Comments

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

Comment ID 197
Response Date 12/02/20 14:19
Consultation Point Policy NEH3 Historically and Visually Important Local Green Spaces (View)
Status Processed
Submission Type Email
Version 0.2

Representation
Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Paragraph 8.40 and 8.41
Policy NEH3
Figure 18.6

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

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.

Our objection relates to the late inclusion of HVI057a on the edge of Burton Latimer. The proposed designation in this regard is a new addition to the pre-submission plan, with the site previously not even being included in the list of potential sites for designation in any of the following:

• Option Paper in 2012;
• the Background Paper in 2015; or
• the update to the Background Paper in 2016.
We firmly consider that the evidence now published does not justify either the sudden and very late consideration of the site as a potential HVI designation or the subsequent conclusion that a designation is justified in accordance with the provisions of Paragraph 100 of the National Planning Policy Framework. We also note this conclusion is contrary to the Council's own consideration of the site immediately to the southeast (i.e. HVI072). The designation should therefore be removed.

The reasons for this strong objection in relation to the proposed designation of HVI057a are as follows:

1. The site in question did not even make it onto the initial list of potential sites to be considered for a HVI designation in the 2012 option paper or the 2015 Background Paper. Consequently, even when the broadest range of sites were being considered in the initial stages the Council still did not even identify HVI057a as a site that warranted the initial assessment to see if it made the criteria for a HVI designation. We can only take from this that at that time it was self-evident to the Council that this site would not meet the criteria and so was dismissed as a potential site for assessment.

2. The site adjoins parcel HVI072, which was a site that did make the list for the initial rounds of assessments in 2012 and 2015. This site was dismissed on both occasions because it did not meet the criteria. This site was then re-evaluated in 2019 as a result of a single consultation response to the draft plan (the same consultation response that triggered the assessment of my client's site). However, it was concluded again not to meet the criteria for a HVI designation. The reason being its modern urban context and limited visibility. We support the council's conclusion in relation to the adjoining site, which is consistent with their assessment of other sites; however, we cannot reconcile why the site in my client's ownership has somehow leapfrogged the adjoining site in terms of importance, from being deemed less important by virtue of its exclusion from the initial assessment to now being more important by virtue of its inclusion with the HVI designation.

3. A Planning Application was submitted in 2017 for the land in my client's ownership. This application was accompanied by a Landscape and Visual Impact Assessment (Appendix 1), which concluded that this site could accommodate the proposed residential development without adversely affecting landscape character or having an adverse visual impact. It demonstrates that the site has limited visibility within the wider landscape and is not sensitive to change. The council raised no objection to the conclusions within the submitted Landscape Visual Impact Assessment in their consideration of the application and, whilst harm was identified by virtue of the impact on the intrinsic beauty of the countryside, when clarification was sought from the Planning Officer post determination it was clarified that if the principle of residential had been acceptable then this concern would also be overcome (Appendix 2). So the Council's current assessment is also at odds with its consideration of this planning application.

4. The reason stated for now deciding to consider my clients site at this late stage in the process is the presence of a single representation to the Draft Plan consultation. This was the third consultation in relation HVI designations and only one representation was received to this effect. This is not the basis for such a significant change in the council's position in relation to this site and does not demonstrate that criteria b) for the designation of LGS in Paragraph 100 in the National Planning Policy Framework has been met. Criteria b) states Local Green Spaces should be demonstrably special to the local community and hold a particular local significance. With only one representation being received across three consultations and with this representation be just a single line querying whether sites known as HVI057a and HVI072 should be included, it is evident that the local community do not have any strong feelings about this site or the adjoining site. The only other representation of note to the Draft Local Plan was from Burton Parish Council; however, this is not in support of the HVI designation. Instead it questions the need to considering HVI designations in the first instance given the other designations already included in the plan. Consequently, there is no evidence available to suggest that the Criteria b) of Paragraph 100 has been met.

Summary

We consider the proposed designation of HVI057a is not supported by Paragraph 100 of the National Planning Policy Framework. This site does not have local significance or value and has a strong urban context. It is contained by new residential developments on two side, which have already irreversibly...
altered the sites context and users experience of it, and the Public Right of Way is protected by other legislation. Consequently, we object to the proposed designation of HVI057a and request its removal from the plan.

**Proposed Actions/Changes**

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

Proposed designation HVI057a should be removed from the plan.

**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.

The proposed HVI designation of the land in my client's ownership is a late addition to Plan and we consider it is unjustified and contrary to the National Planning Policy Framework. We would like the opportunity to explain why we consider this is the case at the examination and to have the opportunity to respond to any further submissions made by the Council in this regard.

**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?