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# Shifnal Neighbourhood Development Plan

Representations to Formal Submission Consultation  
on behalf of Gallagher Estates Ltd and Taylor Wimpey North Midlands

November 2015



## SHIFNAL PARISH NEIGHBOURHOOD PLAN

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<b>Project Ref:</b>	17852/A5
<b>Status:</b>	Draft
<b>Issue/Rev:</b>	P3
<b>Date:</b>	06/11/15
<b>Prepared by:</b>	KV
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Ref: 17852/A5/P3

Date: November 2015

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## **1.0 INTRODUCTION**

1.1 These Representations are submitted on behalf of Gallagher Estates Ltd and Taylor Wimpey North Midlands. These Representations are submitted in response to formal Pre Submission Consultation (Regulation 14) of the Shifnal Neighbourhood Development Plan 2014 – 2026 [SNP].

1.2 These representations have been prepared in recognition of prevailing planning policy including:

- National Planning Policy Framework [NPPF] (March 2012);
- National Planning Practice Guidance [NPPG]
- Neighbourhood Planning (General) Regulations 2012;
- Localism Act 2011; and,
- Shropshire Core Strategy (2011).

## 2.0 CONFORMITY OF THE PRE SUBMISSION DRAFT PLAN

- 2.1 In general terms, the NPPF advocates a strong 'presumption in favour of sustainable development' in all planning related matters and places a responsibility on Local Authorities to encourage and support sustainable growth and to plan positively for new development.
- 2.2 Importantly, paragraph 1 of the NPPF states that it 'provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.
- 2.3 Paragraph 16 of the NPPF states 'the application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development'.
- 2.4 In this respect, Neighbourhood Plans (like Local Plans) must be found on a **robust and credible evidence base** to ensure they are 'sound' (our emphasis).
- 2.5 To be considered sound, Para 182 of the NPPF requires that a plan is:
- Positively prepared – 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;
  - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and:
  - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 2.6 The NPPF (paragraphs 183 – 185) supports the principle of local communities preparing Neighbourhood Plans to deliver a shared vision and support sustainable development. Importantly, para 183 confirms that 'neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them'. The KNDP must



therefore be in general conformity with the SDC SCS as well as the principles set out in the NPPF particularly relating to sustainability.

2.7 It is our view that the SNP is in general conformity with the Core Strategy albeit, we consider some revisions are required.

2.8 As a starting point, only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions (as relevant to this submission) are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

2.9 In order to demonstrate how the basic conditions have been met, the NPPG (ID 41:066-20140306) recommends that a draft 'basic conditions statement' be included in the Plan so that it is clear in the way that these conditions have been met. No such statement is included within the SNP and we could recommend that this be rectified moving forward.

2.10 On this basis, we propose to carry out a review of the SNP and then summarise its compliance with the relevant legislation.

### 3.0 REVIEW OF DRAFT NEIGHBOURHOOD PLAN

#### Section 3 – Vision and Objectives (Page 9)

- 3.1. Paragraph 3.3 (bullet 4) makes reference to meeting the needs of Shifnal. However additional text then makes specific reference to the provision for homes for first time buyers and older people. This Plan has a 12 year life cycle and the market and housing needs may change over this period. We would recommend that reference to specific population sectors is discouraged as the housing need of the village may change over the Plan period. The same principle can be applied to paragraph 5.2 (Housing).

#### Section 5 – Housing

- 3.2 Design is clearly a subjective matter and whilst we support cross reference to good design quality (5.3), we do not support explicit reference to development sites where subjective views on poor quality design are portrayed. The residents of this development are now a firmly established part of the community and we do not consider it appropriate to seek to downgrade their homes in any way.
- 3.3 With regard to **Policy HG2 (Housing Mix)** as drafted, this policy applies to both market and affordable housing. It must be noted that the affordable housing mix for any site is, in the main, dictated by Shropshire Council and not a developer. The Council being the party which holds the most up to date information on affordable housing need. In this case therefore, the balance of the overall mix for the site could be skewed if, for example, the Council request a greater proportion of larger properties within affordable housing mix, thus driving the private housing mix to comprise smaller units in the main. This has the effect potentially of failing to provide accommodation within the town for families or those aspiring for a larger home. Thus a sector of the population are excluded from the new housing market.
- 3.4 As highlighted above, the need and the market change over time and consideration has to be given to both. Paragraph 50 of the NPPF states that we should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).**
- 3.5 As currently drafted, Policy HG2 deals solely with current need but does not have sufficient flexibility to accommodate any changes to this need which may arise and fails

to take account of market signals. We would suggest that the policy is re-worded to instead make reference to new proposals reflecting up to date evidence of housing need and market demand in the Town. We also consider that market based evidence should also support any draft plan to assist in formulating a robust and credible evidence base.

- 3.6 It is also not clear as to whether Policy HG2 applies to sites which have got outline planning permission but for which detailed consent is not yet obtained. Paragraph 5.6 suggests that this policy applies solely to new sites (i.e. those sites which are not already in the pipeline) and indeed we would expect this to be the case, however we consider this should be clarified within the policy.

### **Section 8: Health and Leisure**

- 3.7 **Policy LE3: Shifnal Town Park** is supported in the main, and the location as shown on the Proposals Maps is supported. However Policy LE3 makes reference to the potential provision for a nature reserve. This has not been proposed as part of the Town Park as of today and indeed such a proposal would not fit with this being a new Park for the whole community. A specific nature reserve area would prevent children playing in that area and dog walkers accessing the area. Thus restricting its intended use and accessibility. In addition, given its location centrally within the development it is not considered an appropriate location for such a use. There are ample areas around the periphery of the site which are more likely to remain undisturbed and would thus form a more appropriate nature reserve area. We request that 'bullet 2' is removed from Policy LE3.