

COMMENTS ON SWSUE PLANNING APPLICATION REF: 14/00246/OUT

From: Mr Stephen Mulloy

OBJECTS

February 2014

This statement is lengthy and goes into detail that would not normally be expected to be submitted as an objection. The reason for this is that this application lies at the heart of problems within the SAMDev which is soon to have its final public consultation for 'soundness', before being presented for Examination by the Planning Inspectorate. The decision that has to be made by Shropshire Council's Planning Committee may have far reaching consequences, and therefore it is important that salient facts about how this application has evolved are considered before it is determined.

I respectfully request that Officers and Members give this statement due consideration, because the information has been gathered through scrutiny of planning documents covering the whole of the development plan, focusing on the consultation methods used, and the viability issues surrounding developer contributions (AHC and CIL).

SUMMARY

The above scheme should not be approved with the inclusion of the Oxon Link Road as this is prejudicial to the sustainability of the area, as it is only made viable by manipulation of planning policy to the detriment of affordable housing and other local infrastructure such as schools.

If approved, the above application for development of part of the SWSUE should be referred to the Secretary of State for the following reasons:

1. The local authority cannot separate itself from its roles as both a landowner and planning authority.
2. The consultation process, for both the Core Strategy and Master Plan have been ineffective.
3. The Planning Inspector at the Core Strategy Examination was misled, and questions remain over the suitability and viability of this site as an urban extension.
4. Despite assuring the Planning Inspector that the scheme was viable, this is obviously not the case, and requires investigation as to who is actually benefitting from this scheme.
5. The selection of the SWSUE was driven by a Council aspiration to have a North West Relief Road, and this is at the cost of much needed affordable housing.
6. The Council have compromised the decision making process by making promises to developers that if not met will incur penalties.
7. The developer contribution policy for Shropshire has been corrupted by poor evidence, a flawed 'Dynamic Viability Index', and changes made to the policy, post public examination. Relevant to this application because Paragraph 49 of the NPPF is argued in support (Lack of 5 Year Housing Land Supply).

Introduction

1. Comments are being sought on the above application which forms part of the SWSUE. However, questions need to be asked about the selection of this area as a Sustainable Urban Extension (SUE) in the first place.

2. When determining this application, consideration will be given to the inclusion of this site in the Core Strategy, and the emerging SAMDev DPD. In addition to this, as Shropshire Council cannot demonstrate a 5 Year Housing Land Supply, then the Development Plan cannot be considered up to date (NPPF Para 49). In this situation there is a presumption in favour of sustainable development.

3. There are many letters of objection that point to this development being unsustainable in its present submission, not least of which is the **lack of school places**, but if Shropshire Council are minded to approve this application, then there will be a **request to the Secretary of State** to call this application in for the reasons explained in this statement.

4. **The comments made by Bicton Parish Council (17th Feb 2014)** go to the heart of the problems faced by the local community (not just this area either), if the Parish Council is not aware of the inclusion in the Core Strategy of such a large development expansion site, then what chance the rest of us? The Parish Council have been told it **WILL** go ahead because it is in the Core Strategy, and promises have been made to the developers. But it is worth exploring how this came about through manipulation of the planning system, exploiting the public's ignorance of the planning system, and most crucially, **MISLEADING THE PLANNING INSPECTOR.**

It could be said 'What is the point of it being put before the Planning Committee if the decision has already been made by officers'?

(1) STATEMENT OF COMMUNITY INVOLVEMENT FOR SHROPSHIRE (SCI)

5. This is defined by Shropshire Council as:

"Statement of a Council's proposed standards and approach to involving the local community and stakeholders in the preparation, alteration and review of all Local Development Documents and development control decisions. It forms an essential part of the Local Development Framework."

6. In 2009 the requirement for this document to be examined in public was removed and replaced with a 'Duty to Involve'. The explanatory memorandum to support the change (No: 401) said there must be ***"Consideration of greater engagement with individuals and businesses than before."***

For guidance on the 'duty to involve', the above memorandum refers to a document 'Creating Strong, Safe & Prosperous Communities 2008' which says:

"It is important that information provision, consultation & involvement opportunities are not limited to those with the 'loudest voice'. Authorities should be aware that equality requirements will apply to the Duty to Involve."

7. The Court of Appeal held (***EWCA Civ 1029 (2009) R (Majed) v London Borough of Camden***) that a local planning authority's Statement of Community Involvement gave rise to a **'legitimate expectation'** that the consultation process set out in that SCI would be carried out.

8. The place of legitimate expectation in public law was broadly summarised in the judgement of Laws LJ in (***EWCA Civ 755 (2008) R (Bhatt Murphy) v Independent Assessor***) as follows:

"The power of public authorities to change policy is constrained by the legal duty to be fair (and other constraints which the law imposes). A change of policy which would otherwise be legally unexceptionable may be held unfair by reason of prior action, or inaction, by the authority."

9. Prior to the formation of Shropshire Council as a Unitary Authority (April 2009), the Implementation Executive produced an **'Interim Statement of Community Involvement (ISCI)'** in July 2008. It is this document that sets out the methods to be used for consultation on the Core Strategy, submitted for examination on 30th July 2010, and has a bearing on whether it is 'sound' or NOT.

10. The ISCI was put out for selective consultation prior to adoption, and only 8 responses were received, none of which were from the community. There are around 300,000 citizens in Shropshire, and over 150 local Town and Parish Councils, so this was an abysmal failure at involving the community in drawing up a 'statement of community involvement' which would dictate how the community would be involved!

The current SCI (Adopted Feb 2011) only received 29 responses in total, of that, only 14 of 150+ local councils responded. Paragraph 6.5, bullet point 4 says that “revision to the SCI is anticipated if consultation response are low” despite this, it was adopted anyway!

11. The ISCI was not examined as a separate document, but was ‘subjected to the participatory process of development through its participation in the Examination of the Core strategy’. As a default position, if the Core Strategy is found ‘sound’, then so is the ISCI (or SCI) through association. The obvious problem is that those attending or responding to a consultation are not going to say that they have not been consulted! However, it should be noted that the **absence of any representation on a policy is no guarantee of a sound policy**, and that those not consulted on a policy are not given the opportunity to make representation. It seems clear today, that if the community had been more involved from the outset, then the outcome may well have been different.

12. Whilst selection of an ‘Urban Extension Site’ is not a voting process, if better consultation had taken place with the community at the ‘Issues and Options’ stage, then the consultation summary would have had to reflect on the **1,000 plus local residents that objected at the Master Plan stage**. Instead an argument of 30% preference for the scheme was taken forward, despite acknowledgement that there had been ‘multiple identical submissions by one land agent’!

13. A local authority cannot rely on the press for consultation either, there is a case precedent (***EWCA Civ 239 R (Breckland DC) v Boundary Committee (2009)***) where it was held:

“.... An authority cannot rely on the press and others to make such information more intelligible – We do not agree (with the Lower Court) that mediation by opinion makers is a proper supplement which was capable of turning inadequate consultation into adequate consultation.”

14. Shropshire Council rely heavily on the ‘free press’ (through press releases on their website) to avoid paid advertising, but have no editorial control over the content. It is such an approach that leaves Shropshire Council open to challenge because of the ineffectiveness of their consultations which target the same people all the time.

15. **Para 3.4 of the ISCI says:**

“Whilst an equal voice should of course be given to all sections of society, the involvement of some key groups have been identified as central to developing a new set of planning documents for Shropshire. In the period leading up to the establishment of the new Unitary Authority Council these include:

Parish/Town Councils – these organisations can provide an invaluable contact with local communities and will be particularly valuable for providing a local perspective when there are proposals for a specific site.”

16. For ease of reference, I reproduce the comments made by Bicton Parish Council (17th Feb 2014) in their ‘Neutral’ response to this planning application (14/00246/OUT) which said:

“Bicton Parish Council (BPC) was not made aware of the SWSUE development until it was already in the core strategy. When BPC then objected to the whole idea of a SWSUE it was told that it is in the core strategy and therefore it is too late to object. BPC was further told that it would be consulted as to the details of the development; which it has been to the extent of being involved in the decisions about Calcott Lane and Shepherd’s Lane and

whether they should be connected to the Oxon Relief Road or made in to cul-de-sacs.

It has been made plain to BPC that this development WILL go ahead because of (1) the core strategy, (2) the NPPF, (3) the desire of the landowners to sell, (4) Shropshire Council has made promises to the developer and if these are not met there will be penalties, (5) the Oxon relief road will eventually facilitate the building of the North West Relief Road.

Given the above BPC feels bullied in to not objecting to this application.”

It can be clearly seen that Shropshire Council failed to fulfil the legitimate expectation that is created by the ISCI, (in particular Paragraph 3.4.) by failing to engage a ‘key’ group.

(2) CONSULTATION

17. There is concern at the moment around Shropshire’s preferred method of engaging and consulting with communities which is the Internet and social media. This is disenfranchising to many, particularly the elderly, those unable to access this media, and those on low incomes. It should also be noted that this also excludes many working families who are too busy to proactively seek information from the Council’s website.



18. It is appreciated that electronic means of communication have an economic benefit, and are efficient when it comes to response times and collation of evidence, but this cannot be considered effective if the intended recipients do not use that medium.

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19. When the Council's former 'Head of Strategic Planning' was asked how Shropshire Council communicates planning policy to those who neither access the Council's website or read local newspapers, his reply was:

"Through communication directly to (a) Shropshire Councillors, (b) Shropshire Parish and Town Councils, (c) Press releases which can be picked up by local radio and (d) the Local Consultation database which is referred to in the Statement of Community Involvement."

20. Enquiries into these methods of engagement revealed that Shropshire Councillors cannot be relied on to inform communities, Shrewsbury Town Council said ***"Generally we do not consult on other organisations' consultations and we rely on our elected members' understanding of their wards and the issues that affect their electors and residents."*** The comments by Bicton Parish Council further illustrate how the flow of information through local council's cannot be relied upon, and you

would need to know of the existence of the Statement of Community Involvement to be aware of the **Local Consultation Database**. This leaves one option open to '**hard-to-reach**' groups, and that would be **Radio Shropshire**, which has a particular **age demographic**.

A recent door-to-door survey of 400 residents in Shrewsbury showed that 97% of those asked, felt they were not engaged effectively by Shropshire Council.

Local Development Framework Consultation

21. The Local Development framework (LDF) began in its formal capacity with 'Topic Papers' in July 2008, seeking views from all, including the public. These all lead by identifying their purpose **"The Council aims for the LDF to be produced in a manner that enables the community and other stakeholders to have the opportunity to become fully involved in its preparation". Were the community involved at this stage? NO!**

22. In January 2009, Shropshire Council then produced an 'Issues and Options' consultation document which sought views on: **"What are Shrewsbury's strategic directions for large-scale greenfield development..."**

This identified **6 options**:

- A. Medium scale developments scattered all around the edge of Shrewsbury.
- B. Urban Extension to the west in the Bickton Heath direction (SWSUE).**
- C. Urban extension to the SW either side of the Hanwood Road.
- D. Major development to the south, off Oteley Road.
- E. Urban Extension to the north.
- F. Any others not identified above.

Was the community involved at this stage? NO!

23. **Option B was identified as offering significant potential to develop higher affordable housing levels** but we will see that this was **compromised** later by the infrastructure costs of this chosen site and the insistence that the Oxon link Road is part of the scheme.

24. As a result of this consultation, a **Technical Background Paper (Feb 2010)** was produced as evidence for the Core Strategy Examination and marked as 'EV24'.

This document summarised the feedback on the Issues & Options consultation as follows for Option B:

"Comments from landowners/agents regarding ability for new development to pay for Oxon Link Road".

*"30% 1st preference, 11% 2nd preference - highest scoring option in consultation responses (**but skewed by multiple identical responses by a single agent**)."*

25. Interestingly, the Council have no record of the number of respondents to the consultation! It is a common trick to use percentages when the response numbers are low.

26. The overview for Option B identified *"Some **landscape sensitivity issues** but proposal for **construction of link road** from Churncote Island to Hollyhead Road **significantly changes the context for this.**"*

In later reports the 'skewed response' producing a 30% preference becomes a 30% preference without mention of the multiple responses by a single agent!

27. The construction of the Oxon Link Road is clearly identified as having landscape sensitivity issues, but not enough it seems to warrant an Environmental Impact Assessment (EIA)! Although the 750 dwellings on the SUE may not trigger an EIA (threshold is 1,000 dwellings) the **cumulative effect of other new development in the immediate area cannot be ignored.**

28. It is also clear that the **Parish Council** were not **consulted** on the SWSUE before the Core Strategy, and the Bicton **community** were **not consulted** either until the Master Plan stage as evidenced by 1,000 residents signing a petition presented to Full Council on the 26th September 2013.

(3) EXAMINATION OF THE CORE STRATEGY

29. The Core Strategy was submitted for examination on 30th July 2010 (Examination Hearings held 16th – 26th Nov 2010) , and policy CS2 included the SWSUE as a 'mixed-use' project. In the Inspectors report dated 7th February 2011 he said at paragraph 27:

***“The main concern relates to the provision of the Oxon Link Road (as part of the SNWRR) and the need for improvements at Churncote roundabout on the A5.
However the main developer sees these infrastructure works as integral to the project, and in response to concerns about viability,
is confident that these costs have been taken into account.”***

30. However, just a few months later, the same developers are reported in the CIL Statement of Consultation (May 2011) as saying at para 3.28:

“The developers for the Shrewsbury West SUE argued there was a compelling case for a lower CIL rate of £15/m2 as the

cost of the Churncote Island improvement works alone are likely to be about £2.5 million, before any consideration is given to construction of the Oxon Link Road (estimated at some £6.5m) and laying out of the relocated park and ride facility. At a rate of £40/m², the CIL contribution would be in the region of a further £2.9m. The developers argued that a reduction of the Levy was a more transparent approach than the alternative of the developers having to seek discretionary relief.”

31. A letter was also submitted, by the owners of the land ‘North of Welshpool Road’, to the Core Strategy Examination confirming that:

“The land identified within our ownership can and will be delivered and this includes the land required for the proposed improvements to the A5 and the land to the south of Welshpool Road.”

32. There are 3 main concerns here:

1. It appears the developers, and Shropshire Council, **misled the Planning Inspector** at the Core Strategy Examination.
2. A **lower rate** of Affordable Housing Contribution (AHC) has been agreed for the SWSUE to compensate for having to provide the Oxon Link Road.
3. The premise of the developer contributions, which includes AHC, is that it is **‘critical’ that they come off the land value**. Therefore the landowners are being paid too much for the land, and the tone of the letter from the part landowner above raises questions about the financial arrangements agreed between the Developers, Landowners and Shropshire Council.

33. This is clearly illustrated in the Affordable Housing Statement submitted with the application, paragraph 7.1 says:

“The Shropshire Council affordable housing target rate is currently 20% for applications considered at Shrewsbury. However, due to the level of infrastructure funding delivered through this urban expansion, namely a section of the Oxon Link Road, a rate of 15% will apply across the whole expansion area.”

34. As 750 homes are planned across the SWSUE this would have resulted in 150 affordable homes being provided if the prevailing rate of 20% AHC applied. However, at the agreed rate of 15%, the number of affordable homes is reduced by 37. **So effectively, the Oxon Link Road (known as the ‘Road to Nowhere’) is being subsidised by less affordable housing being provided rather than less being paid for the land!** There is a real shortage of affordable housing in the County at the moment with over **7,000 on the waiting list**, so how can a ‘road to nowhere’ be a higher priority than that?

35. The site previously proposed for the relocation of the Park and Ride is now to be housing which has increased the number of dwellings by 30. Not only is there a **massive saving in not having to relocate the Park and Ride**, but the developer profit has significantly increased with the additional dwellings. Yet, this is not reflected in the adjustments to the developer contributions.

36. This change to the scheme goes against the Shrewsbury Town Council representation made on the SAMDev (Representation ref: SAMDEV DPD/041OP/06146/00003) which were fed back as part of the ‘Issues and Options’ consultation April – June 2010, and said at bullet point 10:

“Buffers should be created between the A5 and any future housing development in that area.”

(4) AFFORDABLE HOUSING CONTRIBUTIONS

37. It is worth considering the evolution of the Affordable Housing Contribution (AHC) as it is a central plank to the Local Development Framework (LDF). It is also **germane to this planning application** as there is a departure from the adopted policy (Type and Affordability of Housing SPD) in order to facilitate the inclusion of the Oxon Link Road at the cost of 37 less affordable homes.

38. A public question to the Shropshire Council Cabinet of 19th Feb 2014, pointed out significant flaws in the council's approach to applying this contribution, and that they had changed the policy following the examination within the Core Strategy (CS11).

39. The reply from the Portfolio Holder said:

"The SPD was not changed after the Core Strategy Examination, it was introduced for the first time following the examination."

40. The actual facts are:

A 'Draft Type and Affordability of Housing SPD (dated Nov 2009) was submitted to the Examination (EV134) and considered by the Inspector when evaluating Core Strategy Policy CS11.

41. The Inspector's Report (7th Feb 2011) said about the Draft SPD at paragraph 68:

"It also confirms that the 'open-book' approach will be applied, ensuring that the policy reflects site-specific circumstances and is flexible to changing economic conditions. This should only apply in a minority of cases, but ensures that economic viability issues are properly considered, ensuring a sound policy."

42. The Draft SPD was then adopted in March 2011, but there was a very important and fundamental change made to the policy with the inclusion of Paragraph 4.29 which said:

"Assessing the financial viability of a scheme is only one part of the process. There are wider issues for the Council to consider when reaching a conclusion about whether a scheme should be allowed to proceed at a lower level of affordable housing contribution."

43. If this paragraph had been included in the draft submitted for examination, the Inspector could not have come to the conclusion he reached in finding the policy sound.

44. The Council's cynical approach to the Inspector's report was demonstrated at an Appeal hearing on 29th Aug 2012 (APP/L3245/A/12/2176986). The Inspector allowed the appeal, and said at paragraph 14 of his report:

"The Council drew attention to the importance of seeking affordable housing contributions on all sites, regardless of scale, because of the high proportion of small sites in the Council's housing land supply. It was argued that, because the SVI (Shropshire Viability Index) ensures deliverability at a plan-wide level, the deliverability of an individual small site is of less importance. It was also suggested that the Council does not have the capacity to discuss and negotiate the appropriate level of individual contributions on large numbers of small sites."

45. I have personal experience of this approach, my application for relief from affordable housing contribution was dismissed out of hand for 'Policy Reasons' and only accepted after a 2 year battle!

46. This policy has an impact, not only on any developer, but the local and national economy to. Such is the importance put upon the delivery of housing, the Government introduced the Growth & Infrastructure Act 2013 which included a section **"If the affordable housing requirement makes the development of the site 'not economically viable' the authority is obliged to modify or remove the requirement so as to make the development viable"**.

47. The Minister said at the Committee stage of the Bill:

"The Bills overall intention is for those few local authorities that do not do the sensible things of their own accord to do them for fear of others doing them those things for them..... We are proposing only to put pressure on recalcitrant, stick-in-the-mud authorities that fetishise figure and agreements rather than roofs over people's heads."

48. The Minister was obviously referring to Councils like Shropshire when he made these comments. Just a look at the time-line of the 'credit-crunch' begs the question why would a local authority pursue a policy of affordable housing contributions without allowing for financial viability of the scheme. Let's look at the time-line:

- . **Aug 2007 – BNP Paribas Bank triggers a sharp rise in credit**
- . **Sep 2007 – Bank run on Northern Rock**
- . **April 2008 – 20% of mortgage products in UK withdrawn**
 - IMF warns about effect of credit crunch**
 - Bank of England cuts interest rates by 0.5% to 5%**
 - Nationwide first annual fall in house prices for 12 years**
 - Persimmon Homes (Shropshire Developer Panel) say:**
 - “Because of the uncertainties in the global economy and the UK lending environment, it is difficult to predict when the housing market will improve.”**
- . **July 2008 – British Chamber of Commerce say:**
 - “The outlook is grim and we believe that the correction period is likely to be longer and nastier than expected.”**
 - Shropshire Council commission Fordham Research (who are in liquidation!) to conduct Affordability Housing Viability Study**
 - Initial consultants are dismissed for “not providing the Required outputs”!**
- . **Aug 2008 – Nationwide reveal that UK house prices have fallen 10.5% in a year**
- . **Sep 2008 – Lehman Brothers file for bankruptcy protection**
- . **Oct 2008 – UK Government announce £50bn rescue package for banks**
 - Office of National Statistics say UK is on brink of recession**
- . **Nov 2008 – Bank of England slash interest rates to 3% (lowest since 1955)**
 - Eurozone officially slips into recession**
 - UK Govt reduces Vat from 17.5% to 15%**
- . **Dec 2008 – United States officially in recession**
 - FTSE 100 closes 31.3% down (biggest fall ever)**
- . **Jan 2009 – Bank of England cut interest rates to 1.5%**
 - UK officially slips into recession**
- . **2010 - Europe on verge of double-dip recession**
- . **Jan 2011 – UK economy suffers shock contraction**
- . **March 2011 – SHROPSHIRE COUNCIL ADOPT POLICY THAT DENIES RELIEF FROM AFFORDABLE HOUSING CONTRIBUTIONS AGAINST INSPECTORS RECOMMENDATION!**
- . **July 2011 – FTSE 100 crashes from 6100 points to 5000**
- . **April 2012 – UK economy returns to recession**
- . **May 2012 – SHROPSHIRE COUNCIL SAY AFFORDABLE HOUSING MUST BE PAID IN ACCORDANCE WITH POLICY, NO EXEMPTION!**
- . **Oct 2012 – Double-dip recession ends, helped by Olympics**
- . **Nov 2012 – Eurozone returns to recession**

. Dec 2012 – UK Govt cut growth forecasts

. Jan 2013 – UK fears triple-dip recession

You can draw your own conclusions from the time-line.

49. As 60% of development in the County comes from small developers, their impact on housing delivery cannot be ignored. Shropshire Council rely on feedback from the 'Shropshire developer Panel' which consists of 7 Large/Major developers, 3 Housing Associations, and 1 Land Agent who supposedly represents the small developers.

50. Large developers have always paid developer contributions through S106 agreements, and are obviously supportive of transferring any of the cost of infrastructure and affordable housing to small developers. Small developers, have a completely different business plan to large developers, and their development costs are significantly higher as well. This was identified in the AHVS 2010 (Table 5.2 Cost adjustments for small sites) which concluded that building 1 house, on a single site, was 25% more expensive, pro-rata, than building on a large site.

51. Despite this evidence, the Head of Economic Growth & Infrastructure reported to Cabinet on the 29th May 2013 (Para 3.6 of the report) that:

“The Core Strategy sets a policy approach to apply the same contribution to all residential development irrespective of the size of the development, reflecting evidence that small developments are no less financially viable than larger developments.”

52. The AHVS (2010) created a 'Dynamic Viability Index' (DVI) which was only supported by a legal opinion at the examination, which suggest that there was more concern about legal challenge than whether it worked or not. The DVI was based on three indices, (1) Construction Costs (2) Land Costs, and (3) House Prices. In 2012 the shortcomings of the DVI were evident when it reduced the AHC from 13% to 3%. This was not acceptable to the Council.

53. As the Principal Planning Policy Officer said in a presentation, **“A revised affordable housing study ‘solved the problem’ by creating 3 geographical areas.”** In this context, one has to ask if the apostrophe punctuation is

significant? The indices for the DVI were reduced to two: (1) Land Prices, and (2) Build Costs. However, this new DVI is flawed, and here is why:

54. If for ease of calculation, we assume a build cost of £100,000 on a 100m² property, then the DVI, currently set at 15% would mean an AHC of £13,500 (100m² x £900m² x 15%).

55. If the build cost were to reduce by 5% (£95,000) but there was no change in the house price index, then the DVI would move the AHC up to 27%. This would mean £24,300 was payable. Therefore the developer would have to pay an additional £10,800 AHC, when the build cost has only fallen £5,000!

56. Viability has a direct effect on housing coming forward to be developed, and the impact on the 5 Year Housing Land Supply cannot be ignored. Shropshire Council does not have a 5 year supply of housing land, and the Senior Planning Officer has blamed this on:

1. The way the government says it has to be calculated.
2. The Economic Downturn creating significant under-delivery.
3. The age/lack of land supply from former District Councils.
4. The inherent delay in updating plans following Unitary status.
5. Lengthy consultations driven by Localism Act.

57. Another source has said that Shropshire Council completely underestimated the length and severity of the 'down-turn', and that the Council just do not have enough officers to effectively manage the system.

58. This is evidenced by the latest 5 Year Housing Land Supply Statement (Sep 2013) which sets the supply at 4.95 years after including the under-supply, and the 20% buffer for consistent under-supply. However, 5,170 of the dwellings are those with Planning Permission at 1st April 2013 (See Table 3, Para 4.1) and these can only be included if they are likely to come forward (or even exist in the first place! See Planning Ref: 10/00652/FUL) within 5 years. In order to establish this, Officers have to contact each and every applicant/landowner to verify the likelihood of this. I have been told, that because of the time required to do that, and the shortage of officers, this has not been done. The planning reference above is one of many that I have identified, and it is possible that Shropshire's 5 year Housing Land Supply is as low as 4.0 years.

59. This needs to be checked, and certified as such, before any argument is taken to the Minister for Planning, or indeed presented for Examination at the SAMDev.

(5) CONCLUSION

60. Planning Policy is too important to be left to 'best guesses' and when it involves developer contributions, that can impact on the national economy and affect the recovery from a recession, there needs to be a professional approach. Using consultants that are in liquidation for a viability study is not such an approach.

61. When challenged on the errors and shortcomings, it is no good shooting the messenger. Statements like "death by a thousand details" from senior officers do not inspire confidence in their ability to do their job. Errors of 'viable' being mistakenly classed as 'unviable' are dismissed as grammatical errors, even though it is a viability report. How can a mathematical error of 10% on a 'benchmark' site be considered unimportant when the results are used to underpin scheme viability across the County?

62. Because of the way that the Inspector has been misled, the manipulation of the developer contributions, and the lack of separation of the Local Authority as both landowner and decision maker, I firmly believe that this application should be directed to the Secretary of State as a 'called-in' application.

Stephen Mulloy