

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0028 MWTC A0088 MW Refresh Group A0048 David Turner A0231 Howard Horsley A0469 John O'Dowd/MW Civic Society A0471 Sue O'Dowd A0225 Jenny Tyler A0337 Mary Phillips A0470 John O'Dowd A0307 Alan Edwards A0416 Clive Morley A0499 Jim Orves
Matter	Matter 1 – Legal/Procedural Requirements (policy SP3)
Relevant questions nos.	1, 2, 3, 15, 16
Abbreviations: <ul style="list-style-type: none">• Much Wenlock Town Council (MWTC/TC);• Shropshire Council (SC),• Place Plan (PP),• Neighbourhood Plan (NP)• Much Wenlock NP (MWNP).	

1(a) No comment

1(b) The Statement of Community Involvement (SCI)

SC's updated responses to the Reg 19 objections (ref. gc4o-sd01403) do not justify its failure to meet the obligations of the SCI. The following additional information supports our view.

1. Shropshire Council's actions

1.1. MWTC met with Eddie West (EW), Strategic Planning Manager of Shropshire Council (SC), on 15th September 2021. The meeting [see pp17-20; [Microsoft Word - 8a Draft Minutes 2nd Sept 2021.docx \(muchwenlock-tc.gov.uk\)](#)] revealed the lack of intent to engage with the community:

“EW defended SC’s level of consultation through its notifications at the Regulation 18 and 19 stages of the plan. He said that it wasn’t necessary to hold public meetings to ensure consultation with the community. EW noted that SC had received comments at the Regulation 18/19 stages and acknowledged that the change of Town Council has meant there is now an alternative policy towards the draft local plan. He didn’t explain why these had not led to changes in the draft plan. Councillors noted that at the only public meeting (in January 2019) SC was made aware of substantial local objection to the ‘preferred option’. He emphasised that SC had taken its cue from the previous Town Council and considered this as the community’s perspective”.

1.2. Aside from the formalities of newspaper notices and letters, SC has not tried to engage with the community. SC’s responses [doc. ref. gc4o-sd01403] make it clear they have not held discussions, let alone a programme of public engagements. The PAS provides advice on good practice through virtual engagement methods that could have been applied; <https://www.local.gov.uk/pas/plan-making/case-studies/digital-community-engagement-case-studies#introduction> .

SC’s poor understanding of MW and local views partly stems from a flawed analysis of responses to the Reg 18 draft (see Appendix 1).

2. Shropshire Council working closely with the Town Council to engage?

2.1. SC’s view that they could rely solely on MWTC’s views as the community’s perspective is weak and uncompliant. They had clear evidence from January 2019 and the independently held community events in April 2019 and August 2020 that MWTC’s response was not the community’s perspective. SC had a duty to engage the community, not just MWTC, in [meaningful] discussions, but didn’t respond directly or work with MWTC to ensure the community was being involved. The public record of TC meetings for 2017 – 2021 (Appendix 2) show that:

1. SC and TC did not organise any events
2. There was a muddled and misinformed process of decision making that excluded the community
3. The TC was clearly given the misguided impression that the local plan review had to override the policies in the MWNP.

2.2. Many new councillors on MWTC were elected (May 2021) on a manifesto of supporting the policies set out in the MWNP. Using voluntary efforts, MWTC has since demonstrated it is possible to engage people quickly and meaningfully. A meeting of local organisations in November 2021 and a residents' survey in March 2022 [[MWTC Planning Survey Results 2022 \(muchwenlock-tc.gov.uk\)](https://www.muchwenlock-tc.gov.uk/mwtc-planning-survey-results-2022); 7th April 2022] generated the overwhelming response that residents wanted decisions on the future of the town to be through a community-led review of the MWNP. MWTC has asked SC several times since June 2021 to change the Plan but SC has made no effort to engage constructively.

3. **Shropshire Council's reliance on the developer/landowner?**

3.1. When the landowner's consultants (Berrys) met with the TC on 5th September 2017, they promised this would be '*the start of a process with an ongoing dialogue between stakeholders*'. The developer failed to do this. SC's reliance on them to undertake its duty on its behalf failed both in quantity and quality of consultation.

3.2. On 26th February 2020 the promoter of MUW012VAR held a 'consultation' about their newly extended site and larger scheme:

- This was organised at very short notice, lasted just 2 hours and comprised of showing a few copies of an A3 plan sketching a layout.
- The developer provided no written information and no feedback from the consultation was reported.
- No-one was subsequently advised of or asked to discuss changes to the scheme.
- No SC officers or members contributed to this event.
- Despite being asked to promote it at short notice, the [then] TC made it clear that it wasn't their event.

3.3. SC has also failed to consult on relevant evidence matters, e.g. the Much Wenlock Town Centre Audit Analysis (2021), the Shropshire Landscape & Visual Sensitivity Assessment (November 2018) and the Much Wenlock Market Town Profile (Spring 2021).

4. **Level of expectation.**

4.1. SC tries to suggest, in their updated responses to Reg 19, that our objections are just different views about possible development sites. This is untrue and unfounded. It is also

patronising when SC states that 'due consideration' has been given to the character (etc.) of Much Wenlock as a place when it has not discussed any of the issues raised through the plan preparation.

4.2. A higher level of expectation about engagement and planning for the future was set in MW when it created its MWNP. Legitimate expectation comes into existence when there is a promise or a practice to do more than what is required by statute. SC fails to respect that this precedent sets out a principle it must follow.

4.3. We suggest that the unfairness of this consultation is unlawful. The consulting body must put consultees in a position to properly consider the consultation request, giving enough (sufficiently clear) information to enable an intelligent response. Lord Clark (July 2021; see <https://www.theplanner.co.uk/opinion/legal-landscape-when-is-a-consultation-not-a-consultation> November 2021) clarified the criteria for an unfair consultation: "a reasonable reader would be unable to give an informed response to the consultation".

4.4. The consultation process for MW has not made public how or why a single large site (MUW012VAR) is acceptable in planning terms compared to other development options. A flawed site assessment was changed at a late stage. Shropshire Council has simply stated that the size must increase so it can pay for flood alleviation measures. No explanation has been provided.

4.5. We know that the significant highways problem of the 'Gaskell Corner' is not addressed by the Draft Plan. Only because of MWTC's objections to the Power Station planning application (see Matter 7, S20) has SC now admitted this is a significant problem. Adequate information in the preparation of the Plan should have been provided.

4.6. A legitimate consultation process with sufficient information and conducted according to the expectations set out in the SCI would have identified better options and improved the quality of the Draft Plan. There is no evidence of the Plan being modified in the light of numerous and well-informed local representations.

4.7. The pattern of poor community engagement experienced by MW has been repeated elsewhere: Wem TC (a0099), Alveley PC (a0121) and Bridgnorth TC (a0071). All refer to views being ignored, late introductions of significant changes, single site approaches and no opportunities for positive engagement over alternatives.

5. 1(c) The 2004 Act

5.1. Section 19 of the 2004 Act states: ‘In preparing a local development document the local planning authority must have regard to — (a) ***national policies and advice contained in guidance issued by the Secretary of State; (aa) the local development documents which are to be development plan documents.*** Reg 19 submission [a0088] made it clear to SC that the advice from ministers and officials of [then] MHCLG was that the draft plan should not override the policies of the MWNP. It is for Neighbourhood Plans to steer the scale and location of development for an area. SC’s excuse at the time was that theirs was a ‘strategic policy’ and therefore could be imposed. In their updated responses, SC now says the change of timescale allows it to ignore the MWNP.

5.2. National planning **guidance on plan-making [4 October 2021; [Plan-making - GOV.UK \(www.gov.uk\)](#)]** states: “*Where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and proposals.*”

5.3. The **Levelling Up and Regeneration Bill [[Levelling Up and Regeneration: further information - GOV.UK \(www.gov.uk\)](#) 11th May 2022]** reinforces the current requirement to take into account current NP priorities in local plan reviews:

“As well as giving neighbourhood plans greater weight in planning decisions, the Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler ‘neighbourhood priorities statement’ which the local authority will be obliged to take into account when preparing its local plan”.

6. SC confirmed in September 2021 ([Microsoft Word - 8a Draft Minutes 2nd Sept 2021.docx \(muchwenlock-tc.gov.uk\)](#)) that its unilateral changes to MUW012VAR boundaries and 50% increase in size is driven by commercial viability and fixing historic failures in flood management. SC’s updated response to Reg 19 objections (gc4o-sd01403) fails to explain why it has:

- Ignored the key policy approach set out in the MWNP for limited development to meet local needs through small scale sites
- Focused on a site assessment rather than being place-driven, and

- Avoided alternative development options for the town

7. National guidance (Paragraph: 065 Reference ID: 61-065-20190723) sets out criteria authorities can consider when determining whether a plan or its policies should be updated (our commentary in **red**):

- **conformity with national planning policy;** *national policy has strengthened towards avoiding places that are at flood risk or are without adequate infrastructure*
- **changes to local circumstances; such as a change in Local Housing Need;** *SC has not undertaken new housing need assessments since the MWNP*
- **their Housing Delivery Test performance;** *Shropshire's HDT 2018-21 shows a development rate at +150%*
- **whether the authority can demonstrate a 5 year supply of deliverable sites for housing; whether issues have arisen that may impact on the deliverability of key site allocations;** *Shropshire's land supply is significantly higher than 5 years; permission for the redevelopment of Ironbridge Power Station in the MW Place Plan area) has increased numbers by a further 75 dwellings.*
- **success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;** *monitoring of MWNP in 2017 determined delivery was on track and recent monitoring shows the town exceeding delivery rates*
- **the impact of changes to higher tier plans;** *Shropshire Council has chosen a high level of development which puts development pressure on places such as MW but **no** case has been made that the policy approach in MWNP is now invalid*
- **plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;** *inevitably geography dictates that commuter trips will be generated from MW to the Black Country due to the 1500 houses added to the Draft Plan*
- **significant economic changes that may impact on viability.;** *the viability statement supporting the plan does not make it clear what is expected of SC's chosen developer for MW (see submission on Matter 8); and*
- **whether any new social, environmental or economic priorities may have arisen.** *There has been a renewed emphasis in national planning and flood risk management policy to avoid places and sites at high risk of flooding. The Environment Agency has designated MW as one of these vulnerable places and in October 2021 warned 'Adapt or Die' <https://www.bbc.co.uk/news/science-environment-58883234>*

It is perverse to ignore the most important policy priority of the MWNP and doubly perverse to do so in the context of new legislation due by the end of 2022 or early 2023.

8. Government guidance on the Surface Water Action Plan¹ specifically addresses surface water flood risk [Surface water management update.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90221/surface-water-management-action-plan-july-2018.pdf) (July 2021): *'The government's planning policy is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where it is necessary to build in a flood risk area, and there are no suitable and reasonably available sites in areas with a lower probability of flooding, developments should be made safe and resilient, without increasing flood risk elsewhere'* (p19 onwards).

We also note that *'The government wants to ensure local planning authorities...create great communities through world-class civic engagement and proactive plan-making'* (p23).

9. Sustainability Appraisal - Questions 2 and 3.

The SA is unsound. The Draft Plan has not considered all reasonable alternatives for Much Wenlock. These can generate more sustainable forms of development alongside appropriate interventions for town-wide transport and catchment flood management. The proactive nature of SP14 creates significant uncertainty about the sustainability of undefined growth, especially in Much Wenlock. Our submission on Matter 3 is relevant.

10. Climate change - Question 15.

10.1. **The 2004 Act requires** Development plan documents to (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. **Para 152 of the [revised] NPPF requires that** *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

10.2. The Plan's proposals for Much Wenlock fail both at the:

¹ See [surface-water-management-action-plan-july-2018.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90221/surface-water-management-action-plan-july-2018.pdf); p26-27 is probably most relevant.

1. Strategic scale: Much Wenlock is a settlement designated as at high risk of flooding. It is also poorly served by transport alternatives to the private car. The 'preferred site' is located on the highest quality agricultural land (Grade 3a) on the periphery of the town.
2. Local scale: The imposition of SC's preferred site ignores viable alternative development strategies which could redevelop/reuse existing sites and buildings that would be closer to facilities and encourage active travel solutions.

10.3. Shropshire Council now envisages more homes being built than on any site in the entire 1300 years of the town's history. This will make worse rather than contribute to the 'radical reductions' required. SC's failure to understand the place and engage constructively with the community ignores the advice of the Government's Climate Change Committee (CCC) that specifically recommends local authorities '*communicate and engage with local communities..... on Net Zero*' and that the key to achieving these recommendations is a **place-based approach** and partnership working².

11. Neighbourhood plans – Question 16

11.1. The Local Plan does **not** set an appropriate framework or allow a suitable role:

- Neither of the Plan's primary strategic statements in SP1 and SP2 refer to neighbourhood plans as a key mechanism for helping communities shape the future of development in their areas.
- The Plan does not even suggest that NPs and their communities will be important to SC in shaping future local plan reviews.
- Para.2.29 is untrue; SC has **not** worked constructively with 'local areas' in respect of the MWNP during the preparation of the Draft Plan.
- Para. 2.30 invents policy: 'The Shropshire Local Plan works alongside the aspirations of Neighbourhood Plans *where they share the same plan period*'. There is no national guidance that says SC can ignore the current MWNP policy approach simply because of the overlapping timescales (see Q1c above). The implication is that for every 5-year review, SC can simply set aside existing NPs in the area if it doesn't suit them.

² Source: *Place-Based Approaches to Climate Change - Opportunities for collaboration in Local Authorities*. RTPI 23rd March 2021. [RTPI | Place-Based Approaches to Climate Change](#)

11.2. From SC's updated response to Reg 19 objections:

- Para 254 - SC accepts the principle of Neighbourhood Plans to determine the future scale and location of development. "*However, it is ultimately the role of the Parish/Town Council or N'hood Plan Group to determine an appropriate strategy for this settlement and whether there is a need for **one or more sites.***" However, SC then fails to list MW (or Shifnal) as one of the Approved Neighbourhood Plan Areas. This omission reveals SC's unwillingness to deliver on their obligations to support neighbourhood planning. Presumably SC fears that this would not give them the development proposals they have predetermined.
- SC states that the Place Plans set out the infrastructure needs for a Place which are then taken forward by the Local Plan and/or the Strategic Implementation Plan. This three-legged approach omits the role of Neighbourhood Plans. This further exposes the muddle in the Draft plan as to the relationship between the statutory spatial Local and Neighbourhood Plans and the advisory Place Plans.

12. In the case of MW, the PP does not propose definitive actions to address infrastructure weaknesses. SC's single arrangement with a single developer undermines the role of both the Place Plan and the NP as inclusive, place-focused approaches. An example of a key omission is SC's Cabinet commitment in September 2020

(<https://shropshire.gov.uk/committee-services/documents/s25339/Cab%20Member%20Questions%20Responses%207%20September%202020.pdf>) that SC would deal with flood risk strategically "*as part of either a*

strategy for the River Severn catchment or the Council's own highway and drainage capital programme. I can also confirm that the areas highlighted will form part of those assessments". Neither the Local or Place Plan progresses this commitment.

12.1. An appropriate framework for NPs would set out a clear structure for how Place Plans and Neighbourhood Plans could support each other and combine development strategies and delivery vehicles that reflect local circumstances. For Much Wenlock, an integrated Local Plan-Place Plan-Neighbourhood Plan approach would engage the community in co-design which:

1. agrees an indicative housing target

2. undertakes a catchment-wide assessment for a nature-based approach to flood risk management
3. assesses the strategic and local highways issues thrown up by the Draft Plan
4. considers a range of development strategy options for the town; informed by the flood and highways outcomes, policy steers towards brownfield sites first etc.
5. defined the roles of the Local Plan and Neighbourhood Plans in respect of infrastructure
6. clarified the relative roles NP Authorities and SC and the implications for the distribution of CIL (and the new Infrastructure Levy) and other investments.

Matter 1 - Appendix 1

A Faulty Review of Reg 18 Consultation Analysis

Quantifying responses from Reg 18 consultations.

Document Ref: Appendix B.13. Shropshire Council Local Plan Review Preferred Sites Consultation – Much Wenlock

Shropshire Council used the responses to this consultation to frame their Reg 19 Local Plan.

General Comments

The responses indicate that there was too much jargon which was misunderstood – pre-supposes that every part of the MW Place Plan is read and understood including the site analysis of MUW012 in its Stage 3 assessment. See Q 64 below

Importantly the questionnaire separated Much Wenlock from Cressage, requiring respondents to answer questions relating to both settlements separately. However, the results were analysed as the Much Wenlock Place Plan Area as a whole, combining the two settlements together.

A total of 359 responses were received for this Place Plan Area, of which 259 respondents submitted an identical response primarily concerned with Cressage. These respondents, often Cressage residents, included whole families, children as well as those who had relatives in Cressage but did not live there themselves. The identical responses represent the vast majority of the responses received for Much Wenlock and has therefore had a significant influence on the emerging themes in the Much Wenlock Place Plan Area. This has been considered in this analysis. Page 6 Overview.

It is important to note that there were more respondents from Cressage than Much Wenlock and that each group understandably answered ‘don’t know’ to the questions concerning the other settlement. See below:

Q 4.1 page 18 Question 31 (a) sought views on the preferred housing and employment guidelines for Much Wenlock. Generally, respondents checked ‘don’t know/ no opinion’ and did not make any comment.

Q31 (b) sought views on whether respondents agreed with the proposed development boundary for Much Wenlock. The majority of respondents checked don't know/ no opinion and made no comment. Of the remaining respondents, the majority disagreed with the proposed development boundary.

There were fewer responses supporting the site allocation MUW012 and the following comments were made:

Question 31 (c) sought views on whether respondents agreed with the preferred housing allocation MUW012 in Much Wenlock. The majority of the respondents who gave a response checked don't know/no opinion and made the following comments:

Question 32 (b) asked respondents if they agreed with the preferred housing guideline for Cressage. The majority of respondents disagreed with the preferred housing guideline.

- The respondents who submitted the identical response considered the development boundary to be flawed because site CES005 cannot accommodate 60 dwellings and the development boundary cannot accommodate 80 dwellings as a whole.

Appendix A - Quantitative Analysis

Question 31 (a) sought views on whether respondents agreed with the preferred housing and employment guidelines for Much Wenlock. Of the unique respondents that completed this question, 90% responded don't know/ no opinion on the preferred housing and employment guidelines for Much Wenlock

Question 31 (b) sought views on whether respondents agreed with the proposed development boundary for Much Wenlock. Of the unique respondents that completed this question: 87% responded don't know/ no opinion on the proposed development boundary for Much Wenlock.

Question 31 (c) sought views on whether respondents agreed with the preferred housing allocation MUW012 in Much Wenlock. Of the unique respondents that completed this question:

- 2% agreed with the preferred housing allocation MUW012 in Much Wenlock;
- 10% did not agree with the preferred housing allocation MUW012 in Much Wenlock; and
- 88% responded don't know/ no opinion on the preferred housing allocation MUW012 in Much Wenlock.

It is nonsensical that 90%, 87% and 87% respectively of respondents would answer a questionnaire to respond 'don't know' to Q 31 if the questions posed were clear and transparent.

5.2. Question 64

Question 64 sought any other views. Where suitable, responses to this question have been consolidated into the relevant specific questions. Respondents to this question who were interested in the Much Wenlock Place Plan Area made the following relevant comments:

- Several respondents felt that their views had not been represented by or were wrongly represented by their Town Council.
- The respondents who submitted the identical response stated that information from Shropshire Council has been vague and hard to find, another respondent stated that there were issues with online form compatibility.
- Misinformation was also a key issue raised by respondents, stating that they had been misinformed about the implications of a settlement being designated as a Community Hub.
- Respondents commented that they found the consultation confusing, technical planning terms were considered jargon and a deterrent to understanding.

Matter 1 - Appendix 2

Copies of minutes of TC meetings addressing the Draft Local Plan and the Much Wenlock Neighbourhood Plan. Attached separately.