



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:	Tim Malim
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:

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

Support	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with National Policy	<input checked="" type="checkbox"/>

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).

It is **not legally compliant** because the inclusion of OSW004 without appropriate assessment to establish the heritage significance, and the contribution that setting makes to that heritage significance, of a statutorily protected ancient monument of national importance, and the substantial harm to the heritage significance of that scheduled monument (Old Oswestry Hillfort) which would be caused by 117 houses being constructed within a part of its setting that is of major importance for understanding and appreciation of its heritage significance.

It is **not positively prepared** because partiality has been shown by Shropshire Council in its inclusion of the promoter/developer's statements for OSW004, but failure to include on its website and to consider with equal weight the academic

studies undertaken by those opposing the proposal. Shropshire Council has also ignored the warnings from other organizations that the promoter's background studies which have been used in support of OSW004, are inadequate and non-compliant with planning policy guidance.

The plan is not justified because it has failed to take full and proper notice of the wishes of the majority of the local community who largely oppose OSW004, including a petition against the site's inclusion signed by over 8000 people, and has failed to respond positively to the decisions and requests from Oswestry Town Council. It has also ignored the opposition from Selattyn and Gobowen parish councils. It has failed to adequately assess the impacts on the historic environment and visual amenity. Alternative sites exist, but Shropshire Council have not demonstrated that an adequate alternative sites assessment has been undertaken. Insufficient assessment on the local infrastructure, especially on highways and access, has been undertaken which would severely affect the northern and eastern approaches to Oswestry. The potential harm to the setting of the iconic hillfort is contrary to Shropshire's Core Strategy to enhance and conserve the historic environment, including scheduled monuments, such as Policy CS6 4.82, and CS17.

The plan would **not be effective** if OSW004 is included as it would be problematic to deliver the housing at this site as it clearly contradicts the national Planning Policy Framework section 12 on the Historic Environment, especially for example paragraph 132. English Heritage have stated that Shropshire Council should not presume they will not object to any development at OSW004.

Inclusion of OSW004 in the plan would **not be consistent with national policy**, in particular the NPPF section 12, paragraphs 131, 132. In addition paragraph 129 states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) ...and should take this assessment into account when considering the impact of a proposal on a heritage asset..." whilst paragraph 137 stresses that: "Local planning authorities should look for opportunities for new development within...the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

This was made clear in the pre-submission draft of SAMDEV 12/3/2014 which states:

MD13. 4.139. Heritage assets are a finite, non-renewable resource and great care must therefore be taken when determining applications which result in a loss of significance, either partial or total. Proposals adversely affecting either the significance or setting of designated or non-designated heritage assets will therefore be rejected unless the harm to the significance of the asset is outweighed by the public benefits of the proposal and there are no satisfactory alternatives. In making this decision the significance of the asset, its level of importance, the degree of impact and opportunities for a viable beneficial use of the asset will be taken into account. Proposals which would result in harm, or a loss of significance, to a designated heritage asset, including the setting, will be determined in line with national policy.

Shropshire Council would be ignoring national planning policy if it continued to include OSW004 and would thus jeopardize its whole plan being accepted by an

inspector at public inquiry, and unnecessarily risks incurring considerable cost.

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)

Removal of OSW004 and alternative site included, such as land at Oswestry's Sustainable Urban Extension.

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.

☒

No, I wish to pursue my representations through this written representation.

☐

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

Because independent professional heritage advice is required to counter-balance those on the council who would seem to wish to marginalize the importance of this consideration.

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	<input checked="" type="checkbox"/>
When the Inspector's Report is published	<input checked="" type="checkbox"/>

When the SAMDev Plan is adopted	
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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.