



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

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

Guidance Notes for Making Representations at Pre-Submission Publication Stage

1. Introduction

- 1.1 The Site Allocations and Management of Development (SAMDev) Plan has been published in order for representations to be made prior to its submission to the Secretary of State. Once submitted the representations made will be considered alongside the published SAMDev Plan by a Planning Inspector as part of the examination stage.
- 1.2 The Planning and Compulsory Purchase Act 2004 (as amended) states that the purpose of the examination is to consider whether the SAMDev Plan complies with the legal requirements, the duty to co-operate and is sound.
- 1.3 These guidance notes are intended to help anyone who wishes to make a representation on the publication version of the SAMDev Plan and are based upon advice from the Planning Inspectorate.

2. The Representations Form

- 2.1 We recommend that representations are made using the Representation Form provided. The Representation Form is available in two formats on Shropshire Council's website. A Word version of the form can be downloaded from the website whilst an on-line 'survey monkey' version of the form is also available. Both versions of the form ask the same questions. Both versions can be accessed on the Shropshire Council website at www.shropshire.gov.uk/samdev.
- 2.2 The period for making representations runs for 6 weeks from **12.00pm on Monday 17 March until 5pm on Monday 28 April 2014**
- 2.3 The Representations Form provides the opportunity for you to either object or support the SAMDev Plan Pre-Submission Draft. It asks you to provide the section of the Plan you are making your representation on and whether you consider it to be 'legally compliant' and 'sound'. Specific guidance on what these terms mean is provided below.
- 2.4 This is a very formal stage of consultation and must be in line with national legislation and regulations. It is therefore very important representations relate to the legal compliance and/or soundness of the Plan and are made within the 6 week representations period in order to be considered as duly made. Representations made after the 28 April 2014 and which do not relate to either the legal compliance or

soundness of the plan will continue to be submitted to the Secretary of State but may not be considered as part of the examination into the Plan.

If you have more than one representation you wish to make on the Plan, please be aware it is important that you use a separate form for each. For instance, if you wish to make a representation on two different policies you will need to complete two separate Representations Forms.

3. Legal Compliance and Duty to Co-operate

- 3.1 The Inspector appointed to conduct the examination will first check that the SAMDev Plan meets the legal requirements under s20(5) (a) and the duty to co-operate under s20(5)(c) of the Planning and Compulsory Purchase Act 2004 before moving on to test for soundness.
- 3.2 You should consider the following before making a representation on legal compliance:
- I. The SAMDev Plan should be included within the current Shropshire Local Development Scheme (LDS) and the key stages should have been followed. The LDS The Shropshire Local Development Scheme is available at [http://shropshire.gov.uk/planningpolicy.nsf/viewAttachments/EWET-8YVD2S/\\$file/shropshire-lds-formal-publication-dec-2009.pdf](http://shropshire.gov.uk/planningpolicy.nsf/viewAttachments/EWET-8YVD2S/$file/shropshire-lds-formal-publication-dec-2009.pdf)
 - II. Community involvement in the preparation of the SAMDev Plan should be in line Shropshire Statement of Community Involvement (SCI), adopted in February 2011. The Shropshire SCI sets out how the Council will seek to engage and consult communities and organisations in the preparation of Development Plan Documents such as the SAMDev Plan. The SCI is available at [http://shropshire.gov.uk/planningpolicy.nsf/viewAttachments/EWET-8URCNQ/\\$file/statement-of-community-involvement-adopted-version-february-2011.pdf](http://shropshire.gov.uk/planningpolicy.nsf/viewAttachments/EWET-8URCNQ/$file/statement-of-community-involvement-adopted-version-february-2011.pdf)
 - III. The SAMDev Plan should comply with the Town and Country Planning (Local Development) (England Regulations) 2012 (the Regulations). On publication Shropshire Council must publish the documents prescribed in the Regulations. The documents prescribed in the Regulations can be viewed at the places outlined in Paragraphs 2.1 and 2.2.
 - IV. Shropshire Council is required to provide a Sustainability Appraisal Report when SAMDev Plan is published. The SA Report should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
 - V. The SAMDev Plan must have regard to the Shropshire Sustainable Community Strategy. The Sustainable Community Strategy 2010-2020 was prepared by the Shropshire Partnership and was adopted by Shropshire Council in 2010. The document was subject to extensive local consultation but not to an independent examination. It is available at

http://www.2shrop.net/live/images/cme_resources/Users/Shropshire%20Partnership/Shropshire%20Partnership/Community%20Strategy/Shropshire-s-Community-Strategy-2010-2020.pdf.

- 3.3 You should also consider whether the duty to co-operate has been complied with. The duty to co-operate came into force on 15 November 2011 and sets out the requirements that on for local Authorities submitting a Local Plan for examination must demonstrate constructive and active engagement with adjoining Local Authorities in the context of strategic cross boundary matters. The Planning and Compulsory Purchase Act 2004 (as amended) establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the SAMDev Plan.

4. Soundness

- 4.1 Soundness is explained fully in the National Planning Policy Framework in paragraph 182. The Inspector will need to be satisfied that the SAMDev is positively prepared, justified, effective and consistent with national policy. This is why it is important that representations made on the Plan need to relate to its 'soundness'. Each aspect of 'soundness' is explained below.

Positively Prepared

- 4.2 This means 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 NPPF has 12 principles through which it expects sustainable development can be achieved.

Justified

- 4.3 This means that the SAMDev Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence, which includes:

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding: the choices made in the plan are backed up by facts

- 4.4 The SAMDev Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

- 4.5 This means the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. The plan should:

- Show sound infrastructure delivery planning
- Have no regulatory or national planning barriers to delivery
- Show delivery partners who are signed up to it: and
- Show coherence with the strategies of neighbouring authorities
- be flexible and able to be monitored

- 4.6 The SAMDev Plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The Plan should be flexible to deal with changing circumstances, which may involve minor changes to

respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the plan should make clear that major changes may require a formal review including public consultation. Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report.

Consistent with National Policy

- 4.7 The SAMDev Plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).
- 4.8 If you think the content of the SAMDev Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:
- Is the issue with which you are concerned already covered specifically by any national planning policy? If so, it does not need to be included.
 - Is what you are concerned with covered by any other policies in Shropshire's Planning Policy documents, in particular the adopted Core Strategy? There is no need for repetition between Local Plans covering the same geographical area.
 - If the policy is not covered elsewhere, in what way is the SAMDev Plan unsound without the policy?
 - If the SAMDev Plan is unsound without the policy, what should the policy say?