



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:	Kate Clarke
Organisation (if applicable):	Resident of Oswestry
Address:	
Email:	
Telephone:	

**If you are acting as an Agent, please use the following box to tell us who you are acting for:**

Name:	N/A
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 of Land off Whittington Road 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*):

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

### **Not legally compliant**

The SAMDev plan in respect to OSW004 is not legally compliant for the following reason:

Shropshire Council has been inconsistent in its assessment of the heritage significance of Old Oswestry and its setting in relation to a number of SAMDev preferred sites during the SAMDev process.

This objection relates specifically to the relative heritage value assigned to sites close to Old Oswestry *in isolation* to other contributing factors that influenced decisions to keep or remove sites for the Revised Preferred Options stage. These heritage appraisals must demonstrate consistency, otherwise they make the basis for decision-making unfair, biased and by implication unsound and not legal.

After the Preferred Sites stage, allocations OSW021 and OSW063 at Oakhurst Road were removed from SAMDev with proximity ('1 field away') and impact on hillfort and setting cited as a contributing factor. However, the heritage value of sites at Oldport Farm (including OSW004 and formerly OSW002 and OSW003, no longer included in SAMDev) was not assessed in a consistent way to this, despite the fact they are by comparison closer and received far greater public opposition at Preferred Sites stage.

There is both inconsistency in the assessment of geographic proximity as well as in assessing the significance of impact of development on Old Oswestry's setting.

For OSW021/063, the heritage significance/value of Old Oswestry is qualified with the following statements in the Site Assessment Summary (from Background Evidence: Oswestry Housing Sites Assessment):

'The site has no capacity for housing or employment use due to its contribution to the setting of the hillfort and visibility from it'; and 'development of the site would have significant detrimental impacts on the setting of the Hill Fort.' Also 'Open views towards the Hillfort would be lost and the setting of the Scheduled Ancient Monument would be significantly impacted upon.'

In contrast, there is an entirely different parameter for assessing the heritage significance/value of Old Oswestry in relation to proposed sites OSW002, OSW003 and OSW004. Unlike OSW021/063, where a principle-based assessment of heritage impact appears to have been adopted, the heritage impact assessed for OSW002/003/004 at Oldport Farm is scheme-based, ie, derived from the effectiveness of the scheme to mitigate its impact, simply stating that any development should be 'with the importance of the setting of the Oswestry Hill Fort in mind.'

Specifically, the Site Assessment Summary (from Background Evidence: Oswestry Housing Sites Assessment) says:

'The site is one of three areas off the Gobowen and Whittington Roads (with OSW002 and OSW004) which have been put forward for consideration by one landowner in a coordinated way and with the importance of the setting of the Oswestry Hill Fort in mind. Sites OSW002 and OSW003 are immediately adjacent to the Hill Fort, with Oldport Farm and associated buildings currently having an adverse impact on its setting. The linked proposals for the two

sites would include facilities and public open space for improved visitor access to the Hill Fort.'

There are no comparable statements regarding heritage impact that can be identified in examining the site assessment data for the Oakhurst Farm compared with the three sites originally proposed at Oldport Farm. This clear inconsistency in the approach to specifically **the heritage** evaluation of the Oakhurst sites compared with the Oldport Farm sites makes the SAMDev plan unsound.

Furthermore, if we accept that the above judgments do not assess heritage impact on the hillfort as being weighted by proximity (if it was, then there would be a very strong imperative to also have removed the Oldport sites as well as OW021 & 063 which are more remote from the hillfort), then the criteria applied by Shropshire Council in its subsequent decision (February 2014) to remove OSW002 and OSW003 could not have been based on OSW004 having less impact on the hillfort by being slightly further away – but it was.

So Shropshire Council's inconsistency in selecting revised preferred sites is compounded by further inconsistency in its criteria for removing OSW002/OSW003 from SAMDev in February 2014.

Also, in arriving at the revised preferred sites, the promoters' HIA was a material consideration in evaluating the scale of development acceptable, which means that Shropshire Council may have made unsound decisions because the HIA has been criticised as being flawed and underestimates impacts eg stating visual impact is minor, whilst a subsequent industry standard LVIA by Dr Ben Edwards assesses them as major.

In its Revised Preferred Sites documentation, Shropshire Council states:

'Reduction in size of sites OSW002, OSW003 and OSW004: Further work with the promoters of the sites, including consideration of a detailed Heritage Impact Assessment, and discussions with English Heritage have led to a significant reduction in the size and capacity of these sites overall in order to safeguard the setting of the Old Oswestry Hill Fort.'

## **Not positively prepared**

The SAMDev plan in respect to OSW004 is not positively prepared for the following reason:

Shropshire Council has been inconsistent in its assessment of the heritage significance of Old Oswestry and its setting in relation to a number of SAMDev preferred sites during the SAMDev process.

This objection relates specifically to the relative heritage value assigned to sites close to Old Oswestry *in isolation* to other contributing factors that influenced decisions to keep or remove sites for the Revised Preferred Options stage. These heritage appraisals must demonstrate consistency, otherwise they make the basis for decision-making unfair, biased and by implication unsound and not legal.

After the Preferred Sites stage, allocations OSW021 and OSW063 at Oakhurst Road were removed from SAMDev with proximity ('1 field away') and impact on hillfort and setting cited as a contributing factor. However, the heritage value of sites at Oldport Farm (including OSW004 and formerly OSW002 and OSW003, no longer included in SAMDev) was not assessed in a consistent way to this, despite the fact they are by comparison closer and received far greater public opposition at Preferred Sites stage.

There is both inconsistency in the assessment of geographic proximity as well as in assessing the significance of impact of development on Old Oswestry's setting.

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In contrast, there is an entirely different parameter for assessing the heritage significance/value of Old Oswestry in relation to proposed sites OSW002, OSW003 and OSW004. Unlike OSW021/063, where a principle-based assessment of heritage impact appears to have been adopted, the heritage impact assessed for OSW002/003/004 at Oldport Farm is scheme-based, ie, derived from the effectiveness of the scheme to mitigate its impact, simply stating that any development should be 'with the importance of the setting of the Oswestry Hill Fort in mind.'

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adjacent to the Hill Fort, with Oldport Farm and associated buildings currently having an adverse impact on its setting. The linked proposals for the two sites would include facilities and public open space for improved visitor access to the Hill Fort.'

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So Shropshire Council's inconsistency in selecting revised preferred sites is compounded by further inconsistency in its criteria for removing OSW002/OSW003 from SAMDev in February 2014.

Also, in arriving at the revised preferred sites, the promoters' HIA was a material consideration in evaluating the scale of development acceptable, which means that Shropshire Council may have made unsound decisions because the HIA has been criticised as being flawed and underestimates impacts eg stating visual impact is minor, whilst a subsequent industry standard LVIA by Dr Ben Edwards assesses them as major.

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'Reduction in size of sites OSW002, OSW003 and OSW004: Further work with the promoters of the sites, including consideration of a detailed Heritage Impact Assessment, and discussions with English Heritage have led to a significant reduction in the size and capacity of these sites overall in order to safeguard the setting of the Old Oswestry Hill Fort.'

## **Not justified**

The SAMDev plan in respect to OSW004 is not justified for the following reason:

Shropshire Council has been inconsistent in its assessment of the heritage significance of Old Oswestry and its setting in relation to a number of SAMDev preferred sites during the SAMDev process.

This objection relates specifically to the relative heritage value assigned to sites close to Old Oswestry in isolation to other contributing factors that influenced decisions to keep or remove sites for the Revised Preferred Options stage. These heritage appraisals must demonstrate consistency, otherwise they make the basis for decision-making unfair, biased and by implication unsound and not legal.

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**ENDS**

**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)

**The site allocation OSW004 must be removed from 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](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.