '*December 2020 R19 Pre-Submission Draft SLP*' prior to deciding whether to approve officers' recommendation to take the draft R19 SLP forward to R19 consultation (see para 33.4)?

Ground 2(e)

64. In compliance with SC's policy (see para 26), TPC submitted one question to Cabinet's elected decision-makers setting out some key concerns with R18 consultation and the resultant R19 SLP. The question comprised a preamble (see paras 27.1 to 27.8) setting out material background to the single question it was allowed to ask (see para 27.9).

65. None of the material concerns raised in TPC's written question to SC's Cabinet were presented by officers to Cabinet's elected decision-makers at its meeting on 7th December 2020 (see para 28).

66. Officers may well contend they had read out TPC's question in full (see para 27.9) omitting only the preamble because it was not a question. This might seem plausible were it not for the fact that the audio record evidences questions from other parties containing multiple questions,

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some with lengthy preambles covering other concerns, apparently being read out in full (see para 28.1).

67. Anyone listening to the meeting, or a recording of it, would not have heard TPC's full question; they would have heard only a fraction of the considered points provided by TPC. Elected decision-makers would not have had their memories refreshed by TPC's question in the same way they had with other other questions that were apparently read out in full (see para 28.2).

68. Officers told people they could ask only one question; it transpires they could have asked more (see para 28.3). Had they done so, it would likely have contributed to a better informed discussion between Cabinet's elected decision-makers, and might easily have influenced their decision on the day whether to approve officers' recommendation to proceed to a R19 consultation.

CONCLUSION

69. Elected decision-makers in SC's Cabinet cannot possibly have scrutinised the work done by officers when they read the evidence presented to them of resident's concerns (see para 57) before they decided to approve the R19 draft SLP to go forward to R19 consultation (see para 30), because to be have been able to do so to the level needed, they would have had to have known which paragraph or point in the SLP a concern referred to, and whether officers had made any changes to the R19 draft SLP based upon that concern.

69.1 As it stands, Appendix 4 (see para 57) evidencing residents' concerns does not provide this information (see para 58).

69.2 As a consequence, elected decision-makers were unable to do their job of conscientiously scrutinising whether public concerns were taken into account when officers prepared the R19 draft SLP. This lack of knowledge did not allow an informed discussion to take place at the 7th December 2020 Cabinet meeting.

69.3 This large, difficult to read, Appendix 4 key document was not published until very late in proceedings (see para 62) effectively guaranteeing that it could not be conscientiously scrutinised to the level necessary to be able to make an informed decision, or make an informed response (see paras 38.1 & 38.2).

69.4 Furthermore, the inconsistency in the way officers read out public questions again stymied informed discussion at the Cabinet meeting (see Ground 2(e)).

69.5 Nothing at the Cabinet meeting resulted in any changes to the published R19 SLP bundle (see para 21). All that Cabinet meeting did was rubber stamp the officers' R19 SLP document bundle.

69.6 It can only be concluded therefore that SC's consultation process, which includes public questions to Cabinet, was officer-led not community-led because elected decision-makers, who represent communities' interests, were kept in the dark and therefore unable to make an informed decision.

70. The apparent failure to substantively address even one of Tasley residents' concerns in successive consultations (see paras 50 & 54), the lack of adequate guidance (see para 44), the

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user-hostile and restrictive R18 representation forms (see point 47), the lack of presentation to the community (see paras 35.5 & 46), the haste to go to R19 consultation come what may (see paras 51 & 52) even with missing and substandard assessments (see paras 35.3, 35.4, and 36.4), has led many to believe that the TW and R18 consultations are just *'box-ticking'* exercises to *'rubber stamp'* what was already a *'done deal'* on the TGV development regardless of what the communities most impacted have to say. All this likely dissuaded and discriminated against many in the community from making a comment. And based on the facts presented here, TPC has to say it finds much merit in that view.

71. It can only be concluded that SC must have considered that not even one of TPC's concerns to be material or germane to the Garden Village model it is so determined to impose on the Tasley and Bridgnorth communities.

73. SC says its SLP is community-led. Officers say they have assessed all viable options, and that the only option they consider viable for the Bridgnorth area is a Garden Village model, which the community keeps telling them is too big for the area; it's on the wrong side of the road for a start (see paras 12.2 & 35.3).

74. SC appears so fixated on a Garden Village model, it has blinded itself to other options in Bridgnorth that are community-led and capable of being delivered without the need of a national builder, which SC seems so convinced is the only developer capable to deliver a Garden Village when, in the case of Bridgnorth, a Garden Village is not necessary, and is certainly simply too big for the area.

75. SC appears to have ignored BPSG's Bridgnorth Plan, which is community led. It has ignored all TPC's representations, which have told them the TGV development is too big for the area. Notably, not one elected decision-maker in SC's Cabinet represents the Bridgnorth area.

76. SC should not need to be reminded that it manages the SLP on behalf of the community it is paid to protect and serve, and the community is consistently telling SC they've got it wrong. Yet, the draft R19 SLP published after the R18 consultation continues to evidence that SC has not listened to residents of the community they are imposing a Garden Village on. SC is responsible for setting out, at a strategic level, policies in the SLP that condition developments in Shropshire, but it is the community who should be shaping it at the tactical implementation level. After all, it is the community who will be most impacted by the SLP for generations to come, certainly long after officers and elected decision-makers, whose time is transitory, have moved on.

77. According to the *'Gunning Principles'* (see para 6), for SC's R18 consultation on the August 2020 R18 draft SLP to be considered *'legitimate'*, the information provided by SC must *'relate'* to the SLP, it must be *'easily interpretable'* so *'consultees'* (i.e, residents or their representatives) can *'intelligently'* consider the information and *'provide an informed response'* in a timescale that *'can vary depending on the subject and extent of impact of the consultation'*. Responses (i.e, representations), which express concerns that consultees have with the SLP, must be *'conscientiously'* (i.e, thoroughly and responsibly) considered by officers when preparing the December 2020 R19 draft SLP.

78. SC needs to comprehend that these requirements for a consultation to be considered legal (see para 6) will not be met simply by virtue of a consultation having been conducted. SC

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needs to realise that its approach throughout has actually prevented effective consultation and informed decision-making (see Ground 2).

79. Based on the facts provided in this representation, and conclusions derived from them, it can only be concluded that the R19 draft SLP fails the test for soundness (see Ground 1), and that SC's R18 consultation failed to meet all the 'Gunning Principles' (see Ground 2) therefore must be considered legally unsound too.

80. For the above reasons, the Decision (see para 2) was unsound, and should be quashed.

(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.

In response to its request as to how to address the matters raised in Q4, TPC recommends Shropshire Council act upon the following:

1. Adopt BPSG's community-led Bridgnorth Plan into the SLP in lieu of unilaterally imposing a Garden Village model in the Bridgnorth area.
2. Provide all the information requested by BPSG in its R19 submissions.
3. Fully engage with the community.
4. Provide informative guidance on the SLP, with a variety of realistic examples, to enable people to make an informed response to it.
5. Improve the usability of the R18 and R19 Part-B Representation forms, and extend the R18 form to allow space for ideas, opinions, and suggestions not necessarily tied to an existing policy/site/map in the SLP.
6. Extend the Appendix 4 consultation evidence base document to include fully informative details of changes resulting from responses received during a consultation, and improve its usability by using a larger font size.
7. Do not take on Black Country (ABCA) housing needs; all areas, including Shropshire should look first toward utilising empty office space instead.
8. Remove or reduce SC's policy of uplifting central government's housing requirement by 19%.
9. If SC must put a Garden Village somewhere, then a realistic position could be the Charlton / Overley areas to the East of Shrewsbury as there are direct and excellent road links (A5) to Shrewsbury and the M54 to Telford and beyond to the West Midlands. The railway line

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is very close, and a new park and ride railway station would bring easy access to Shrewsbury, Telford and the West Midlands.

10. Do whatever is necessary and sufficient to put right an unsound R19 draft SLP and an unsound R18 consultation on its predecessor.

(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:

We hope that our concerns over the failure to be legally compliant, due to failure to meet the requirements of the Statement for Community Involvement, can be overcome, preferably in the way proposed above. We are committed to working constructively with SC to achieve this. If it cannot be achieved, then we would wish to participate in the hearing session(s) and present more supporting material.

(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:

W.S. Griffiths

Date:

26/02/2021

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