

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:	Jocelyn Elizabeth Finch
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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:	S12 Community Hub Schedule S12.1(i) p234	Policy:	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan 2016 to 2038	Site:	PON040	Policies Map:	Policy S12-minsterley - pontesbury-place-plan-area-inset-maps.pdf
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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 checked="" type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| B. Sound | Yes: <input checked="" type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: <input checked="" type="checkbox"/> | No: <input checked="" 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.

Regulation 19: Pre-Submission Draft of the Policies Map S12-minsterley-pontesbury-place-plan-area-inset-maps.pdf Pontesbury Map Development Boundary Line adjacent to PONO40 is unsound & Sustainability Assessment <https://shropshire.gov.uk/media/16792/sustainability-appraisal-appendix-m-minsterley-and-pontesbury-place-plan-area-site-assessments.pdf> for PONO40 is unsound. There are many anomalies.

Neither reflect the facts on the ground, or available evidence. They do not comply with paragraph 35 of the National Planning Policy Framework (NPPF) Test b. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence

Please see separate sheet for supporting evidence

(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.

1) Add site PONO40 to Regulation 19: Pre-Submission Draft of the Shropshire Local Plan 2016 to 2038 - to S12 Community Hub Schedule S12.1(i) p234

by amending this box:

Land at Minsterley Road, Pontesbury (PON008, PON017 and PON030 **AND PONO40**)

2) At the very least Add site PONO40 to the LONG TERM POTENTIAL SLAA RESIDENTIAL SITES allocation.

3) Modify the Development Boundary Line for Pontesbury so that >40 years existing 1&2 Hinton Lane are correctly shown as inside the Development Boundary.

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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:

I am sorry to have had to combine the two representations on one comment, but they are completely interdependent. I trust that the anomalies are self evident and can be addressed without taking up valuable time by requesting participation, but am happy to provide further information if needed.

(Please continue on a separate sheet if necessary)

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Signature:

Date:

26/2/2021

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Signature:

[Redacted Signature]

Date:

26/2/2021

ANOMALIES IN THE S12 MAPS & SLAA FOR SITE PON040 IN THE SHROPSHIRE LOCAL PLAN 2016-38

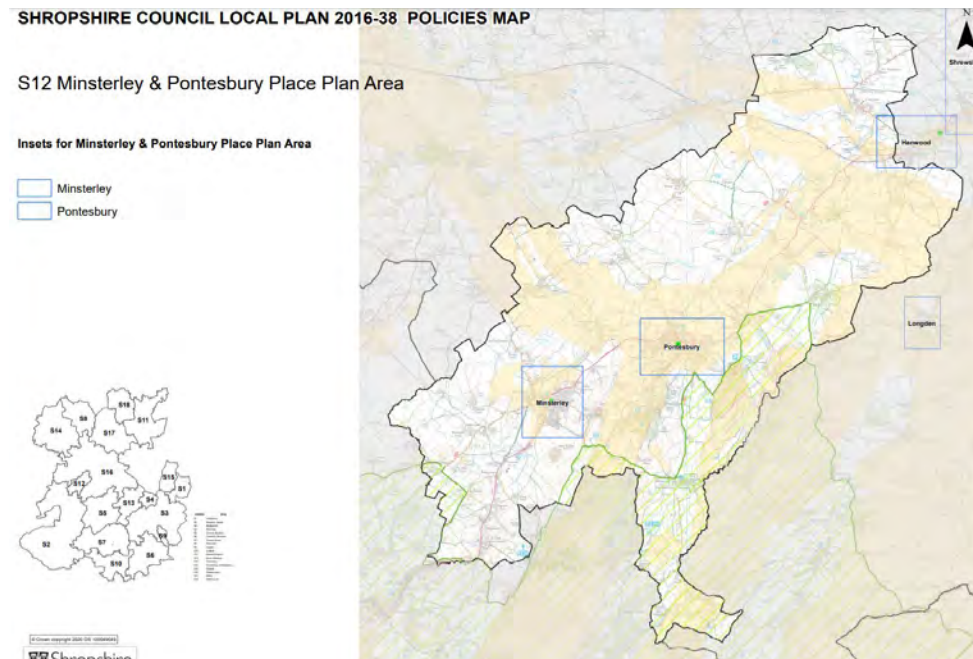
The purpose of this document is to explain why:

Regulation 19: Pre-Submission Draft of the Policies Map S12-minsterley-pontesbury-place-plan-area-inset-maps.pdf
Pontesbury Map Development Boundary Line adjacent to PONO40 is unsound

&
Sustainability Assessment

<https://shropshire.gov.uk/media/16792/sustainability-appraisal-appendix-m-minsterley-and-pontesbury-place-plan-area-site-assessments.pdf> for PON040 is unsound.

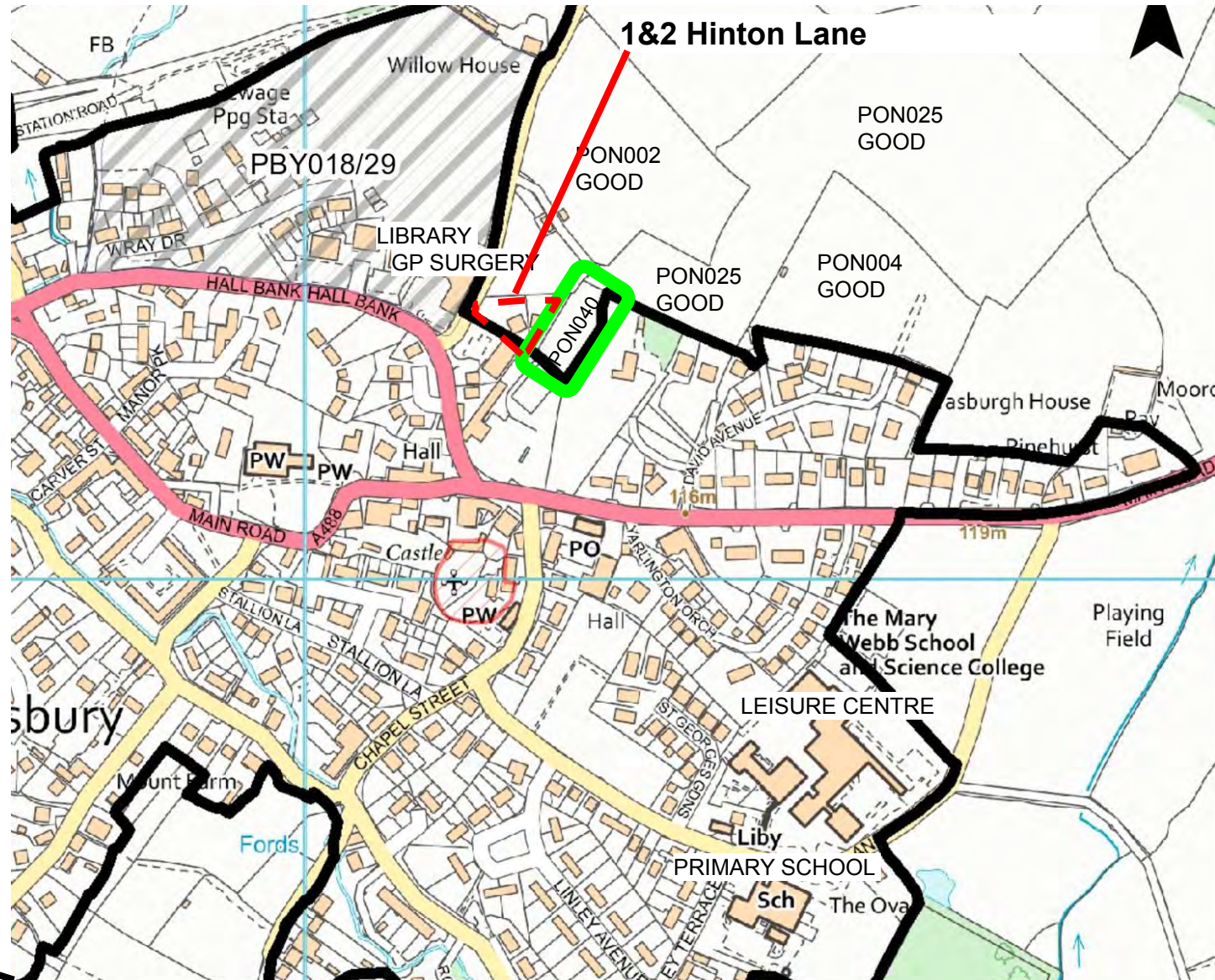
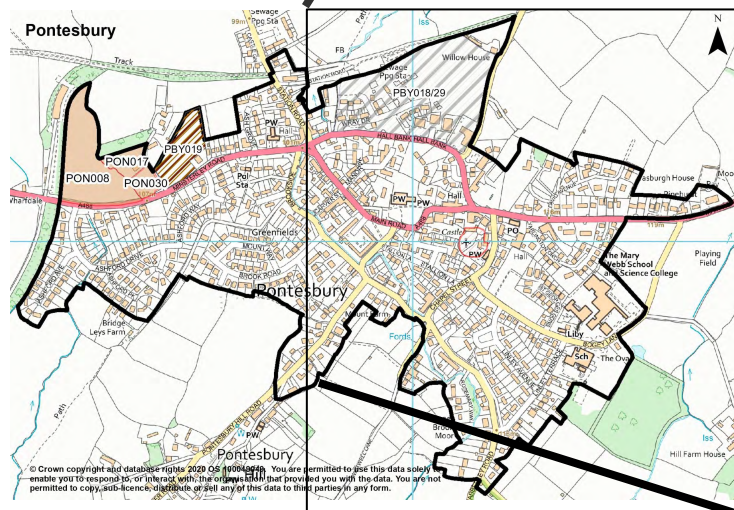
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**LOCATION OF PON040 (GREEN) AND 1&2 HINTON LANE (RED DASHED)
BOTH ARE OUTSIDE PONTESBURY DEVELOPMENT BOUNDARY (IN BLACK)**

Why does Development Boundary continue to show the 2 1970's houses at 1&2 Hinton Lane as "Open Countryside"? The facts do not support this.

Pontesbury



CURRENT AERIAL IMAGE SHOWS **PON040** & **1&2 HINTON LANE** (Dashed Red) & **OAKWOOD HOUSE** (Dashed Blue)

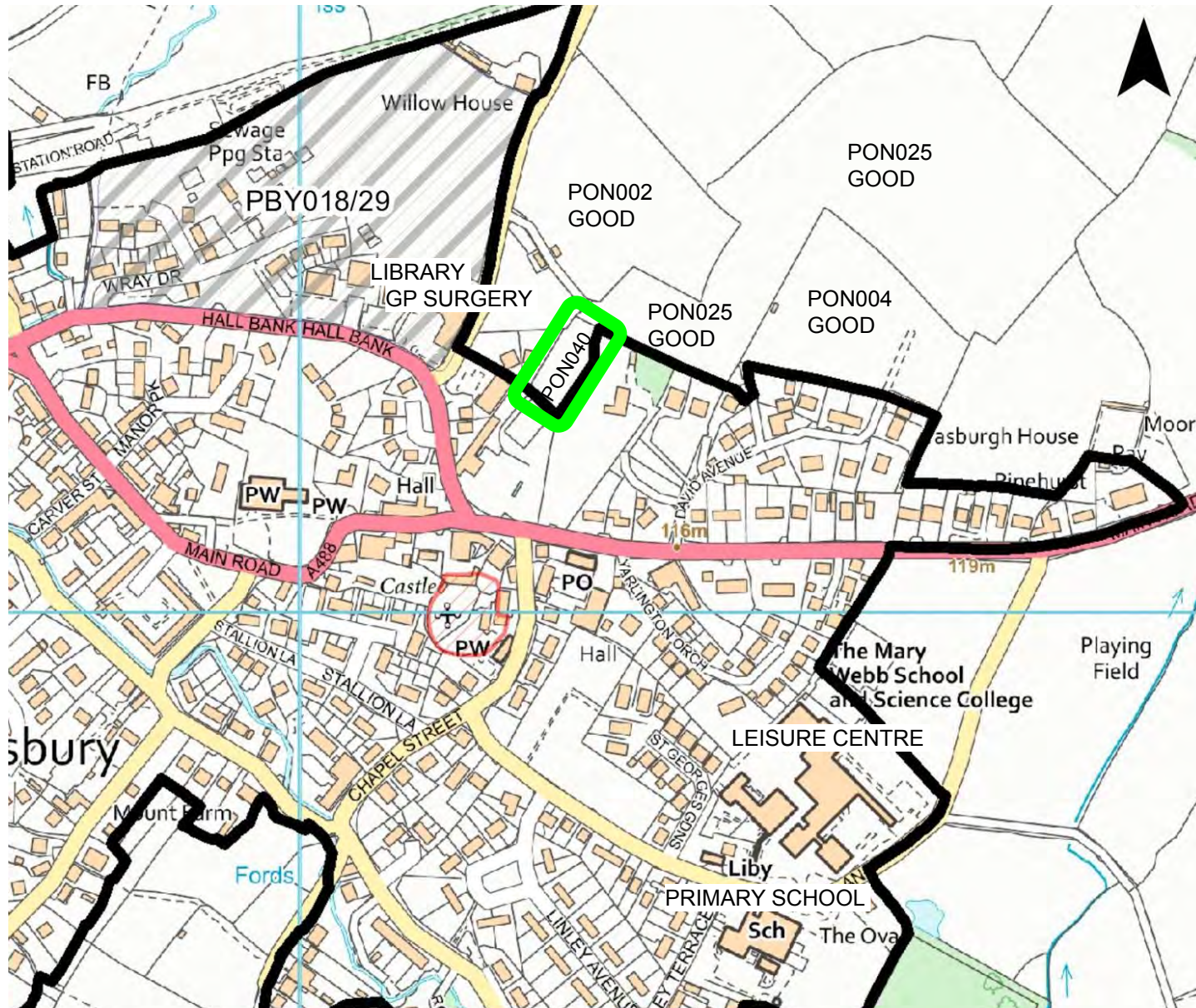
Is the PON040 “Countryside” allocation reasonable, when considered with recently built Oakwood House (dashed Blue) & 1970’s 1&2 Hinton Lane (Dashed Red)?

PON040 N BOUNDARY IS CLEARLY DEFINED FROM OPEN COUNTRYSIDE BY MATURE TREES & 1-3M LEVEL CHANGE



LOCATION OF PON040 IN RELATION TO OTHER NEARBY SITES IN THE SLAA

How is PON040 Overall Sustainability -8 Poor justified cf PON002 0 Good; PON004 1 Good; PON025 1 Good?
Available evidence does not support this - see following slides.



FOLLOWING 6 SLIDES EXTRACTED FROM:

pp 10, 15-18, 75, 145-147 of

Appendix M

Minsterley and Pontesbury Place Plan Area Site Assessments

Published: December 2020

Minsterley and Pontesbury
Place Plan Area
Stage 2a Sustainability Appraisal:
Site Assessments

SITE ASSESSMENT - Stage 2b - PON040 (p75) - Why is this accurate General Description subsequently contradicted?

Site Assessment - Stage 2b

Site Reference:	PON040
Site Address:	Garden of Breidden Cottage, Pontesbury
Settlement:	Pontesbury
Site Size (Ha):	0.18
Indicative Capacity (Dwellings):	<5
Type of Site:	Greenfield
If mixed, percentage brownfield:	N/A
General Description:	The site consists of a residential garden plot. Site boundaries are defined by residential curtilages to south, east and west and an agricultural field boundary to the north.
Surrounding Character:	Surrounding character is a mix of residential and agricultural.
Suitability Information: (from SLAA)	N/A
Availability Information ¹ :	Currently Available
Achievability/Viability Information:	Residential development is generally considered achievable and viable unless there are site specific issues evident. To confirm this conclusion, a viability assessment will be undertaken to inform the Local Plan Review.
Availability ¹ :	
Conclusion: Size ² :	As the site is less than 0.2ha, it is not in isolation considered to be of sufficient size to allocate for either residential and/or employment development. However, the site is adjacent to other promoted sites with a combined site area of greater than 0.2ha (and the other site is considered available and the strategic assessment has not identified a significant constraint).
Strategic Suitability ³ :	The site was promoted following the conclusion of the SLAA.
Summary:	Considered within the next stage of the site assessment process due to conclusions reached regarding the sites availability, size and/or suitability.

^{1, 2 and 3} Further information provided within the Site Assessment Process Overview.

Correct

The site is a residential garden plot as evidenced by Aerial Image or site visit.

Furthermore, the agricultural field boundary is additionally defined by mature trees, hedgerow & a **1-3m level change (drop) within the site**

EXTRACT: SITE ASSESSMENT - Stage 3 - PON040 (p 145). Why are unjustified highlighted statements carried forward?

<i>Site Assessment - Stage 3</i>	
Site Reference:	PON040
Coal Authority Reference Area?	Yes
Mineral Safeguarding Area?	Yes
Wholly or Partly Grade 1, 2 and/or 3 Agricultural Land Quality:	Yes
Percentage of site in Flood Zone 3:	0%
Percentage of site in Flood Zone 2:	0%
Percentage of site in Flood Zone 1:	100%
Percentage of the site in the 30 year surface flood risk zone:	0%
Percentage of the site in the 100 year surface flood risk zone:	0%
Percentage of the site in the 1,000 year surface flood risk zone:	5%
Percentage of the site identified on the EA Historic Flood Map:	0%
Percentage of the site within 20m of an historic flood event:	0%
Percentage of the site within 20m of a detailed river network:	0%
All or part of the site within a Source Protection Zone:	No
Landscape Considerations: (from the LVSS)	High
Visual Impact Considerations: (from the LVSS)	High
Highway Comments - Direct Access to Highway Network?	Y
Highway Comments - If No Direct Access, Can One Reasonably Be Achieved? And How?	Via David Avenue to A488 ?
Highway Comments - Existing Highway Suitable for Traffic Associated with the Development at the Access Point?	Y
Highway Comments - If Existing Highway at Access Point is Not Suitable, Can It Reasonably be Made So?	Assuming the development is limited to 1 home and with access via David Avenue to A488
Highway Comments - Could the Development Occur Without Off-Site Works?	Y
Highway Comments - Are Envisaged Off-Site Works Achievable?	Assuming the development is limited to 1 home.
Highways Accessibility Rating (Out Of 24) (Based on Primary School, GP Surgery, Convenience Store & Public Transport Service):	
Ecology Comments Significant Constraints:	Development not considered acceptable on this site. HRA will be required for recreational impacts in-combination on The Stiperstones & The Hollies SAC. More than the minimum 30m per bedroom (SAMDev Policy MD2) would be required to address recreation issues in the HRA which could reduce numbers of dwellings possible. See LPR HRA.

This misleads subsequent Stage 3 Strategic Consideration (p147) & ignores a better approved alternative. Under application 18/05683/OUT, there is no planning objection to Main Road access - Highway Advice Note - 15/2/2019

https://pa.shropshire.gov.uk/online-applications/files/FD6F2045E6BC9D596C5E61068C9C6F74/pdf/18_05683_OUT-SC_HIGHWAYS-3526697.pdf

Incorrect Assumption Under application 18/05683/OUT - there is no planning objection to Main Road access

https://pa.shropshire.gov.uk/online-applications/files/FD6F2045E6BC9D596C5E61068C9C6F74/pdf/18_05683_OUT-SC_HIGHWAYS-3526697.pdf

EXTRACT: SITE ASSESSMENT - Stage 3 - PON040 (p 146). How was this POOR Stage 2a result justified?

<i>Ecology Comments Other Constraints:</i>	The site contains priority habitat (orchard) and is therefore Env. Network core area. Requires botanical survey, EclA and surveys for bats, GCNs (ponds within 250m), badgers, reptiles and nesting birds.
<i>Ecology Comments Management of Constraints:</i>	Protected and priority species and habitats mitigation and enhancement, retain and enhance mature trees/hedgerows/tree lines and protect adjacent priority habitats. Protect, enhance and restore Env. Network in accordance with CS17 Environmental Networks and MD12.
<i>Ecology Comments Opportunities:</i>	
<i>Heritage Comments Significant Constraints:</i>	
<i>Heritage Comments Other Constraints:</i>	Possible impact on setting of Scheduled Monument of Ringwork and tower keep castle 170m south east of St George's Church (NHLE ref. 1019826). Site located adjacent to historic core of village so may have some archaeological potential.
<i>Heritage Comments Management of Constraints:</i>	Heritage Assessment required with application (Impact on setting of SM; archaeological DBA)
<i>Heritage Comments Opportunities:</i>	
<i>Tree Comments Significant Constraints:</i>	
<i>Tree Comments Other Constraints:</i>	Significant mature trees on and adjacent to the site, some protected by TPOs.
<i>Tree Comments Management of Constraints:</i>	Standard BS5837 tree survey / constraints analysis. Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement.
<i>Tree Comments Opportunities:</i>	Selected tree planting
<i>Public Protection Comments Significant Constraints:</i>	Unknown, possible business premises to west.
<i>Public Protection Comments Other Constraints:</i>	Unknown, possible business premises to west.
<i>Public Protection Comments Management of Constraints:</i>	
<i>Public Protection Comments Opportunities:</i>	
<i>Conclusion - Stage 2a Sustainability Appraisal:</i>	Poor ?

Conclusion is not sound (see earlier chart) when directly compared against evidence & nearby plots

This then misleads Stage 3 Strategic Consideration on p147

EXTRACT: SITE ASSESSMENT - Stage 3 - PON040 (p147)-Are the Strategic Considerations backed by the facts? NO.

<p>Strategic Considerations:</p>	<p>Access is required across land not within the site boundary and the available local road network & opportunities for access to the site are constrained restricting development potential. The site is additionally located within an area of high landscape and visual sensitivity and overall the sensitivity of the landscape to change arising from new housing is high. The site is also subject to some heritage and environmental constraints, including potential impacts on the setting of an ancient monuments and archaeology and priority habitat. Thus it is considered a poor development location in this respect. Surface water flood and impacts on trees and hedgerows are likely to be manageable constraints subject to detailed consideration. The site also performs poorly in Stage 2a of the Sustainability Appraisal: Site Assessment.</p>
<p>Known Infrastructure Requirements to make Development Suitable in Planning Terms:</p>	<p>Relevant supporting studies should be undertaken and their recommendations implemented. See comments from relevant service areas.</p>
<p>Known Infrastructure Opportunities:</p>	<p>Relevant supporting studies should be undertaken and their recommendations implemented. See comments from relevant service areas.</p>
<p>Potential for Windfall?</p>	<p>No</p>
<p>Potential for Allocation?</p>	<p>No</p>
<p>Recommendation</p>	<p>Retain as Countryside</p>
<p>Reasoning</p>	
<p>If proposed for Allocation, Potential Capacity:</p>	
<p>If proposed for Allocation Design Requirements:</p>	<p>N/A</p>

ACCESS - Not Correct - A legal route exists across adjoining sites owned by the same family and detailed in https://pa.shropshire.gov.uk/online-applications/files/FD6F2045E6BC9D596C5E61068C9C6F74/pdf/1805683_OUT-SC_HIGHWAYS-3526697.pdf & under 17/05951/OUT & 18/03671/OUT - both approved

LANDSCAPE-Questionable - The only landscape issue of importance is on NE site boundary with farmland (see p75). 2 other sides are developed for >40 years, 1 is approved for development (18/03671/OUT)

HERITAGE-Misleading - A heritage statement was submitted as part of approved 17/05951/OUT application. That site is in line & nearer to the Pontesbury heritage sites

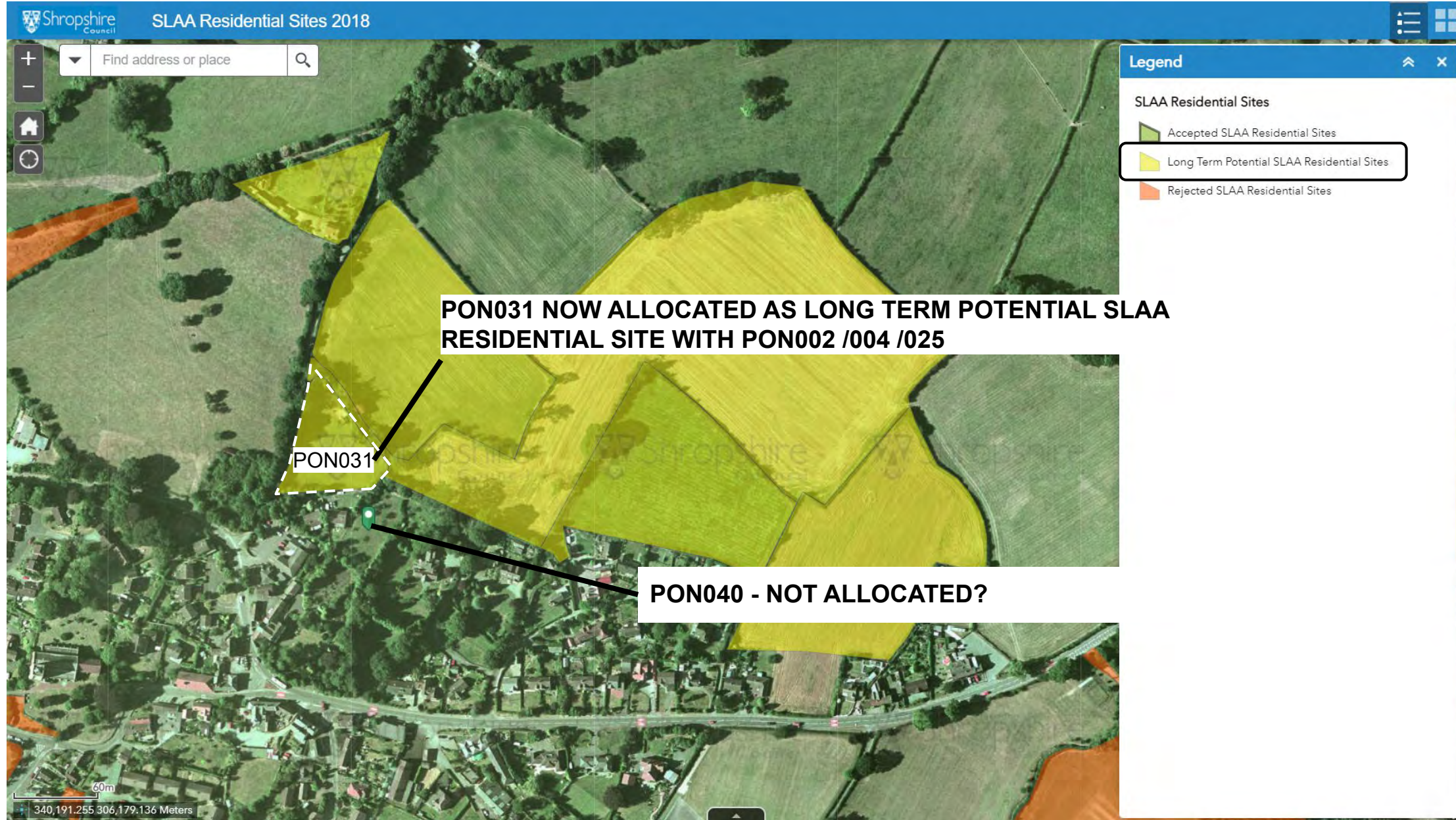
FLOODING?-no evidence
This residential garden has not flooded in the >40 years of current ownership. It is 1-3m above adjoining farmland

SITE ASSESSMENT- A questionable 8 negative anomalies in assessment Stage 2a

PON040 HAS ALWAYS BEEN A RESIDENTIAL GARDEN

LONG TERM POTENTIAL SLAA RESIDENTIAL SITES (1999 AERIAL IMAGE) - PON040 & PON031

How is non-inclusion of PON040 justified when PON031 is allocated? This is unjustifiable and unreasonable.



Conclusion

The facts on the ground do not support the placement of the Development Boundary Line at 1&2 Hinton Lane. The SLAA for PON040 is not supported by the evidence.

**Both are unsound under paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:
..... b. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.**

The following ammendments to the Local Plan are suggested to make this aspect of the plan Sound.

Modify the Development Boundary Line for Pontesbury so that >40 years existing 1&2 Hinton Lane are correctly shown as inside the Development Boundary.

Add site PON040 to Regulation 19: Pre-Submission Draft of the Shropshire Local Plan 2016 to 2038 - to S12 Community Hub Schedule S12.1(i) p234

Land at Minsterley Road, Pontesbury (PON008, PON017 and PON030 AND PON040)

At the very least Add site PON040 to the LONG TERM POTENTIAL SLAA RESIDENTIAL SITES allocation.

Appendix

The previous 2015 SAMdev S12 Pontesbury Map Development Boundary Line adjacent to PONO40 was questioned in a submission 5th Feb 2019. It is repeated here for completeness.

The purpose of this submission is to question the 2015 SAMdev choice of position for one part of the Pontesbury Development Boundary Line as a sound basis for future planning. The Local Plan Review – Preferred Sites Consultation currently in progress (Jan 2019) proposes no change to this part of the line.

In 2015 Shropshire Council published the adopted SAMDev. The map from this for Pontesbury is appended (App1) showing the Development Boundary line. We have zoomed in on the line around house numbers 1&2 Hinton Lane (Plot B) and the garden of Breidden Cottage (Plot A)

There are factual errors in the choice of line adopted in this area.

1. Plot B is shown as open countryside outside the development line. However its two houses were built over 40 years ago. How can a 2015 designation of a development boundary line excluding this plot be deemed to represent the facts on the ground?
2. Plot A, the garden, is shown as outside the development boundary, yet development of this plot occurred 40 years ago with the construction of an 8m long brick and stone equipment and storage shed.
3. Plot A has a sewer crossing it, connecting Breidden Cottage and others to the main sewer.
4. Plot A is part of the curtilage of Breidden Cottage. Roughly rectangular in shape, it is surrounded on 3 sides by developed land. For the fourth side it is clearly separated from agricultural land to the north by mature trees, hedge, fencing and a significant level change. It is garden, not open countryside.

Other anomalies suggest that the adopted boundary line is unsound and should be questioned.

1. Both Plot A and Plot B originally formed part of the garden of C18th house, Whitehall (located SE of Plot B). This area was sold off and split up in the 1970's, to fund the building of a doctor's surgery to the S of Plot B. Plot B was also developed with 2 houses and Plot A was kept as garden for Breidden Cottage. Plot A is visually distinct from the adjoining agricultural land to the north. Is it reasonable that Plot A be treated as open countryside when its history is as a garden and a natural continuation of the developed Plot B?
2. In 2015 Pontesbury Parish Council made a statement in support of a planning application (15/02028/FUL) for a plot immediately to the north of Plot B (Plot C on the aerial photo appended) which is even further outside the development boundary). In a comment dated 13/07/2015 they wrote "*Although it is just outside the development boundary... The site is well screened near other properties and will not have a significant impact on open countryside.*"
3. However, in objecting to an application for Plot A (17/05952/OUT), The Parish Council state "*The site is outside the development boundary and therefore in, planning terms, in open countryside*"
4. These two Parish Council statements seem somewhat contradictory and appear to indicate confusion in the reality of a development line. Is the adopted line reasonable and justified?

To summarise, is the choice of position for the Development Boundary line excluding Plot B (1&2 Hinton Lane) and Plot A (the Breidden Cottage garden) actually "backed up by facts" as might be expected under good practice and eg as required in the county council guidance notes referenced below - (App3)?

In conclusion, it appears that the adopted line misrepresents the true situation. Whilst it might be argued that public consultation over the 2015 SAMdev took place, does this make the choice of line justified? Is it "backed up by the facts" and "sound" as a basis for future planning?

It would seem reasonable that both Plot A & B be included within the development boundary.

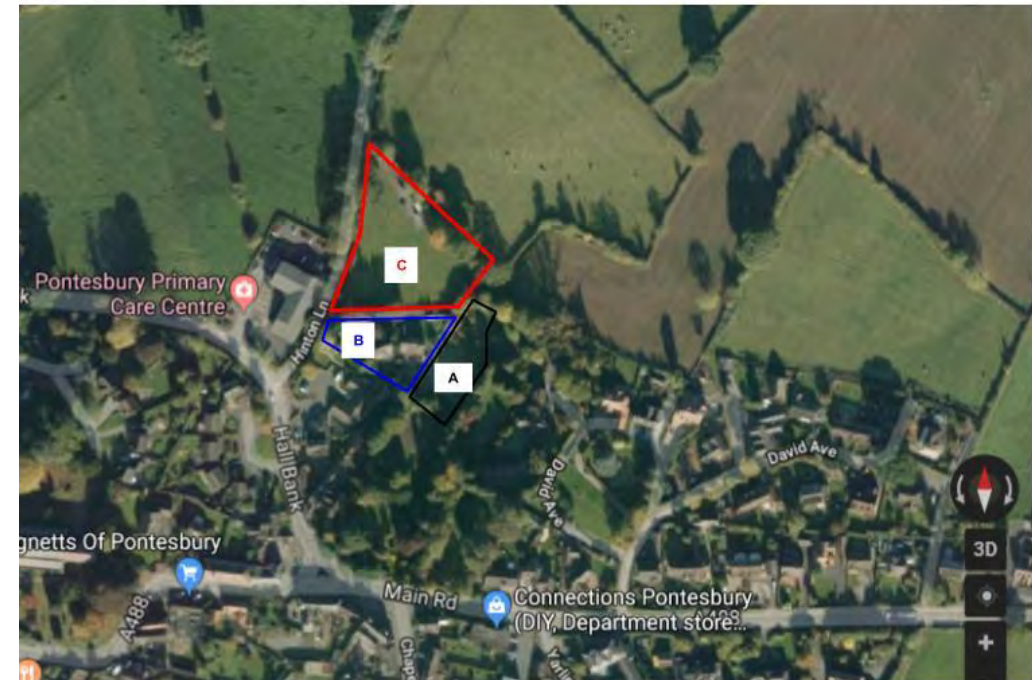
Mr RJ Oates, Ms AJP Oates, Mrs JE Finch (January 2019)

App1



App2

Aerial image of Pontesbury including land referenced in 17/05952/OUT (Plot A) and land referenced in 15/02028/FUL (Plot C)



App3

Extract from:

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

...Section 4 **Soundness**

4.3 *Justified*

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***