



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:	Elizabeth Moran & Marlon Brown
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:	

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:

S2.2 (iv)
5.20
5.21

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).

There are a number of specific reasons for our objections to the final draft for consultation based upon the soundness:

Not Positively Prepared

- i. The results of the July 2012 Lydbury North Housing Needs Survey indicate a need for additional housing but also a need for additional employment opportunities for local residents. The final draft does not make provision for employment. It is insufficient to determine that larger dwelling types could potentially accommodate live/work lifestyles. This does not reflect the indications within the survey.

- ii. The results of the July 2012 Lydbury North Housing Needs Survey indicates a need for public transport links if additional housing is to be considered for younger people under the sustainable communities policy. The final draft makes no provision for improvements to public transport links.
- iii. The results of the July 2012 Lydbury North Housing Needs Survey indicates concern over the traffic in narrow side lanes and tracks. The final draft has allocated sites that are accessed only via narrow tracks and lanes.
- iv. The July 2012 Lydbury North Housing Needs Survey indicated sites LYD001 & LYD002 only. Additional sites were added at a later date.

Not Justified

- i. There has been a consistent concern about the lack of access to the information provided by the Parish Council in relation to the public consultation. This has led to a lack of confidence in the Parish Council decisions by local residents.
- ii. We have been unable to ascertain the reasons why LYD001 and LYD002 did not progress to the final submission to the SAMDEV plan by the Parish Council when the public consultation on sites for development in 2013 evidenced equal % weighting for LYD001, LYD002 and LYD007-009.
- iii. The consultation in 2013 asked "would you consider LYD007-009 as a combined site to provide a mixed housing and employment development for up to 14 dwellings". The final draft allows for 8+5+3 totalling 16 houses with no employment development. It also suggests the redevelopment of an existing bungalow which would total 17 properties on the sites. This amount was not consulted upon.
- iv. The density of housing being proposed for LYD007-009 is not in keeping with the local character of the village.
- v. The landowner of LYD009 did not offer his land for development and had not been aware that it has been forwarded as a site. He objected in a public meeting. He has confirmed to us that he has instructed the council to remove his site from the allocations.
- vi. The planning was discussed at the Parish Council meetings on numerous occasions. The minutes of the meetings have not been made available except through direct requests, as the web site for Lydbury North has not been functional through long periods of the consultation. We have obtained the minutes by request from the Parish Clerk and find that extraordinary meetings have been held. We object that the meeting on 18th February 2014, at which the planning was to be discussed was not brought to the attention of the public residents. An excerpt from the minutes provides evidence for this – planning "prior to the discussion on this item the Clerk pointed out that

there has been insufficient time to inform the public of the meeting being held...". In this meeting Liam Cowden stated that he would act to represent Philip Needham as the landowner of LYD009. We have consulted with Philip Needham who was not aware that he was being represented at the meeting and he has stated an objection.

- vii. It is stated in the minutes of the Parish Council meetings that the local residents have been updated on the plans through the community newsletter. This is not the case. There have been no updates within the newsletters.
- viii. There appear to be inconsistencies with the consultation and the decisions made by the Parish Council. We believe that there has been unacceptable bias and lack of objectivity surrounding the decisions that have resulted in the final draft. The landowner of LYD007-008 and LYD011 is the Chair of the Parish Council. He is also a Consultant to Balfours who assessed the proposed sites and produced a report for the Parish Council who then proposed the sites for inclusion in the SAMDEV plan. Clearly there is a potential for this landowner to make significant financial gains from his sites being selected. Whilst it is accepted that the Chairman did declare a conflict of interest, it is evident from minutes of the meetings that he attended the meetings at which the decisions were made as an interested party rather than a Councillor. We consider that his involvement with the leading of the consultation and the site allocation, assessment and choices could have a direct influence on the voting members.

Not Effective

- i. The final draft for S2.2(iv) cannot be considered effective as it cannot evidence "delivery partners who are signed up to it". Philip Needham does not wish for his site to be included and has instructed the Council to remove his site from the plan. This means that the total of 20 houses within Lydbury North could not be delivered as 3 would be removed from LYD009 leaving a total of 17 new properties across LYD007-008 and LYD011.
- ii. We believe that Philip Needham may be feeling unduly pressurised into making a decision to include his land due to the desire to use LYD007-008. Properties on LYD007-008 are unlikely to be attractive to new purchasers if the disused garage is not redeveloped.
- iii. We object to the density of additional housing proposed for the sites which are all very close together with LYD007-009 being adjacent to each other and LDY011 being close by across the intersecting road. This density would not reflect the existing character of the village and in particular this side of the village which has a number of historic buildings and converted farm buildings.
- iv. We also believe that the sites may not be deliverable based upon our

following comments about the River Clun SAC.

5.20 & 5.21

We also object to this policy/plan based upon ecological concerns with regard to the presence of Freshwater Pearl Mussels in the River Clun. 2 streams join opposite LYD007 which flow to the River Clun. We recently purchased Lower Farmhouse and submitted a planning application (Ref No 13/02220/FUL) to Shropshire Council for some improvement works to our property and it produced the following comment from Natural England:

“Conservation of Habitats and Species Regulations 2010 (as amended) Natura 2000 site – No objection

The application site appears to be within the catchment of the River Clun, upstream of the River Clun Special Area of Conservation (SAC). This SAC is notified because of the presence of the rare freshwater pearl mussel (*Margaritifera margaritifera*).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the River Clun SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. ***This is because the proposal is for extensions to an existing dwelling and as such is unlikely to lead to significant increases in nutrients resulting from the development entering the River Clun SAC.***”

We would like to draw your attention to the comment highlighted in bold italics. To our knowledge no assessment has been made to assess the implications of new development on the site's conservation objectives. This may render the sites undeliverable.

We are aware that a significant investment has been made in the protection of the habitat around the Purslow area of the River Clun which is downstream from LYD007-011.

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)

We believe that the decisions around the site allocations should be independently reviewed to ensure that they were properly informed and selected based upon objective measures and not subjective opinions of biased participants. Until such time they should not be carried forward in the SAMDEV plan.

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:

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	<input checked="" type="checkbox"/>

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.