



## Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

### Main Modifications consultation

1 June 2015 – 13 July 2015

For Shropshire  
Council use

Respondent  
no:

### Main Modifications Consultation Form

The SAMDev Plan Schedule of Main Modifications includes a series of changes to the published SAMDev Plan. These suggested changes are being consulted on for a period of six weeks. For advice on how to respond to the consultation, and how to fill in this form please see the guidance notes on the Council's SAMDev Plan website at: <http://shropshire.gov.uk/planning-policy/samdev-examination/main-modifications-consultation/>.

#### Submitting comments:

Please fill in this form and return:

- Via email to: [Programme.Officer@shropshire.gov.uk](mailto:Programme.Officer@shropshire.gov.uk)
- By posting to: Daphne Woof - Programme Officer  
c/o Planning Policy Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND
- Comments must be received by 5pm on 13 July 2015. **Comments received after this time will not be accepted and will not be considered by the Inspector.**
- Please fill a separate for each Main Modification you are commenting on.
- Please clearly identify which Main Modification your comments refer to using the reference (i.e. MM1, MM2 etc) in the SAMDev Plan Schedule of Main modifications.
- Please do not repeat your previous comments as these have already been considered by the Planning Inspector. **Comments will only be considered that refer to a change as shown in the SAMDev Plan Schedule of Main Modifications.**

## Shropshire Council SAMDev Plan Main Modifications Response Form

- All comments received on the proposed changes within the time period will be considered by the Planning Inspector as part of the examination of the SAMDev Plan. The Inspector may wish to contact you to discuss your comments and concerns, prior to concluding the formal examination into the Plan.
- The personal information will only be used for purposes related to the consultation and the SAMDev Plan examination. 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. However other information will be shared with the Planning Inspector.
- The information relating to your comments on the Main Modification (Part B) will be published on the Shropshire Council SAMDev Plan examination webpage.

### A) Your details:

#### 1) Who is making this representation?

Name:	John Acres
Organisation (if applicable):	Turley
Address:	
Email:	
Telephone:	

Client's details (only applicable if you are acting as agent on behalf of another person or business)

Name:	Richborough Estates
Organisation (if applicable):	
Address:	c/o Agent
Email:	
Telephone:	

### B) Your representations: What do you wish to object to/support?

Please use a separate form for each Main Modification you wish to comment on. Only comments relating to a proposed Main Modification will be considered.

**1) Please give the Main Modification reference your comment relates to.**

Main Modification reference - MM: 73

**2) Do you consider the proposed Main Modification addresses the following issues in relation to the policies concerned?**

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
Justified	<input type="checkbox"/>	<input type="checkbox"/>
Effective	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3) If you have answered 'no' to any of the above please specify your reason for objecting below. You should make clear why the Main Modification is either not legally compliant and/or unsound having regard to whether the modification is not: positively prepared; justified; effective; or, not consistent with national policy. Please see guidance notes for explanation of these terms:**

Paragraph 4.133: The proposed text deletes the phrase “... *which have a degree of significance and heritage interest*” in defining heritage assets. However the original version was correct to include “a degree of significance” as this is included in the NPPF definition of heritage assets. The amended definition goes on to include “all non-designated heritage assets.” However, the NPPF definition qualifies this by stating “... designated heritage assets and assets identified by the LPA (including local listed). So, does a non-designated heritage asset have to be one identified by the LPA as opposed to a third party?

Paragraph 4.134: The amendments are largely grammatical. However, it adds “Policy MD2 requires new development, to respect, enhance or restore the historic context of buildings.” By using ‘respect’ and ‘restore’ this policy exceeds the requirements of the NPPF and 1990 Act. Further, how will ‘respect’ be definable and enforceable in this context? Whilst ‘restore’ is open to considerable debate, for example with a multi-phased asset, which phase of heritage would a proposal seek to restore the building to? How does the process of ‘restoration’ relate to that of ‘enhancement’ in the NPPF? Generally, this is not consistent with the NPPF (NPPF 131 encourages ‘sustain and enhance significance’); while the 1990 Act requires ‘preserve or enhance’.

Paragraph 4.139: The amended text refers to “significance or setting” rather than ‘significance, including setting’ and so is not consistent with the NPPF. This modified paragraph states that proposals causing adverse impacts will be rejected unless the harm is outweighed by public benefits. Case law, particularly, Barnwell, has established that this simple (NPPF compliant) process is insufficient and that the statutory duties in the 1990 Act must be discharged, in this context ‘preserve’ in the Act is interpreted as meaning ‘to do no harm’ This sections appears to be considering the policies of the NPPF without taking due regard for the statutory duties of the Act.

Paragraph 4.140: This change seems not only to require public benefit to outweigh any harm, but also to be seeking mitigation for the harm, for example in the form of ‘design, landscaping or materials’. Would public benefit actually incorporate ‘mitigation’? Or is ‘mitigation’ additional to public benefit? It is not clear how ‘harm’ to heritage assets could be mitigating in this way as the harm, from a heritage perspective, would still be incurred and therefore is the mitigation intended to achieve a separate planning objective?

Continue on a separate sheet if necessary

**4) Please set out what change(s) you consider necessary to make the SAMDev Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested**

**revised wording of any policy or text. Please be as precise as possible.**

Continue on a separate sheet if necessary.

Please note you should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change. After this stage, further submissions will only be accepted at the request of the Inspector.

**You must return this form by 5pm on Monday 13 July 2015.**

**You can e-mail it to:**

[Programme.officer@shropshire.gov.uk](mailto:Programme.officer@shropshire.gov.uk)

**Or return by post to:** Daphne Woof - Programme Officer, c/o Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**The Programme Officer will acknowledge receipt of comments submitted by e-mail.**