

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](http://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](http://www.shropshire.gov.uk/samdev).

#### **Your details: Who is making this representation?**

Name:	David A Haston
Organisation (if applicable):	Haston Reynolds Ltd
Address:	

**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:

Shrewsbury Area S16 – Inset 1 (Status of the un-developed portion of the former Shropshire Food Enterprise Park, west of Battlefield Road, south of A5124, North of Battlefield Brook and east of Battlefield Way as a Protected Employment Area under Policy MD9 – Protected Employment Areas).

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** ☒

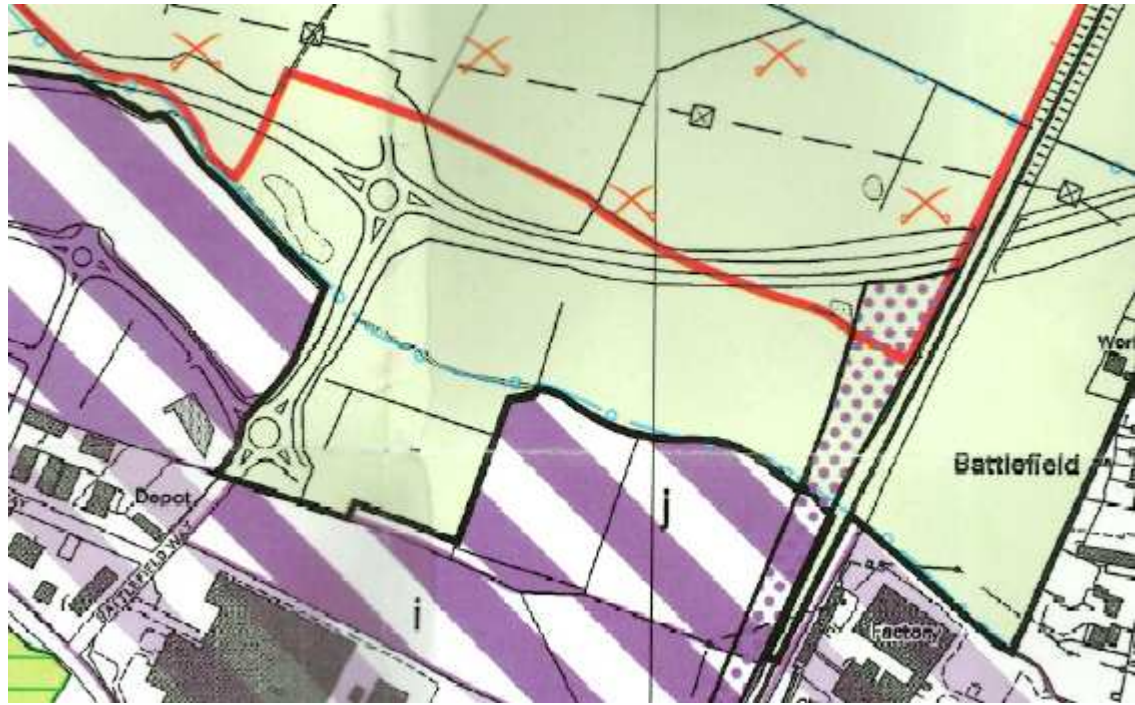
If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

<b>Positively prepared</b>	
<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>
<b>Consistent with National Policy</b>	<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).

The site formerly branded as the Shropshire Food Enterprise Park (SFEP) was not allocated for development in the Shrewsbury & Atcham Local Plan and is identified as open countryside (L-shaped site delineated by the A5124 to the north, Battlefield Way to the west, the railway line to the east and Vanguard Way/site of the Waste Management site to the south).



Outline planning permission (02/1429/O) was granted for the site on 1 October 2003 by Shrewsbury & Atcham BC (SABC) for the *'use of land for organic and non-organic food related B1, B2, B8 uses to include means of vehicular and pedestrian access (amended description)'*

A reserved matters application associated with outline planning permission 02/1429/O was however never submitted and the planning permission accordingly lapsed (refer to paragraph 26 of Appeal Decision APP/L3245/A/11/2146219).

As a consequence, with the exception of unauthorised access roads, the site remained open countryside.

Notwithstanding its open countryside status, full planning permission has been granted for :

- the Food Enterprise Centre (06/1117/F); and
- the Mercedes car dealership ( 12/03574/FUL)

The Food Enterprise Centre development was constructed some years ago whilst the Mercedes car dealership development is currently under construction. Both of these developments are located within the southern portion of the former SFEP site, adjacent to Vanguard Way.

The site of the former SFEP does not benefit from any other significant extant planning permissions, has never been allocated for development, is undeveloped and remains open countryside.

Notwithstanding this, the undeveloped, unallocated, open countryside area (between the A5124 and Battlefield Brook) has been identified on Shrewsbury Area S16-Inset 1 map as part of a 'Protected Employment Area'.

Policy MD9 explicitly deals with 'Existing Employment Areas' and the Explanation to Policy MD9 reinforces that the policy is concerned with the protection of existing employment areas.

The area in question between the A5124 and Battlefield Brook is not however an existing employment area. It has never been allocated for employment uses, it has never been lawfully developed for employment uses, it does not benefit from any extant planning permissions for employment uses and is currently open countryside.

This area should not therefore be designated as a Protected Employment Area.

If the Council is minded to see this area developed for employment uses, then proper approach would have been to propose it for an Employment Allocation under Policy MD4 and to delineate it as such on Shrewsbury Area S16- Inset 1.

However in doing so, the Council would need to demonstrate that the site had undergone a thorough assessment (including Sustainability Appraisal) as with other sites proposed for allocation.

Assessments of the site under successive Employment Land Reviews (and the Strategic Sites and Employment Areas Assessment) have repeatedly failed to acknowledge, let alone consider, the proximity of the site to the Registered Battlefield or the potential implications of development on its setting and significance as a heritage asset.

In doing so, proper regard would need to be had to ecological considerations (including a breeding colony of great crested newts and badgers which are known to be present within the area), the site of the Registered Battlefield of Shrewsbury which is a designated heritage asset of the highest importance (part of which is included within the proposed Protected Employment Area) and its setting.

It is also noted that the Strategic Sites and Employment Areas Assessment has erroneously indicated or inferred that the site still benefits from lapsed outline planning permission 02/1429/O.

The identification of this area as a 'Protected Employment Area' is a backdoor attempt by the Council to allocate the area, circumventing due process and proper assessment. In that respect it is noted that the area was not shown as being proposed for an employment allocation nor was it shown as being part of a Protected Employment Area within the previous version of the SAMDev.

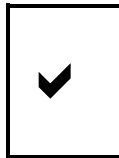
**Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound?** You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant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

Shrewsbury Area S16 – Inset 1 Map should be amended. The remaining area of open countryside to the east of Battlefield Way between Battlefield Brook to the south and the A5124 to the north should not be identified as a Protected Employment Area and should instead be shown as open countryside.

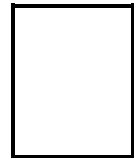
Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at 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:

Part of this area forms part of the site of the Registered Battlefield of Shrewsbury (1403) and the whole of the area lies within the setting of the Registered Battlefield. The site is consequently extremely sensitive and a through appreciation of the site's planning history and status is considered essential. It is considered that this would be best established by way oral evidence which can be tested at the Examination in Public.

**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](mailto: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.