Emails to Eddie West re. Clive settlement designation.

RE: Local Plan, Clive parish settlement designation

Edward West
Sun 10/01/2021 19:58
To:

- '

Cc:

- Simon P. Jones
- Dan Corden

Dear Lydia,

Please see below in red responses to your questions.

Kind regards,

Eddie

Eddie West
Interim Planning Policy and Strategy Manager
Shropshire Council
Tel
e-mail:

From: L Bardsley
Sent: 18 December 2020 15:56
To: Edward West
Cc: Robert Macey ; Peter Nutting ; Simon P. Jones ; PATERSON, Owen ; Dan Corden

Subject: Local Plan, Clive parish settlement designation

Dear Eddie,
I hope you are keeping well? Following on from our question which was considered at the Shropshire Council cabinet meeting on 7th December, the Parish Council has asked me to write to Shropshire Council with a few queries, and to repeat our request for the inaccurate points allocation for Clive to be adjusted. In order to give us time to consider and discuss the information in your response, draft, agree, and submit our formal response to the regulation 19 consultation, we would need to have a response to this email by 8th Jan 2021. We are hoping to meet again on 11th January to agree next steps, so given office closures

and annual leave over the Christmas holidays, we hope you agree that 8th Jan is a reasonable amount of time for a response.

Firstly, please could someone send me a copy of the document that explains the difference between a minor and major modification to the Local Plan, as we are not currently clear on whether a change to Clive's settlement status would be classed as a minor or major modification to the Local Plan. It is important for us to be absolutely clear on the distinction as it will impact how, and to whom the Parish Council will send its comments regarding the Local Plan.

There is no specific definition of what exactly constitutes a minor or main modification, or where the distinction lays. However, in general Minor Modifications are considered those modifications which do not materially affect the draft Local Plan's policies. Main Modifications are those modifications which materially affect the draft Local Plan's policies and are only made if they are necessary to make a plan sound and/or legally compliant, provided a specific request is made by the Local Planning Authority for such modifications to be recommenced by the relevant Planning Inspector.

In my view, a change to status of Clive as a Community Hub would fall into the Main Modifications category and therefore we would be unable to propose it before we submit for Examination.

However, it is important here to set out the role of the Examination, and the choices before a Planning Inspector. In essence the Inspector can conclude one of the following:

1) Agree the Plan is sound without the need for any Main Modifications;
2) Agree the Plan is sound as long as one or more Main Modifications are made;
3) Find the Plan unsound

In line with the vast majority (if not all) previously adopted Plans, I consider it highly likely the Inspector will require Main Modifications to be made. This is entirely normal and the regulations specifically allow this to happen.

So, under one scenario, if you or others where to object to the Plan on soundness grounds, these objections would go to the Planning Inspector and he/she has the opportunity to review. The Examination itself is made up of a period of written communication between the Inspector and the Authority, where the Inspector will raise a number of questions for the Authority to answer. All this is done in public. The Examination is then very likely to have a number of public hearing sessions, to allow these issues to be discussed in a 'round table' environment. Objectors can be invited to relevant sessions at the request of the Inspector. Through these communications and hearing sessions the Inspector could suggest areas of the Plan she/he is considering Main Modifications and invite the LPA to propose these Main Modifications for he/she to consider.

Hopefully this provides some reassurance that the role of the Examination offers an opportunity for Main Modifications to be introduced and therefore more significant changes can be made before adoption.

Secondly, we would also like to ask why the points assessment methodology (Hierarchy of settlements) is not being applied consistently to all settlements? At the public meeting in Jan 2019 and in subsequent emails to the Parish Council, you did emphasise several times that the hierarchy of settlements methodology had been consulted on and approved, and was being applied consistently across all settlements in the county. You also repeatedly assured the community that if any settlement lost or gained a service or amenity at any

point during the Local Plan review process (before the Local Plan is submitted to the inspectorate), that points would be adjusted accordingly. Consequently, if a settlement were to fall below the 48-point threshold, we were assured that they would automatically default back to Open Countryside (with the option to become a Community Cluster by choice). The Parish Council and community are therefore deeply dismayed that this consistent methodology is not being applied in Clive's case.

As advised within our response to the question at Cabinet on the 7th December 2020, we consider that the Hierarchy of Settlements has been applied on a consistent basis, and where appropriate has responded to changing levels of provision locally. The current scoring for Clive includes the bowling green as an outdoor sports facility and the convenience store.

With regard to the bowling green, whilst it is recognised there is no active club currently using this space, this facility remains included within the Council's published Open Space Needs Assessment, and the removal of this facility will therefore need to be tested against either current or emerging Local Plan policy which, amongst other things, needs to show this facility is surplus to requirements. This is in line with general advice from Sport England. To this end, officers feel it continues to be appropriate to include this facility in the assessment.

With regard to the convenience store, whilst officers have received recent correspondence from the owner that he is not seeking to re-let following the recent departure of his tenant in October 2020, this has only very recently become the case, and indeed he has also confirmed that until October he was actively seeking to let the facility. Without further evidence of marketing more widely or suitable assurances about the potential future uses for the facility, on the balance of judgement it is felt it would therefore be premature to delete this facility from the assessment.

Whilst this is the current position of officers, it is recognised that the Council's methodology does require continued review, especially in light of any potential change to service provision resulting from the Covid 19 pandemic. The ongoing consultation on the Regulation 19 version of the Shropshire Local Plan provides Town and Parish Councils an opportunity to indicate if they consider the Council's approach to the identification of Community Hubs is 'sound'.

Clearly, as part of the Reg 19 consultation, you and others have the ability to raise soundness issues on any part of the Plan, which could be the methodology and application of the Hierarchy of Settlements document. To reiterate the points made above, the Examination process would then allow for the potential for Main Modifications to be made if necessary.

For the avoidance of any doubt, ahead of the adoption of the Local Plan (expected in 2022 following the Examination) Clive village continues to be classified as 'Countryside' for the purposes of decision taking in line with the currently adopted Local Plan.

With specific regard to the inclusion of the former bowling green in Clive's points score under the heading of "outdoor sports facility", as you are aware, no such facility has existed in Clive for over 2 years since the change in ownership of Clive Hall. That specific plot of land now exists as a private lawn for the owners' personal use, and is not accessible to the public, a fact that is supported by our ward Councillor Simon Jones. The bowling club which had previously used the green at Clive Hall were formally notified by the agents prior to the change of ownership that the club would no longer be able to access the land, as the owners were keeping it as private property. It is therefore incorrect to include (and score)

this piece of land as an outdoor sports facility for Clive, as this facility no longer exists. It is precisely because of the lack of outdoor sports facility that the Clive bowling club members have been using the bowling green at Preston Brockhurst for the last 2 years.

Clive Parish Councillors discussed the loss of the bowling green with yourself following the change of ownership of Clive Hall, and back then the Planning department agreed with the logic of removing the points for an outdoor sports facility from Clive's settlement score. We were therefore surprised and confused as to why the former bowling green had been added back on to Clive's points score under the regulation-19 draft Local Plan. We note that Cabinet's formal response to our question on 7th Dec refers to the former bowling green's inclusion in the published Open Space Needs Assessment (which dates from before the change of ownership of Clive Hall), and a need for the Parish Council to evidence that the former bowling green is surplus to requirements in order to remove it from Clive's points score. However, it is not possible to prove that the land is "surplus to requirements", as the outdoor sports facility simply does not exist anymore. Logically therefore it should not be counted in Clive's points score, and we urge Shropshire to remove it.

Whilst I appreciate this has been discussed before, the bowling club has consistently been included within the scoring for the settlement at each consultation stage. The above answer sets out the rationale for why this facility has continued to be included. You have the ability to raise this as a point of soundness in your representation(s) to the Reg 19 Plan, and the Examination process then has the ability to consider this, and should the Inspector agree with the points raised, a Main Modification can be suggested at that stage.

With regard to the village shop, we understand that the owner of 7a High Street (formerly Clive Village Stores) has already written on a number of occasions to notify you that the shop closed on 16th October 2020, that there are no plans to renew the tenancy of the shop business, and nor do they intend to let the building out as a shop in the future. We feel that this alone should be sufficient justification to remove the shop as an amenity from Clive's point's score, and the Parish Council questions whether other settlements that have lost amenities have had to go to such lengths in order to prove the non-existence of an amenity. That being said, we understand that the owner of 7a High Street is in discussions with architects to convert the building into a residential annex, and that a change of use planning application is imminent. Again, as this amenity no longer exists (and will not revert to a shop in the future), logically it should not be included in Clive's points score.

The rationale for the continued inclusion of the shop in the scoring is dealt with above, and again I would stress that you have the ability to raise this as a point of soundness in your representation(s) to the Reg 19 Plan, and the Examination process then has the ability to consider this, and should the Inspector agree with the points raised, a Main Modification can be suggested at that stage.

I would equally point out that the Regulation 19 consultation also provides an opportunity for other parties to raise concerns of soundness on the Plan’s application of the Hierarchy of Settlements document from the other angle, i.e. that we may have not included a service or facility in the scoring.

As we have stressed on previous occasions, the loss of both these amenities is not temporary, and if Shropshire Council's methodology of adjusting settlement scores

according to the loss or gain of amenities or facilities is being applied consistently, then logically Clive should lose 7 points for the shop and outdoor sports facility, and drop to 47 points. As this is below the threshold for Community Hub status, then logically Clive should revert to open Countryside (with the option to become a Community Cluster by choice).

We do understand that Shropshire Council is under pressure to ensure their Local Plan includes sufficient land supply and housing allocations to meet their housing targets, however Community Hubs are supposed to be assessed and designated on the basis of being 'sustainable communities', i.e. they have sufficient services and amenities to support both existing residents plus an appropriate amount of additional housing. By the logic of Shropshire Council's own Hierarchy of settlements methodology, without the shop and outdoor sports facility, Clive does not have enough services and amenities to be considered a sustainable community, and we therefore strongly urge Shropshire Council to reconsider Clive's designation as a Community Hub. Conversely, we also believe that there are that some particularly sustainable Community Hubs in the vicinity of Clive, that would be happy to accept additional housing allocations beyond what has been originally proposed by Shropshire Council. On that basis, if Shropshire Council agrees to adjust Clive's points score, with the result that Clive drops out of Community Hub status, then we are confident that the additional housing in these other settlements would easily compensate for the loss of housing allocations in Clive.

On a separate point of information (which is hopefully irrelevant if Shropshire Council agrees to adjust the points score for Clive), we would also like to point out that, although the housing development guideline figure for Clive in section S.17.2 of the regulation 19 draft Local Plan is listed as 30 houses (20 allocated, the remainder as windfall), Schedule A5(ii): Residential Guidelines and Residential Supply within the Community Hubs (starting on page 346) still shows a total residential development guideline of 40 houses for Clive (pg. 347). We did flag up this error at the last stage of consultation and were assured that it was an oversight and would be corrected to 30, but this has not yet been changed in the regulation 19 version of the Local Plan.

Thank you for making us aware of this matter. Please do include this as part of your wider representation on the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan. This would be dealt with as a Minor Modification as it relates purely to internal consistency.

Thank you for taking the time to consider this information and we look forward to hearing from you in January. In the meantime, if you would like to discuss any of this further please do not hesitate to get in touch.

Kind regards,

Miss Lydia Bardsley
Clerk to Clive Parish Council

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Re: Local Plan, Clive parish settlement designation

L Bardsley
Fri 08/01/2021 14:23
To:

- Edward West

Cc:

- Simon P. Jones
- Dan Corden

Hello Eddie,
I hope you had a safe and pleasant Christmas and New Year. Just checking if you are still able to respond to our email (from 18th Dec) today as previously agreed, as we will be holding an extra ordinary meeting on Monday 11th Jan to discuss next steps.

Thanks very much in advance, and all the best.

Kind regards,

Miss Lydia Bardsley
Clerk to Clive Parish Council

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From: Edward West
Sent: 18 December 2020 16:12
To: L Bardsley
Cc: Robert Macey ; Peter Nutting ; Simon P. Jones ; PATERSON, Owen ; Dan Corden

Subject: RE: Local Plan, Clive parish settlement designation

Dear Lydia,

I'm well thanks and I hope you're the same. Thank you for your e-mail and I will be happy to respond to the points raised by the 8th January as requested. In the meantime I hope you have a happy and safe Christmas and New Year.

Kind regards,

Eddie

Eddie West
Interim Planning Policy and Strategy Manager
Shropshire Council
Tel
e-mail:

Local Plan, Clive parish settlement designation

L Bardsley
Fri 18/12/2020 15:56
To:

- Eddie West

Cc:

- Simon P. Jones ;
- PATERSON, Owen
- Daniel Corden

Bcc:

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Clerk to Clive Parish Council

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