



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: | John Waine |
| 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 | 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).

NOT POSITIVELY PREPARED

Clearly, the plan is **not positively prepared**.

The council have been shown to be partial and selective in their choice and weight of evidence (see Justified section for more detail).

One example of such partiality was a Shropshire Council public meeting in which the developers were invited to display large boards to illustrate their proposals, yet a local group were prevented from displaying a display showing the historical, ecological and archaeological aspects of the land.

Thereby clearly cutting out a legitimate public partner in favour of the developers.

NOT JUSTIFIED

2.8 PPS12 provides that to be 'justified' a DPD needs to be founded on a robust and credible evidence base.

*** Shropshire Council have taken an extremely partial approach and highly selective approach to the evidence base excluding professionally produced evidence. This undermines and invalidates the plan's credibility.**

a. Shropshire Council has plainly ignored submitted professional evidence as to the major impact of a proposal, namely, OSW004.

Evidence was submitted in the form of a LANDSCAPE AND VISUAL IMPACT ASSESSMENT by Dr Benjamin Edwards, Manchester Metropolitan University, Feb 14th 2014. The report was interpreted to Landscape and Visual Impact Assessment Guidelines (2013).

In terms of Visual Impact, the report stated: "The sensitivity of this viewpoint and the receptors was defined as high. The magnitude of the visual impact on these receptors (demonstrated through figure 1-3) was correspondingly defined as large. As a result, the significance of the visual impact of the proposed development is described as major. In visual terms, the nature of these effects is termed direct and permanent."

Dr Edwards' closing remarks being as follows: "National planning guidance is clear in its definition of the importance of the 'setting' of heritage assets. Given the national importance of the heritage landscape affected by the proposed development, and the significance of the impact on this landscape and its visual setting, it is recommended that the development not proceed in its current proposed form. Considerable change should be made to the form of the proposal and the strategies for mitigating impact. Proper consideration should be given to the significance of heritage assets, and a more informed appreciation of the definition of 'setting' is required. The findings of this document concur with Nash (2013) in that an earlier Heritage Impact Assessment (di Figuerido 2013) did not follow appropriate guidance or established methodology, either in its execution, or in arriving at a conclusion of minimal landscape and visual impact."

Shropshire Council have given no formal response to the report and have been completely un-willing to engage with the commissioning group.

When asked specifically at the cabinet meeting: "

b. Shropshire Council have ignored the Heritage Impact Report by Dr George Nash.

Dr Nash's summary including the following:

- the three proposed development areas – OSW002, OSW003 and OSW004 - will directly and indirectly impact upon the archaeology and cultural heritage that lies within the hinterlands of Old Oswestry Hillfort (i.e. land between the eastern outer rampart of the hillfort, the north-south line of Wat's Dyke and the western pavement line of the A5 trunk road). Identified within the HER search were twenty-two heritage assets including two Scheduled Monuments

(SMs). The multi-faceted and layered landscape identified within the Study Area can be considered of regional and national importance with Old Oswestry Hillfort and Wat's Dyke being the landscape foci.

- Based on the event record, there appears to have been no clear long-term strategy to mitigate the archaeology in a phased staged-approach, in particular the evaluation programme which is, in my view woefully inadequate, let alone complete.
- Given the national importance and rarity of the hillfort and Wat's Dyke, and their unique and iconic setting, no development should be undertaken within Areas OSW002 and OSW004.
- It should be noted that the western extent of the current perimeter of Old Port Farm stands only c. 87 m from the outer rampart of the hillfort.

There has been no formal response to this comprehensive report, illustrating once again the lack of engagement and selective weighting of key evidence.

c. Shropshire Council gave significant weight to a widely criticised Heritage Impact Assessment report by Peter de Figueirado.

The report's compliance was called into question by RESCUE (The British Archaeological Trust) for reasons of:

1. Containing no HER information.
2. Essential below-ground potential and contextual data is completely absent.
3. No consideration of views to Old Oswestry from 15 other hillforts.
4. They conclude: "The Heritage Impact Assessment is inadequate, and further consideration - by a properly qualified archaeological organisation or individual is required."
5. The report's author is not an archaeologist.

Involvement of the general public has been insignificant and patchy.

a. Consultations were poorly promoted and therefore poorly attended in the early stages of the process. Those that did turn up were 95% against the proposals to develop amidst the setting of the hillfort. The council do not have to agree with their citizens, but they do have to engage, to explore alternative solutions.

b. Oswestry Town Council formally requested Shropshire Council review all archaeological reports with respect to the hillfort developments prior to any decision to include in the final SAMDev report. This request was summarily ignored and the town council received no formal response to their request.

Once again, no real engagement with key partners in the process undermining the plan's justification.

NOT EFFECTIVE

The plan is not deliverable with the example being proposal OSW004.

a. All partners are not signed up to this.

Oswestry Town Council, English Heritage, Sellatyn & Gobowen Parsh Council have all expressed serious concerns about this development.

b. Shropshire Council have disregarded their own Oswestry Housing Sites Assessment.

On page 126 in the *Inherent Landscape Character* section for site: OSW004, it states: "The site has little/no capacity for housing due to its relationship with existing industrial and commercial development to the south and west, the site's role as part of the wider setting of Old Oswestry Hillfort, views to and from the fort and extending the edge of the settlement north in a highly visible location."

AGAINST NATIONAL POLICY

The 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."

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)

Making the SAMDev process sound would require, in the first instance, the removal of OSW004 from the plan – as it is the product of a dis-engaged, partial and selective process which has consistently sidelined evidence that sits counter to their intentions.

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.