

## Land at The Terraces Morda

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This area of land was originally granted outline planning permission by the former Oswestry Borough Council 29th July 2005 and reserved matters approval followed. Material start notification was granted by Rob Bennett (OBC) 01/03/2011, although this decision could be regarded as dubious. This was in response to Galliers claim that:-

*We have now made a material start on site the trees have been felled on the earth moving has been undertaken to level the site and part of the garage is demolished.*

In order to lawfully commence development, it is necessary to satisfy the legal requirements in section 56(4) of the Town and Country Planning Act 1990. This says that “development is taken to be begun on the earliest date on which a material operation is carried out”. A material operation is defined in the Act and can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land.

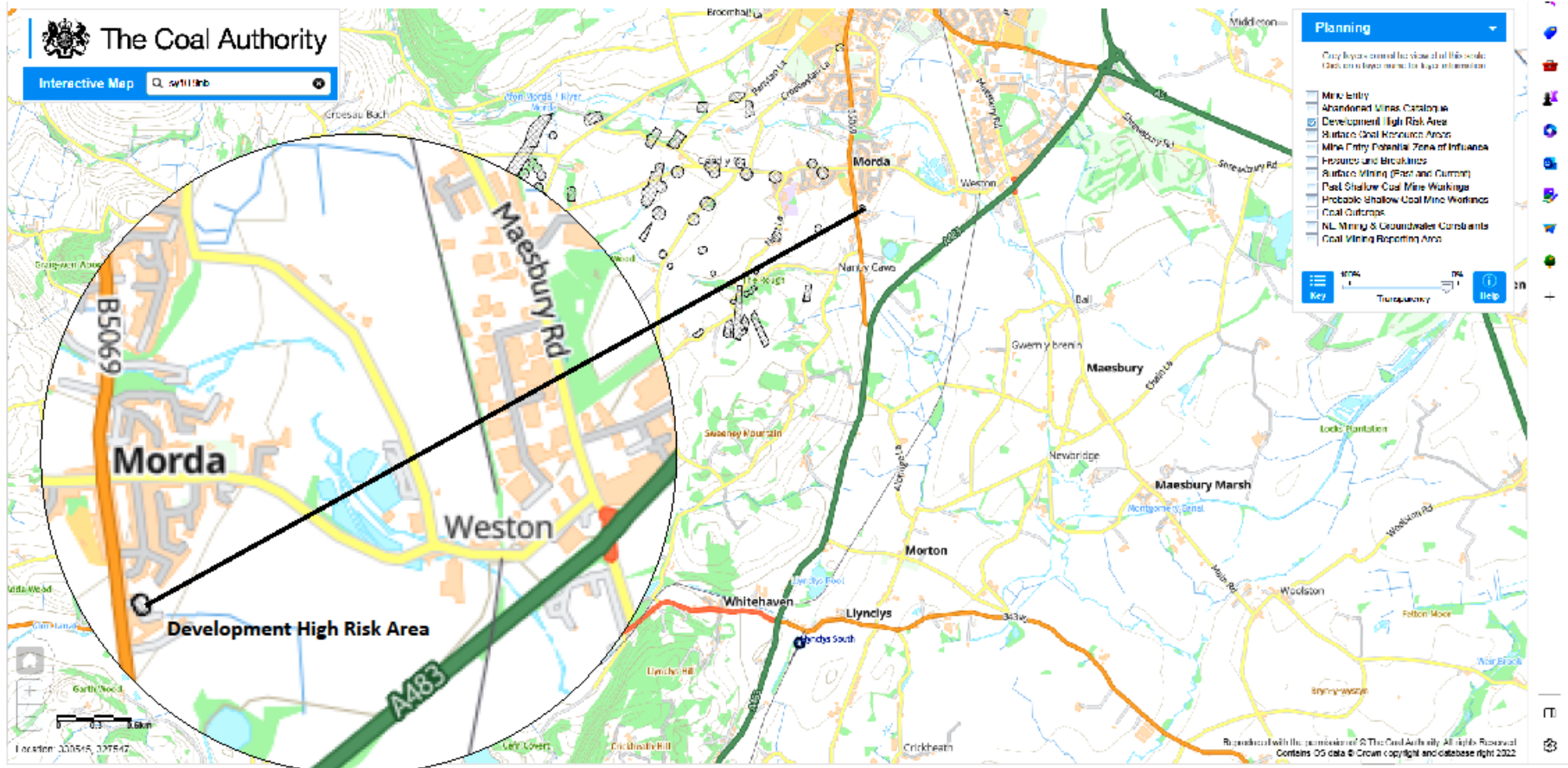
Since 2011 there has been no further work on the site which has become very neglected. Several attempts to sell the land for development have failed as recently as 2023. In fact, in nearly 20 years there has been no progress on the building of housing for which planning permission was originally granted, and in that time further obstacles have arisen to any prospective development.

1. Highways improvements mandated by the permission cannot be implemented as the required land for this has been subsequently sold.
2. The area is marked by the Coal Board maps as an area where new development needs to demonstrate that the development will be safe and stable taking full account of former coal mining activities. These high-risk areas have been defined to enable developers and planners to understand and consider the potential for instability or degree of risk from the legacy of coal mining operations.
3. Shropshire Council has confirmed that any revision to the 2005-2011 plans would require a new planning application to be submitted. Were the agreed plans to be used, then S106 contributions would have to take account of inflation over the years and the figures recalculated.
4. The costs of materials have increased significantly. The possibility of having to undertake considerable foundation works to ensure the stability of any housing on the site – where there are shafts and underground workings, possibly containing water or methane – would also increase costs.

It is evident from the number of prospective purchasers of the site who have subsequently withdrawn would suggest that the risks of trying to develop the site for housing are outweighed by the costs associated with development. However, the owners will not apparently accept anything other than development price for the land £300,000, despite repeated failed attempts to market the land (Balfours).



The original application made provision for required highway works at the entrance to the site. It is understood that land which would be required for the access has since been sold to the owner of the bungalow at the entrance to the site and therefore the scheme as originally proposed cannot be implemented.



The Development High Risk Area is the part of the coal mining reporting area which contains one or more recorded coal mining related features which have the potential for instability or a degree of risk to the surface from the legacy of coal mining operations. The combination of features included in this composite area includes mine entries; shallow coal workings (recorded and probable); recorded coal mining related hazards; recorded mine gas sites; fissures and breaklines and previous surface mining sites. **New development in this defined area needs to demonstrate that the development will be safe and stable taking full account of former coal mining activities.** This area was formally known as the Development Referral Area. Purpose **The development high risk areas have been defined to enable developers and planners to understand and consider the potential for instability or degree of risk from the legacy of coal mining operations.** This information is also provided to asset managers for the management of the land assets of public bodies and major landowners.

It is possible that funding to purchase the land AT RECREATIONAL VALUE could be found. One individual has anecdotally offered funding towards this aim.

There are funding streams such as the National Heritage Lottery and community funds which might be raised. Were the area to be replanted with trees which were cut down in 2011 would this count towards carbon reduction schemes?

Oswestry Rural Parish Council has already made its views known that the area was not and is not suitable for development.

**The way forward.**

1. It is obvious that some action needs to be taken to break the impasse and try to resolve a wholly unsatisfactory situation for both residents of The Terraces, and the Trustees of the Leighton Estate (deceased).
2. It is suggested that an approach be made to the Trustees with a view to a meeting between their representatives and 3 representatives from the Council (Chair Deputy Chair and Cllr Watts) to explore the matter.
3. If however there is a refusal to accept any but development value then consideration be given to the possibility of asking Shropshire Council to use Compulsory Purchase Powers to obtain the land at recreational value if a suitable funding package can be assured. To this end Shropshire Council be asked in the first instance upon a hypothetical case, would they be willing to do this?