

## Introduction

This statement is submitted on behalf of our client, the Ovens Family, in support of their objections to the Pre-submission draft of the Gaddesby Parish Neighbourhood Plan 2019-2035 (dated September 2019) ("the Neighbourhood Plan"). It is in addition to the statement already submitted by Clyde & Co.

Our client's representations are set out in the following sections: (which follow the order set out in the draft Neighbourhood Plan):

- Section 1 - How the Plan fits into the planning system
- Section 2 - How the Neighbourhood Plan supports sustainable development
- Section 3 - The Neighbourhood Plan Objectives
- Section 4 - Community Engagement
- Section 5 - Housing and the Built Environment
- Section 6 - POLICY HBE1: SETTLEMENT BOUNDARY and Figure 2 – settlement boundary for Gaddesby Village
- Section 7 - POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACE
- Section 8 - Figures 5.1 & 5.2
- Section 9 - POLICY ENV 4: RIDGE AND FURROW
- Section 10 - POLICY ENV7: PROTECTION OF IMPORTANT VIEWS, Figure 11 & Appendix 8 Important Views
- Section 11 - Appendix 4
- Section 12 - Appendix 5

Mostly, the sections identified sets out our client's comments and objections to the identified sections of the Neighbourhood Plan.

In section 5, as well as their objection, we also take the opportunity to put forward a parcel of their land (within the land which the plan identifies as ref 198) as a proposed housing allocation for inclusion in the Neighbourhood Plan. In support of this the following documents have been attached for information and consideration:

- a land-ownership plan;
- a site analysis;
- a copy of a heritage assessment (the Doggett Report);
- a development framework plan;
- an illustrative masterplan;
- a copy of Historic England's consultation response; and
- a copy of the call for sites form.

These documents, and the explanatory text in section 5 make up our client's representation concerning the inclusion of their land as the housing allocation they wish to be considered as part of the Neighbourhood Plan process.

The last document our client wishes to submit is their analysis of the sites within appendix 5. Of the seven sites in appendix 5, our client has incorporated the two categories from

appendix 4 that are excluded in Appendix 5. Our client's revised document clearly shows the major inconsistencies, when comparisons are drawn between the sites allocated by Melton Council in the Local Plan (Neighbourhood Plan ref 201,281,409, and 202) and the new sites (Neighbourhood Plan ref 148,197,198 and 501) being put forward in Neighbourhood Plan.

In its way, our client's analysis illustrates their deep concern about the way the plan has been put together and the potential impact of the policies it sets out. In our view, the Pre-submission draft of the Neighbourhood Plan is a fundamentally flawed document, in that it is promoting a policy framework that seeks to stifle sustainable development as opposed to encouraging it, which is contrary to national and local planning policy and guidance.

Even though there has been no discussion with our client to date, given the impact on their land it is incumbent on the Parish Council to engage with our client at the earliest opportunity to discuss ways that their objections could be overcome.

### **Section 1 - How the Plan fits into the planning system (page 6)**

The Neighbour Plan states:

*"One of the main rules governing the preparation of a Neighbourhood Plan is that it must comply with European regulations on strategic environmental assessment and habitat regulations. It must also be in general conformity with national, county and district wide (i.e. Melton) planning policies. This means that it cannot be prepared in isolation. It will need to take into account, and generally work with, the grain of the district wide and national policies unless there are good reasons for not doing so."*

Our client agrees that this statement relates the requirements for neighbourhood plans in respect of the environmental assessment of its policy and proposals and how it accords with national and local plan policy. However, we disagree that the Pre-Submission draft of the Neighbourhood Plan meets these requirements. We can find no evidence of any appropriate or adequate environmental assessment within the consultation documentation, nor any statement of reasons explaining why strategic environmental assessment is not required (as required by the SEA regulations).

The Neighbourhood Plan states:

*The NPPF requires the planning system (including Neighbourhood Plans) to encourage sustainable development and details three dimensions to that development:*

- *An economic dimension – policies should contribute to economic development;*
- *A social dimension – policies should support strong, vibrant and healthy communities by providing the right supply of housing and creating a high-quality built environment with accessible local services; and*
- *An environmental dimension – policies should contribute to protecting and enhancing the natural, built and historic environment.*

Our client agrees that this paragraph accurately sets out the requirements for neighbourhood plans in respect of national and local planning policy and guidance. However, the Neighbourhood Plan is at odds with national and local planning policy and guidance in that, when looked at as a whole, it is apparent that it has been produced with the intention of creating a device intended to stymie future sustainable development, particularly in and around Gaddesby.

## **Section 2 - How the Neighbourhood Plan supports sustainable development (page 7)**

The Neighbourhood Plan sets out the ways it will meet its commitment to promoting sustainable development. Our client further objections to the Neighbour Plan will show how it fails to meet the identified tests. For example:

- the Neighbourhood Plan does not support the continuation of the allocation/designation of the Grounds of Paske Grove (plan ref 202) as a Local Green Space. This is at odds with safeguarding/ protecting important and existing open space from development and for the enjoyment of residents. It is also at odds with the protection of community assets, insofar as Paske Groves contribution to the character of the Conservation Area, as well as the recently adopted Melton Local Plan;
- the Neighbourhood Plan fails to address how it will meet the identified objectively assessed need for housing within Gaddesby itself. Instead, it is based upon the false assumption that Gaddesby is incapable of any further sustainable development beyond the 36 dwellings identified in the local plan - it merely replicates the housing allocation from the recently approved local plan and makes no attempt to consider any other suitable sites that would enable Gaddesby to meet even the minimum objectively assessed need, let alone providing for future generations;
- the plan seeks to protect existing employment but fails to give any guidance on how sustainable employment could develop; and
- the protection of community assets, such as the Gaddesby's school, will be undermined as a result of the policies of the Neighbourhood Plan.

The phrasing of the objectives shows a fundamental misunderstanding of the wider community benefits that would accrue from sustainable development on our client's land, such as meeting the identified housing requirement for Gaddesby and by providing much-needed facilities for the local school, a village green and preventing traffic congestion in the area, as it will have less reliance on pupils from outside the area being driven in to fill its roll – our client's proposals are set out in more detail in Section 5 below.

## **Section 3 - The Neighbourhood Plan Objectives (page 8)**

Whilst our client supports the identified objectives, we are concerned that the Neighbourhood Plan's policies conflict, in fundamental respects, with national and local planning policy and would serve only to sterilise any potential for further sustainable development, particularly in and around Gaddesby. The objectives should be extended to

encourage sustainable growth in Gaddesby by meeting, at a minimum, the objectively assessed need for housing and seeking proportionate growth that would enhance the future of the village's of community assets, like the school, through sustainable development.

#### **Section 4 - Community Engagement (page 12)**

Contrary to the advice set out the NPPG, the Parish Council made no effort to involve our client in the preparation of the Neighbourhood Plan before producing the Pre-submission draft. Given our client's clear and obvious interest in the emerging policy framework, and our specific request to be fully involved in the Neighbourhood Plan process (as set out in our email to Parish Clerk, Mrs Trudy Toon, and Melton BC's policy team in September 2017, referred to in Clyde & Co's submission on behalf of our client), it was incumbent on the Parish Council to involve our client from the outset of the plan-making process or, at the very least, from the time when it became clear to the Parish Council that it was proposing to designate their land (identified as field 198 in figure 4 of the plan) as Local Green Space. It is noteworthy that the Neighbourhood Plan Advisory Committee undertook the survey of our client's land (plan ref 198) without consent or notification.

The failure to consult our client is bewildering given that members of the Neighbourhood Plan Advisory Committee and the Parish Clerk were fully aware of attempts to bring forward part of the land as a housing allocation through the Local Plan process – to which the Parish Council objected at the time – further details of this are set out below.

Had our clients been consulted, the Neighbourhood Plan Advisory Committee would have discovered that since the Local Plan examination, an illustrative layout plan has been produced in consultation with Historic England for development of part of our client's land, which includes 27 dwellings, a new village green and a turning facility to serve the local primary school and alleviate traffic congestion on local roads at peak (school) time (a copy of which is attached for information and is set out in further detail at Section 5 below). This submission has also formed part of Melton Council's recent call for sites in August 2019.

The unfairness of the failure to consult our client is exacerbated by the implications of the designation of their land as Local Green Space. As is made clear by paragraph 101 of the NPPF (and draft Policy ENV1), such a designation would result in our client's land being managed in accordance with Green Belt policies i.e. a strong presumption against development (only permitted in exceptional circumstances).

#### **Section 5 - Housing and the Built Environment (page 15)**

*"The Local Plan establishes a hierarchy of settlements to help to determine the most appropriate locations for the remaining development. Within this hierarchy, Gaddesby is classified as a Rural Hub. The Local Plan identifies a residual housing requirement for Gaddesby of 47 dwellings, although provision is made for only 36 dwellings reflecting the capacity in the village."*

This paragraph is a clear statement of the status of Gaddesby as a Rural Hub. Our client welcomes this and, for the avoidance of doubt, would object to any attempts to reverse/undermine Gaddesby's status as a Rural Hub.

The paragraph also clarifies Gaddesby's share of the housing requirement and that it currently falls short of meeting that requirement. It should be noted that the housing requirement for Gaddesby is based upon the adopted Local Plan strategy for Melton and an assessment of the minimum objectively assessed need for housing.

This is an appropriate point to set out our client's proposals for the development of part of their land and its inclusion in the Neighbourhood Plan as an allocation for residential development. Our client's proposal set out in the attached illustrative plan layout for 27 dwellings, a new village green and a turning facility to serve the local primary school and alleviate traffic congestion on local roads at school pick up and drop off times. We also attach the accompanying architectural and heritage analysis and a letter from Historic England confirming their view on the proposal. Before looking at this in more detail, we feel it would be useful to review how the current scheme came about.

In November 2016, the Pre-submission version of the Local Plan included our client's 2ha parcel land off Ashby Road (part of your field ref 198) as a housing allocation for 30 dwellings – the Pre-submission Local Plan referred to the proposed allocation as GADD2.

Unfortunately, in June 2017, we discovered that officers had changed their view and were now seeking to recommend our client's site was deleted as a housing allocation. The site had received objections from the Parish Council (who objected to all the housing allocations throughout the Local Plan process, including at the Examination), Leicestershire County Council's Archaeological Service (LCAS) and Historic England.

In July 2017, Melton Council approved the officers' recommendation to delete our client's site's housing allocation as part of the focused changes to the Local Plan. The officers' committee report provided a useful summary:

- At Paras 3.22.1 – 3.22.3 - *"It is proposed to remove site GADD2 from the site allocations after a large number of objections from both residents and Historic England who objected strongly to the proposal. Its allocation would have a significant impact on the setting of heritage assets, and it may not be possible to appropriately mitigate impact on landscape character, and as such, it cannot be considered suitable for development. A small replacement site to the north of the village is proposed, with site specific wording to ensure it is developed appropriately. Other concerns raised related primarily to the amount of growth proposed, existing highways issues, lack of public transport, village services and facilities, and impact of development on environmental factors, such as flood risk. It is recommended that GADD 2 is deleted; insertion of new site to become GADD3, former GADD3 to become GADD2";*

And

- At para5.7.1 – *"Further information has been received in respect of previous site GADD2, Land off Church Lane and Ashby Road, Gaddesby, in terms of impacts on landscape character and significant heritage assets. Historic England have registered objection to the allocation of the site due to the fact they consider that development*

*of that particular site could not be mitigated for or designed in such a way to limit detrimental impact on the setting of the Grade I listed Church of St Luke and the historic landscape setting around it which comprises of earthwork remains of medieval and later cultivation. Therefore, the site assessment has been updated to take this into account and it is now considered in light of this information that the site is no longer considered suitable for allocation. It is therefore 15 suggested that this site is removed from the site allocations under policy C1(a)".*

Our client objected to the deletion of their site, which was principally a result of representations received from Historic England (HE) and Leicestershire CC Archaeological Service (LCCAS). Based on HE/ LCAS' objections, officers carried out a reassessment of our client's site. This was set out in various documents, including the Rural Hubs Update document (*Rural Hubs Update to site assessments including information on the availability of land, the suitability of site, viability and deliverability timescales Part 3 of 3 – May 2017*), which can be summarised as follows:

- *"The original site submitted (8.6ha) was reduced to the site area identified above (2ha) to lessen the impact on the character of the settlement and the landscape. The southern area (off Ashby Road) was identified as the best option due to the potential access constraints at the north of the site (off Church Lane). The south-eastern corner of the site is within flood risk zone 3b (0.16ha) and therefore was removed from the developable area. The capacity was reduced from 45 to 30 to allow for a lower density development in order to lessen the impact on the character and setting of the village. However, impacts identified in the Landscape Character Assessment and further reinforced by the representations received from Historic England mean that it is now suggested to remove this site from the allocations as it is not considered the detrimental impacts can be adequately mitigated."*

As a result of the officers' reassessment, our client instructed Asset Heritage Consulting to provide heritage and landscape advice concerning their site and specifically to examine and respond to Historic England's/ LCCAS views. This is set out in the attached Doggett Report, by Dr Nick Doggett.

Dr Doggett carried out a thorough heritage assessment of the site itself, the church and churchyard. His assessment also looked at the village of Gaddesby as a whole and the surrounding landscape. In relation to the potential impact on the listed church Dr Doggett concluded, *"I can see no justifiable or sustainable ground for removing GADD2 as a housing allocation on the basis that it would have any adverse impact on the setting of St. Luke's Church as a Grade I listed building."*

Concerning the landscape impact, Dr Doggett concluded, *"there is no legitimate reason why the District Council should regard the presence of unprotected earthworks, associated with either ridge and furrow ploughing or the later (Victorian) steam ploughing system, as a justifiable ground for not allocating GADD2 as a housing site."*

Our expert heritage advice was clear; the development of our client's site would have no detrimental impact on the setting of the listed church or the features in the landscape that

officers are now looking to protect. In our view, officers appeared to have decided to recommend de-allocation based on incomplete and/or inaccurate evidence.

In September 2017, a report on the consultation responses to the focused changes was considered by Melton's full council. The agenda included the Officers' response to our client's objection to the deletion of their site; now identified as GADD 4 (but formerly known as GADD2), as part of the focused changes consultation. Melton Council's agreed position on our client's site and representations were that set out at page 1 of Item 3b Appendix 1 (d)(viii) site-specific policies, which reads as follows:

- *“Conservation supports HE's view with regards to its objection for the allocation of 30/40 houses at GADD2, however in line with additional responses for further allocations at present, it recognises the opportunity to mitigate the impact of the new dwellings through carefully considered design. There are well preserved ridge and furrow earthworks in this location (medieval and later C19 industrialised) and they would be significantly disrupted by the development. However, Conservation does not consider this to be sufficient justification alone to withdraw the allocation, as Borough of Melton has one of the largest and well-preserved remains of medieval earthworks in the country, and there are a wide number of further allocations that have been included that will involve development on such historic earthworks. However, cumulatively, the impact on the setting of the church and the historic earthworks are considered to cause harm, although Conservation considers that this may be possible to mitigate through well considered design and ensuring static views to the church are not impacted upon. The issues of kinetic views are more difficult, and Conservation defers to HE in its assessment of this impact.”*

We emailed officers on 12th October agreeing with the Council's adopted position, i.e. it was possible to mitigate the impact of the site's development on the listed building and earthworks “through well considered design”. We submitted a townscape/ visual analysis of the site and plans of one such proposal that demonstrated very clearly how this can be achieved. In November 2017, having not received a response, we emailed again, trying to arrange a meeting to agree on common ground, and, on 9th November, officers emailed declining our request to meet.

For completeness, we have also tried to meet with Historic England to discuss their objections to our site and they finally declined by email on 20th December 2017.

As members of the Parish Council will recall, we made representations to the Local Plan and attended the Examination hearing on February 2018.

In the report on the Examination of the Melton Local Plan, issued on September 2018, the Inspector concluded:

- *“118. The Focused Changes to the Plan removed the originally numbered GADD2 allocation, given the potential for harm to the village's heritage assets and landscape character. Evidence provided in support of re-instating the allocation does not lead me to disagree with the Council or Historic England that the impact of residential*

*development of the site on the setting of the Grade I Listed church would be unacceptable. Any benefits arising from the development would not clearly outweigh the harm that it would cause."*

In August 2018, we made a pre-application submission to Historic England in respect of the original GADD2 site. As part of this process, Historic England clarified their view on the development potential of our client's land and agreed that it was possible to bring forward development without affecting the views of the listed church or the landscape surrounding it.

At the end of 2018, Historic England agreed that the revised site identified in the plan *Ashby Road-Gaddesby- Development Framework Option 3-2000 at A3-Rev C* (see attached) could be developed for housing in such a way that would not have any detrimental impact on the view of the listed church or the surrounding landscaped. Following this, a revised housing layout proposal was produced to enable them to give a more detailed and considered view. This plan, *Ashby Road-Gaddesby- Illustrative Masterplan Option 3-2000 at A3-Rev C*, is the illustrative layout already referred to and attached.

Historic England's formal response was received on 5th February 2019 (see attached). This letter confirmed that:

*"Historic England is broadly content in principle with the indicative plan outlined in 'Development Framework Option 3' (drawing DF-03 Rev C', dated 22/12/18) and 'Illustrative Masterplan Option 3' (drawing 'IM-03 Rev C', dated 22/12/18) regarding its:*

- 1) Extent, which largely respects the historic agricultural landscape and land allocation systems / parcels of ridge and furrow thus preserving the character of the historic landscape, its evolution and relationship with the church;*
- 2) Boundary treatment (of indigenous tree and hedge species), which would be in-keeping with the wider environs; and,*
- 3) Layout, as the density and scale / massing of housing would not impinge on the visual amenity of the historic landscape and its relationship with the church.*

*As previously stated, the proposed turning-circle ('new village green') opposite the school and village hall is the single-most harmful aspect of the development proposal for the reason outline above. Historic England would, however, accept its inclusion in the development proposal if there were compelling reasons for keeping it, such as community support for it as an amenity or highways safety issues with alternatives."*

The comments of Historic England set out above were based on the illustrative masterplan attached as *Ashby Road-Gaddesby- Illustrative Masterplan Option 3-2000 at A3-Rev C*. This masterplan shows the proposed development area has the potential for 27 houses (in a mix of types and sizes of dwellings to be provided) in line with the residential context. The



proposal is for mainly two-storey with lower 1-1.5 storey houses closest to the rear of existing houses on the southern boundary to minimise neighbour impact. A proposed new village green is also shown. The in/out access around village green allows turning space and parking which can serve the school opposite to remove any need for three-point turns at peak times.

The proposed housing has been located west of the footpath as agreed with Historic England to minimise heritage impact. The illustrative masterplan demonstrates interesting views to and through the scheme including reinforcing view corridors to the church with building alignment and planting. Frontages behind landscaping provide a positive edge to the setting of the church as well as overlooking the pedestrian route. Distance separation, building placement, orientation and planting minimises the impact on the setting of the church as well as neighbour amenity.

For the avoidance of doubt, the attached plans, assessments and consultation response all form our client's submission for the inclusion of this part of their land within the Neighbourhood Plan as a new housing allocation.

Since the Examination, our client has had a lengthy engagement with Historic England through their pre-application process. As a result, Historic England has clarified their view on the impact of housing development on the view of the listed church and the surrounding landscape. Historic England has agreed that the housing development, as set out in the illustrative masterplan, demonstrates it is possible to bring forward housing development in a way that *"would not impinge on the visual amenity of the historic landscape and its relationship with the church"*.

It is clear that but for Historic England's advice on the original housing allocation proposed (at Pre-Submission stage), our client's site would have retained Council support. Similarly, the Local Plan Inspector also followed Historic England's advice in rejecting that allocation. Given Historic England has now clarified its position and accepts the new site can be developed without affecting the listed church and surrounding landscape, and that the Council's previous sustainability assessment of our client's original site applies equally to the new one, we believe our site should go forward as a housing allocation in the Neighbourhood Plan.

**Section 6 - POLICY HBE1: SETTLEMENT BOUNDARY and Figure 2 – settlement boundary for Gaddesby Village (page 18).**

Our client objects in principle to establishing a settlement boundary. National and local planning policy more than adequately meet the objectives of draft policy HBE1 without the need to draw artificial or arbitrary settlement boundary lines.

The proposed settlement boundary was purportedly drawn (amongst other things) to take account of *"Clearly defined physical features such as walls, fences, hedgerows and roads"*. This is clearly not the case as the proposed settlement boundary cuts through the rear gardens of houses in the village at several points on the east, west and south sides of Gaddesby.

Additionally, the proposed boundary excludes half of the school's field despite this having an obvious and strong boundary treatment. This peculiarity is equalled in its eccentricity where the proposed boundary appears to take in a parcel of undeveloped land to the east of St Lukes Church, yet another parcel of land (the field behind Holme Farm) is placed outside the boundary even though it is almost enclosed by the proposed boundary contriving to exclude it. This happens again with the pond and field off Park Hill.

Another oddity is the treatment of Woodbine Cottage, on the north side of Pasture Lane, which is outside the boundary but sandwiched between two housing sites and opposite a street of houses that make up the south side of Pasture Lane.

In relation to our client's land (ref 198), the proposed boundary does not accurately reflect the boundary on the side adjacent to Church Lane, which has an easily identifiable strong existing boundary feature.

Finally, the proposed settlement boundary appears to have been drawn to form a visibility splay from the rear of no4 Church Lane over the neighbouring garden of no6 and then over our client's land (the field referred to as 198). Other than the benefits to No4 Church Lane, we can see no justification for this whatsoever.

The Neighbourhood Plan states that "the purpose of the newly drawn settlement boundary is to ensure that sufficient land is identified to meet residential need and that this is available in the most sustainable locations." However, it is clear that the settlement boundary has been drawn tightly with the intention of stopping any development beyond the 36 dwellings the Local Plan requires the Parish to accept, leaving no realistic prospect of sustainable development delivery in the future.

Our client strongly objects to draft policy HBE1 and the boundary shown in Figure 2; it is contrary to the Local Plan in significant respects:

- it fails to respect the promotion of sustainable development in respect of the presumption in favour, particularly within an acknowledged rural hub (contrary to Policies SS1 & SS2 Development Strategy);
- it has undoubtedly been designed to prevent any further growth at Gaddesby beyond the 36 dwellings noted above (contrary to Policy SS1 & SS2 and the policy and guidance relating to meeting the objectively assessed need);
- it is based on the false assumption (and one that is inconsistent with the LPA's strategic vision) that Gaddesby is incapable of accommodating any further sustainable development beyond the 36 dwellings;
- it demonstrates a fundamental misunderstanding of the wider community benefits that would accrue from sustainable development of part of our client's land (as set out above) such as meeting the identified objectively assessed need for housing in Gaddesby and by providing much-needed facilities for the local school and preventing traffic congestion in the area (contrary to Policies SS1 – 3 and Policy C7); and
- it fails to acknowledge that Melton Council has undertaken a review of the settlement boundary and removed it around Gaddesby.

## **Section 7 - POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACE (page 26)**

Our client objects strongly to the policy as set out and to the allocation of their land (identified as Eastfield Bottom, Gaddesby, your reference 198) as Local Green Space.

The draft Policy ENV1 is contrary to the Local Plan in several meaningful respects and fails to have regard (either properly or at all) to the clear local policy framework as set out within the adopted local plan, for example:

- it fails to respect the promotion of sustainable development, in respect of which there is a presumption in favour (contrary to Policy SS1 - Presumption in favour of Sustainable Development);
- it fails to encourage sustainable residential development within an acknowledged rural hub (contrary to Policy SS2 Development Strategy);
- it has undoubtedly been designed to prevent any further growth of Gaddesby beyond the 36 dwellings noted above (contrary to Policy SS1 & SS2 and the policy and guidance relating to meeting the objectively assessed need);
- it is based upon the false assumption (and one that is inconsistent with the LPA's strategic vision) that Gaddesby is incapable of accommodating any further sustainable development beyond the 36 dwellings: and
- it demonstrates a fundamental misunderstanding of the wider community benefits that would accrue from sustainable development of part of the site (as set out above) such as meeting the identified housing requirement for Gaddesby and by providing much-needed facilities for the local school and preventing traffic congestion in the area (contrary to Policies SS1 – 3 and Policy C7).
- it fails to acknowledge that Melton Council would have undertaken a review of the land's potential for Local Green Space as part of the Local Plan process, as it did with the nearby adjacent Grounds of Paske Grove (Neighbourhood Plan ref 202); which was designated as Local Green Space in the Local Plan; and now the Neighbourhood Plan is all but inviting the owner to make representations to have that allocation removed. Not only did Melton Council not seek to put forward our client's land as an allocation for Local Green Space, the Council put it forward as an allocation for housing in the Pre-submission Local Plan. But for objection from Historic England, the Council would have continued to support the allocation because they assessed it as the most sustainable site in the village (see the Pre-submission Draft Local Plan's Sustainability Appraisal).

Draft Policy ENV1 is also in clear conflict with the guidance for Local Green Space set out in the NPPF in paragraphs 99 and 100.

Contrary to paragraph 99 of the NPPF, the draft policy:

- fails properly to adequately explain any legitimate basis on which our client's land is found to be of particular importance to the local community;

- is inconsistent with the planning for sustainable development in the local area;
- would frustrate, as opposed to complement, investment in sufficient homes and other essential services in the local area;
- fails to take account that the development potential has been acknowledged by statutory consultees, including Historic England; and
- is not capable of enduring beyond the end of the Neighbourhood Plan period.

Contrary to paragraph 100 of the NPPF, it:

- omits to demonstrate that the land making up the proposed Local Green Space is demonstrably special to the local community and/or holds any particular local significance. It appears that one of the categories by which the land has been identified as a potential Local Green Space relates to heritage interests. In which case, it would appear that policy was drafted unaware of recent submissions made in relation to Melton's call for sites following extensive discussion with Historic England; following which, Historic England confirmed that it is broadly content with the proposed development of the part of our client's land as per the illustrative masterplan referred to above; and
- our land clearly comprises an extensive tract of land in its own right. This is even more so when our client's land is combined with the other field forming the proposed Local Green Space, which extends along the full length of the eastern boundary of the village. By way of illustration, we calculate the area of Gaddesby village within the proposed settlement boundary is around 24.4 hectares, whilst the area of land of the proposed Local Green Space on Gaddesby's eastern side measures around 17.7 hectares. In other words, the proposed Local Green Space would be equivalent to over 72.5% of the area of Gaddesby village.

Draft Policy ENV1 is contrary to the advice set out the NPPG.

The Parish Council made no effort to involve our client in the preparation of the Neighbourhood Plan. Given our clients clear and recognisable interest in the emerging policy framework, and our specific request to be fully involved in the Neighbourhood Plan process (as set out in our email to Parish Clerk, Mrs Trudy Toon, and Melton BC's policy team in September 2017, referred to in Clyde & CO's submission on behalf of our client), it was incumbent on the Parish Council to involve our client from the outset of the plan-making process or, at the very least, from the time when it became clear to the Parish Council that it was proposing to designate their land as Local Green Space.

The failure to consult our client is bewildering given the Parish Council was fully aware of our attempts to bring forward part of the land as a housing allocation through the local plan process – to which the Parish Council objected at the time. Had our clients been consulted, the Parish would have discovered that since the local plan examination an illustrative layout plan has been produced in consultation with Historic England for development of part of our clients land, which includes 27 dwellings, a new village green and a turning facility to serve the local primary school and alleviate traffic congestion on local roads at peak (school) times

(a copy of which is attached for your information). This submission has also formed part of the submission to Melton Council's recent call for sites in August 2019.

The unfairness of the failure to consult our client is exacerbated by the implications of the designation of their land as Local Green Space. As is made clear by paragraph 101 of the NPPF (and draft Policy ENV1), such a designation would result in our client's land being managed in accordance with Green Belt policies i.e. a strong presumption against development (only permitted in exceptional circumstances).

The NPPG makes clear there are no hard and fast rules about how big a Local Green Space can be because places are different, and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, a blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, the NPPG advice is designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name (Paragraph: 015 Reference ID: 37-015-20140306).

Draft Policy ENV1 is also contrary to the advice set out in "Neighbourhood Planning Local Green Space: A toolkit for neighbourhood planners", which can be found on <https://neighbourhoodplanning.org/>

On page 7 of the guide, the section headed "Planning for Local Green Space" states,

*"Designation of Local Green Space must be done in accordance with the criteria contained with the National Planning Policy Framework 2018...*

*Good Planning requires that green infrastructure be considered in terms of its values to the local community, local environment and local economy. This can be demonstrated by providing a clear rationale and evidence for the Local Green Space designations and policies*

*In addition to a robust and proportionate evidence base, it is necessary to engage with local communities and stake holders...*

*Care is required to ensure that the green space policies are not being misused, for example through making designation to stop development, rather than ensure proper green space provision."*

- The reasons Draft Policy ENV1 and the designation of our client's land (and the other connected landholdings for that matter) do not meet the requirements of the NPPF are set out above.
- It is also clear that the Neighbourhood Plan fails to provide a clear rationale and evidence to justify the policy and designations around Gaddesby, in terms of its value to the local community, environment or economy.
- Curiously, insofar as the draft policy opens the door to the de-allocation of the current area of Local Green Space (the Grounds of Paske Grove ref 202), the policy similarly fails to provide a clear rationale or evidence for that either.

- It is evident that the Parish Council has made no attempt to contact our client, despite knowing of our plans to bring forward housing and our client's written request to be involved in the Neighbourhood Plan.
- Our client feels there is clear evidence that the Parish Council is seeking to use the Neighbourhood Plan, and particularly draft policy ENV1, to stop any further development rather than ensure proper green space provision.

On page 14 of the guide, in the section headed "*Local Green Space implications:*",

*"Where there is no green belt, it would not be appropriate to try and use Local Green Space designation to attempt to impose green belt protection of land around an urban area. This would be a misuse of the designation and would be likely to result in the neighbourhood plan running into difficulties in meeting the basic conditions at the independent examination stage."*

Given the size of the area of land identified by draft Policy ENV1 as Local Green Space extending along the full length of the eastern boundary of the Gaddesby, it is clear that the Parish Council is effectively trying to introduce an area of green belt (or certainly green belt controls) by the "back door" without proper justification. There has been no attempt to explain why such an extensive tract of land (equivalent to 72.5% of the area of Gaddesby) is required or justified.

#### **Section 8 - Figures 5.1 & 5.2 (page 28)**

It is noteworthy that our client's land is neither a *site of historical environment significance* nor is it a *site of natural environment significance* as set out in these figures. It is also noteworthy the Grounds of Paske Grove (which is an existing allocated Local Green Space and is not supported by the Parish Council) is identified as a site of natural significance, but the Neighbourhood Plan Advisory Committee does not support its continued designation as Local Green Space.

#### **Section 9 - POLICY ENV 4: RIDGE AND FURROW (page 33)**

Our client's objection to this policy relates to its general effect as well as its particular relevance to their land.

As our heritage consultant, Dr Nick Doggett, makes clear (see his attached letter), ridge and furrow earthworks on our client's land have no statutory protection. He goes further:

*"Ridge and furrow earthworks are plentiful in the Midlands and Leicestershire is no exception. Indeed, there are several other fields on the edge of Gaddesby that have such earthworks, including the housing allocation site on the northern side of Pasture Lane."* (They now form the housing allocations Gadd2/3).

Moreover, Melton Council's agreed position on ridge and furrow in relation to our client's previous site allocation (referred to in section 5 above) was:

*“Conservation does not consider this to be sufficient justification alone to withdraw the allocation, as Borough of Melton has one of the largest and well-preserved remains of medieval earthworks in the country, and there are a wide number of further allocations that have been included that will involve development on such historic earthworks”*

As we have set out above, we have had lengthy and detailed discussions with Historic England and they concluded that they were *“broadly content in principle with the indicative plan”* (the illustrative layout referred to earlier), including the *“Extent, which largely respects the historic agricultural landscape and land allocation systems / parcels of ridge and furrow thus preserving the character of the historic landscape, its evolution and relationship with the church”*.

Our client’s objection to this policy is that it fails to take account of:

- the extent of ridge and furrow fields locally and in the wider area;
- the significance of there being no statutory protection regime in place;
- Historic England view on our client’s proposals for the development of 27 dwellings on their land; and
- Draft Policy ENV4 seeks to place a blanket protection on all the identified areas of ridge and furrow (including our client’s land), without properly investigating whether such protection is justified.

Our client objects to this policy as it affects their land in particular. Our client also questions whether such a policy is required given their pre-application and local plan experience of how Melton Council and Historic England deal with heritage issues. As it stands, it is a further example of how the Neighbourhood Plan is promoting policy in an effort to stifle sustainable development as opposed to encouraging it, which is contrary to national and local planning policy and guidance.

**Section 10 - POLICY ENV7: PROTECTION OF IMPORTANT VIEWS (page 37), Figure 11 & Appendix 8 Important Views.**

Our client objects to draft policy ENV7; specifically, to the identified view 3 within the policy and as shown in Figure 11.

Draft policy ENV7 seeks to protect view 3 *“From Ashby Road beside field 198 at the approach into Gaddesby from Ashby and Barsby, west across a good ridge and furrow ‘parkland’ field to St Luke’s Church and the village.”*

Our client has taken considerable care, in discussion with Historic England, to establish where the important views across their land are. This relates essentially to the view from Ashby Road as it crosses over Gaddesby Brook looking back over their land up a tree-lined grassed avenue back up the hill to St Luke's Church. There is also a secondary view of the Church from the field gate opposite the school, although this gives a view of the bungalow at the top of Church Lane, behind which is St Luke's (a grade I listed church).

The important view is not where it is indicated in Figure 11, which seems to be pointing from Ashby Road to the rear of the houses along Church Lane (which are examples of quite recent house-types), particularly numbers 4 & 6. The way the Parish Council has drawn the view arrow 3 fails to take account of the fact that this view is obscured by trees and hedges along Ashby Road for some way and does not take account of the view of St Luke's. It also fails to take account of our client's discussions with Historic England.

The photographs in Appendix 8 are misleading:

- one shows a view of Ashby Road only (not across the so-called ridge and furrow parkland), although this does show the extent of the hedge and tree belt on Ashby Road frontage of our client's land, which obscures the view from Ashby Road; and
- the other is a picture taken from our client's land, inside the line of the hedge and tree belt to Ashby Road, facing up to the St Luke's Church and not in the direction of the arrow in Figure 11.

More widely, as it is, draft Policy ENV7 is a further example of how the Neighbourhood Plan is drafting policy in an effort to stifle sustainable development as opposed to encouraging it, which is contrary to national and local planning policy and guidance.

#### **Section 11 - Appendix 4**

Our client has strong concerns about the integrity and transparency of the survey of the sites and the adopted scoring system listed in Appendix 4.

It has proved challenging to map which sites have been surveyed across the Neighbourhood Plan area. This is important because it would give an insight into the selection process and allow us to determine whether those sites going forward for assessment were chosen in a robust, transparent and fair way.

In addition, the adopted scoring system also lacks transparency. It appears to be partially based on some of the factors listed in NPPF paragraph 100. In particular,

- paragraph 100a, which requires the proposed local Green Space to be *reasonably close proximity to the community it serves*; and
- Paragraph 100b, which lists some examples of the characteristics of the proposed local Green Space that would make it *demonstrably special to a local community and holds particular local significance*". Examples cited are *its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife*).

However, the survey provides no assessment of whether the proposed Local Green Space is *"local in character and is not an extensive tract of land"*, as required by paragraph 100c. This is clearly a test that has to be applied i.e. it not an optional requirement. There has to be an assessment of whether the proposed area is local in character and not an extensive tract of



land. Without this, the assessment fails to meet the tests for assessing Local Green Space as set out in the NPPF.

Moving on to the scoring system itself, it is a matter of considerable concern to our client that we are not able to identify the assumptions the adopted scoring system is based upon or the expertise of the surveyors who undertook the assessments.

Whilst it may seem obvious to the Parish Council, and those members of the Neighbourhood Plan Advisory Committee whose properties adjoin site 198, what constitutes beauty or tranquillity in terms of the marks given, it is not. These matters are inherently subjective, which is why a clear and transparent scoring system is required.

The same goes for the other factors identified as a way of assessing why prospective sites are “special to the community”. For example, the Neighbourhood Plan Advisory Committee probably does understand why it is that the curtilages of listed churches, an established and iconic village cricket ground and working farmland/ pasture fields bordering Gaddesby all achieve the same score for beauty, but we do not. Nor do we understand how the Grounds of Paske Grove (a listed Hall and an allocated Local Green Space) is given a lesser score.

Nor does our client understand how the score given for their farmland/ pasture field relates to the low scores given for the majority of working farmland/ pasture fields assessed in the survey; in most cases, a nil score is given, but our client’s field scored 3.

We have similar concerns with the scoring for tranquillity, where all the fields and listed curtilages proposed for local green spaces around Gaddesby achieved a score of 1 or 2 (out of a maximum of 1 2), but the Grounds of Paske Grove was scored nil.

It may be obvious that well-used parks or playing fields have a high recreational value, but it is not so clear why working farmland/pasture fields with a footpath (like our client’s) would have a similar recreational value, particularly where the overwhelming majority of the other farmland/ pasture fields assessed have low value or nil. It is also noteworthy (and incomprehensibly so) that the Grounds of Paske Grove was considered to have nil value.

Similarly, with historical value, it may seem obvious to why the Neighbourhood Plan Advisory Committee gave the curtilages of listed churches high values, but it is not so clear why the curtilage of a nearby listed hall (in the case of the Grounds of Paske Grove) has significantly less value, still less why it is the fields identified proposed Local Green Space (including our client’s land ref 198) have greater values – in fact, the same value as the curtilage of one of the listed churches. The scoring is made even more opaque when it is considered that the majority of the other working farmland pasture fields were assessed as having lower values or nil.

We consider the scoring for the richness of wildlife to be as vague and ambiguous as the other factors. For example, most of the Local Green Space proposed allocations have the same score (for reasons that are not at all clear), except for the Community Gardens at Barsby and the Grounds of Paske Grove, which have the same lower scores. The score given to the curtilage of St Marys is the lowest and, again, there is no clear reason why this should be. The

is also no clear reason why the other working farmland/ pasture fields assessed almost uniformly have lower scores than the fields around Gaddesby proposed for Local Green Space.

Lastly, the assessment includes scoring for practical accessibility and educational value. It is not clear what is meant by either category, but we note that two of the fields proposed for Local Green Space (including our client's ref 198) score nil on both (i.e. no practical accessibility and no educational value), whilst the most northerly one is considered to have high practical accessibility and no educational value. Again, the Grounds of Paske Grove also achieve the lowest marks – nil for both. In the context of other working farmland/ pasture fields, they are marked the same as our client's land – nil for both almost across the board.

We have provided clear reasons for our client's misgivings about the lack of transparency in the way the sites were chosen for inclusion in the assessment, the nature of the scoring system, the expertise of the assessors and, very importantly, the probity of the scoring that would have been carried out by the Neighbourhood Plan Advisory Committee, particularly in relation to their land ref 198, and more generally in relation to all the sites. Our client is concerned that all this has served to corrupt the Parish Council's data and assessment and, therefore, the choices of sites being put forward as allocations for Local Green Space (as well as the one seemingly being offered for de-allocation – the Grounds of Paske Grove ref 202).

Given the allocations for Local Green Space are ostensibly based upon the assessment, we agree with the assertion made by Clyde & Co, who submitted an objection on behalf of our client to Policy ENV1, in that *"it is plain that the scoring system relied upon by the Parish Council does not withstand even cursory scrutiny: it is not fit for purpose and its basic failings fatally infect draft Policy ENV1."*

## **Section 12 - Appendix 5**

The entry for the Grounds for Paske Grove (ref 202) states that it was "not survey for inventory". This appears to be a mistake because the land was surveyed, and the marking given appears in Appendix 4 with a score of 12.

Our client undertook their own analysis of the site in appendix 5 and their summary is attached. Of the seven sites in appendix 5, our client has incorporated the two categories from appendix 4 that are excluded in Appendix 5. Our client's revised document clearly shows the major inconsistencies, when comparisons are drawn between the sites allocated by Melton Council in the Local Plan (Neighbourhood Plan ref 201,281,409, and 202) and the new sites (Neighbourhood Plan ref 148,197,198 and 501) being put forward in Neighbourhood Plan. This analysis also forms part of our client's objection to draft Policy ENV1 and the allocation of their land as Local Green Space.