

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:	Denise R Kitts
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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"/>	Site:	<input type="text"/>	Policies Map:	St Martins
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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.

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.

Existing development built since plan last reviewed has not been reflected in development boundary.

See Separate sheet for further detail.

(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.

The development boundary for St Martins should be reviewed to correctly reflect the development that has occurred on the edge of the settlement and ensure the Plan is positively prepared.

(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 the Inspector understands why the development boundary requires amendment - existing developments built out since plan last reviewed have been ignored.

(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:

D R Kitts

Date: 25/02/2021

Office Use Only

Part A Reference:

Part B Reference:

D R Kitts

REG 19 Part B Consultation response – Continuation Sheet

Policies Map (St Martins)

Response to Q4

It appears that the settlement development boundary of St Martins, identified as a Community Hub has not been reviewed to take account of / reflect developments that have occurred on the edge of the settlement. The plan is not positively prepared as a result. Windfall development is unnecessarily restricted despite the sustainable credentials of the settlement. The Plan is not therefore positively prepared or justified.

Sites that should properly be considered under Policy SP8 as sustainable windfall sites in Community Hubs would, on the basis of the Policy Map, incorrectly be considered as falling within open countryside for policy purposes.

The Inspector is asked to look at the soundness of St Martins settlement boundary.

In particular SMH041 'West of Cottage Lane, St Martins' remains outside the settlement boundary despite being surrounded on all sides by an existing sub-urban housing development. It appears the Council has simply not correctly reviewed the boundaries to reflect existing developments.

An outline planning application was made on part of the site Ref 16/03362/OUT, dated 28 July 2016 for residential development of circa 8 dwellings. It was refused solely due to its location outside the settlement boundary. The Inspector determining a subsequent appeal noted:

The site is surrounded on all sides by existing suburban housing development and is effectively landlocked. The site lies outside the development boundary of St Martins. Immediately to the south is a small recently built housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing supply.

That development should now be included in the Local Plan review as being within the development boundary of St Martins as it is a well established development clearly forming part of, and not separated from, other built development in St Martins. It clearly forms part of the Community Hub.

Representation Form

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Part B: Representation

Name and Organisation:	D R Kitts
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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:	S14.2	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:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| 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 SHEET

(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.

As a sustainable Community Hub, amendments to the development boundary of St Martins are required to ensure the plan is positively prepared.

(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 explain why the Plan is not positively prepared.

(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: D R Kitts

Date: 25/02/2021

Office Use Only

Part A Reference:

Part B Reference:

D R Kitts

REG 19 Consultation response – continuation sheet

Policy S14.2

Response to Q4

Policy S14.2 confirms that within each Community Hub, new residential development will be delivered through residential allocations and appropriate small-scale windfall residential development within the settlements development boundary. However, the development boundary of St Martins has not been reviewed or amended to reflect development on the ground.

In particular, SHLAA site SMH041 is surrounded on all sides by existing suburban housing development and is effectively landlocked. Immediately to the south is a small housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing supply.

This development should clearly be included in the development boundary. It is not separated from development currently identified as being within the development boundary and is clearly part of the Community Hub.

SHLAA site SM041 provides a windfall opportunity. In fact, had the site been correctly assessed as being within a Community Hub boundary it would have scored significantly different in the SA.

To plan is not positively prepared as the development boundary of St Martins excludes development sites that would clearly be appropriate as windfall sites, subject to meeting criteria of Policy SP8.

Representation Form

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Part B: Representation

Name and Organisation:	Denise Ruth Kitts
------------------------	-------------------

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: Policy: Site: Policies Map:

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.

The Plan is NOT sound because it is not Justified for the following reasons:

The appraisal does not have regard to physical changes due to development carried out since the last Plan that should have led the Council to review the development boundaries before assessing sites. Errors flow from the incorrect assessment of sites and the failure of the Council to update settlement boundaries to reflect the development now on the ground.

An Inspector, when considering an appeal in 2016, relating to a site at St. Martins (a Community Hub) said about land to the West of Cottage Lane, St Martins' (site SMH041) that: The site is surrounded on all sides by existing suburban housing development and is effectively landlocked. The site lies outside the development boundary of St Martins. Immediately to the south is a small recently built housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing supply.

The existing suburban housing development was at the time, on the edge of the development boundary- clearly that should no longer be the case some 5 years on from that appeal decision. That development is not separated from the previously established built form of the Community Hub.

continued on separate sheets.....

(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.

It is necessary to review the development boundary for St Martins to include existing, now well-established developments adjacent to the existing boundary.

SHLAA sites should be reviewed to take account of those revisions where necessary.

SMH041 should be allocated

(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 explain the consequences of the failure of the council to review development boundaries on assessment of SHLAA sites.

(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:

D R Kitts

Date:

25/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Part B REG 19 RESPONSE – Denise R Kitts

SA – Para 7.11

Response to Q4

Response to Q4.

The Plan is NOT sound because it is not Justified for the following reasons:

The appraisal does not have regard to physical changes due to development carried out since the last Plan that should have led the Council to review the development boundaries before assessing sites. Errors flow from the incorrect assessment of sites and the failure of the Council to update settlement boundaries to reflect the development now on the ground.

An Inspector, when considering an appeal in 2016, relating to a site at St Martins (a Community Hub) said about land to 'West of Cottage Lane, St Martins' (site SMH041) that: The site is surrounded on all sides by existing suburban housing development and is effectively landlocked. The site lies outside the development boundary of St Martins. Immediately to the south is a small recently built housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing supply.

The existing suburban housing development was at the time, on the edge of the development boundary – clearly that should no longer be the case some 5 years on from that appeal decision. That development is not separated from the previously established built form of the Community Hub. The Inspector found no harm arising other than the conflict with the policies of the then recently adopted development plan, which was assessed as being in compliance with the Framework. The Inspector attached significant weight to this in his determination.

On this basis, the current SA appraisal of SMH041 is flawed. The assessment states:

The Surrounding character is described as *“Residential to west, north and east. Agriculture (grazing) to south.”* This gives the incorrect impression that it is adjacent to open fields. That is not the case; three boundaries are adjacent to residential development and one is adjacent to the road. To all intents and purposes this is a pocket of land situated within the built-up and physical boundaries of the Community Hub settlement. The development of this site would not therefore extend the physical development boundary of St Martins.

The development boundary has just not been updated to reflect more recent development surrounding it. This is an entirely illogical stance given the current Plan review.

The outline planning application that was made in 2016 was on part of site SMH041 (Ref 16/03362/OUT, dated 28 July 2016). It was for residential development of circa 8 dwellings. It was refused solely due to its location outside the settlement boundary. There were no other concerns such as highway considerations raised by the Council. The subsequent appeal was lodged (Appeal Ref: APP/L3245/W/16/3164623) a copy of which was attached to my previous representation. Although the appeal was dismissed at that time, this was solely due to the location of the site outside the settlement boundary. It would not extend the built form in any way, being an infill plot.

Errors flow from the Council's failure to ensure development boundaries remain up to date. The incorrect description of the site in the site selection process – the positive impact on Sustainability

Objectives including SO2 – SO6, SO10-12, SO15 and 16 is not recognised or assessed to reflect the location of the site. this site should have been found suitable for development now.

Had the Council correctly assessed the site it would have scored as 'Good' rather than 'Fair'.

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Part B: Representation

Name and Organisation:	Denise Ruth Kitts
------------------------	-------------------

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:	SP8	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.

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 SHEET

(Please continue on a separate sheet if necessary)

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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.

The Development boundary of St Martins, a Community Hub, requires review and amending to reflect housing development that has occurred and ensure the plan is positively prepared and Policy SP8 is justified.

(Please continue on a separate sheet if necessary)

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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:

To Explain why the Failure to review and amend the development boundary means the plan is not positively prepared or justified.

(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:

D R Kitts

Date: 25/02/2021

Office Use Only

Part A Reference:

Part B Reference:

D R Kitts

REG 19 Consultation response – continuation sheet

Policy SP8

Response to Q4

Given that Community Hubs are considered significant rural service centres and the focus for development within the rural area, it is not clear why the development boundary for St Martins (Oswestry Maps) has not been changed to take account of existing developments. This results in sustainable sites within the existing built form of this Community Hub being incorrectly identified within open countryside for policy purposes and any opportunities for sustainable windfall development that meets the criteria of Policy SP8 lost. The Plan is not therefore positively prepared.

In particular, SHLAA site SM041 is surrounded on all sides by existing suburban housing development and is effectively landlocked. Immediately to the south is a small housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing supply.

This development should clearly be included in the development boundary of St Martins. It is a well established development clearly forming part of, and not separated from, other built development in St Martins. It clearly forms part of the Community Hub.

SHLAA site SMH041 provides a windfall opportunity. In fact, had the site been correctly assessed as being within a Community Hub boundary it would have scored significantly different in the SA.

To plan is not positively prepared as the development boundary of St Martins excludes development sites that would clearly be appropriate as windfall sites, subject to meeting criteria of Policy SP8 and contribute to the areas housing needs.

I can find no evidence that the development boundary has been reviewed.