Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

Comment ID 73
Response Date 11/02/20 16:41
Consultation Point Policy NEH4 Open Spaces (View)
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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?

Policy NEH4 - Open Spaces
Specifically relating to Figure 18.26 - Thorpe Malsor Proposals Map

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

Justified No
Effective
Positively prepared
Consistent with National Policy No
Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? No

Reasons

Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

Land West of Short Lane, Thorpe Malsor

4.1 Notwithstanding our overriding concerns with the designation as a whole, we would wish to make the following specific comments in relation to the proposed designation of land west of Short Lane, Thorpe Malsor as Open Space as shown in the publication Local Plan (Figure 2 below).
4.2 Firstly, as referenced above we have fundamental concerns as to the late introduction of the designation of our client's land in the plan making process. There were no Open Space designations in the consultation held in 2018 and it is unclear why they were deemed necessary, particularly considering the lack of supporting evidence. The late introduction of this designation is against the requirements of paragraph 16 of the NPPF. We do not consider its introduction at Publication stage constitutes early or effective engagement as by definition this was the Plan the Council intends to submit. Our client and countless other landowners are now wholly prejudiced by this approach.

4.3 Secondly, given the lack of any available evidence we have had to make assumptions on the reasons for the land's designation. The land is not designated in the currently adopted Local Plan (1995), meaning this is a new designation. It is our assumption that the land has been designated as is considered to be allotments, as this is how the land is labelled on proposed policies maps. This is however misleading and does not reflect the actual use of the site.

4.4 The majority of the site is actually used as an arable field, for producing hay/silage, as is clearly demonstrated on Google aerials (see Figure 1). Whilst there are allotments on part of the site, these are limited in nature and private in ownership. The latter being particularly important as unlike statutory allotments, these could be removed as and when the respective leases end. In the circumstance that agreeable terms could not be agreed for the continued lease of the land, then the field could be reverted back to agricultural use under the provisions of section 55 2E of the 1990 Town and Country Planning Act, in which case it would be no different from any of the neighbouring fields. Having regard for this, the Council would need to demonstrate why this land is of higher value than other comparable landholdings. Incorrect mapping labelling the presence of allotments which do not exist does not constitute a valid reason for the designation of land which is only arable land and as such unremarkable in both the immediate and wider localities.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

4.5 Having regard for the above we consider the Open Space to the west of Short Lane, Thorpe Malsor should be removed as it is unsound as it is neither justified nor consistent with national policy. These comments are without prejudice to the publication of any additional evidence and we of course reserve the right to update these views in such a scenario.

Attendance at the examinations hearings

If you are seeking to change the Plan, would you like to attend the examination hearings?  Yes

If Yes, please outline the reason(s) why, below.

To discuss the draft allocation, its soundness and application in detail. Particularly in light of no evidence having been put forward/published in respect of the NEH4 open space allocations.

Notifications

Do you wish to be notified? When the Plan is submitted for independent examination? When the Inspector's Report is published? When the document is adopted?