

## Policy MD3 Suggested Changes

Further to the hearing session regarding Matter 2 Issue 5, it was agreed that the Council would put forward amended wording for Policy MD3 with a view to clarifying the positive stance on allocations and windfalls, stressing the flexibility of settlement housing guidelines, and removing ineffective clause 2 regarding renewals, consideration (iii) in clause 3 re evidence of community support, and reference to 'by the end of the Plan period' in clause 4.

The following is the wording put forward following comments on an original draft – with the different colours relating to the different times at which the changes were put forward (red being new wording at Submission of the Plan, blue being immediately following the hearing session, and purple being following consideration of the comments received):

### MD3 - Managing Delivery of Housing Development

#### Delivering housing:

In addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a.

1. Residential proposals should be sustainable development that:

- i. meets the design requirements of relevant Local Plan policies; and
- ii. ~~for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and~~
- ii. on sites of five or more dwellings, include a mix and type of housing that has regard to local evidence and community consultation.

#### Renewing permission:

~~2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.~~

#### Matching the Settlement housing guidelines:

2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding providing more dwellings than the guideline, decisions on whether to exceed the guideline will have regard to:

- i. The increase in number of dwellings relative to degree by which the requirement is exceeded the guideline; and
- ii. The likelihood of delivery of the outstanding permissions; and
- iii. ~~Evidence of community support; and~~
- iii. The benefits arising from the development; and
- iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
- v. The presumption in favour of sustainable development.

3. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites outside beyond the settlement development boundaries development

boundary that accord with the settlement policy may be acceptable subject to the ~~criteria~~ **considerations** in paragraph 2 ~~3~~ above.

## Explanation

1. Delivery of the Shropshire-wide housing target for **around** 27,500 new homes over 2006-2026 is essential to the long-term prosperity of Shropshire. Individual housing guidelines for each settlement are provided in policies S1-S18. To ensure that delivery is achieved, a positive approach will be taken towards ~~partial~~ reviews of the Local Plan.

2. A key component of the housing land supply is the allocated housing sites identified in the Policies S1-S18, with related development guidelines. 'Windfall' development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, **having due regard to the policies of the Local Plan**. The NPPF sets out a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions. With regard to housing development, local considerations include having regard to the design requirements of relevant Local Plan policies, the mix and type of housing, and the settlement housing guidelines. ~~Allocation of a site for development does not reduce the quality requirements in any way.~~

3. The Local Plan design requirements are largely detailed in policies CS6, CS7, CS17, MD2, MD12 and MD13. New development should be a good neighbour that does not unacceptably impact on existing residential amenity.

4. To reflect the emphasis that the NPPF places on ensuring a suitable mix of housing and apply Core Strategy policy CS11, the Shropshire Place Plans will provide information on the different types of housing required at a local level. In this manner the needs of different groups in the community will be identified, including for example the needs of older people, people with disabilities, service families, people looking for their first home, people unable to afford market housing, and people wishing to build their own homes.

~~4. Some planning consents are kept 'alive' by repeated renewals of planning consent that is not accompanied by any action to bring forward development. To avoid such sites causing problems for the delivery of housing, applications for renewal of planning permission will have to demonstrate some commitment to delivery.~~

5. The policy sets out the role of the settlement housing guideline in relation to the amount of development coming forward in a settlement. The guideline reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. The guideline **is not a maximum figure but development going beyond it** by too great a degree **could** ~~can~~ result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. **The policy sets out considerations to which regard will be had in determining applications which would result in the provision of more dwellings than indicated by the guideline for a settlement.**

6. Should there not be a five year supply of housing land in Shropshire as a whole, then paragraph 49 of the National Planning Policy Framework (NPPF) effectively allows housing development to take place beyond settlement development boundaries. To ensure that a flexible, responsive supply of housing land is maintained throughout the plan period, if a settlement is struggling to achieve its housing guideline within the plan period then a positive approach will be taken to development on sites that may lie outside the ~~development plan boundary~~ **settlement development boundaries** but are otherwise in accordance with the relevant settlement policy. In addition, a ~~partial~~ review of the Local Plan would be actively

considered as a means of making further allocations of land to ensure delivery or where a new community-led plan identifies significant additional provision for growth.

7. To ensure that there are no barriers to delivery, most allocations of land for development in settlement policies S1-S18 do not make any reference to phasing. Only in cases where there is a specific infrastructure requirement or other specific influence on timing is there any reference in the site allocations to development timescales. For the majority of developments phasing will occur naturally, reflecting market forces and the practicalities of site development. It is expected that the market will improve towards the latter part of the plan period, with higher rates of development in the period 2021-2026 as anticipated in Core Strategy policy CS10.

~~7. The term “sustainable development” in the policy will be interpreted to include whether the development is within the settlement guideline as this reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Exceeding the settlement housing guideline by too great a degree can result in unsustainable development that stretches infrastructure and community goodwill towards breaking point.~~

## Comments from Participants

### J10 Planning : Comments on revised policy - 17 November 2014

We welcome the amendments made by the Council to Policy MD3.

However, to prevent this matter necessitating an additional session I would like to make the following observations and proposed revisions.

The housing guideline figures for each settlement have been arrived at in a somewhat, and often a totally, arbitrary manner backed up by no meaningful quantitative evidence base and more often than not have been based upon an entirely subjective opinion; often reached at by a very limited forum/quorum of people sitting on a Parish Council; whose interest have been focused upon "limiting" development, yet entirely missing the point how development can actually deliver the community infrastructure they so dearly wish to aspire to.

As a result, housing guideline figures have been arrived at in an unorthodox manner.

The Inspector will already be aware about our concerns over the following:

- The Council's strategy of empowering the local communities (through a Localism approach) in determining housing guidelines does not reflect NPPF as it fails to meet objectively assessed development and infrastructure requirements
- The Council's Strategy of this approach is unjustified as no alternative approach was considered or discounted, despite the concerns we have consistently raised when responding to this during consultation stages.
- The Policy is inconsistent with national policy; most notably Paras. 7, 17, 21, 28 and 55. NPPF seeks to deliver not only sustainable development but infrastructure requirements.

For these reasons in our opinion this policy is **UNSOUND**.

However, we consider that a couple of minor additional amendments could make it "sound" and these would be to amend / delete the sub-considerations set out under Bullet Point 2:

Consideration (i) The increase in number of dwellings relative to the guideline

We would propose deleting the word "guideline" and replace it with the word "infrastructure capacity of the settlement"

Consideration (iii) The impacts of the development, including the cumulative impacts of a number of developments in a settlement;

We would propose deleting this consideration altogether as it actually repeats what the first consideration is actually trying to achieve and simply results in duplicating and introducing another confusing "test" for windfall developments to overcome. Moreover, it introduces a test that would require applicants to undertake a "quasi-EIA" cumulative impacts test assessing all developments whether live, dormant or expectant. To this end it would be an unreasonable test and would allow naysayers to place doubt in the decision maker's minds.

The Council have not undertaken any "capacity studies" of the settlements which might have provided the basis to introduce a natural infrastructure related limit or percentile increase rationale for each settlement. Instead, the guideline figures are purely based upon subjective opinions rather an objectively assessed need. Had it done so then there might be some

justification for the wording, but there is not so we would propose our amendments be made to make this Policy sound.

Any applicant proposing development is faced with the challenge of addressing and satisfying NPPF and a host of other SAMDEV policies; to then place another hurdle in the way which runs contrary to what NPPF is seeking to achieve would be counter intuitive.

**Mark Sitch, Barton Willmore – 18<sup>th</sup> November 2014**

Could you please check with the Council whether they have prepared or are preparing this morning further minor modifications to the SAMDev document, in response to the Inspector's requests.

These relate to two principal areas, which are relevant to Part 2 of the Examination, the first of which is this afternoon. In particular, these relate to making clear the housing requirement of 27,500 is an 'at least' / minimum figure.

Also, to make clear they intend to carry out a full review, including OAHN and Green Belt Review starting in 2015 – this relates to our discussion on Day 1 of the Examination around paragraphs 4.16, 4.20 and 4.47.

The reason for asking, is that the amendments to MD3 and supporting text to not reflect the above.

**Sam Ryan, Turleys – 18<sup>th</sup> November 2014**

On behalf of the Stanley Beckett Partnership we welcome the proposed modifications to draft policy MD3 and its supporting text.

We consider that the removal of clauses within the policy provides improved clarity as to its interpretation; the omission of the requirement to provide evidence of community support is particularly welcomed.

Notwithstanding, we are concerned that the additional clause 2(iv) introduces a new requirement that places an unreasonable burden upon developers and, as a consequence, is not justified. We have read the comments of J10 planning relating to this matter and concur with the points raised that the clause should be removed to make the policy sound.

In addition, paragraph 1 of the explanation to the policy should be modified to indicate that the target is 'at least' 27,500 dwellings (not 'around').

Finally, there is an error in the final line of part 3 of the draft policy which should refer to the considerations set out in paragraph 2 above.

**John Acres, Turleys – 19<sup>th</sup> November 2014**

This is a vast improvement and I think Dave Wallace has now turned what was a very restrictive policy into something which seems much more positive.

I have three quick points to make:-

1. I would welcome the removal of the restrictions on the renewal of planning consent and the clarification of the criteria for selecting sites which go beyond the guidelines. It seems self-evident that proposals for development should be encouraged in smaller settlements where needs arise, especially in view of the flimsy and somewhat arbitrary approach which has been taken to establishing those guidelines in the first place.
2. As my colleague Sam Ryan pointed out, the explanation should change the word 'around' 27,500 to 'at least' which reflects the content of the NPPF.
3. I would strongly support the views from J10 Planning about the removal of the reference to cumulative impact, since this is potentially an onerous requirement and an issue which in fairness developers can have little or no control over.

### **Helen Howie, Berrys – 2<sup>nd</sup> December 2014**

#### **Qualified support for additional first sentence**

We support the insertion of the new sentence at the beginning of this policy, as reducing the conflict between the SAMDev Plan and the NPPF. It should go further and provide guidance on what constitutes 'sustainable housing development' in the explanatory text. For example, by inserting in the new explanatory paragraph 2 after 'The NPPF sets out a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions' insert, '*particularly in sustainable locations that have access to public transport, services and facilities.*'

#### **Support**

We support the removal of 'evidence of community support' and welcome the new text in the explanation.

#### **Strong objection to the proposed insertion to MD3 of "...including the cumulative impacts of a number of developments in a settlement"**

This proposed wording breaks the principle of assessing each application on its merits. It is also very difficult to objectively measure 'cumulative impacts'. This proposed wording will give credence to the perennial objection from communities that development 'adds to traffic' and should therefore be refused. We have regular experience of communities objecting to even single dwellings on this basis, and the proposed wording would allow even demonstrably insignificant impacts to be transformed into a reason for refusal.

By acting as a catch-all reason for refusal, the above wording is in direct conflict with the presumption in favour of sustainable development. The resulting policy does not lend certainty, because the new section (iv) negates section (v) leading to a complete lack of clarity. In other words, the above words allow the policy to be used by the local planning authority to refuse almost anything.

The proposed wording of the new section (iv) is unnecessary as the development management process already has policies to weigh up the impact of development, using for example the design, transport, natural environment, etc policies.

#### **Objection to change of wording to 'outside the settlement development boundaries'**

In the last section (new section 3) the reference to settlement development boundaries fails to recognise that some Community Hub and Cluster settlements do not have any development boundary. 'Beyond' was a better term as it was more easily transferrable in its meaning to communities without a boundary.

#### **Title change to 'Delivery of Housing Development'**

Should Shropshire not have a five year housing supply at any point during the plan period, then 'relevant policies for the supply of housing' would not be considered up-to-date in accordance with NPPF paragraph 49. In this eventuality, would the entirety of policy MD3 be rendered out-of-date, and if so, should additional explanation be added in order to manage communities' expectations as to the relevance of settlement guidelines if Shropshire as a whole is under its LPA-wide target?

**Selby Martin, CPRE – 4<sup>th</sup> December 2014**

I have just received this message from Daphne and find it difficult. The first sentence seems to suggest that housing proposals on land not specified as a SAMDev allocation will be considered if they comply with the Core Strategy policies listed.

If my understanding is correct, I wonder why we have a SAMDev at all, into which so much time and effort has been devoted.

Would it be possible to address the Inspector in the final week of the Inquiry to raise objections? As you know, developers and their agents are skilful at arguing a case to show that their proposal conforms to CS policies. And if they are refused, they go to appeal, causing an overstretched county planning department a huge amount of extra work, confidently expecting that the Inspectorate will allow their plan to go through, paying no heed to the force of planning policies put forward by officers nor to local opinion.