23 APR 2014

For Shropshire Council use Respondent no:

Shropshire Council
Site Allocations and Management of Development (SAMDEV) Plan

Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:
www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name:	DAVID WILKS
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name:	
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

Policy S5.1.3

Is your representation in support or objection? (please tick as appropriate)

Support	**Yes** ☐	**No** ☑
Object	**Yes** ☑	**No** ☐

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant	**Yes** ☑	**No** ☐
Sound	**Yes** ☐	**No** ☑

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	✓
Justified	✓
Effective	✓
Consistent with National Policy	✓

In the box below please specify your reason for supporting or objecting. If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

The policy is not justified, effective or consistent with national policy.

It is not founded on a robust and credible evidence base.

The policy was not the subject of any public consultation prior to its inclusion in the DPD.

See separate sheet for details of why the policy is unsound.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

Delete section 3 of policy S5.1

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.	**yes**	No, I wish to pursue my representations through this written representation.	

I am willing to join with other similar objectors

If you wish to attend the examination, please explain why you think this is necessary in the box below:

To examine the reasons why the Council seek to promote the development of land which would conflict with their own site assessment criteria and stated policies.

Do you wish to be notified of any of the following? *Please tick all that apply. We will contact you using the details you have given above.*

When the SAMDev Plan has been submitted for examination	yes
When the Inspector's Report is published	yes

When the SAMDev Plan is adopted	no

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:
Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000
Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.

Statement of representation on the Shropshire Council Site Allocations and Management of Development Plan.

This statement is submitted by David N Wilks of Littlebrook, 38 Ludlow Road Church Stretton SY6 6AB.

This representation objects to the plan and it is considered it is not sound in respect of **policy S5.1.3** relating to the release of housing land on the east side of the A49 road adjoining the development boundary. This is because the policy is not justified, effective, or consistent with national policy.

As a preliminary point it is noted that section 3 of the policy refers to the whole of policy MD3, not any of its specific criteria 1 – 4. It follows that taken on its face it could be interpreted to apply not only if the housing guideline is not fulfilled but also if it is, especially as rather oddly it states it applies "further to policy MD3" rather than making it clear it would be subject to particular criteria in that policy.

Any reasonable consideration of section 3 would suggest it appears unnecessary as policy MD3 already provides a sufficient framework for proposals on unallocated sites, including the situation where the settlement housing guideline proved unlikely to be met.

It runs contrary to policies CS3 and CS17 and the NPPF as there is no proven need to release further Greenfield land for housing over and above that allocated or to meet local needs. By inserting the policy the Council seem to imply that the allocated sites may not be deliverable, but they should not have been allocated in the first place unless the Council had found them to be deliverable ! Otherwise why go through the lengthy process of assessing sites and then discarding most of them.

The truth seems to be for some reason, perhaps developer pressure, the Council have become obsessed with developing land to the east of the A49 despite the fact that the area provides the setting for some of the finest landscape features in the AONB.

It is interesting to note that where the Core Strategy (para.4.33) says that the detailed scale of development will be determined through the SAMDev DPD, it goes on to state that levels of housing and other development *"will be determined through discussion and agreement particularly with Town and Parish Councils to provide an appropriate and sustainable pattern of development."* During the lengthy public consultation process it was shown that there is almost complete public opposition to development to the east of the A49, including that of the Town Council, yet suddenly this policy has appeared from nowhere in the final DPD without any discussion or agreement. This is hardly in the spirit of the Community Strategy.

The policy also does not seem to be founded on a robust and credible evidence base, with no known factual research to support the policy choice. However, there is ample evidence to oppose such a policy which would utilise land which is adjoining (ie: next to and joined with) the development boundary. The land in question is all within the AONB and much of any development there would have to be located either on sites

which have already been found unsuitable by the Council themselves in their sites assessment or have not had any previous objective assessment at all or would intrude into areas of ancient woodland ! Most if not all of the land being promoted would fail to meet the criteria in policy MD3 in that it is known community support would not be forthcoming and also they are not sustainable sites using the Council's own criteria (eg: remoteness from schools and shops).

The development of some of the land such as that around New House Farm would also lead to long term harm by opening up the area to further large scale development which would be unsustainable and lead to the scenario described in the last sentence of 4.22 of the DPD. The all embracing wording of the policy which covers so much land east of the A49 takes no account of the balance implied in Core Strategy policy CS3.

Above all the land is not suited to development due to its visual and environmental quality. The AONB is a nationally designated and protected landscape and the Council's own Core Strategy accepts the Shropshire Hills are "iconic" and of "national importance." As such, the countryside in the area must be given greater protection than elsewhere in Shropshire in accordance with the AONB's primary statutory aim to *"conserve and enhance the natural beauty of the landscape."* While the Government's planning strategy, the National Planning Policy Framework, states that Local Plans should meet assessed development needs, it makes clear that this is not necessarily the case where any adverse impacts would outweigh the benefits or where development is restricted such as in AONBs. I submit this situation applies in this case. The NPPF gives *"great weight"* to conserving landscape and scenic beauty in AONBs which are accorded *"the highest status of protection"*. Furthermore, the Government's own advisor on landscapes and the natural environment, Natural England, have designated the Shropshire Hills as a Natural Character Area being a *"a tranquil landscape of national importance"* where they seek to protect and enhance its unique character through conservation of the AONB. In referring to 'landscape opportunities' they also make the point that efforts should be made to *"conserve the area's outstanding views from intrusion by development."*

I conclude that the likely harm to the AONB landscape and environment arising from applying section 3 of the policy would clearly outweigh any perceived benefits of the contribution to unproven housing demand. All the evidence shows that the Council have failed to undertake a proper balancing exercise in proposing this policy and it should be deleted. If further land is required they would have been better employed in proactively re-examining other less obtrusive sites to overcome constraints, for example the drainage issue on site CSTRO12.