

## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	Hayley Deighton
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#### Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP2"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                          |     |                                     |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant                     | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |
| B. Sound                                 | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |

(Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Policy SP2 recognises the rurality of much of Shropshire and need for long term sustainability. Whilst the focus of the plan is on the urban area, it continues to be important to plan effectively for Shropshire's rural areas, but in doing so recognising that growth opportunities in these areas should be more closely aligned with the ability of villages to provide a suitable standard of services and facilities. For this reason the Council opted early in the plan preparation process to provide a consistent methodology to the identification of Community Hubs, assessed through the Hierarchy of Settlements document.

Whilst the policy rightly identifies Community Hubs as significant rural service centres, it is unsound in its application as it is not based on sound, up to date or accurate evidence and treatment of changes to local services and facilities throughout the Plan's development has been inconsistent. The Hierarchy of Settlements (August 2020) supports the Local Plan Review and in particular Policy SP2, by setting out the methodology and conclusions for identifying Shropshire's service

centres. The purpose of this evidence is to inform Policy SP2 with an assessment of specific and consistent criteria about Shropshire's settlements and their sustainability.

The August 2020 version of the Hierarchy of Settlements represents the third iteration of this important evidence base. It acknowledges and reflects the need to keep this evidence up to date with best available information about changing local facilities, services and infrastructure, including feedback from previous consultation on the Local Plan Review and informal consultation with representatives of the local communities. This need is clearly set out in para 2.6 of the evidence based report.

However, despite consultation responses highlighting changing evidence on availability of local services and facilities in some of Shropshire's settlements, including the most recent Regulation 18: Pre- Submission Draft of the Local Plan (August 2020- September 2020), Policy SP2 does not take these into account.

Whilst recognising the Plan can only ever be based on sound evidence at a point in time, both previous formal and informal consultation on the Local Plan Review has continually highlighted the misidentification of available local services and villages for the village of Clive. However Clive remains under Policy SP2 as a Community Hub and is thereby deemed a 'significant rural service centre' but without the actual presence of necessary associated services and facilities to support this designation.

In addition, this raises soundness concerns over the application of the Hierarchy of Settlements evidence base in the development of the Regulation 19 Plan and thereby the application of a consistent approach cross the whole of the Plan area. As an example, the village of Myddle, like Clive, was initially identified as a Community Hub but following closure of the local convenience store in summer 2018, the evidence base and associated developing policies were reviewed as it was determined the village fell below the threshold to be considered a 'significant rural service centre'. The same consistent application of this methodology has not been applied to the village of Clive, despite falling under comparative circumstances with a closure of a local convenience store. The village thereby also falls below the threshold for a Community Hub. This was raised with Shropshire Council by the Parish Council, local residents and indeed the shop owner during the Regulation 18 consultation stage but the Regulation 19 Plan remains unchanged, rendering Policy S2.2 unsound as it is not justified.

*(Please continue on a separate sheet if necessary)*

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

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Policy SP2 should remove reference to Clive as Community Hub as current evidence on availability and accessibility of local facilities and services means it does not meet the definition of a significant rural service centre as defined by the Hierarchy of Settlements evidence base and subsequent Local Plan policies.

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Part A Reference:

Part B Reference:

(Please continue on a separate sheet if necessary)

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- No, I do not wish to participate in hearing session(s)  
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

**Ongoing engagement with Shropshire Council via public consultation rounds has not appropriately addressed the issues raised in terms of the misrepresentation of local facilities and services.**

(Please continue on a separate sheet if necessary)

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Signature: H Deighton

Date: 04/02/2021

Office Use Only

Part A Reference:

Part B Reference:

## Representation Form

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### Part B: Representation

Name and Organisation:	Hayley Deighton
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- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP7"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                                     |     |                          |
|--|------|-------------------------------------|-----|--------------------------|
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| B. Sound                                 | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/> |
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In managing future housing development, Policy SP7 recognises the importance of the residential guidelines for settlements, set out in Policies S1- S20 as an important policy consideration. It also reflects the importance of settlement policy boundaries in strictly controlling development, unless there is clear evidence that housing guidelines are unlikely to be met.

This Policy is consistent with the Shropshire Test set out in Policy SP1 and the Strategic Approach in Policy SP2 which together seek to support the NPPF's approach to significantly boosting housing supply whilst reflecting the unique character across Shropshire's urban and rural settlements through appropriate application and distribution of development across a settlement hierarchy.

Removal of development boundaries or flexible application of the housing guidelines as a minimum will potentially open up further opportunity for growth, as a positive, but would also lead to uncontrolled and unsustainable development and conflict with other policies within the Plan.

This would also result in significant uncertainty on delivery which runs counter to the evidence led approach and consultation processes for development of this Local Plan. The purpose of the Plan is

to provide a consistent framework for future development across Shropshire and as such the guidelines in Policy SP7 are considered important and sound.

(Please continue on a separate sheet if necessary)

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Yes, I wish to participate in hearing session(s)

(Please tick one box)

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Office Use Only	Part A Reference:
	Part B Reference:

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*(Please continue on a separate sheet if necessary)*

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Signature: 

H Deighton
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Date: 

04/02/2021
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Office Use Only	Part A Reference:
	Part B Reference:

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### Part B: Representation

Name and Organisation:	Hayley Deighton
------------------------	-----------------

#### Q1. To which document does this representation relate?

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- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:  Policy:  Site:  Policies Map:

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- A. Legally compliant Yes:  No:
- B. Sound Yes:  No:
- C. Compliant with the Duty to Co-operate Yes:  No:

(Please tick as appropriate).

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Policy SP8 defines Community Hubs as significant rural service centres, as set out in SP2.2 of Policy SP2. It sets out that the Community Hubs have been identified through a Settlement of Hierarchy Assessment, which has assessed settlement function through consideration of:

- The population and number of households within a settlement; and
- The extent to which the settlement provides services and facilities, high speed broadband; employment opportunities; and other transport links.

The evidence within this Settlement of Hierarchy Assessment is not based on up to date or accurate information and thereby Policy SP8 is not justified and is considered unsound.

The Council's approach to the identification of Community Hubs is guided by the application of a methodology contained in the 'Hierarchy of Settlements' document, which assesses the level of available services and facilities in an area. The Local Planning Authority consider this has been applied on a consistent basis, and where appropriate has responded to changing levels of provision

locally. However, both formal and informal consultation rounds have identified inaccuracies within this evidence base. Rather than addressing these matters prior to the Regulation 19 consultation, the Local Planning Authority has chosen to defer them, rendering the Plan and Policy SP8 and the associated schedule SP2.2 unsound as they are not effective.

The current scoring within the Hierarchy of Settlements for Clive includes the bowling green as an outdoor sports facility and the local convenience store. Neither of these facilities are publically accessible to the community, following closure of both the bowling green and local convenience shop. Both now fall under private residential ownership and use.

With regard to the bowling green, the Local Planning Authority recognise there is no active club as the facility now falls under a private residential dwelling. This was confirmed in the Shropshire Council Playing Pitch and Outdoor Sports Strategy Assessment Report (Oct 2020). This was a comprehensive assessment undertaken between 2018 and 2019, the accuracy of which has been confirmed by Shropshire Council. In this comprehensive assessment of bowls clubs and greens, Clive is not recorded as having such a facility.

Despite this, consultation with the Local Planning Authority justifies it's retention as a local facility for Clive following it's inclusion in the Council's Open Space Needs Assessment. The Council's Open Needs Space Assessment 2017 is based on data from 2009. In the 2009 report all sites were assessed but in the 2017 report only 500 sites were randomly assessed and "on-site surveys were not undertaken". The 2017 Open Space Needs Assessment itself acknowledges "without a catchment area analysis it cannot detect the reality of variations in provision within each Place Plan Area". This desk top evidence base therefore appears to use historic data which has not been locally verified and therefore includes significant inaccuracies. Indeed this out of date information has already been superseded by Shropshire Council's own formally adopted Playing Pitch and Outdoor Sports Strategy Assessment Report.

With regard to Clive's local convenience store, the Local Planning Authority has acknowledged that officers have received recent correspondence from both the Parish Council and owner that the shop is no longer in use and now falls within a residential curtilage. This earlier engagement with the Local Planning Authority has most recently been formalised into a change of use planning application from the owner to provide a residential annex from this former shop (ref 21/00048/FUL). The Local Planning Authority were notified of these changes through the Regulation 18 consultation but no associated updates have been made to the Regulation 19 Plan, rendering Policy SP8 as unjustified and unsound.

The Local Planning Authority appear to have taken an inconsistent approach to taking into account and reflecting such changes in local services and facilities during the Plan development.

Comparative changes took place in the village of Myddle with the closure of the local shop resulting in a change in designation to Open Countryside. Similar changes have taken place to Cockshutt and Westbury. There is no evidence that any other Parish Council has been asked to provide additional evidence to support this change in designation. Indeed, correspondence regarding changing local facilities between Parish Councils and the Local Planning Authority appear to have been sufficient.

Acknowledging that the change to the local convenience facility within Clive Parish occurred later in the plan development than some other locations, there is still evident disparity between the requirements placed on Clive Parish to further evidence these changes. This has resulted in the Local Planning Authority deferring these matters when they should have been addressed and means the Plan is now considered to be ineffective and unjustified Plan.

Unlike other locations, Clive Parish has been asked to provide further evidence of marketing more widely or suitable assurances about the potential future uses for the facility. This is despite the facility owner directly confirming that the former local convenience shop now falls within his residential curtilage and there is no intention to remarket or repurpose. This has now been formalised through a change of use planning application. Should the Local Planning Authority require evidence of marketing, there is evidence via Rightmove that Clive Village Shop and Post Office has previously and fairly recently been placed on the open market with Halls. As with many

Office Use Only	Part A Reference:
	Part B Reference:



rural shops it was not considered to be viable proposition and no offers were therefore made. In an attempt to try and maintain this important local facility, the current owner did offer it over to the community but again no offers were received. It was most recently let on a short term tenancy to a local resident but this quickly came to an end on viability grounds in part due to the facility now not including a Post Office facility which previously assisted in bridging some of the viability gap. In a response to the Parish, the Local Planning Authority has recognised that the Council's methodology does require continued review, especially in light of any potential change to service provision resulting from the Covid 19 pandemic. However, rather than addressing with appropriate changes to the Plan following the Regulation 18 consultation, they have pushed review of Clive's status to the proposed consultation on the Regulation 19 version of the Local Plan, asking the Parish to confirm whether they consider the identification of the Community Hub to be sound. On this basis and in light of the up to date information on local services, the Plan and Policy SP8 are not considered sound as they are not effective or justified.

The approach taken by the Local Planning Authority is concerning as it results in inconsistent treatment of settlements and the hierarchy throughout the Plan development. As a result, it also potentially now means a main modification to the Plan which needs to be considered by the appointed Inspector rather than being appropriately addressed following the Regulation 18 Consultation round. This calls into question the soundness of the Plan's development and consultation. Whilst we recognise the need to progress with developing an up to date plan for Shropshire, the pace to push this through prior to local elections should not negate the appropriate consideration of consultation responses, follow up discussion or consideration which is critical in ensuring development of a sound plan based on credible evidence.

In addition, it is understood that the Hierarchy of Settlements evidence base and Local Plan Policies are now based on inconsistencies which render them unsound. Revisions to the Hierarchy of Settlements evidence base over the Plan development has led to relaxation around the requirement for Community Hubs to have employment and peak time public transport, which clearly should be fundamental to determining 'significant rural service centres'. As a result, there are now inconsistencies in the policy and evidence base with the definition of Community Hubs continuing to be set out as 'settlements considered to provide a combination of services and facilities; public transport links (often operating regularly through peak travel times); significant employment opportunities; and high speed broadband generally considered sufficient to meet the day-to-day needs of their resident communities' but the assessment criteria and associated threshold not requiring such facilities to be present. This is illustrated by the example of Clive which when assessed evidently doesn't meet the criteria for a Community Hub in that there is clearly at least a partial reliance upon other settlements to meet certain day to day needs such as employment and local convenience goods. The Plan and Policy SP8 is therefore considered to be unsound as the methodology and application of associated evidence does not meet the intended definition of a Community Hub and overall settlement hierarchy needed to maintain overall sustainability and is therefore not justified.

*(Please continue on a separate sheet if necessary)*

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Office Use Only	Part A Reference:
	Part B Reference:

Policy SP8 should remove reference to Clive as Community Hub as current evidence means it does not meet the definition of a significant rural service centre as defined by the Local Plan Review

(Please continue on a separate sheet if necessary)

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(Please tick one box)

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Signature: H Deighton

Date: 04/02/2021

Office Use Only

Part A Reference:

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Name and Organisation:	Hayley Deighton
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- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	SP15	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                          |     |                                     |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant                     | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |
| B. Sound                                 | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
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Whilst Policy SP15 is positive in that it provides a framework for long term vision of estate land within Shropshire, it is considered to be unsound in that other than a broad statement it does not recognise the relationship to other policies in the Plan and does not set out a positive framework for how this Policy should work in conjunction with other policies. It is therefore not considered effective. In particular, this Policy needs to be clear on the relationship between other rural settlements in the Plan, particularly Community Hubs reflecting the functioning of rural areas. Without being specific on the relationship to Policy SP8, the Policy is ineffective in providing a framework for development for rural areas and poses the risk of spreading and merging development between the defined development boundaries of Community Hubs and neighbouring estate land. This would significantly increase housing numbers beyond the housing guideline for these settlements which has been set and consulted upon as the most appropriate on sustainability and character grounds. The Policy needs to reflect the distinction between Community Hubs and

Estate Land to ensure these policies work in combination and do not result in a sprawl of inappropriate rural development.

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Policy SP15 should explicitly reflect the relationship to Policies SP8, making clear that any land within whole estate plans falling within defined Community Hubs or Clusters needs to be consistent with the relevant settlement policy requirements and those of SP7 in relation to housing guidelines and development boundaries.

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#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	SP17.2	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

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Settlement policy 17.2 sets out the community hubs within the Wem Place Plan Area and associated residential guidelines. As the overarching policies (SP2 and SP8) guiding this settlement level policy are unsound, Policy S17.2 is also rendered unsound. The policy is based on inaccurate and out of date evidence on settlement sustainability. In addition, there has been inconsistent consideration and treatment of the presence of local facilities and changing circumstances across parishes during the plan development which has led to the Local Planning Authority deferring consideration of the settlement of Clive as a main modification. The policy is therefore not considered effective or justified and therefore unsound.

The current scoring within the Hierarchy of Settlements for Clive includes the bowling green as an outdoor sports facility and the local convenience store. Neither of these facilities are publically accessible to the community, following closure of both the bowling green and local convenience shop. Both now fall under private residential ownership and

use. As a result, the scoring threshold for significant rural service centres has not been met and the village of Clive does not meet the requirements to be deemed a Community Hub under Policy S17.2.

With regard to the bowling green, the Local Planning Authority recognise there is no active club as the facility now falls under a private residential dwelling. This was confirmed in the Shropshire Council Playing Pitch and Outdoor Sports Strategy Assessment Report (Oct 2020). This was a comprehensive assessment undertaken between 2018 and 2019 the accuracy of which has been confirmed by Shropshire Council. In this comprehensive assessment of bowls clubs and greens, Clive is not recorded as having such a facility. Despite this, consultation with the Local Planning Authority justifies it's retention as a local facility for Clive following it's inclusion in the Council's Open Space Needs Assessment which is based on out of date data from 2009 and acknowledges itself that "without a catchment area analysis it cannot detect the reality of variations in provision within each Place Plan Area".

With regard to Clive's local convenience store, the Local Planning Authority has acknowledged that officers have received recent correspondence from the both the Parish Council and owner that the shop is no longer in use and now falls within a residential curtilage. This earlier engagement with the Local Planning Authority has most recently been formalised into a change of use planning application from the owner to provide a residential annex from this former shop (ref 21/00048/FUL).

The Local Planning Authority appear to have taken an inconsistent approach to taking into account and reflecting such changes in local services and facilities during the Plan development. Comparative changes took place in the village of Myddle with the closure of the local shop resulting in a change in designation to Open Countryside. Similar changes have taken place to Cockshutt and Westbury. There is no evidence that any other Parish Council has been asked to provide additional evidence to support this change in designation. Indeed, correspondence regarding changing local facilities between Parish Councils and the Local Planning Authority appear to have been sufficient. In comparison, there is evident disparity between the requirements placed on Clive Parish to further evidence these changes and a deferral by the Local Planning Authority to address via a main modification to the Regulation 19 Plan rather than addressing prior to the Regulation 19 consultation.

As a result, the Plan and Policy S17.2 do not meet the tests around being justified and effective and are therefore considered unsound.

*(Please continue on a separate sheet if necessary)*

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

*Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

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	Part B Reference:

Policy SP17.2 should remove reference to Clive as Community Hub as current evidence on availability and accessibility of local facilities and services means it does not meet the definition of a significant rural service centre as defined by the Hierarchy of Settlements evidence base and subsequent Local Plan policies.

(Please continue on a separate sheet if necessary)

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)  
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

**Ongoing engagement with Shropshire Council via public consultation rounds has not appropriately addressed the issues raised in terms of the misrepresentation of local facilities and services.**

(Please continue on a separate sheet if necessary)

**Please note:** The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature: H Deighton

Date: 04/02/2021

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Part B Reference: