

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:	Kinnerley Parish Council
------------------------	--------------------------

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:	S14.2	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
------------	----------------------	---------	-------	-------	----------------------	---------------	----------------------

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.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attached detailed comments

(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.

See attached detail

(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:

To ensure that our representations are addressed.

(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:

Marian Giles

Date:

26/01/2021

Office Use Only

Part A Reference:

Part B Reference:

Policy S14.2. Community Hubs: Oswestry Place Plan Area (page 246) insofar as it relates to Kinnerley

Residential Guideline of around 60 dwellings for Kinnerley Community Hub

1. We maintain that the proposed residential development guideline figure of 60 houses for Kinnerley is unsound by reference to the second test of soundness in the NPPF. It is not justified, in that it is not an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. Indeed, we have not identified any specific evidence put forward by Shropshire Council to justify the proposed figure of 60 dwellings as the residential guideline for Kinnerley. The 60 dwellings figure therefore appears to be arbitrary.
2. We base this stance primarily on three discrete reasons why the guideline figure of 60 houses for Kinnerley Hub village is not based on proportionate evidence:
 - i) It is not proportionate to the existing guidelines under SAMDev;
 - ii) It is not proportionate to guidelines for other Hub villages in the Oswestry Place Plan Area; and
 - iii) It is not proportionate with the ‘urban focus’ which underpins this Draft Local Plan.
3. At both the Preferred Sites stage of consultation and at the Regulation 18 Pre-submission stage we produced detailed arguments and evidence that a lower figure than 60 dwellings for Kinnerley would be more proportionate. In the ‘*Summary of Responses to the Consultation on the Regulation 18: Pre-Submission Draft of the Shropshire Local Plan*’ officers have reproduced the substance of our Regulation 18 response, as respondent A1639B1 (page 224). However, they have offered no response to our arguments, nor did they following our similar submission at the Preferred Sites stage.
4. We therefore repeat and elaborate on our previous arguments, under the three headings identified in paragraph 2 above.

Relevant figures

5. We first set out some relevant figures.
6. Firstly, Appendix 5 of the Draft Plan sets out the proposed residential allocations for all settlements in the county. The Hierarchy of Settlements (HoS), in the Council’s Evidence Base, lists at pages 23 – 33 the estimated dwellings for each settlement. In Table 1 below we have combined these two sources of figures for all settlements in the Oswestry Place Plan Area. This table also shows (1) the percentage of the ‘Residential Development Guideline’ as a percentage of the

Kinnerley Parish Council – detailed comments

‘Estimated dwellings’, i.e. the ‘Percentage increase in dwellings’ over the Plan period and (2) the total and average figures for all settlements, and for the 11 proposed Hub villages combined.

Table 1: Oswestry Place Plan – summary of Hierarchy of Settlements and Appendix 5 figures

Schedule A5(i): Residential Guidelines and Residential Supply within the Oswestry Place Plan Area								
Settlement	Hierarchy of Settlements Estimated dwellings	Residential Development Guideline	Percentage increase in dwellings	Total Residential Completions (2016/17, 2017/18 and 2018/19)	Total Residential Commitments			Windfall Allowance
					Sites with Planning Permission or Prior Approval (as at 31st March 2019)	Saved SAMDev Plan Allocations without Planning Permission (as at 31st March 2019)	Local Plan Allocations	
Oswestry	8,797	1,900	22%	312	116	1,127	240	105
Gobowen	1,361	360	26%	68	134	117	25	16
Kinnerley	146	60	41%	7	32	0	0	21
Knockin	77	55	71%	0	25	0	25	5
Llanymynech	228	125	55%	24	19	32	50	0
Pant	533	50	9%	6	7	0	25	12
Ruyton XI	385	125	32%	8	18	0	65	34
St Martins	971	355	37%	123	101	0	95	36
Trefonen	324	55	17%	2	3	0	0	50
West Felton	300	130	43%	39	25	0	60	6
Weston Rhyn	779	155	20%	19	41	0	100	0
Whittington	649	200	31%	23	6	86	70	15
Totals / average	14,550	3,570	25%	631	527	1,362	755	300
Hubs total / average	5,753	1,670	29%					

7. Secondly, in Table 2 below, we set out the detail of how we believe the above completions and commitments for Kinnerley have been arrived at. We have also shown the 23 further completions since the adoption of the Kinnerley Parish Neighbourhood Plan (KPNP), which we refer to again further below.

Table 2: Detail of Kinnerley Village completions and commitments

Kinnerley Village - residential completions 2016/17 -2018/19 and commitments as at 31st March 2019					
Planning Application					
Planning Application	Address	Date of Decision	Net Dwellings	Net Completions	Net Outstanding
16/00902/REM	Willow Grove - Land Including Storage Buildings/Offices, Argoed Road, Kinnerley, Oswestry, Shropshire, SY10 8DH	17/06/2016	18	6	12
16/04719/FUL	Proposed Residential Development Opposite School, Kinnerley, Shropshire (KNY002)	14/03/2019	18	0	18
18/00519/OUT	1 Mayfields, Bankfields Lane, Kinnerley, SY10 8DF	17/07/2018	2	0	2
Total as Five-year housing supply to 31 March 2019			38	6	32
14/01281/FUL	Skylarks (Hall Farm Nursery Cottage)			1	
Sub-total				7	
Other completions since adoption of KPNP in November 2012					
13/00615/FUL	Coly Anchor phase 2 (KNY001)			12	
14/05774/FUL	Centenary Close (KNY008) (ex Jubilee House site)			11	
Total				30	

Kinnerley Parish Council – detailed comments

8. Thirdly, in Table 3 below, we set out the impact of the completions and commitments on the total number of dwellings in Kinnerley village.

Table 3: Kinnerley Village total dwellings

	Planning Application	Address	Total dwellings
Prior to adoption of KPNP in November 2012			128
	13/00615/FUL	Coly Anchor phase 2	12
	14/05774/FUL	Centenary Close (ex Jubilee House site)	11
Equivalent to HoS figure			151
	14/01281/FUL	Skylarks (Hall Farm Nursery Cottage)	1
	16/00902/REM	Willow Grove - Land Including Storage Buildings/Offices, Argoed Road, Kinnerley, Oswestry,	18
Current position (assuming all Willow Grove properties are built out)			170
	16/04719/FUL	Proposed Residential Development Opposite School, Kinnerley, Shropshire	18
	18/00519/OUT	1 Mayfields, Bankfields Lane, Kinnerley, SY10 8DF	2
		Proposed windfall allowance	21
			211

Not proportionate to the existing guidelines under SAMDev

9. The existing SAMDev policy for Kinnerley Parish is policy S14.2(vii): Kinnerley, Maesbrook, Dovaston and Knockin Heath, at page 190. It says that *‘the settlements of Kinnerley, Maesbrook, Dovaston and Knockin Heath are a Community Cluster which will provide for future housing growth of around 50 dwellings during the period to 2026’*.
10. Kinnerley Parish Council also naturally places great importance on the Kinnerley Parish Neighbourhood Plan (KPNP), which is effectively part of SAMDev. The above SAMDEV figure of around 50 dwellings is supported by the KPNP which had an overall figure for new houses in the whole Parish of 54 houses during the plan period.
11. Kinnerley Parish was one of only five parishes in Shropshire to be awarded “Vanguard status” in 2011 to prepare a Neighbourhood Plan. This was partly as a follow up to the previous Parish Plan and its offshoot, the Kinnerley Parish Design Statement and Landscape Character assessment, which remains a unique parish document in Shropshire and is the only community landscape assessment on the Shropshire Council website at [Community landscape assessments | Shropshire Council](#).
12. In regard to the KPNP, Shropshire Council were strong advocates for a slightly less formal approach, so the Plan was not ratified at referendum. Its Housing

and Development and Economic and Tourist Development section was formally adopted by Shropshire Council on 22 November 2012, giving it full weight in decision making “as a material consideration”. In Appendix 3 of the Regulation 19 consultation document (on page 325, for policy SP8 Managing Development in Community Hubs), supporting Key Evidence document number 4 is given as ‘Community Plans’. However, the adopted part of the Kinnerley Parish Neighbourhood Plan is not included in the supporting Evidence Base to the consultation, although it is available at [North | Shropshire Council](#). The full KPNP document can be found at [Neighbourhood Plan | Kinnerley Parish Council](#).

13. Within the KPNP, the above-mentioned figure of 54 houses was for the whole Parish. The figure for Kinnerley Village was only 23 houses. Kinnerley Village now remains the only part of the Parish where development is envisaged. The Parish Council has now elected that the other named settlements of Maesbrook, Dovaston and Knockin Heath will no longer be part of a Community Cluster but will be treated as open countryside.
14. The adopted part of the KPNP stated that:
 50. If the recommendations to develop the sites KNY0001 and KNY0002 (part) are accepted, this would provide a total of about 24 houses in Kinnerley Village over the period to 2026. This is in addition to any houses built at the Jubilee House site, or any infill development in the village. If the existing planning application for development of the Jubilee House site were to gain approval, there would be the possibility of holding the KNY002 site in reserve for limited development towards the end of the period 2016-2026.
 51. It is felt that these recommendations would satisfy the housing needs for Kinnerley for the next 14 years as identified in the consultation process on which this report is based.
15. In summary, the SAMDev guideline is currently for around 50 houses during the period from 2006 to 2026, but that is the guideline for the whole Parish. The KPNP provides that, of its guideline of 54 houses within the Parish in the same period, only 23 would be for Kinnerley Village.
16. The proposed guideline of 60 houses for the Hub **village** of Kinnerley is therefore disproportionately high in comparison and in consequence cannot be considered to be based on proportionate evidence.

Not proportionate to guidelines for other Hub villages in the Oswestry Place Plan Area

17. Table 1 above demonstrates that the proposed guidelines for the proposed Hub villages in the Oswestry Place Plan area would produce a wide fluctuation in the percentage by which each Hub increases in size. The range is from 9% for Pant to 71% for Knockin. The average across all eleven proposed Hub villages in the Place Plan Area is 29%. Shropshire Council offers no evidence as to the reasons behind the wide variation in the guideline figures in relation to the existing sizes

of the villages. In the case of Weston Rhyn, the guideline figure of 155 is actually less than the total of 160 for existing completions and commitments.

18. The guideline figure for Kinnerley can be seen to produce a significantly higher percentage increase, at 41%, than the average increase of 29%, without any evidence being put forward by Shropshire Council as to why this should be the case.
19. The above-mentioned percentage increase of 41% is, of course, based on the estimated dwellings as shown in the Hierarchy of Settlements. We maintain our own record of the number of houses in the Parish. As shown in Table 3, our records show that the actual number of dwellings in Kinnerley Village, equivalent to the HoS figure, is 151 dwellings. That makes little difference to the proposed increase, which would reduce only by 1% to 40%.
20. However, it is also important to look back further, to the situation before the adoption of the KPNP in November 2012, which was between the adoption of Core Strategy in February 2011 and the adoption of SAMDev in December 2015. The total number of houses in Kinnerley Village at that time was only 128, as shown at the top of Table 3. If the proposed Draft Plan were to play out in full, the number of houses in Kinnerley village as a result of that would be 211. That would represent an increase in numbers of 65% in the period from 2012 to 2038 i.e. 26 years.
21. Our concern is that that would put too much strain on the infrastructure, services and road network within and around Kinnerley. That level of increase is disproportionately high and is not supported by any proportionate evidence.

Not proportionate with the ‘urban focus’

22. The Draft Plan proposes an ‘urban focus’, as specified in policies SP8, SP9, SP12 and SP14 (at paragraphs 3.52, 3.63, 3.110 and 3.147 respectively).
23. That ‘urban focus’ is borne out by the figures in the Draft Plan in absolute numbers, but not in relative terms. This is demonstrated within Table 4 below. The figures in it are, as in Table 1 above, derived from Appendix 5 to the Draft Plan and from the HoS.
24. For the county as a whole, the overall residential guideline is distributed 76% as to the urban centres and 18% as to the rural village Hubs. However, the percentage increase of each category of settlement is roughly the same. That necessarily means that the rural village Hubs are proposed to take a similar proportionate increase in development as are the urban centres, without those rural village Hubs having the same level of infrastructure as the urban centres to support that equivalent increase. There is also the question of the relative

sustainability of urban versus rural settlements for climate change considerations.

Table 4: Shropshire proposed residential guidelines

Settlements	Hierarchy of Settlements Estimated dwellings	Residential Development Guideline	Percentage distribution of guideline	Percentage increase in dwellings
Shrewsbury	33,597	8,625	31%	26%
Principal centres (5)	30,387	7,500	27%	25%
Key centres (11)	20,658	5,150	18%	25%
Total urban	84,642	21,275	76%	25%
Community Hubs (41)	19,343	5,018	18%	26%
	103,985	26,293	94%	25%
Strategic Sites (3)	n/a	1,750	6%	n/a
		28,043	100%	
Total for Shropshire (2014-based projection for 2016)	135,511			

25. Table 1 above demonstrates that there is even greater disparity between urban focus and rural focus within the Oswestry Plan Area. The total proposed residential guideline for the Place Plan Area is 3,570, made up of 1,900 (53%) for Oswestry and 1,670 (47%) for the eleven rural Hub villages combined. However, the percentage increases are 29% for the Hubs but only 22% for Oswestry.
26. The consequence is that, for the Oswestry Place Plan Area, the eleven Hubs combined are proposed to take a greater proportionate increase in development than Oswestry, again without having the same level of infrastructure to support that equivalent increase.
27. Oswestry also has a guideline of around 57 hectares of employment land, which is proportionately greater than other centres in Shropshire. On that basis, for sustainability reasons, the focus for residential development should be weighted even more towards Oswestry than to its rural villages.
28. The conclusion is that the Oswestry Place Plan Area does not bear out sufficiently the statement that an ‘urban focus’ underpins this Draft Local Plan.

Modifications necessary to make the plan sound

29. We repeat that the proposals in the Draft Plan would entail an increase of 65% in the size of Kinnerley Village between 2012 and 2038. Such a proposed increase is not supported by proportionate evidence. This is not “*appropriate development in rural areas*” (paragraph 3.64 of the Draft Plan) as far as distribution of development is concerned, given that “*the strategic approach to*

the distribution of development which underpins this Local Plan is one of urban focus” (paragraph 3.63).

30. If Kinnerley village Hub were to expand within the plan period at the average increase of about 25%, then proportionately the guideline figure would be around 38 dwellings.
31. It is not proportionate, nor in accordance with the underlying urban focus, to require Kinnerley village Hub to have yet more houses just because it is already committed to increase in size.
32. We suggest that, in order for this aspect of the plan to be deemed sound, taking account of the evidence presented above and the existing commitments, the new residential guideline for Kinnerley as a Community Hub should be no more than 50 dwellings, not the proposed figure of 60 dwellings.
33. That would leave a windfall allowance of 11 dwellings. Given the restrictive nature of the proposed development boundary as defined for Kinnerley, which we have previously already endorsed, and which is reproduced below for reference, and the fact that no allocations are proposed for Kinnerley, this level of windfall allowance is considered to be more proportionate than the proposed windfall allowance of 21 dwellings.

