

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:	Paul Slater, Senior Planner
Organisation (if applicable):	Kemp and Kemp
Address:	1-3 Ock Street, Abingdon on Thames, Oxfordshire OX14 5AL
Email:	pslater@kempandkemp.co.uk
Telephone:	01865 240001

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

Name:	Lands Improvement Holdings
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 MD4 Managing Employment Development
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Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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	<input type="checkbox"/>	No	<input type="checkbox"/>
Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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).

Please see attached representations

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)

Please see attached representations

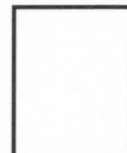
Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at 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:

Lands Improvement Holdings ("LIH") is in negotiations with landowners to purchase land which forms part of the Shrewsbury South Sustainable Urban Extension (SUE) and is currently preparing a planning application for development which is in accordance with the principles set out in the Council's Adopted Masterplan. LIH, therefore, has a significant interest in the Site Allocations and Management of Development Plan and considers it necessary to attend 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	<input checked="" type="checkbox"/>
When the Inspector's Report is published	<input checked="" type="checkbox"/>
When the SAMDev Plan is adopted	<input checked="" type="checkbox"/>

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.

SHROPSHIRE COUNCIL

**SITE ALLOCATIONS AND MANAGEMENT OF DEVELOPMENT
(SAMDEV) PLAN**

PRE-SUBMISSION DRAFT (FINAL PLAN)

**SUBMISSIONS ON BEHALF
OF
LANDS IMPROVEMENT HOLDINGS**

APRIL 2014



INTRODUCTION

1. This submission is made in response to the Pre-submission Draft Shropshire Site Allocations and Development Management Plan ("SAMDev plan") and is made on behalf of Lands Improvement Holdings ("LIH"). LIH is in negotiations with landowners to purchase land which forms part of the Shrewsbury South Sustainable Urban Extension (SUE) and is currently preparing a planning application for development which is in accordance with the principles set out in the Council's Adopted Masterplan.
2. LIH supports the allocation of the Shrewsbury South SUE in the SAMDev plan and welcomes the support it has received from the Council regarding the bringing forward of proposals to fully deliver the development within the plan period. There are, however, a number of matters arising from the SAMDev plan as drafted on which LIH wish to comment. These are dealt with in the various representations made.

PLAN SECTION: Policy MD4 Managing Employment Development

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified, not effective and not consistent with national policy

3. LIH is bringing forward a planning application for development on Land to the South of Oteley Road which forms part of the Shrewsbury South SUE. As identified by Policy S16, the site includes a strategic employment land allocation of approximately 22ha which is referred to as a 'portfolio site'. LIH considers that the site is suitable for a range of employment generating uses.
4. Core Strategy Policies CS13 and CS14 promote a range of business types through planning and managing a responsive and flexible supply of employment land. The supporting text to Core Strategy Policy CS14 (paragraph 6.16) states that:

"6.16 The distribution of the strategic employment land supply is described in Policy CS1 to support the strategic approach. The portfolio will support the provision of important town centre uses in edge of centre and out of centre locations especially in Shrewsbury with its recognised physical constraints where the requirements of Policy CS15 are fully satisfied. Other important land uses including waste infrastructure, important community services and facilities and ancillary uses within employment developments will also be accommodated."
5. LIH supports the permissive approach of Policy MD4 towards alternative non-B class uses on portfolio sites. LIH considers, however, that the wording of Policy MD4 should be adjusted to ensure that it is effective and provides clear guidance as to the circumstances whereby alternative uses will be considered.
6. First, LIH considers that the application of paragraph 1 of Policy MD4 requires clarification with regard to whether criteria iii – v are all required to be met: in LIH's view these criteria do not all need to be met. Proposals which meet criterion v and satisfy the relevant settlement policy and accompanying development guidelines should not be required to meet criteria iii and iv as the settlement policy and development guidelines allocate sites for particular uses.

7. Second, LIH objects to criterion 2.i of Policy MD4, which states that applicants are required to demonstrate that there are no other suitable development sites for the proposal. This criterion is not effective in that it is not sufficiently specific as to the location of other suitable sites and whether such sites are more or less sustainable. Criterion 2.1 is not, therefore, consistent with the NPPF paragraph 154.
8. Criterion 2.i is also inconsistent with NPPF paragraph 19 whereby *"planning should not act as an impediment to sustainable growth"* and NPPF paragraph 21 whereby *"investment in business should not be over-burdened by the combined requirements of planning policy expectations."*
9. LIH, therefore, considers that criterion 2.i is ineffective and unnecessary and should be deleted.
10. Third, LIH considers that criterion 2.iii should also be adjusted to ensure that market signals are considered when assessing the impact of alternative uses on the range and choice of employment sites. Core Strategy Policy CS14 states that *"the portfolio of employment land and premises will be identified and managed in accordance with national guidance."* NPPF paragraph 22 states that:

"Planning policies should avoid the long term protection of employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".
11. Criterion 2.iii of draft Policy MD4 should be amended to make explicit reference to the need to have regard to market signals.
12. Finally, having regard to the above, it is considered that paragraph 4.33 of the SAMDev plan is also inconsistent with national policy in so far as it restricts retail development and uses which attract visiting members of the public. Such uses should be considered on their merits having regard to market signals and the relevant sequential and impact tests of town centre development policy.

Change sought to the plan

13. Policy MD4 should be amended as follows:

Policy MD4 – Managing Employment Development

Further to Policies CS14 and CS19, as part of the management of a portfolio of employment land and premises and to maintain a reservoir of available sites:

1. Employment land and development will be delivered by permitting proposals that are sustainable development and:

- i. are on committed or allocated sites (portfolio sites) identified in Policies S1 – S18 and on the Proposals Map; or
- ii. are other suitable, small scale development sites; and
- iii. comprise Class B or sui generis uses which include industrial or commercial employment opportunities; **and**
- iv. are operations which are compatible with adjoining uses; **or**
- v. satisfy the relevant settlement policy and accompanying development guidelines;

2. Proposals for alternative uses on portfolio sites which do not satisfy iii. above will only be acceptable where the applicant can also demonstrate that :

- ~~i. there are no other suitable development sites for the proposal;~~
- ~~ii. i. the development will provide significant employment opportunities or other significant benefits for the sustainability of the community;~~
- iii. the development will not adversely affect the range and choice of employment sites in terms of location, quality, type and size **having regard to market signals**

14. Paragraph 4.33 should be amended as follows:

~~4.33 Other forms of development also include 'employment generating' uses. To be acceptable for development on portfolio sites, these other uses should only provide products or services to other businesses or services to domestic properties (but not the sale of products) and should not require access for visiting members of the public. These alternative uses may include Use Classes A, D, C1, C2 or C2A which must satisfy the tests in this policy for alternative uses. The presumption in favour of protecting portfolio sites from alternative uses requires evidence presented in relation to these policy tests to be clear and compelling before alternative uses will be permitted;~~