

Representation Form: Guidance Note (Updated 26th January 2021)

1. Introduction

- 1.1. Shropshire Council has published the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and its supporting documents to invite representations from all parties on compliance with all legal requirements, including the duty to co-operate, and soundness. Representations must be received by **5:00pm on Friday 26th February 2021 (period extended in response to the current lockdown restrictions, which came into force on the 5th January 2021)**.
- 1.2. Following this consultation, it is intended that the Shropshire Local Plan will be submitted to the Planning Inspectorate for examination (subject to representations received during this consultation and subsequent necessary approvals).
- 1.3. The *Planning and Compulsory Purchase Act 2004*, as amended, (PCPA) states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Planning Inspector will consider all representations made by **5:00pm on Friday 26th February 2021 (period extended in response to the current lockdown restrictions, which came into force on the 5th January 2021)**.
- 1.4. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. As such we cannot accept anonymous representations and you must provide us with your name and contact details.
- 1.5. Personal data will be processed in line with our [Planning Policy Privacy Notice](#). Representations will be published on the **Shropshire Council Website** alongside the name and post town of the representor. Shropshire Council will also make sure the names and full addresses of those making representations can be made available and taken into account by the Inspector.

2. Planning Inspectorate Guidance

- 2.1. The scope of the examination is set by the provisions of the PCPA. The following guidance is adapted from the Planning Inspectorate's guidance note to assist in understanding the terms used.

Legal Compliance and Duty to Co-operate

- 2.2. You should consider the following before making a representation on legal compliance:
 - a. The plan should be included in the Local Planning Authorities (LPA's) current Local Development Scheme (LDS) and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.

- b. The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
 - c. The LPA is required to provide a Sustainability Appraisal (SA) report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
 - d. The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].
- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:
- a. Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
 - b. Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

Soundness

- 2.4. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:
- a. **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b. **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c. **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d. **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.
- 2.5. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:
- a. Is the issue with which you are concerned already covered specifically by national planning policy?
 - b. Is the issue with which you are concerned already covered by another policy in this plan?
 - c. If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
 - d. If the plan is unsound without the policy, what should the policy say?

General advice

- 2.6. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 2.4 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.
- 2.7. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.
- 2.8. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 2.9. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

3. Making Representations

- 3.1. Shropshire Council has also produced the following guidance to assist in making representations effectively.

Published Documents

- 3.2. The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan identifies a vision and framework for the future development of Shropshire to 2038; addresses needs and opportunities in relation to housing, the local economy, community facilities and infrastructure; and seeks to safeguard the environment, enable adaptation to climate change and helps to secure high-quality and accessible design. It contains:
 - Draft strategic policies which set the priorities and framework for the Local Plan;
 - Draft 'strategic' implementation policies and more 'detailed' draft policies for managing development;
 - Draft settlement policies which provide draft strategies and draft guidelines for the settlements of Shropshire, including where appropriate identifying draft proposed site allocations; and
 - Draft strategic settlement and draft strategic site policies which identify these draft proposed sites and provide draft strategies and draft guidelines for their development.
- 3.3. A Regulation 19: Pre-Submission Draft of the Policies Map, consisting of a draft Overview Map for Shropshire and a range of more detailed draft Inset Maps, has also been prepared alongside the Regulation 19: Pre-Submission Draft of

the Shropshire Local Plan. The Regulation 19: Pre-Submission Draft of the Policies Map illustrates where locational specific draft policies apply and the location of draft proposed site allocations.

- 3.4. In addition to the Pre-Submission Draft of the Shropshire Local Plan, Shropshire Council is also seeking representations on:
 - The Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, which assesses the extent to which the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan will help to achieve relevant environmental, economic and social objectives, when judged against the alternatives.
 - The Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, which considers the impact on internationally designated nature conservation sites.
- 3.5. When making a representation on the Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or the Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, please indicate whether you consider that the representation means the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is or is not legally compliant, sound and compliant with the duty to cooperate.
- 3.6. If the representation on the Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or the Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, you should set out clearly in what way you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 2.4 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan should be modified.
- 3.7. The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan has also been subject to an Equality and Social Inclusion Impact Assessment.
- 3.8. Extensive supporting documents and evidence has been prepared to inform the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan.
- 3.9. **Representations can be made on any of the supporting documents and evidence by relating them to the resulting paragraph, policy (including its explanation), site or policies map in the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan.**
- 3.10. A Statement of Representations Procedure, Consultation Statement and Consultation Plan have been produced to inform this consultation, in line with the standards set out in the Council's published and emerging Statement of Community Involvement (SCI) and national guidance.

Viewing Published Documents

- 3.11. **The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and its supporting documents are available to view on the Shropshire Council website.**
- 3.12. *Please Note: Until the lockdown restrictions came into force on the 5th January 2021, the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and*

its supporting documents were also available to view electronically using available computer/tablet facilities at the 'Shropshire Local' Shop in the Darwin Shopping Centre, Shrewsbury; at specified Shropshire Libraries (Albrighton, Bayston Hill, Bishop's Castle, Bridgnorth, Broseley, Church Stretton, Cleobury Mortimer, Craven Arms, Ellesmere, Gobowen, Highley, Ludlow, Market Drayton, Much Wenlock, Oswestry, Pontesbury, Shifnal, Shrewsbury, Wem and Whitchurch); and at the Council's main office at: Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND, during each facilities specified opening times and subject to the availability of computer/tablet facilities, use of which may have been by appointment.

- 3.13. *Hard copies of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan was also available to view at the above Shropshire libraries and Shropshire Council's main office at 'The Shirehall', during each facilities specified opening times, subject to availability and in some instances by appointment.*
- 3.14. **However, as a result of current lockdown restrictions, which came into force on the 5th January 2021, it is not currently possible to use computer/tablet facilities at the 'Shropshire Local' shop; Shropshire libraries or Shropshire Council's main office 'The Shirehall', to view the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and its supporting documents. It is also not possible to view hard copies of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan at the Shropshire libraries or Shropshire Council's main office 'The Shirehall'.**
- 3.15. If these restrictions are lifted to the extent that they allow these facilities to re-open to the public, then these opportunities to view the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and its supporting documents will again become available (subject to compliance with any other Covid 19 related restrictions). Any changes to the availability of these facilities will be documented on the Shropshire Council Website: <https://shropshire.gov.uk/get-involved/Reg-19-Pre-Submission-Draft-Local-Plan>.
- 3.16. In the absence of access to these facilities, if you wish to view the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan and its supporting documents, in the first instance please seek to view them on the Shropshire Council Website using the above links.
- 3.17. If you do not have access to the internet, Shropshire Council can, on request, provide a paper copy of all or part the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan document and the two-part representation form in the post. In these circumstances please call the following number: 0345 678 9004.
- 3.18. To ensure the best use of resources Shropshire Council will consider requests for paper copies of all or part of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan document and the two-part representation form on a case by case basis and may be required to apply a charge in order to cover costs of printing and postage.

Making Representations

- 3.19. In response to the current lockdown restrictions, which came into force on the 5th January 2021, the representation period has been extended. The representation period now runs from Friday 18th December 2020 - Friday 26th February 2021. **All representations must be made by 5:00pm on Friday 26th February 2021.**

- 3.20. A two-part Representation Form, adapted from the Planning Inspectorate's model form, will be available for all interested parties to complete and submit.
- **Part A Representation Form:** Personal details (need only be completed once).
 - **Part B Representation Form:** Your response(s) (please fill in a separate Part B Representation Form for each representation you wish to make, relating it to the relevant paragraph, policy (including its explanation), site or policies map).
- If when completing the Part B Representation Form you require more space than allowed, please continue on a separate sheet and submit it alongside the Part B Representation Form. If you are completing more than one Part B Representation Form, please ensure it is clear to which Part B Representation Form any additional sheets relate.*
- 3.21. Completed Representation Forms and other correspondence can be submitted by emailing: Planningpolicy@Shropshire.gov.uk
If submitting your own response, please enter your last name in the subject field of the email;
If submitting a response on behalf of a client, please enter their last name in the subject field of the email.
- 3.22. Completed Representation Forms and other correspondence can also be submitted by post to: **Shropshire Council, Planning Policy & Strategy Team, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**
- 3.23. **Our preference is for people to respond using the two-part Representation Form via email to: Planningpolicy@Shropshire.gov.uk**
- 3.24. **Please Note:** We cannot accept anonymous representations. You must provide your name and contact details. Your personal data will be processed in line with our [Planning Policy Privacy Notice](#).