

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:	Radnorshire Coal Co and B & J Davies
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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="SP8"/>	Site:	<input type="text" value="BUCK001"/>	Policies Map:	<input type="text" value="S2"/>
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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.

<p>Submission by Radnorshire Coal Co and B & J Davies in relation to Policy No's SP2, SP8, DP13 and S2.</p> <p>1. The site referred to, BUCK001, is allocated for development as part residential and part employment. It is supported by Policies SP2 and S2. It has previously been used as a timber yard and a railway yard, and most recently for a variety of storage and industrial operations. The representor supports these allocations.</p> <p>2. This is an important site in Bucknell, and every effort should be made by the Local Planning authority, via the Local Plan process, to bring it forward for development. However, Policy DP13 places significant obstacles in the way of the development of BUCK001 (and several other sites). The Local</p>
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Plan should create the conditions whereby the development can be brought forward as quickly as possible.

3. The representor first made a planning application to develop the former railway yard (northern) element of the site in 1997. That application was rejected by South Shropshire District Council due to concerns about noise and nuisance from the timber yard (which was not part of the application).
4. Following that, an indication was given to the landowners that an application to develop the whole site for 30 houses would be favourably received. An application in line with that advice was submitted in 2000. The Planning Authority, which was still South Shropshire District Council at that time, resolved to approve the application subject to a s.106 agreement which was never drawn up, and the Council then decided to treat the application as withdrawn.
5. The site was first allocated for development in the South Shropshire Local Plan 2004 – 2011, adopted in April 2005. At that point in time the whole of the site was indicated on the Inset Map for Bucknell for residential development though the associated written policy indicated it was allocated for a mix of employment and housing uses.
6. A further application was, then, submitted in November 2008 (ref: 09/03091/OUT) for 30 dwellings, 10 of which would be affordable houses, and a new village shop. This application was approved on 21 December 2011. The consent was, however, granted subject to the submission and approval of surface and foul water schemes, before development could commence.
7. However, the Council's Core Strategy 2006 – 2026 had been adopted on 24 February 2011. That document introduced a new strategy for development in rural areas, with Policy CS4 introducing the concept of identifying Community Hubs and Community Clusters as focus for new development in rural locations. The settlements that were to be identified as Hubs or Clusters would be named in the second element of the development plan that would be approved later – the Site Allocations and Management of Development (SAMDev) Plan.
8. Work on the SAMDev Plan began almost immediately, and a Preferred Options Stage Plan was issued in March 2012. This document was revised at least three times but each version indicated that Bucknell would become a Community Hub and that the land at Bucknell Railway Yard/Timber Yard would be allocated for development.
9. Indications given by the Council's Officers at the time were that they would be happy to see that number of properties to be constructed on the railway yard/timber yard increased to 50.
10. So, by application dated 14 August 2013, the landowners submitted an application that proposed the majority of the allocated housing site should be developed by the erection of 50 houses. Issues of the generation of traffic in relation to the nearby railway crossing, the level of affordable housing provision, provision of open space, ecology, ground contamination, flood risk, housing layout etc. were all resolved.
11. The SAMDev Plan 2006 – 2026 was adopted on 17 December 2015. This Plan indicated that Bucknell was identified as a Community Hub and the Timber Yard/Railway Yard should, again, be allocated for part residential and part employment uses (BUCK001). No other land was allocated for development in the village. BUCK001 was intended to provide for 70 dwellinghouses, and 1.4ha of employment land.
12. The application submitted in August 2013 remains undetermined. Para 4.22 of the SAMDev indicated that development in the Bishop's Castle area (Bucknell being one of the settlements within

Office Use Only	Part A Reference:
	Part B Reference:

the Bishop's Castle Place Plan Area) might "adversely affect the integrity of the River Clun SAC. Mitigation measures are required to remove harm arising from hydrological and water quality impacts on this internationally designated site....."

13. No readily available, or understandable, advice on what mitigation measures might be suggested were forthcoming from the Council. The matter remains unresolved.

14. Policy MD12 of the SAMDev Plan indicated that,

"The avoidance of harm to Shropshire's natural assets, and their conservation, enhancement and restoration will be achieved by requiring a project-level Habitats Regulations Assessment (HRA) for all proposals where the LPA identifies a likely significant effect on an internationally designated site....." The HRA was to be prepared by the Council.

15. The Policy went on to say that the Council would ensure that proposals which "are likely to have a significant effect on any of a list of nine named areas or topics – one of which was priority species, and another priority habitats, would only be permitted "where it could be demonstrated that there is no satisfactory alternative means of avoiding such impacts and the social or economic benefits of the proposal outweigh the harm to the asset". No advice has ever been forthcoming from the Council on the measures that might be regarded as mitigating the effect on any natural asset.

16. In 2014 Shropshire Council, in association with Natural England (NE), the Environment Agency (EA), Severn Trent Water (STW) produced a "River Clun SAC Nutrient Management Plan". The purpose of this Plan was to identify those issues that threatened a colony of freshwater pearl mussels that exist in the River Clun.

17. This document collected a serious amount of information which identified those problems which the colony of pearl mussel experiences. It concluded that a series of targets for water quality in the River Clun should be adopted. It also concluded that the existing colony was in a perilous state with a decline in population, evidence of continuing stress, failure to produce new generations of mussels, decline in the physical habitat structure and poor water quality.

18. The Management Plan concluded that the freshwater pearl mussel population in the Clun is 'functionally extinct', meaning the population is declining with little evidence of recruitment. It was estimated that the mussels would only survive for another 20 years if nothing was done to improve the conditions.

19. There was no guarantee that the targets, even if achieved, would result in the colony being rejuvenated.

20. There are three main causes of problems for the mussels – the levels of phosphates, nitrogen and silt in the River. Existing residential development does not contribute to a major degree to the amount of nitrogen and silt in the River, but it does contribute (according to the Management Plan) around 1/3 of phosphates found in the River. The majority of this is produced from Sewage Treatment Works. The Plan contained no specific actions which a developer might take in order to make residential development acceptable. The line taken by the Council in discussion was always that no development might take place unless it could be demonstrated that no phosphates generated by the development would find their way into the River, and that it should also be demonstrated that a betterment in the situation for the pearl mussels would be achieved.

21. The discharge from the Bucknell STW into a tributary of the River Clun is controlled by STW and the EA – STW operating the works and the EA licencing the discharge. In 2017 STW indicated to the landowner of the BUCK001 site that they intended to solve the problem by diverting the discharge

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Part A Reference:

Part B Reference:

from the Bucknell STW from the tributary to another watercourse that did not flow into the River Clun. However, that course of action was not followed (though the changes was never communicated to the landowner) STW preferring, instead, to install additional phosphate stripping facilities in the Bucknell STW. As far as the BUCK001 landowners are aware, whereas this action has improved the water quality to a degree, it has not improved it to a level that would mean that targets set in the Management Plan are achieved.

22. More recently Shropshire Council in association with Natural England have produced a document indicating that development will only be permitted which would involve discharge to the River Clun or its tributaries, if it can be shown that the development would be “nutrient neutral”. There is no indication given as to how this could be measured, how it could be achieved, what effect it might have on the water quality in the River, or whether it would produce a situation where the pearl mussel colony might be rescued and rejuvenated.
23. So, for the past twenty-two years, the land associated with BUCK001 has been allocated for development but, for one reason or another (but not including the willingness or desire of the landowners to bring the land forward) has been prevented from taking place.
24. The Local Plan Review continues this situation. Bucknell is identified as a Community Hub to which the provisions of Policy SP 8 apply. BUCK001 is, quite rightly, reallocated for redevelopment. It is a brownfield site that now detracts from the character and amenity of the village. Local requirement for an employment site of this size no longer exists. The development of BUCK001 can comply with all the ‘considerations’ outlined in Policy SP8. However, it is still constrained by the necessity to ensure that the freshwater pearl mussels in the River Clun are unharmed by the development.
25. Policy S2 .2 indicates that Bucknell is a Community Hub and that it will be developed by some 110 dwellings within the Plan period. Development at BUCK001 is expected to produce around 70 of these dwellings. The proposed development of BUCK001 can comply with all of the guidelines set out in Policy S2.2. However, at Policy S2.2 .6 it is again noted that development in Bucknell (amongst others) is likely to have an adverse effect on the River Clun SAC and so Policy DP13 applies.
26. Policy DP13: Development in the River Clun Catchment, spells out the restrictions that the Plan imposes. Importantly there is no advice forthcoming from the Council as to how the objectives they wish to achieve can actually be achieved. It is clear that simply preventing development is not the answer to the problem, but very little appears to be happening that would help in other directions. One of the recent suggestions is that a fresh Nutrient Management Plan might be prepared, but these are clearly ineffective unless they include definitive, measurable, actions that involve positive actions on the part of those bodies that are responsible for water quality and comprise more than just preventing development.
27. This situation effects more than just BUCK001. The River Clun catchment extends some way to the north of Bucknell to include Bishop’s Castle, Clun and Lydbury North amongst others. Bishop’s Castle is indicated as a “Key Centre”, and Bucknell and Clun as Community Hubs. Lydbury North is a Community Cluster. None of the sites allocated for residential development in the SAMDev Plan has come forward for development, all because they are faced with the same problem. They have been ‘carried forward’ in the current Local Plan Review. It is clearly not the case that the area included in the Bishop’s Castle Place Plan area does not need any further development, or that there is no demand; the need for the development continues to be recognized.
28. The Local Plan Review should tackle the issue of the water quality in the River Clun in a pro-active manner, and bring forward positive proposals to be put into action by the various authorities that have responsibility for watercourses in the catchment in order that the development that is planned, wanted and needed can be delivered. Until the Plan includes such proposals it cannot be regarded as being “sound” as it will,

Office Use Only	Part A Reference:
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- a) not be effective,
- b) will fail to meet the responsibility of ensuring the survival of the pearl mussel colony, and
- c) will also fail to deliver the dwellings that the Local Plan plans for. In total, that could be in the order of 514 dwellings – some 3% of the total allocation for the identified Key Centres and 4.4% of the housing for the rural area of the County outside Key Centres.

As the Plan stands it has not been developed in a positive manner.

(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 Local Plan should be modified to include specific, positive, measures that will,

- i. Ensure the longevity of the freshwater pearl colony, and
- ii. Ensure that the development that is assessed as being necessary in the River Clun catchment can be delivered immediately upon the adoption of the Plan.

(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:

Office Use Only	Part A Reference:
	Part B Reference:

The development site that is the subject of this representation has been under discussion with the Local Planning authority for around 20 years, but there are no positive moves on the part of the Authority to bring the land forward, despite continued efforts by the landowners. It is considered important that the issues that are contributing to the delay in developing this, and other, sites is discussed in open forum.

(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:

Date:

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	Part B Reference:

Representation Form

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

Paragraph:	<input type="text" value="Click or tap here to enter text."/>	Policy:	<input type="text" value="SP2"/>	Site:	<input type="text" value="BUCK001"/>	Policies Map:	<input type="text" value="S2"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- 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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3. The representor first made a planning application to develop the former railway yard (northern) element of the site in 1997. That application was rejected by South Shropshire District Council due to concerns about noise and nuisance from the timber yard (which was not part of the application).
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17. This document collected a serious amount of information which identified those problems which the colony of pearl mussel experiences. It concluded that a series of targets for water quality in the River Clun should be adopted. It also concluded that the existing colony was in a perilous state with a decline in population, evidence of continuing stress, failure to produce new generations of mussels, decline in the physical habitat structure and poor water quality.

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(Please tick one box)

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

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Q1. To which document does this representation relate?

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

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="S2"/>	Site:	<input type="text" value="BUCK001"/>	Policies Map:	<input type="text" value="S2"/>
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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.

<p>Submission by Radnorshire Coal Co and B & J Davies in relation to Policy No's SP2, SP8, DP13 and S2.</p>
<p>1. The site referred to, BUCK001, is allocated for development as part residential and part employment. It is supported by Policies SP2 and S2. It has previously been used as a timber yard and a railway yard, and most recently for a variety of storage and industrial operations. The representor supports these allocations.</p> <p>2. This is an important site in Bucknell, and every effort should be made by the Local Planning authority, via the Local Plan process, to bring it forward for development. However, Policy DP13 places significant obstacles in the way of the development of BUCK001 (and several other sites). The Local</p>

Plan should create the conditions whereby the development can be brought forward as quickly as possible.

3. The representor first made a planning application to develop the former railway yard (northern) element of the site in 1997. That application was rejected by South Shropshire District Council due to concerns about noise and nuisance from the timber yard (which was not part of the application).
4. Following that, an indication was given to the landowners that an application to develop the whole site for 30 houses would be favourably received. An application in line with that advice was submitted in 2000. The Planning Authority, which was still South Shropshire District Council at that time, resolved to approve the application subject to a s.106 agreement which was never drawn up, and the Council then decided to treat the application as withdrawn.
5. The site was first allocated for development in the South Shropshire Local Plan 2004 – 2011, adopted in April 2005. At that point in time the whole of the site was indicated on the Inset Map for Bucknell for residential development though the associated written policy indicated it was allocated for a mix of employment and housing uses.
6. A further application was, then, submitted in November 2008 (ref: 09/03091/OUT) for 30 dwellings, 10 of which would be affordable houses, and a new village shop. This application was approved on 21 December 2011. The consent was, however, granted subject to the submission and approval of surface and foul water schemes, before development could commence.
7. However, the Council's Core Strategy 2006 – 2026 had been adopted on 24 February 2011. That document introduced a new strategy for development in rural areas, with Policy CS4 introducing the concept of identifying Community Hubs and Community Clusters as for focus for new development in rural locations. The settlements that were to be identified as Hubs or Clusters would be named in the second element of the development plan that would be approved later – the Site Allocations and Management of Development (SAMDev) Plan.
8. Work on the SAMDev Plan began almost immediately, and a Preferred Options Stage Plan was issued in March 2012. This document was revised at least three times but each version indicated that Bucknell would become a Community Hub and that the land at Bucknell Railway Yard/Timber Yard would be allocated for development.
9. Indications given by the Council's Officers at the time were that that they would be happy to see that number of properties to be constructed on the railway yard/timber yard increased to 50.
10. So, by application dated 14 August 2013, the landowners submitted an application that proposed the majority of the allocated housing site should be developed by the erection of 50 houses. Issues of the generation of traffic in relation to the nearby railway crossing, the level of affordable housing provision, provision of open space, ecology, ground contamination, flood risk, housing layout etc. were all resolved.
11. The SAMDev Plan 2006 – 2026 was adopted on 17 December 2015. This Plan indicated that Bucknell was identified as a Community Hub and the Timber Yard/Railway Yard should, again, be allocated for part residential and part employment uses (BUCK001). No other land was allocated for development in the village. BUCK001 was intended to provide for 70 dwellinghouses, and 1.4ha of employment land.
12. The application submitted in August 2013 remains undetermined. Para 4.22 of the SAMDev indicated that development in the Bishop's Castle area (Bucknell being one of the settlements within

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Part B Reference:

the Bishop's Castle Place Plan Area) might "adversely affect the integrity of the River Clun SAC. Mitigation measures are required to remove harm arising from hydrological and water quality impacts on this internationally designated site....."

13. No readily available, or understandable, advice on what mitigation measures might be suggested were forthcoming from the Council. The matter remains unresolved.

14. Policy MD12 of the SAMDev Plan indicated that,

"The avoidance of harm to Shropshire's natural assets, and their conservation, enhancement and restoration will be achieved by requiring a project-level Habitats Regulations Assessment (HRA) for all proposals where the LPA identifies a likely significant effect on an internationally designated site....." The HRA was to be prepared by the Council.

15. The Policy went on to say that the Council would ensure that proposals which "are likely to have a significant effect on any of a list of nine named areas or topics – one of which was priority species, and another priority habitats, would only be permitted "where it could be demonstrated that there is no satisfactory alternative means of avoiding such impacts and the social or economic benefits of the proposal outweigh the harm to the asset". No advice has ever been forthcoming from the Council on the measures that might be regarded as mitigating the effect on any natural asset.

16. In 2014 Shropshire Council, in association with Natural England (NE), the Environment Agency (EA), Severn Trent Water (STW) produced a "River Clun SAC Nutrient Management Plan". The purpose of this Plan was to identify those issues that threatened a colony of freshwater pearl mussels that exist in the River Clun.

17. This document collected a serious amount of information which identified those problems which the colony of pearl mussel experiences. It concluded that a series of targets for water quality in the River Clun should be adopted. It also concluded that the existing colony was in a perilous state with a decline in population, evidence of continuing stress, failure to produce new generations of mussels, decline in the physical habitat structure and poor water quality.

18. The Management Plan concluded that the freshwater pearl mussel population in the Clun is 'functionally extinct', meaning the population is declining with little evidence of recruitment. It was estimated that the mussels would only survive for another 20 years if nothing was done to improve the conditions.

19. There was no guarantee that the targets, even if achieved, would result in the colony being rejuvenated.

20. There are three main causes of problems for the mussels – the levels of phosphates, nitrogen and silt in the River. Existing residential development does not contribute to a major degree to the amount of nitrogen and silt in the River, but it does contribute (according to the Management Plan) around 1/3 of phosphates found in the River. The majority of this is produced from Sewage Treatment Works. The Plan contained no specific actions which a developer might take in order to make residential development acceptable. The line taken by the Council in discussion was always that no development might take place unless it could be demonstrated that no phosphates generated by the development would find their way into the River, and that it should also be demonstrated that a betterment in the situation for the pearl mussels would be achieved.

21. The discharge from the Bucknell STW into a tributary of the River Clun is controlled by STW and the EA – STW operating the works and the EA licencing the discharge. In 2017 STW indicated to the landowner of the BUCK001 site that they intended to solve the problem by diverting the discharge

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from the Bucknell STW from the tributary to another watercourse that did not flow into the River Clun. However, that course of action was not followed (though the changes was never communicated to the landowner) STW preferring, instead, to install additional phosphate stripping facilities in the Bucknell STW. As far as the BUCK001 landowners are aware, whereas this action has improved the water quality to a degree, it has not improved it to a level that would mean that targets set in the Management Plan are achieved.

22. More recently Shropshire Council in association with Natural England have produced a document indicating that development will only be permitted which would involve discharge to the River Clun or its tributaries, if it can be shown that the development would be “nutrient neutral”. There is no indication given as to how this could be measured, how it could be achieved, what effect it might have on the water quality in the River, or whether it would produce a situation where the pearl mussel colony might be rescued and rejuvenated.
23. So, for the past twenty-two years, the land associated with BUCK001 has been allocated for development but, for one reason or another (but not including the willingness or desire of the landowners to bring the land forward) has been prevented from taking place.
24. The Local Plan Review continues this situation. Bucknell is identified as a Community Hub to which the provisions of Policy SP 8 apply. BUCK001 is, quite rightly, reallocated for redevelopment. It is a brownfield site that now detracts from the character and amenity of the village. Local requirement for an employment site of this size no longer exists. The development of BUCK001 can comply with all the ‘considerations’ outlined in Policy SP8. However, it is still constrained by the necessity to ensure that the freshwater pearl mussels in the River Clun are unharmed by the development.
25. Policy S2 .2 indicates that Bucknell is a Community Hub and that it will be developed by some 110 dwellings within the Plan period. Development at BUCK001 is expected to produce around 70 of these dwellings. The proposed development of BUCK001 can comply with all of the guidelines set out in Policy S2.2. However, at Policy S2.2 .6 it is again noted that development in Bucknell (amongst others) is likely to have an adverse effect on the River Clun SAC and so Policy DP13 applies.
26. Policy DP13: Development in the River Clun Catchment, spells out the restrictions that the Plan imposes. Importantly there is no advice forthcoming from the Council as to how the objectives they wish to achieve can actually be achieved. It is clear that simply preventing development is not the answer to the problem, but very little appears to be happening that would help in other directions. One of the recent suggestions is that a fresh Nutrient Management Plan might be prepared, but these are clearly ineffective unless they include definitive, measurable, actions that involve positive actions on the part of those bodies that are responsible for water quality and comprise more than just preventing development.
27. This situation effects more than just BUCK001. The River Clun catchment extends some way to the north of Bucknell to include Bishop’s Castle, Clun and Lydbury North amongst others. Bishop’s Castle is indicated as a “Key Centre”, and Bucknell and Clun as Community Hubs. Lydbury North is a Community Cluster. None of the sites allocated for residential development in the SAMDev Plan has come forward for development, all because they are faced with the same problem. They have been ‘carried forward’ in the current Local Plan Review. It is clearly not the case that the area included in the Bishop’s Castle Place Plan area does not need any further development, or that there is no demand; the need for the development continues to be recognized.
28. The Local Plan Review should tackle the issue of the water quality in the River Clun in a pro-active manner, and bring forward positive proposals to be put into action by the various authorities that have responsibility for watercourses in the catchment in order that the development that is planned, wanted and needed can be delivered. Until the Plan includes such proposals it cannot be regarded as being “sound” as it will,

Office Use Only	Part A Reference:
	Part B Reference:

- a) not be effective,
- b) will fail to meet the responsibility of ensuring the survival of the pearl mussel colony, and
- c) will also fail to deliver the dwellings that the Local Plan plans for. In total, that could be in the order of 514 dwellings – some 3% of the total allocation for the identified Key Centres and 4.4% of the housing for the rural area of the County outside Key Centres.

As the Plan stands it has not been developed in a positive manner.

(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 Local Plan should be modified to include specific, positive, measures that will,

- i. Ensure the longevity of the freshwater pearl colony, and
- ii. Ensure that the development that is assessed as being necessary in the River Clun catchment can be delivered immediately upon the adoption of the Plan.

(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:

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	Part B Reference:

The development site that is the subject of this representation has been under discussion with the Local Planning authority for around 20 years, but there are no positive moves on the part of the Authority to bring the land forward, despite continued efforts by the landowners. It is considered important that the issues that are contributing to the delay in developing this, and other, sites is discussed in open forum.

(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:

Date:

✓

Office Use Only	Part A Reference:
	Part B Reference:

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:	Radnorshire Coal Co and B & J Davies
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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="DP13"/>	Site:	<input type="text" value="BUCK001"/>	Policies Map:	<input type="text" value="S2"/>
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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).

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<p style="text-align: center;">Submission by Radnorshire Coal Co and B & J Davies in relation to Policy No's SP2, SP8, DP13 and S2.</p> <p>1. The site referred to, BUCK001, is allocated for development as part residential and part employment. It is supported by Policies SP2 and S2. It has previously been used as a timber yard and a railway yard, and most recently for a variety of storage and industrial operations. The representor supports these allocations.</p> <p>2. This is an important site in Bucknell, and every effort should be made by the Local Planning authority, via the Local Plan process, to bring it forward for development. However, Policy DP13 places significant obstacles in the way of the development of BUCK001 (and several other sites). The Local</p>

Plan should create the conditions whereby the development can be brought forward as quickly as possible.

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17. This document collected a serious amount of information which identified those problems which the colony of pearl mussel experiences. It concluded that a series of targets for water quality in the River Clun should be adopted. It also concluded that the existing colony was in a perilous state with a decline in population, evidence of continuing stress, failure to produce new generations of mussels, decline in the physical habitat structure and poor water quality.

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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:

Office Use Only	Part A Reference:
	Part B Reference:

The development site that is the subject of this representation has been under discussion with the Local Planning authority for around 20 years, but there are no positive moves on the part of the Authority to bring the land forward, despite continued efforts by the landowners. It is considered important that the issues that are contributing to the delay in developing this, and other, sites is discussed in open forum.

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Signature:

Date:

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