



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
- 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:	Kate Fielden (Dr)
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

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

Name:	
Organisation (if applicable):	
Address:	
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: **163**

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

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:

I wish to object to the retention of Site OSW004 in the SAMDev Plan and to the conditions as proposed to be amended under **the Council's SAMDev Plan: Schedule of Main Modifications June 2015, ref MM163, Policy S14.1a.**

The proposed Main Modification is not legally compliant or sound as it does not meet the legal requirements concerning Scheduled Monuments and their settings. NPPF, para. 132 states that Scheduled monuments are heritage assets of the highest significance. DCMS Policy Statement, *Scheduled Monuments* (March 2010), para. 32 underlines the legal protection given to such monuments and that 'consent . . . for works that would result of the whole or a material part of the scheduled monument's significance' will only be granted under certain (listed) circumstances. NPPF, para. 132 states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Thus damage to the significance of a scheduled monument (which includes its setting) potentially may now be considered unlawful. Even if that were not found to be the case, the obligation remains to give great weight to the conservation of the settings of scheduled

Shropshire Council SAMDev Plan Main Modifications Response Form

monuments, such that substantial harm should be 'wholly exceptional' (NPPF, para.132). The allocation of site OSW004 for housing development gives no certainty that substantial harm would not arise from such development in terms of impacts on the setting of the scheduled hillfort; on the contrary, it indicates that damage to setting would indeed be substantial were the site to be developed for housing, notwithstanding the provisos for 'mitigation' in Policy S14.1a which would clearly not allow retention of the setting of the hillfort to be either retained as it is, or for the hillfort's significance to be enhanced or better revealed as advised in the NPPF para.137.

The proposed Main Modification is not positively prepared since it lacks sustainability in relation to the protection of the setting of the hillfort (ref. NPPF paras. 321 and 133). The Council has not shown Site OSW004 as necessary to meet its objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development.

The proposed Main Modification is not justified. Development of Site OSW004 for housing would not meet the provisos relating to *significance* listed in para. 32 of DCMS policy statement *Scheduled Monuments* (March 2010).

It is the obligation of the LPA to ensure that an appropriate setting for Old Oswestry Hillfort is retained: this would not be met by the retention of site OSW004 in the SAMDev Plan; nor would it be met via English Heritage's conditions for development included within the amendments now proposed under the Policy S14.1a – which are both contradictory and inconsistent with the sensitivity of the site, lying as it does within the immediate setting of Old Oswestry Hillfort in which the present rural environment is critical. Furthermore, the obligation to protect the setting of the hillfort could not be waived under any of the relevant provisos listed in NPPF, para. 133.

Clearly, a reasonable alternative site or other sites for housing could be put forward by the LPA.

The proposed Main Modification is not consistent with national policy, being contrary to National Planning Policy Framework paras.132 and 133. Para 132 states that great weight should be placed on conservation of scheduled monuments and their settings and that substantial harm to heritage assets of the highest significance – which would result from development of Site OSW004 for housing within the setting of the Hillfort – 'should be wholly exceptional'. NPPF, para. 133 states that an exception may be made only in the event that the harm would be offset by 'substantial public benefits' or compliance with certain conditions. No case has been made by the Council for such public benefits or conditions potentially being fulfilled in respect of Site OSW004 should its development for housing be permitted.

- 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.**

Shropshire Council SAMDev Plan Main Modifications Response Form

Site OSW004 should be removed from the SamDev Plan to comply with Government's legal and policy requirements in respect of scheduled monuments, i.e., heritage assets of the highest significance, and their settings.

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

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.