

For Shropshire
Council use

Respondent
no:

Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name:	David A Haston
Organisation (if applicable):	Haston Reynolds Ltd
Address:	Woodlands Barn, Walton, Telford TF6 6AN
Email:	
Telephone:	

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name:	
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

Policy MD7b 3a

Is your representation in support or objection? (please tick as appropriate)

Support

Yes ☐

No ☒

Object

Yes ☒

No ☐

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant

Yes ☐

No ☐

Sound

Yes ☐

No ☒

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with National Policy	<input checked="" type="checkbox"/>

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

Criterion 3a. of Policy MD7b precludes any agricultural development unless it is required in connection with a viable agricultural enterprise.

This is an unprecedented requirement which is: negative; unjustified; ineffective; and inconsistent with National Policy. Furthermore, it is noted that this negative policy requirement was not included within the earlier version (31.01.2013) of the SAMDev.

The policy is not positively prepared as it does not facilitate, and indeed will inevitably prevent, any agricultural development that is needed to enable an agricultural enterprise to become viable. It will handicap the next generation of farmers and new entrants into agriculture at a time when the agricultural workforce is ageing. It also precludes development on part time units which might not be viable in their own right but which nevertheless provide an important contribution to household income.

Furthermore, the Policy would preclude the development of agricultural buildings required to meet changing legislation, for example on crop storage, animal welfare, agricultural waste management and storage on agricultural units unless they are viable. It would also preclude the replacement of agricultural buildings on anything other than a viable agricultural unit.

This policy criterion conflicts with the thrust of Core Strategy Policy CS5 (Countryside and Green Belt) which confirms that *'development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to [inter alia]: agricultural/horticultural/forestry/mineral related development...*

It is unclear why agriculture has been singled out as a special case, necessitating the demonstration of viability before any development will be permitted. Such an approach is not justified. If such a viability policy test is required in connection with agriculture, then it should also be required in relation to all other land based uses and enterprises in open countryside locations irrespective of whether they are operated on a commercial full time, a commercial part time or a hobby basis i.e. the same restriction should be applied to all rural developments including forestry developments, equestrian developments, and other leisure and land-based developments.

From a development control perspective, the LPA will be required to properly and robustly assess every planning application for agricultural development against Policy MD7b 3.a. This means that if the Policy is to be applied consistently, every time a planning application for an agricultural development is submitted, the LPA will either have to undertake, or commission an external consultant to undertake, a viability assessment of the 'agricultural enterprise' associated with the proposed development.

No definition of 'viability' is provided within the Explanation to Policy MD7b nor is any explanation provided as to how viability is to be assessed – is to be by way of an assessment of accounts, by way of a viability assessment based on standard published data or some other method?

The Policy is also unclear as to what is to be assessed. A wide range of agricultural enterprises are operated within Shropshire including, for example, dairy, calf rearing, rearing store cattle, bull beef, suckler beef, sheep breeding and rearing, pig breeding, pig rearing and fattening, broilers, layers, free range layers, arable, soft fruit, top fruit etc. Many if not most agricultural businesses operate some form of mixed farming system involving more than one agricultural enterprise. For example a single agricultural

business may operate dairy, calf rearing, beef rearing, forage production and an arable enterprise. In many cases, an agricultural enterprise will not necessarily be viable on its own, but may, together with other agricultural enterprises, contribute to a viable agricultural business. In most cases it would be extremely difficult to assess the viability of a discrete agricultural enterprise forming part of a larger agricultural business, as fixed costs will normally be spread across all of the agricultural enterprises that are operated and will not be apportioned between enterprises within the accounts for the business.

In light of the above it is difficult to see how the Policy could be consistently and effectively implemented.

Section 3 of the NPPF is aimed at supporting a prosperous rural economy and paragraph 28 requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The first bullet under paragraph 28 requires plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, including through well designed new buildings. The second bullet goes on to require plans to, *inter alia*, promote the development of agricultural businesses. The NPPF does not require plans to restrict agricultural development to just agricultural enterprises that are already viable.

Furthermore, Planning Practice Guidance on Viability (paragraph 016 on 28.04.2014) headed '*How should viability be assessed in decision-taking*' confirms that '*Decision-taking on individual applications does not normally require consideration of viability*' and in any event concerns itself with site viability rather than the viability of particular agricultural enterprise.

Accordingly, Policy MD7b does not accord with the National Planning Policy Framework.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

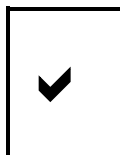
The first part of Policy MD7b3.a. should be deleted so that that part of the policy reads:

3. *Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:*
 - a. *Is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;*

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.



No, I wish to pursue my representations through this written representation.



If you wish to attend the examination, please explain why you think this is necessary in the box below:

Written representations were relied upon at the Structure Plan EIP when the County Council omitted 'agricultural development' from the list of development types that would be permitted in the open countryside and the matter was not taken into account by the Inspector. This led to a perverse situation where the development of agricultural buildings in Shropshire conflicted with the Structure Plan.

This matter is fundamental to agriculture and the rural economy within Shropshire and accordingly, it is considered that evidence needs to be given at the examination.

Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

When the SAMDev Plan has been submitted for examination	✓
When the Inspector's Report is published	✓
When the SAMDev Plan is adopted	✓

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.