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?

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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:

Approach to Hubs and Clusters (policy MD1 and policies S1-S18 inclusive)

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	✔
Justified	✔
Effective	✔
Consistent with National Policy	✔

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).

1. Introduction

SUPPORT

1.1 We support the rural rebalance and positive approach to rural sustainability that are embedded in the SAMDev Plan.

OBJECTIONS

1.2 While we agree with the rural sustainability vision of the SAMDev Plan, it falls short in delivering on its potential. The following objections are intended to assist in creating a more robust Plan that will better serve the

residents and businesses of Shropshire. Positive suggestions for achieving an improved Plan are given in section 7.

2. Legal Compliance

2.1 We have some concerns about whether Shropshire Council has complied with the Duty to Cooperate. The statutory duty requires close working with neighbouring authorities, for example on its underpinning evidence base. Yet none of Shropshire Council's evidence base has been jointly prepared with any of its neighbours, and the economic and social links between Shropshire and its neighbours are underplayed. For example, there are significant daily flows of people who live in Shropshire but work outside it, and vice versa. Cross-boundary links have particular implications for the towns on the edge of the county as well as Shrewsbury, which has significant functional links with Telford. Shropshire Council needs to explain how the statutory Duty to Cooperate has been fully addressed.

2.2 It is highly unfortunate that the SAMDev Plan is nearly 3 years behind the work programme set out for its preparation in the Local Development Scheme, which aimed for Final Plan publication in April 2011. Consequently it is dubious that the Plan meets section 19(1) of the Town and Compulsory Purchase Act 2004 to “be prepared in accordance with the local development scheme”.

2.3 More significantly, the SAMDev Plan does not meet the requirements for Sustainability Appraisal set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). Regulation 12(2)(b) requires a Plan to consider and evaluate alternatives. Shropshire Council have failed to do this, particularly with regard to the Hub and Cluster Settlements in the Plan.

2.4 Appendix G of the Sustainability Appraisal (SA) refers to Hub and Cluster settlements, but it only includes those villages designated as such in the SAMDev Plan. No alternatives are considered: the assessment only considers the short (S), medium (M) and long (L) term impact (assuming a consistent use of S, M & L terminology used in the Core Strategy SA – see page 5 of the same).

2.5 For villages that are not identified as a hub or cluster, the alternatives of being identified for small-scale, or larger-scale, development are never explicitly expressed or evaluated. For example, the village of West Felton is not assessed anywhere in the 469-page Sustainability Appraisal. Neither are the villages of Hadnall, Westbury, Ford, Morda, Cressage, The Hobbins or Alverley, despite the fact that most have significant employment, services and facilities. These villages are simply to become designated as 'countryside' on the Policies Map with no formal evaluation of alternative approaches to their future. This failure to consider alternative options is in breach of the explicit requirements in the 2004 Regulations.

2.6 The SAMDev Plan also does not consider nor assess alternatives to the development management policies. Alternative approaches to the policy issues that each DM policies addresses are never set out, let alone evaluated. While the Core Strategy narrowed the options for some of the DM policies, this does not remove the obligation to consider alternatives within the framework provided by the Core Strategy. How can we be confident that there are no better solutions with such a single-track approach?

2.7 In failing to consider reasonable alternatives, and in failing to consider those alternatives to the same level of detail as the preferred options, Shropshire Council has put itself at odds with recent judgements of the High Court that this is required by the Regulations (see the Norwich case http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2012/344.html&query=344+and+norwich&method=boolean and the Forest Heath case http://www.bailii.org/ew/cases/EWHC/Admin/2011/606.html). These cases conclusively show that a planning authority must set out reasonable alternatives and evaluate them alongside the preferred option in accordance with the Regulations to avoid breaching the European Directive on Strategic Environmental Assessment (2001/42/EC).

2.8 Please see section 7 for our suggestions as to how these shortcomings can be addressed to create a sound Plan.

3. Test of Soundness: Positively prepared

3.1 The SAMDev Plan has employed a circular argument, that it is applying the Core Strategy. Meanwhile the Core Strategy makes it clear that the SAMDev Plan will provide the detail. In fact neither document really addresses the challenge of ensuring that Shropshire's development requirements can be met as each gives the task to the other. This inadequate relationship between the two documents challenges the test in paragraph 182 of the NPPF that, "the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development". The passing of the buck between the Core Strategy and the SAMDev Plan is one of the underlying causes of the Plan's inadequacies, the symptoms of which are explored in more detail in sections 4 to 6 below.

4. Test of Soundness: Justified

4.1 As discussed in section 2 above, it is evident that the plan process has failed to consider alternative strategies. There is a paucity of evidence underpinning the identification of Community Hubs and Clusters, which appear to be based largely on the decision of the parish council and no other evidence. The participation of others in the community besides the parish council and evidence as to the sustainability of villages appear to have been ignored. The lack of robust justification for the choice of community hubs and clusters renders the Plan unsound.

4.2 Our suggestions as to how these shortcomings may be rectified to create a sound Plan are in section 7 below.

5. Test of Soundness: Effective

5.1 Over the first 7 years of the plan period an average of 1,038 dwellings per annum were completed. To deliver the objectively assessed requirement of 27,500 homes over 20 years 2006-2026 will require an average of 1,556 dwellings per annum over the remaining 13 years of the plan period (table 2.1, technical background paper). This amounts to a 50% increase over past delivery rates. Yet evidence to demonstrate how the plan will achieve this step-change in delivery is lacking.

5.2 Shropshire is highly unlikely to achieve the required increase in delivery unless it works with the market and allows a greater proportion of its development in locations where the market indicates there is most demand.

5.3 The Plan is over-reliant on development in the north west and north east of the county, where past delivery has been significantly lower than planned in Core Strategy policy CS1. There is little evidence that the Oswestry Sustainable Urban Extension will be delivered in the near future, despite its inclusion in Core Strategy policy CS3. The SHLAA report suggests the north will continue to remain a weaker housing market over the plan period. (SHLAA figure 3.8) Yet regardless of these facts the Plan states that 41% of proposed residential development will be in the north where the market is weakest (technical background paper tables 2.4 & 2.6).

5.4 The SAMDev Plan's expected 41% increase in housing in the north and only 28% increase in housing the south and east is quite different to what has occurred over the 10 years 2001-2011. The 2011 census describes a 27% increase in the number of households in the combined south and east spatial zones between 2001 and 2011, equivalent to nearly all the increase expected in double that timespan in the SAMDev Plan. In contrast, in the north west and north east zones the 2011 census describes only an 8% increase in the number of households over 2001-2011. The evidence is clear that market demand has been over three times greater in the south and east relative to the north, causing grave doubts about the deliverability of the SAMDev Plan's distribution of development.

5.5 The Plan's allocation of land for development in the south and east over the 13 years 2013-26 is less than has been experienced over the past 7 years 2006-13, which will effectively restricts development to below its natural level. This is hardly likely to result in the significant increase in housing delivery that is required in Shropshire in order to comply with the NPPF.

5.6 Furthermore, the SAMDev Plan has an over-reliance on windfall, particularly in the North East where windfalls account for 49.5% of the residual requirement (1,494 total windfalls over 3,021 remaining requirement) and in the south where they account for 52% (1,082 windfalls over 2,082 remaining requirement) using the figures provided in table 2.4 of the Technical Background Paper (columns 6 + 7 as a proportion of columns 2 – 3 - 4). The SHLAA report does not justify such a high proportion of windfall in the North East and South.

5.7 There is also an over-reliance on windfall in the rural area. The Plan's remaining requirement in the rural area is 5,427 (Technical Background Paper table 2.2) of which 1,269 are on allocated sites and 4,158 will be windfall development. This level of windfalls is equivalent to 76.6% of the residual requirement for the rural area. This is unlikely to be delivered. Past rural rates of delivery 2006-2013 averaged 330 dwellings per annum (2,314 rural completions divided by 7 years) yet the SAMDev Plan expects this to rise to 591 per annum in the rural area to deliver the remaining 7,686 dwellings over 2013-2026 and achieve the Core Strategy target of 10,000 rural dwellings. This represents a 79% increase in the annual rate of rural completions and it is unlikely to be achieved without additional specific allocations of land for residential development in the rural area.

5.8 A detailed housing trajectory was not included in the pre-submission Plan. It is not clear how or when Shropshire Council expects to meet its total housing requirement, let alone for different types of housing, as required by

NPPF paragraph 47. Neither is it clear for how many years' the Plan will secure a five year supply.

5.9 For the above reasons, the distribution of development will not be effective in delivering the scale of development required, and consequently the Plan is unsound.

6. Test of Soundness: Consistent with national policy

6.1 A Plan should cover a 15-year period (NPPF paragraph 157) but the SAMDev Plan will barely cover 11 if adopted in 2015. If the Plan is delayed for any reason, which must be considered a reasonable possibility, adoption after March 2016 would result in less than 10 years coverage and render the Plan inconsistent with paragraph 47 of the NPPF.

6.2 Please see section 7 below for our suggestions on how the Plan can be made sound.

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)

7. Making the SAMDev Plan 'sound'

Legal Compliance

7.1 To fulfil the statutory Duty to Cooperate, Shropshire Council needs to address the economic and social linkages with its neighbours. This could be achieved through pro-active working with them on commuting, housing requirements, economic growth and infrastructure evidence.

7.2 It would be helpful if Shropshire Council would review its Local Development Scheme and make more regular updates to it.

7.3 A full assessment of the potential for sustainable development in *all* villages needs to be undertaken to comply with the Environmental Assessment of Plans and Programmes Regulations 2004. This would also help address concerns about the effectiveness of the Plan, by specifically identifying more sites in the rural area and thereby helping ensuring that the Plan will deliver sufficient housing to meet Shropshire's housing requirements.

Test of Soundness: Justified

7.4 We can provide details at the examination hearings of villages to be considered for identification as community hub or cluster settlements, to assist Shropshire Council in preparing robust evidence on which its strategy can be founded.

Test of Soundness: Effective

7.5 The spatial split indicated in Core Strategy policy CS1 is essentially

undeliverable and should be amended by the SAMDev Plan to bring the Core Strategy in line with the NPPF's requirements for positively delivering development. Additional provision should be made in areas with stronger housing market demand.

7.6 Where there is a heavy reliance on windfall, particularly in rural areas and in the North East and South spatial zones, additional site specific sources should be identified or allocations increased accordingly.

7.7 Berrys can provide details of suitable sites and development schemes at the examination to assist Shropshire Council achieve an effective Plan that meets the NPPF's requirements.

Test of Soundness: Consistent with national policy

7.8 The Plan period should be extended to 2031 so that it covers at least 15 years. Allocations of land for development should be increased accordingly, and this increase in supply will help Shropshire achieve the step-change in delivery that is needed to house the younger generation and to provide more suitable retirement housing for the older generation.

7.9 The Plan should set out more specifically how it will meet the need for types of housing for which there is growing demand, namely housing for older people, custom build options for people who wish to build their own homes and private rental properties for people who cannot afford to buy but who cannot access social housing. We will be able to provide many suggestions at the examination on behalf of our clients to enable Shropshire Council to meet the NPPF's requirements in this regard.

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:

As one of Shropshire's main agents, Berrys has clients in dozens of the villages referred to in the Plan and a robust knowledge of the issues involved. We will be able to assist the examiner and the Council in rectifying the weaknesses of the Plan and creating a much stronger Plan that is able to deliver Shropshire's needs. We will be able to help identify suitable additions

to the Plan in discussion with the Council and others. It is easier to engage in the ongoing discussion about the best means of achieving this through a personal presence 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.