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Q1: Your details:

Name: Helen Payne

Address:

Q2: Are you acting on behalf of anyone?

No

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Q3: Who are you acting on behalf of:*Respondent skipped this question*

PAGE 3: Representation details

Q4: Please give the policy/paragraph/policies map details for your first representation relates to:

Schedule S14 1a. Allocation Land off Whittington Rd OSW004

Q5: Is your representation in support or objection?

Object

Q6: In respect of your representation on the policy, paragraph or section of the policies map do you consider that the SAMdev is: See guidance notes sections 1 and 2 for the meanings of 'legally compliant' and 'sound'.

Legally compliant No

Sound No

Q7: If your representation considers the SAMDev plan is not sound, please say whether this is because it is: (tick as many as apply)

Not positively prepared, Not justified, Not effective,

Not consistent with the National Planning Policy Framework

Q8: 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.

It is my belief that keeping OSW004 in SAMDEV makes it unsound because the proposal for this area conflicts with all points of soundness, ie 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 This is no longer valid as the other two sites have been removed.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 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. You only need to use these roads at morning/evening rush hour to see this. Traffic problems will get worse 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

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the views that have been expressed so far. Over 10,000 people locally and internationally have voiced their objection to this development and their wish to keep the setting of Old Oswestry, an internationally important heritage site, as it is.

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 requested 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:

The council have to show that there are no national planning barriers to delivery, which there plainly are in the NPPF. The council have to demonstrate 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.

The council has not sufficiently explored the alternatives with respect to brown field sites in the area.

The council plans to permanently damage one of the country's 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 opposes 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 opposes 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 hierarchical 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

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'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.

Q9: 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.

I do not wish to propose changes to the SAMdev Plan "in order to make it legally compliant or sound".

OSW004 is near Old Oswestry Hillfort, a scheduled ancient monument. Old Oswestry Hillfort is one of the most important historical sites in the whole country - not just in Shropshire - and the hillfort and as much of the surrounding area as possible - ie its setting - should be preserved for the nation and future generations - not built upon.

Q10: Do you wish to make another representation?

No

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Q11: Please give the policy/paragraph/policies map details for your first representation relates to:

Respondent skipped this question

Q12: Is your representation in support or objection?

Respondent skipped this question

Q13: In respect of your representation on the policy, paragraph or section of the policies map do you consider that the SAMdev is: See guidance notes sections 1 and 2 for the meanings of 'legally compliant' and 'sound'.

Respondent skipped this question

Q14: If your representation considers the SAMDev plan is not sound, please say whether this is because it is: (tick as many as apply)

Respondent skipped this question

Q15: 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.

Respondent skipped this question

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Q16: 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.

Respondent skipped this question

Q17: Do you wish to make another representation?

Respondent skipped this question

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Q18: Please give the policy/paragraph/policies map details for your first representation relates to:

Respondent skipped this question

Q19: Is your representation in support or objection?

Respondent skipped this question

Q20: In respect of your representation on the policy, paragraph or section of the policies map do you consider that the SAMdev is: See guidance notes sections 1 and 2 for the meanings of 'legally compliant' and 'sound'.

Respondent skipped this question

Q21: If your representation considers the SAMDev plan is not sound, please say whether this is because it is: (tick as many as apply)

Respondent skipped this question

Q22: 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.

Respondent skipped this question

Q23: 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.

Respondent skipped this question

PAGE 6: Finally...

Q24: Do you consider it necessary to attend and give evidence at the examination?

No, I wish to pursue my representation through this written representation

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Q25: If you wish to attend the examination please explain why you think this is necessary.

Respondent skipped this question

Q26: Do you wish to be notified of any of the following: (we will contact you using the details you have provided)

When the SAMDev plan has been submitted for examination Yes

When the Inspector's report is published Yes

When the SAMDev plan is adopted Yes