



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:	Timothy Malim
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"/>
Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
Justified	<input type="checkbox"/>	<input type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" 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:

Not legally compliant

SAMDev has not complied with the Localism Act 2011 because Shropshire Council advised Oswestry Town Council in 2012 to accept a community led plan, rather than setting its own Neighbourhood Plan with due democratic voting on it, as this would be too expensive, and the result of this was that development planning was devolved to Shropshire Council in SAMDev.

The Act is also intended to "place significantly more influence in the hands of local people over issues that make a big difference to their lives" but Shropshire Council has ignored the massive groundswell of local opposition to OSW004 and has imposed its own centralised decision-making process over listening to local concerns, without sufficient justification having been made for this. Alternative sites exist, but Shropshire Council has not sufficiently considered these, or provided sufficient evidence as to why OSW004 cannot be replaced.

Not effective

Cross-boundary stakeholders Oswestry Town Council with Selattyn & Gobowen Parish Council have objected to inclusion of OSW004 in SAMDev, but in defiance of effective cross-boundary working Shropshire Council have insisted on inclusion of the site without justification to their partner organizations.

Not effective/deliverable

The wording contradicts the deliverability of OSW004 as part of SAMDev. This site has been retained whereas the other two sites that formed part of the master plan (OSW002 and OSW003) have been rejected from SAMDev. The Main Modification wording states “A master plan is required for the development of the site”, but this master plan already exists, and yet can’t be delivered because the other two sites that were included as part of that master plan, and which refer to measures such as Item 7 in the Main Modification “The opportunity should be taken to consider measures to improve the access, interpretation and enjoyment of the hillfort and the wider historic landscape”, have now been excluded. The modification wording serves only to confuse the situation and by default allows the other two sites to be put forward as part of the master plan in support of deliverability of OSW004, contrary to the implied intentions of SAMDev.

Not consistent with national policy

The Inspector’s wording for item 1 refers to the need for “full archaeological assessment to enhance the understanding and interpretation of the significance of the hillfort and its wider setting” but this is not compliant with the NPPF (see paragraphs 126 and 129). Historic England (April 2014_1281 20) have already stated that such studies must be undertaken *prior* to any decision that is made as to whether it is appropriate to include OSW004 within SAMDev, and that no evidence exists that Shropshire Council has undertaken any assessment as required by the NPPF. The site should definitely be dropped from SAMDev, but if the Inspector retains it, the wording should be amended to require Shropshire Council to undertake a full assessment before final agreement on the plan, so that it can be firmly established that archaeological sites of national significance will not be destroyed by the development, and that the heritage significance of the scheduled monument will not be harmed by development within its setting. Once included it would be too late for preventing damage, as there would be a presumption for development, and therefore the inclusion of OSW004 without due assessment as identified within NPPF is contrary to the spirit of the planning policy guidance, and is thus non-compliant.

The Inspector’s wording in items 2, 3, 4 and 5 contradict one another as they refer to the need for views of the hillfort to be conserved, to design development to allow views of the hillfort, and to minimise landscape impact, whilst also creating a landscape buffer along the northern and eastern boundaries “to create a clear settlement boundary between the built form and the open countryside”. Such a clear boundary (which changes Shropshire Council’s and the Master Plan’s claim for a “soft edge” to the town) by definition must form a barrier to views through to the hillfort. Item 4 says that “the layout of the development, its form, massing, height and roofscape design will be designed to minimise landscape impact” but it should instead be stating a need for minimising harm to the heritage significance of the scheduled monument. It would not be feasible to deliver the proposed allocation of 117 houses in such a small area without blocking out views of the hillfort from Whittington Road, causing harm to a major element of its heritage significance (as the development lies within the hinterland, market place and sling-shot distance from the hillfort with key views up to the hillfort), and therefore the wording would be impossible to implement with the large number of houses within the restricted amount of space at OSW004.

Further to the wording of these items, the NPPF states clearly in paragraph 126 that councils should set out in their local plans “a positive strategy for the conservation and enjoyment of the historic environment” and that they should draw on opportunities for heritage assets (such as Old Oswestry) to contribute to local character, taking into account “the wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring”. They should also ensure that any new development makes a “positive contribution to local character and distinctiveness”. There is no evidence that Shropshire Council has fulfilled any part of this criteria from the NPPF prior to deciding that OSW004 should be included, and there is no justification provided by the Council for how this development would make a “positive contribution to local character and distinctiveness”, nor how it would enhance the setting of Old Oswestry and thus help to conserve the designated heritage asset. On this basis inclusion of OSW004 is non-compliant with the NPPF, but if retained within SAMDev then the Inspector’s wording should be amended to reflect this key policy of the NPPF to require Shropshire Council to ensure the development would help with conservation of the scheduled monument, and would contribute to local character and distinctiveness.

Wording “Development should demonstrate appropriate regard to the significance and setting of the Old Oswestry Hill Fort” is not consistent with NPPF. The wording as expressed in NPPF Paragraph 131 would be more consistent “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
- The desirability of new development making a positive contribution to local character and distinctiveness”

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.**

Removal of OSW004 would help make SAMDev sound and legally compliant. The uncertainty over the site and whether any planning application or associated master plan design would receive planning permission, and which would not be objected to by Historic England, poses a very real threat to deliverability of the plan. The number of houses (117) within such a limited space, severely limits the degree of high quality design which could fulfil the requirements as set out in the Inspector's wording of retaining valid views of the hillfort and also form a clear settlement boundary. Prior to any inclusion in SAMDev Shropshire Council is required by the NPPF to undertake a thorough assessment of heritage significance and likely impacts, and in the absence of this evidence the council should drop OSW004.

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.