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:	Gail Grimley
Organisation (if applicable):	
Address:	
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:

Schedule S14 1a. Allocation Land off Whittington Rd OSW004

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).

I believe that keeping OSW004 in SAMDEV makes it unsound. This is because the proposal for this area conflicts with all points of soundness, that is, it has not been positively prepared, it is not justified, it is not effective and it is not consistent with national policy.

1. Not positively prepared

- OSW004 was submitted as part of a co-ordinated proposal with 002 and 003. This is no longer valid as the other two sites have been removed.

- The developers have provided an inadequate heritage plan, not taking into consideration the importance of setting and not adhering to the NPPF.

- There has been no thought about the huge detrimental impact of adding 117 houses to the existing infrastructure in this location. Whittington Road is already a bottleneck with junctions at Unicorn Road and Gobowen Road in close proximity. Traffic chaos will worsen for those trying to get in and out of the town and for those attempting to get to one of the three local primary schools, Woodside, Meadows and Holy Trinity

2. Not Justified

- The council has to show evidence of participation of the local community and others having a stake in the area. It has largely ignored the views (over 10,000 locally and internationally) and in some cases has never formally responded.
- A professional Landscape and Visual Impact Report was commissioned and presented to the council showing the major impact of the OSW004 development on the significance of the hillfort. Shropshire Council has not responded.
- Oswestry Town Council formally request a review of all relevant archaeological reports before final decisions are made. Shropshire Council has not responded.
- Decisions have been based on a widely criticised and non-compliant Heritage Impact Assessment commissioned by the land owner.

3. Not Effective

- Part of this question is that the council have to show that there are no national planning barriers to delivery, which there plainly are in the NPPF. They have to show that the “delivery partners” are signed up to it. Neither Oswestry Town Council, Selattyn & Gobowen Parish Council, nor English Heritage are signed up to their plan.
- Q/ Have reasonable alternatives to the quantum of development and overall spatial strategy been considered?
  We do not believe that the council has sufficiently explored the alternatives with respect to brown field sites in the area.
- Q/ Are the council working to “a strategy for the historic environment based on a clear understanding of the cultural assets in the plan area, including assets most at risk”?
  Again, the council plans to permanently damage one of our most important heritage assets based on inadequate reporting and a refusal to consider reports which are counter to intent.

- The inclusion of OSW004, close to the Scheduled Monument Old Oswestry Hillfort is not effective as it is highly unlikely that planning permission would be given for development in this allocation because English Heritage oppose its inclusion and would therefore oppose any planning application on the grounds of the setting of the Scheduled Monument

- There is a high level of public opposition to development here which would make effective representation during any planning process.

- Oswestry town council oppose the inclusion of OSW004 within the SAMDev. As the local authority they would therefore be minded to consistently reject development here as a reflection of the opinion of the overwhelming majority of the local community, thereby rendering its inclusion unsustainable.

- Recent case history (Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014]) established that development that has a negative impact on how a monument is viewed, does constitute 'significant harm' to the setting of an ancient monument. This precedent will be called upon in the defence of Old Oswestry Hillfort.

- Any planning application submitted within OSW004 would not be compliant with NPPF, in particular paragraphs:

  '131. In determining planning applications, local planning authorities should take

  account of:

  ● the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

  ● the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; '

  And:

  '132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'

  In this case planning applications should be refused.

- Inclusion of OSW004 is also at odds with the council's own development management policies 2 and 13:

It is not of sustainable design (MD2), in that by not respecting the Scheduled Monument it does not:

'Contribute to and respect locally distinctive or valued character and existing amenity value by:

iii. Respecting, enhancing or restoring the historic context, such as the

significance and character of any heritage assets, in accordance with

MD13;'

The inclusion of OSW004 and the resultant impact on a Heritage Asset of the highest significance is in opposition to the requirement in MD13 of

'ensuring that the social or economic benefits of a development can be

demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting, taking into account the degree of harm, the importance of the asset and any potential beneficial use of the asset….' Nor is it 'encouraging development which delivers positive benefits to heritage assets, as identified within the Place Plans……'

- MD13 also states that
  '4.136 This policy is based on the following hierarchal approach: wherever possible, avoid harm or loss to the significance of heritage assets, including their settings;'

The inclusion of OSW004 is directly at odds with this.

- MD 13 accepts that
  '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.'

- Therefore by including OSW004 the SAMdev contradicts the Council's own advice regarding the determination of planning applications. By its own measures this is unsound, it is proposing for inclusion a site it would expect planners to reject.

- The inclusion of OSW004 is not 'locally responsive' as claimed in pre-submission draft plan document as there is a high level of well-informed local opposition to the plan.

- It also contradicts the Core Strategy Policy 17 (adopted Feb 2014)

CS17 : Environmental Networks

- Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:
  - Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
  - Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets.

4. Not consistent with national policy

- The inclusion of OSW004 in the SAMdev is not consistent with the National Planning Policy Framework para 126:
  '126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment'

- The inclusion of OSW004 in the allocation is not consistent with national policy because it does not take sufficient account of the protection afforded to Old Oswestry Hill Fort under the Ancient Monuments and Archaeological Areas Act, 1979.

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)

By not allowing development of the proposed site would make it legally compliant or sound.

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	✓
When the Inspector's Report is published	✓
When the SAMDev Plan is adopted	

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.