

SAMDev Main Modifications response from Andy Boddington

MM7: Design

Legally compliant: No comment; Positively prepared: No; Justified: No; Effective: No;
Consistent with national policy: No.

It is proposed that the phrase “achieve local aspirations for design” is replaced with “respond positively to local design aspirations”. This weakens the commitment to design which is emphasised in NPPF57-58.

The expectation was that Shropshire standards for design would be set out in a Sustainable Design SPD. [Part 1 of this SPD](#) which deals with sustainability has been adopted. But Part 2, which will cover design standards, has been omitted from the July 2014 version of the Local Development Scheme. In the current environment of cutbacks to planning policy staff, it seems unlikely that Part 2 will now be produced or adopted.

Many of our communities have strong design aspirations; for example Church Stretton has published a town design statement. Other communities could be inspired to develop design statements but they will expect planners to have regard to them. Shropshire’s Core Strategy is strong on the sustainability aspects of design but notably weak on architectural, landscape and streetscape elements of design.

Weakening the text of SAMDev MD2 would reduce aspirations of communities, planners and planning committees to champion good design.

The existing wording should be retained.

MM13: Mitigation

Legally compliant: No comment; Positively prepared: No comment; Justified: No comment;
Effective: No; Consistent with national policy: No comment.

A matter of wording. Policy MD2, paragraph 4.13 as modified reads “Policy MD12 provides for mitigation measures to **remove** the impact.” The OED defines mitigation as: “Make (something bad) less severe, serious, or painful”. Therefore mitigation cannot **remove** the impact, only reduce it. A more appropriate wording would be to **reduce** the impact.

MM14: Overview

Legally compliant: No comment; Positively prepared: No; Justified: No; Effective: No;
Consistent with national policy: No.

Policy MD3 is substantially modified. This is not a clarification of policy as suggested but a significant rebalancing of policy away from planned development to development driven by speculative proposals. It undermines a key rationale of SAMDev – to plan development within the principles of the core strategy (and subsequent to the core strategy being adopted, within the NPPF). The revised wording of MD3 considerably weakens the primacy of SAMDev in establishing where and how much sustainable development should take place in Shropshire over the plan period.

MM14: Delivering housing

Legally compliant: No comment; Positively prepared: No; Justified: No; Effective: No;
Consistent with national policy: No.

The following text relates to the new paragraph which is proposed to be inserted at the beginning of MD3.

Defining sustainability is notoriously difficult when making decisions on planning applications. NPPF7 provides broad guidance on the three dimensions of sustainability but translating this into individual planning decisions can be challenging. In the absence of a strong policy framework, decisions can be inconsistent. That strong framework is provided by the local plan and in the case of Shropshire, SAMDev. This is what is said in the first sentence of MD3 4.22 which is proposed to be deleted under MM18 (I object to the deletion of that first sentence).

SAMDev establishes a spatial framework for development negotiated with communities and meets the exhortation at NPPF17:

Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.

In seeming disregard for NPPF17, the inserted paragraph at the beginning of MD3 begins:

In addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development...

This wording undermines the status of SAMDev as a local plan. It overly promotes and encourages speculative development at the expense of the requirement at NPPF16 for planning authorities to “plan positively to support local development”.

SAMDev has been developed after long, and sometimes difficult, consultations with local communities. The housing numbers and locations reflect intimate knowledge of local needs and sustainability. This exists nowhere else in Shropshire Council’s policy documents.

I am not suggesting that development outside of SAMDev allocations will not be approved in some circumstances. The NPPF presumption in favour of sustainable development allows for this. But the additional paragraph proposed in MM14 not only goes beyond NPPF it beckons onwards speculative development.

This new paragraph is unnecessary. It is harmful to the strategic objectives and strategies of the Core Strategy (SO1, SO3, CS1-CS6) and the principles of SAMDev, and it is in conflict with NPPF16 & 17.

MM14: Renewing permission

Legally compliant: No comment; Positively prepared: No comment; Justified: No comment;
Effective: No; Consistent with national policy: No.

The paragraph on renewing planning permission, previously numbered 2, has been deleted. This was a perfectly sensible policy that would prevent the rolling on of planning permissions through renewal that we have seen in towns like Ludlow. This holds back development of sites, mainly brownfield sites, and acts as a disincentive for developers to develop.

The deleted paragraph is a positive paragraph that seeks to progress development approved in line with the local plan or presumption in favour of sustainable development. As such, it is NPPF compliant and should be reinstated.

MM14: Settlement housing guidelines

Legally compliant: No comment; Positively prepared: No; Justified: No; Effective: No; Consistent with national policy: No comment.

The deletion of the criterion “evidence of community support” undermines the central principle of SAMDev – that it is a local plan validated by community support through parish and town councils.

Paragraph 2 asks planners to “have regard to” the criteria – which it renames considerations in paragraph 3 – and does not suggest that each of the five considerations needs to be satisfied before development can be approved.

This criterion should be reinstated. I would not object to a change of wording to “evidence of town and parish council support”.

MM15: Housing numbers

Legally compliant: No comment; Positively prepared: No; Justified: No; Effective: No; Consistent with national policy: No comment.

The new paragraph in MD3 4.17 contains the phrase “including both brownfield and, where sustainable, greenfield sites.” It is of course right to emphasise brownfield development in line with the priority given to previously developed land in NPPF111 and ministerial policy statements. But the reference to ‘sustainable’ greenfield sites is likely to act as an invite for development on agricultural land.

As I have outlined in my comments on *MM14: Delivering housing*, sustainability is notoriously difficult to define. There are circumstances where greenfield development is both appropriate and sustainable. The NPPF and SAMDev [passim] allow for this. But we should not be beckoning greenfield applications.

The phrase “including both brownfield and, where sustainable, greenfield sites” should be replaced with “especially on brownfield land”.

MM16: Keeping planning permissions alive

See my comments on *MM14: Renewing permission*.

MM17: Settlement housing guidelines

Legally compliant: No comment; Positively prepared: No comment; Justified: No; Effective: No; Consistent with national policy: No.

The new paragraph at MD3 4.20 reintroduces community goodwill as a criterion or consideration, despite it being deleted in MM14. I oppose the deletion of community goodwill in MM14 and reinstatement will ease this issue.

I also object to the phrase: “The guideline is not a maximum figure but development going beyond it by too great a degree could result in unsustainable development.” The words “by too great a degree” open an invitation for prolonged dispute on what by too great a degree means. It also suggests a ‘first come, first served’ principle – that it is cumulative developments that result in unsustainable development, rather than a specific development.

Omission of the words “by too great a degree”, reinstatement of community goodwill earlier in MD3, and reinstatement of the first sentence of MM18 4.22 will make this additional paragraph consistent with the rest of SAMDev and NPPF principles on sustainability.

MM18: Interpreting sustainable development

Legally compliant: No comment; Positively prepared: No comment; Justified: No; Effective: No; Consistent with national policy: No.

This paragraph only in part duplicates the new paragraph introduced in MM17. I object to the loss of the phrase:

The term ‘sustainable development’ in the policy will be interpreted to include whether the development is within the settlement guideline as this reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period.

My comments under *MM14: Delivering housing* explain that sustainable development is difficult to define and the development process of the local plan, in this case SAMDev, is one of the essential mechanisms for establishing sustainability.

I propose that the deleted sentence above is reinstated as part of the new paragraph at MD3 4.20.