

Tur Langton Neighbourhood Plan

Summary of representations submitted by Harborough District Council to the independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

	Name	Policy /Page	Full Representation
1	<p>On behalf of Landowners</p> <p>Agent: Gateley PLC, Park View House, 58 Ropewalk, Nottingham, NG1 5DW</p>	Policy ENV1	<p>Tur Langton Neighbourhood Plan Neighbourhood Planning (General) Regulations 2012 Regulation 16 RESPONSE</p> <p>1. Introduction</p> <p>1.1 These representations are made on behalf of xxxx (the Landowners) in response to the consultation process initiated by Harborough District Council (HDC) respecting the submission version of the Tur Langton Neighbourhood Plan (TLNP). The TLNP has been promoted by Tur Langton Parish Council (TLPC).</p> <p>1.2 The Landowners own the freehold legal estate in extensive fields situated to the east of the village of Tur Langton including pasture having an area of approximately 10 acres respecting which they are registered as proprietors at the Land Registry with title number LT406335.</p> <p>1.3 The Landowners object to the designation of the land referred to as “East Field” proposed in policy ENV1 on pages 35 & 36 of the TLNP as “Local Green Space” (LGS). A copy of pages 35 & 36 of the TLNP is attached as appendix one for ease of reference the relevant land being shown shaded green and denoted “240” on Figure 4 on page 36 (the Field).</p> <p>1.4 Such designation is irreconcilable with paragraphs 99 – 101 of the National Planning Policy Framework published in July 2018 (the New NPPF) and the TLNP fails to meet the ‘basic conditions’ in schedule 4B to the Town and Country Planning Act 1990.</p> <p>1.5 This response therefore respectfully invites the Examiner:</p> <p>1.5.1 to conclude that the TLNP fails to satisfy the basic conditions in paragraph 8 of schedule 4A to the Town and Country Planning Act 1990 (insofar as applicable) because the Field should not be designated as amenity green space pursuant to policy ENV1 having regard to (i) national policies and advice contained in guidance issued by the Secretary of State; and (ii) the extent to which the making of the TLNP would contribute to the achievement of sustainable development; and</p> <p>1.5.2 to recommend the deletion of the Field from policy ENV1 of the TLNP accordingly.</p>

			<p>2. The National Planning Policy Framework 2018</p> <p>2.1 The TLNP has been prepared by reference to the old national planning policy framework of March 2012 (the Old NPPF) but this has been superseded in its entirety by the current national planning policy framework of July 2018 (i.e. the New NPPF). Without prejudice to the specificity of the concerns raised below respecting the proposed designation of the Field as LGS, we reserve the Landowners' position as to whether the TLNP can be sensibly subjected to independent examination in its current form at all given that the key national planning policy statement has been changed accordingly.</p> <p>2.2 If the TLNP in its current form were to be assessed against the basic conditions it would be its degree of consistency with <i>current</i> national policies and advice contained in guidance issued by the Secretary of State - centred upon the New NPPF - which would have to be assessed. That exercise would submit the TLNP to scrutiny against a policy framework it has not been designed to meet and whose medium term implications – in particular for housing requirements and housing land supply - cannot be determined until data enabling the first application of the new 'housing delivery test' is made available.</p> <p>2.3 In respect of the policies in the Old NPPF respecting designation of LGS these formerly appeared in paragraphs 76 and 77 of the National Planning Policy Framework as follows:</p> <p style="padding-left: 40px;">“[76] Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</p> <p style="padding-left: 40px;">[77]. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</p> <ul style="list-style-type: none"> <input type="checkbox"/> where the green space is in reasonably close proximity to the community it serves; <input type="checkbox"/> where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and <input type="checkbox"/> where the green area concerned is local in character and is not an extensive tract of land.” 23205248.1 3 <p>2.4 The New NPPF has slimmed down the policy and omits / amends the text highlighted in red above. It has separated the relevant policy out into three paragraphs as follows:</p> <p style="padding-left: 40px;">“[99]. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.</p> <p style="padding-left: 40px;">[100]. The designation should only be used where the green space is:</p>
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		<ul style="list-style-type: none"> <input type="checkbox"/> in reasonably close proximity to the community it serves; <input type="checkbox"/> demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and <input type="checkbox"/> local in character and is not an extensive tract of land . <p>[101.] Policies for managing development within a Local Green Space should be consistent with those for Green Belts”.</p> <p>2.5 In refining national policy respecting the designation of LGS the Secretary of State has therefore:</p> <p>2.5.1 deleted the purposive statement to the effect that by such designation local communities “...will be able to rule out new development other than in very special circumstances” without replacing it with any equivalent formulation;</p> <p>2.5.2 retained the ‘exceptionality’ requirement for designation of LGS through the use of the word “only” in the phrase “ The designation should only be used where...” insofar as that word “only” can efficiently do the work previously also done by the sentence “The Local Green Space designation will not be appropriate for most green areas or open space...” such that the substance of the policy remains the same i.e. designation will be exceptional because it will “only” take place when the criteria are satisfied; and</p> <p>2.5.3 retained the three criteria in substance; and</p> <p>2.5.4 retained the word “and” between the second criterion and the third criterion such that as before in the NPPF all three criteria must be satisfied before a piece of land should be so designated.</p> <p>2.6 The designation of LGS within the TLNP has however clearly been approached on the misleading and now omitted purposive basis of ‘ruling out new development’ since the wording of policy ENV1 itself declares that “...development is ruled out other than in very special circumstances”. In the New NPPF it is clear that policy protection akin to that of green belt is the consequence of designation, but as the omission of the wording about the local community being able to “rule out development other than in very special circumstances” from the New NPPF makes clear, the intention behind the NPPF was never to invite local communities to use LGS designation in order to create “by the back door” a quasi-green belt around their settlements.</p> <p>2.7 It is important to recognise that creation of a kind of “Green Belt” by the back door is not the purpose of LGS designation, even if the effect of designation is to apply policies of constraint similar to those applicable in Green Belt areas. To proceed - as it is suggested that the TLPC may have done in this case - <i>is to confuse effect with purpose</i>.</p> <p>2.8 Figure 4 suggests that the process of selecting sites has nonetheless been approached on this basis, insofar as almost the entire length of Tur Langton on its west/east axis is constrained by the LGS designations of South Meadow (433) and Manor Gardens Earthworks Meadow (418), and the entire length of the wings of the village on their north/south axis are shown as constrained by the field identified as 239, and by the Field (240) itself.</p> <p>2.9 That is not consistent with the criteria in paragraph 100 whose continuing importance is apparent from their retention in the New NPPF.</p>
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		<p><i>the Field</i> will by definition regard it as reasonably close. Their purpose however would not be to use the Field as such, <i>but rather to walk along the established public right of way</i>. Since their right to do so is already protected by legislation it cannot function as a reason for designating any part of the Field as LGS.</p> <p>4.6 In this context it is worth noting that residents living towards the western end of the village have access to a range of much closer public rights of way - including those offering the opportunity to make circular walks - in any event. It is not obvious that they would wish to use the footpath across the Field at all for local leisure walking – this is a further reason for concluding that the Field has no particular importance for the community as a whole since it is very far from being their only point of access to the local footpath network (as figure 8 in the TLNP clearly shows).</p> <p>4.7 The more fundamental reasons for the proposed designation of the Field as LGS failing to meet the requirements of paragraph 100 of the New NPPF arise from the many respects in which it does not satisfy criteria 2 and 3 therein in the manner summarised below.</p> <p>5. Criterion 2 : is the proposed LGS demonstrably special to the local community and does it hold a particular local significance?</p> <p>5.1 Criterion 2 gives a number of examples of factors which a site might give a site such value to a local community as to amount to ‘particular local significance’. These comprise any beauty, historic significance, or recreational value (including as a playing field) it may possess, its tranquillity, or the richness of its wildlife.</p> <p>5.2 The short point is that ordinary agricultural fields around a village do not generally exhibit any such features as there is no specific characteristic of the Field which would do so in this case. Addressing each of the examples in turn:</p> <p>5.2.1 the Field land is not of natural (or artificial) “beauty”: It is rough pasture with a gravel pit towards its north-eastern corner, and some ridge-and-furrow in parts, and traversed by a footpath whose route is simply a worn track across the grassland. The Field does not contain trees that have ever been subject to tree preservation orders, nor has the TLNP itself identified it as containing any significant trees of woodland for the purposes of policy ENV3 (figures 6.1 and 6.2). It has never been designated as a SSSI by reason of the quality of its natural environment, nor has the conservation area for Tur Langton ever been extended to include any part of the Field;</p> <p>5.2.2 the Field has no historic significance: there is no above ground building or structure protected by any statutory designation or listed as being of local historic interest in any existing development plan document; in the inventory the attribution of a score of 3 out of a possible 4 is not supported by any heritage or archaeological report by an appropriately qualified consultant ; the expression “geological heritage significance ” is used in the “supporting document” (copy at appendix 3) under the heading “evidence” but that is ambiguous and that document contains no reference to a geological report by an appropriately qualified consultant either; the only specific historic feature of the Field identified in the TLNP is the ridge and furrow but that is protected under its own policy namely ENV5; the environmental inventory suggests that all ridge and furrow containing land has been ascribed a score of 3 out of a</p>
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			<p>possible 4 points although this appears disproportionate and unsupported by any methodology (e.g. land of outstanding heritage value containing a grade I listed building and its setting would on this basis only score one additional point more than a bare ridge and furrow field);</p> <p>5.2.3 There is moreover no public access to the Field as such, either for recreational use or any other use; members of the public have the right to pass and repass <i>along the route of the footpath only</i> - as pedestrians - but that represents a small fraction of the area of the Field only. In the NPPG it is indicated that the primary focus of LGS is land which is genuinely accessible to the public in the following terms: “Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty)”.</p> <p>5.2.4 It is therefore only <i>secondarily</i> that non-publicly accessible land might be considered for designation, and that would be because of other factors (beauty etc) It is therefore not justifiable to ascribe a score of 2 out of a possible 4 to the Field merely on the strength of a public footpath since in legal terms the 9.5 acres of the Field as such are not accessible at all and the fact that there are views over it from the footpath does not differ from the situation in which there are views over or into a site from any other kind of public highway e.g. Cranoe Road. The Field as such should more properly in this legal context be ascribed a score of zero for accessibility on this basis, but even if that were not accepted there is no sound basis for treating it as achieving 50% of the maximum possible score for this factor when less than 0.5% of the area of the Field can lawfully be “accessed” at all (and then only for the limited permissible activities appropriate to a public footpath);</p> <p>5.2.5 The Field has no particular “tranquillity” value above and beyond that of the countryside outside the village in general. Criterion 2 is about establishing any special significance or particular importance, but this cannot be done by reference only to quotidian features of marginal fields widely shared by hundreds of acres of such spaces around settlements in the Harborough District and beyond. Furthermore the example given in the NPPG is that of a “tranquil oasis” specifically within an urban setting. Tranquillity in general is not supported as a factor by which to evaluate whether land in a rural setting might be designated as LGS, and when the example in the NPPG is properly considered in full it clearly refers to a green lung surrounded by urbanised development (i.e. an “oasis” in that sense) – it is wholly inappropriate to try to apply this as an evaluative factor to agricultural land largely surrounded by other agricultural fields. The Field is in any event not exceptionally quiet in acoustic terms against the level of background noise on Cranoe Road itself but the inventory has without further explanation as far as our clients are aware ascribed it a score of 2 out of a possible 2 i.e. the maximum possible – the majority of the 44 inventory sites in fact have exactly this same score so there is no exceptionality in respect of the Field as far as this factor is concerned;</p> <p>5.2.6 The Field has moreover no general wildlife interest and the score of 3 out of a possible 4 in the inventory appears itself unsupported by any report prepared by an appropriately qualified consultant as far as our clients are aware. The expression “13 bird SPP including 3 BAP” is uninformative and without knowing what these species were,</p>
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		<p>the circumstances in which they were observed, the time of year, and all the details appropriate to ecological assessment of a site according to an accepted methodology it is impossible to ascribe significant weight to this assertion.</p> <p>5.3 The assessment whose outcome is recorded in the inventory is questioned by the Landowners for the further reasons indicated in section 9 below as well as in light of the concerns indicated above. For the purposes of applying criterion 2 however it is important to keep in mind that the factors are intended to be examples of possible reasons for a small area of land to be demonstrably special and to hold a particular local significance. As the Kibworth NP Examiner commented at paragraph 4.151 of her report: <u>“In view of the lack of a specialist assessment of the significance of the natural and historic features described, I am unable to determine whether they are of sufficient importance to justify placing a blanket protection on the sites”</u> (emphasis added). Please see appendix 2 where the extracts from the Examiners report are annexed).</p> <p>5.4 Insofar as the Field:</p> <p>5.4.1 is not used by the community for recreational or any other purpose (being private farmland);</p> <p>5.4.2 is entirely outside the settlement and makes no significant contribution towards the amenity of existing properties within it; and</p> <p>5.4.3 the only community access to the Field is by virtue of the public right of way which by definition is usable by members of the community of Tur Langton in their capacity as members of the general public entitled to pass and repass along it on foot as a matter of law (and not by virtue of any arrangement or right peculiar to the community of Tur Langton itself)</p> <p>it should not be surprising that it lacks the particular local significance necessary before a piece of land could be considered for designation as LGS.</p> <p>5.5 It remains the policy of the Secretary of State that the LGS designation will not be appropriate for most areas of open space hence the continuing use of the word “only” in front of the three criteria in paragraph 100 of the New NPPF. The TLNP does not begin to justify the designation of the Field as LGS in respect of the second criterion and the landowners reserve their position as to any further steps or argument they may take or advance in the event that any further written justification for any such designation were to be advanced in the future.</p> <p>6. Criterion 3 : does the proposed designation affect extensive tracts of land?</p> <p>6.1 Figure 4 on page 36 of the TLNP shows 5 sites proposed to be LGS. They appear to have a combined area in excess of 40 acres and to extend in the case of sites 239 and 240 (the latter being the Field) along the entire length of the Shangton Road/Melton Road side of the village and in the case of sites 418 and 433 along circa 80% of the entire length of the southern edge of the settlement with a break lying fairly centrally along that edge.</p> <p>6.2 The expression “extensive tract of land” is not defined in the New NPPF. Its interpretation should be approached on the general basis summarised by Lindblom LJ in <i>St Modwens Ltd v Secretary of State for Communities and Local Government</i></p>
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		<p>and others (2017) at paragraph 6 (4):</p> <p>“(4) Planning policies are not statutory or contractual provisions and should not be construed as if they were. The proper interpretation of planning policy is ultimately a matter of law for the court. The application of relevant policy is for the decision-maker. But statements of policy are to be interpreted objectively by the court in accordance with the language used and in its proper context. A failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration (see the judgment of Lord Reed in <i>Tesco Stores v Dundee City Council</i> [2012] P.T.S.R. 983, at paragraphs 17 to 22)”</p> <p>6.3 In the NPPG it is stated that: “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 77 of the National Planning Policy Framework is clear <u>that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.</u> In particular, 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...”.</p> <p>6.4 <u>Both in terms of its total area (circa 9.5 acres according to our instructions), its shape and its relationship to the settlement the Field is clearly an extensive tract of land.</u></p> <p>6.5 The third criterion is intended to limit the impact of LGS designations to smaller and more contained areas of land, and whilst there may be no “hard and fast rules” as the NPPG indicates, the designation is clearly <u>not</u> intended to apply to large agricultural fields outside rural settlements, such as the Field.</p> <p>6.6 When Figure 4 in the TLNP is considered, it appears that the draftsman has substantially fallen into the very trap which the NPPG cautions against i.e. in the TLNP a blanket designation of extensive tracts of open countryside adjacent to the village is being proposed.</p> <p>6.7 This interpretation of the position enjoys recent relevant local support from the report into the Kibworth neighbourhood plan (extracts at appendix 2). The Kibworth NP Examiner – who was faced with smaller and less extensive areas of land proposed for designation than the broad fields now being put forward through the TLNP – nonetheless still expressed the concern that: “ Unless there is robust evidence to justify the proposals to safeguard them, it is considered that these designations would amount to blanket restrictions contrary to NPPF paragraph 16 and the PPG [paragraph 4.149] ...I have considered the evidence presented in the environmental inventory and visited the proposed Local Green Spaces. It is considered that sites 001, 003, and 005 when considered alongside the sites proposed in policy ENV2 <u>amount to an extensive tract of land</u> [4.154] ...<u>It is recommended that</u> sites 001 Langton Field, 003 Harcourt Field, 005 Banner and 034 First (Delcus) do not satisfy the criteria of NPPF paragraph 77 and are not suitable for designation as local Green Space and <u>should be deleted</u> from policy ENV1” (emphasis added).</p> <p>6.8 In our respectful view the same is true a fortiori in respect of the Field.</p>
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		<p>6.9 In fact each of the four sites numbered 240, 239, 418 and 433 individually appears to be an extensive tract of land in the ordinary and natural meaning of that word, when read in the context of the clear intention of the policy to limit the impact of LGS designation to smaller and less extensive sites even if they fulfil the other two criteria.</p> <p>6.10 On figure 4 in the TLNP there is an obvious contrast between each of those tracts of land and the much smaller and semi-contained site number 417 which nestles into the western end of the settlement, and whose candidature for designation (about which we express no further view) is at least not ruled out by criterion 3 as all the other four open countryside sites outside the village clearly are.</p> <p>7. Would any additional local benefit be gained by designating the Field as Local Green Space?</p> <p>7.1 The Field is already subject to the countryside protection policies in the existing core strategy (to be replaced in 2019 by their updated equivalents in the new local plan). Even within the TLNP itself policy will constrain development on the Field insofar as:</p> <p>7.1.1 the Field is entirely outside the limits to development (LtD) respecting which policy S2 states that “Land outside the defined limits to development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies”; and</p> <p>7.1.2 the Field is shown as subject to draft policy ENV5 (ridge and furrow fields) which states: “The surviving areas of ridge and furrow fields (figure 7) are non-designated heritage assets and any harm arising from a development proposal will need to be balanced against their significance as heritage assets”.</p> <p>7.2 Having regard to the existing and proposed policy matrix applicable to the Field, there is no additional public benefit in designating it as LGS. The future developability of the Field will depend upon a balanced planning judgment including for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 an assessment of whether or not such a proposal accords with the development plan. The TLNP once “made” as a neighbourhood plan will form a part of that development and the policies of restraint within it including S2 and ENV5 will apply to it accordingly. There is no additional public benefit in requiring “very special circumstances” to be proven in addition before any such decision were made – effective development control can be perfectly well exercised without designating the Field as LGS and to do would represent policy-overkill contrary to the NPPG.</p> <p>8. Sustainability and the Post-plan Period</p> <p>8.1 Such designation would moreover not be “...consistent with the local planning of sustainable development...” nor would it “...complement investment in sufficient homes...” contrary to paragraph 99 of the New NPPF. The extensive land available is capable of supporting a well-designed development and xxx has raised this with TLPC during the preparation of the TLNP. In his letter of 16 August 2017 (a copy of which is attached at appendix 4) (the 2017 Letter) xxx has set out its medium-long term potential and recorded that at least in respect of the area between the Field and the existing built-up edge of the settlement the TLPC must have agreed with him in that respect since that area was excluded from the defined extent of the Field for the purposes of the threatened LGS designation as it had been at that earlier point in the process.</p>
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		<p>8.2 The TLNP would come to an end in 2031. Paragraph 99 of the New LPPF goes on to make it clear that: “Local Green Spaces should only be designated when a plan is prepared or updated, and be <u>capable of enduring beyond the end of the plan period</u>”.</p> <p>8.3 For the reasons outlined by xxx in the 2017 Letter amongst other things, the Field clearly has such medium-long term potential. The TLPC appears to have accepted that insofar as in respect of the parcel now lying between the Field and the settlement edge it has shown that area as cut out of the Field proposed for LGS designation even though that area is physically and functionally part of the same agricultural field in land use terms.</p> <p>8.4 LGS designation is appropriate to long-term community accessible areas (or green lungs in cities) - it is not a proper use of the designation at all to try to establish a quasi-green belt around parts of a settlement as an additional layer of planning constraint in any event for reasons given elsewhere in these representations. Furthermore insofar as this is an area into which in the medium to long term future policy-makers and decision-makers might wish to contemplate further development as TLPC itself has seemingly begun to do, it is all the more inappropriate to designate it and thereby fetter the ability of future policy-makers and decision-makers to make sensible balanced planning judgments after 2031.</p> <p>8.5 If however it were accepted that no such medium to long term constraint should be placed upon the Field, it would follow that it should not be designated as LGS at all. As the New NPPF makes clear, unless a designation as LGS is seen as capable of enduring beyond the plan period (and being semi-permanent in the way that community space containing a sports pavilion, boating lake or war memorial would be) there is no basis for designating it as LGS in the first place.</p> <p>9. The TLNP Process to date (including the Environmental Inventory Assessment)</p> <p>9.1 The process has been a source of significant concern to the Landowners at earlier stages. Please see the 2017 Letter in this respect.</p> <p>9.2 The apparent intention to sterilise any future development potential the Field may have (save in very special circumstances) through LGS designation, whilst favouring housing site allocations elsewhere, has given rise to a concern on the Landowners’ part that personal interests of those living in the village and promoting the TLNP may have played some part in what should have been an impartial appraisal on behalf of <i>the community as a whole</i>, made in the context of the criteria in the NPPF.</p> <p>9.3 The analysis set out in the ‘environmental inventory’ for the TLNP (in which the Field is site 240 albeit there named as “Old Pits Meadow” whereas in the text of policy ENV1 it is referred to as “East Field”) - purportedly scoring 24 out of a possible 32 points) is moreover flawed in the following respects:</p> <p>9.3.1 It does not apply the criteria in paragraph 100 of the New NPPF but introduces the following additional criteria: “Access” and “Bounded”; and</p>
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			<p>9.3.2 It fails to apply the <i>exclusionary</i> test of whether or not the site under assessment is an “...extensive tract of land...” at all; and</p> <p>9.3.3 It adopts ‘specialness to the community’ as a separate criterion in addition to the examples in paragraph 100 criterion 2 (“...beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife...”) but this is illogical since those examples are supposed to be examples of matters <i>which would make a site objectively special to the community</i> – such “specialness” is pre-supposed in respect of each of them and having a separate category of ‘specialness’ to which 4 out of the available 32 points in the scoring system are ascribed is not logical and is a vehicle for highly subjective <i>general</i> judgments on the part of the members of the TLPC unattached to any of the specific examples in criterion 2 of paragraph 100 of the New NPPF or to any other specific factor;</p> <p>9.3.4 It adopts “boundedness” as a criterion. Whilst it may be logical to only identify land having defined boundaries as a <i>formal</i> pre-condition to considering its merits it cannot be a reason for actually ascribing higher value to it on its <i>substantive</i> merits for the purpose of assessing whether or not it ought to actually <i>be</i> local green space. What the inventory does is ascribe another 4 out of the available 32 points to this formal characteristic, when it can logically tell one nothing about the degree of specialness of the site to the community by virtue of the type of factor referred to in paragraph 100 criterion 2;</p> <p>9.3.5 The adoption of “access” as a criterion is also illogical insofar as “...recreational value (including as a playing field)”...” in the examples in criterion 2 in paragraph 77 of the NPPF pre-supposes that community access is possible. For a site which was a playing field a maximum score of eight would arise (4 because of recreational value and 4 because it was accessible) even though <i>the recreational value presupposed the accessibility in any event</i>, that would double the weight being given to this factor without explanation or justification;</p> <p>9.3.6 The scoring system does not ascribe the same maximum number of points to each of the examples in criterion 2 to paragraph 100 of the NPPF but instead ascribes only 2 points each to “beauty” and “tranquillity” respectively but 4 points to historic interest, wildlife interest and recreational value. No explanation for this is given in the inventory itself but it will have the effect of overvaluing sites which have merit in terms of the latter above those having merit in terms of the former; and</p> <p>9.3.7 The scoring system adopts tranquillity as a factor even though the NPPG makes it clear that this is intended to apply to a green lung (i.e. a tranquil oasis) within an urban area rather than being used to attempt to differentiate one field from another across a rural parish.</p> <p>9.4 The scoring system has moreover been applied inaccurately to the Field in the following respects: 9.4.1 “Access”: it has scored 2 out of a possible 4 in other words 50% of the maximum in terms of accessibility; as a matter of law there is however no community or public right of access to any of the Field but only a public right of way (on foot only) across the northerly edge of it); it should have scored zero for this specific reason (but arguably all sites should have scored zero because the NPPF does not put this forward as a separate criterion in any event);</p>
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		<p>9.4.2 'Bounded': it has scored 4 out of a possible 4 but merely having defined boundaries tells one nothing about whether it has any merit as local green space (please see above); it is illogical to use this a criterion at all and nothing in the Old NPPF or the New NPPF justifies doing so; it should have scored zero (and all sites should have scored zero in this sense since if they lack definable boundaries they should not be formally designated in the TLNP at all); and</p> <p>9.4.3 "Special (community)": it has scored 4 out of a possible 4 but this is mere surplusage and tells one nothing specific about any <i>objective</i> characteristic of the site; it should have scored zero in the sense that all sites should have scored zero – if the TLPC thought that there were other <i>specific</i> factors of importance to the community which ought to be used for assessing the merits of sites as potential LGS it ought have given such a factor a column of its own.</p> <p>9.5 The practical effect of these general flaws in the scoring system - and the specific inaccuracies in respect of the Field - is that it has effectively <i>not been assessed at all</i> as against the actual requirements of what is now paragraph 100 of the NPPF. The inclusion of the Field within policy ENV1 does not meet the basic conditions accordingly.</p> <p>10. Conclusion</p> <p>10.1 Mere assertion of 'specialness to the community' on the part of a plan-promoting body – in support of a submission version of a neighbourhood plan - cannot by itself establish that relevant land merits designation as "Local Green Space". Given the extreme consequence which that has under paragraph 101 (namely that the land becomes restricted in the manner of Green Belt land), all the criteria in paragraphs 99 and 100 of the New NPPF must be applied.</p> <p>10.2 Those criteria must be satisfied in rigorous and objective terms, but when that is done there is no reason to think that the Field actually does merit such designation nor that it merits any greater protection than does other land within the open countryside. As the NPPG emphasises, the LGS designation is not supposed to be used to create a kind of Green Belt by the "back door". The Landowners consider however that the TLPC may be misusing it to attempt to do exactly that.</p> <p>10.3 In particular figure 4 in the TLNP identifies extensive tracts of land east and south of the settlement as potential LGS; criterion 3 in paragraph 100 of the New NPPF is not satisfied accordingly. The Field is a large agricultural field having an area of circa 9.5 acres according to our instructions. (In practical reality an area of circa 0.5 acres between it and the settlement is part of the Field, but TLPC has apparently already accepted that that part of it should not be designated as LGS). That is an extensive tract of land in the ordinary and natural meaning of that expression and when considered on a proportionate basis in the context of a small settlement like Tur Langton, the designation of it as LGS would clearly be a disproportionate misuse of the discretion.</p> <p>10.4 The Kibworth NP Examiner firmly rejected the designation of substantial agricultural field space around a settlement as LGS when considering the same issue in respect of the next settlement to the west, within the Harborough District, as</p>
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		<p>recently as September 2017.</p> <p>10.5 The Field would moreover also fail to meet criterion 2 in paragraph 100 of the New NPPF – it is not of particular local significance in objective terms, it:</p> <ul style="list-style-type: none"> 10.5.1 is not used by the community for recreational or any other purpose (being private farmland); 10.5.2 is entirely outside the settlement; and 10.5.3 the only community access to the Field is by virtue of the public right of way which by definition is usable by members of the community of Tur Langton in their capacity as members of the general public entitled to pass and repass along it on foot as a matter of law (and not by virtue of any arrangement or right peculiar to the community of Tur Langton itself). <p>10.6 When one considers the guidance in the NPPG it is clear that fields in ordinary agricultural use outside rural settlements are entirely outside the scope of what is contemplated by the NPPF in land use terms. There is no sports pavilion, boating lake or any similar structure which might give the Field a community-focus – no war memorial – and the Field is not in use as allotments or for any other community use. It does not provide a tranquil oasis within an urban area – which is what the NPPG refers to rather than identifying tranquillity as a general factor whereby to assess suitability to designate - for obvious reasons either).</p> <p>10.7 The assessment process adopted by TLPC is moreover highly questionable for the reasons given here and in the 2017 Letter, but the Examiner will see that the TLPC has already changed its position in a significant respect insofar as it has excluded from the Field an area of circa 0.5 acres now situated between the western edge of the Field on figure 4 and the edge of the settlement even though that area is in physical and land use terms part of the same agricultural field which TLPC claims to merit designation by reason of its specialness.</p> <p>10.8 The failure to meet the criteria on paragraph 100 of the NPPF is a failure to meet the basic conditions in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 insofar as it fails to have regard to the national policies and advice contained in guidance issued by the Secretary of State. To designate the Field as LGS would furthermore fail to meet the basic conditions insofar as it would not contribute towards the achievement of sustainable development.</p> <p>10.9 No part of the Field should be designated as LGS accordingly. The TLNP should be modified by the deletion of all reference to the Field from policy ENV1. The Examiner is respectfully invited to recommend accordingly.</p> <p>10.10 These representations are made without prejudice to any step which may be taken or any argument which may be advanced on behalf of the Landowners hereafter.</p>
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Appendix 1 – Excerpt from Tur Langton NDP

Settlement, territory and land use in the East Midlands: The Langton Hundred c.150BC – c.AD1350 Bowman, P., 1995 (unpublished PhD thesis, University of Leicester)
A history of the County of Leicestershire Volume 5, Gartree Hundred (Victoria County History, 1964) via british-history.ac.uk

The MAPS in this section have been reduced to fit the document page size. Full-size versions are provided as *supporting documents*

Local Green Spaces

An Environmental Inventory [List (Appendix 1) and Maps (Appendices 2 and 3) in supporting information] of all undeveloped land in the Parish was carried out between May and September 2016. Information was compiled from existing sources (national and/or local designations, records and mapping), fieldwork and local knowledge and records, combined with the results of the consultation (open events and questionnaires) with residents conducted for this Plan.

Of the (estimated) 139 parcels of open, undeveloped land in Tur Langton, 44 were identified as having significant environmental (natural, historical and/or cultural) features. These features have been listed to provide the evidence base for the *environment* component of *sustainable development* in the Plan Area.

The 44 inventory sites of most significance for biodiversity, history and community value were scored against the nine criteria for Local Green Space eligibility in the *National Planning Policy Framework 2012*. Five sites score 75% or more of the maximum possible and are proposed for designation as Local Green Spaces. Their statutory protection will ensure that these five most important places in Tur Langton's unique natural and human landscape are protected.

Further information on these Local Green Spaces is provided in Appendix 4

POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACES – Within the area of Local Green Space sites designated in this policy and identified on the map below (Figure 4), development is ruled out other than in very special circumstances.

- Old Pits Meadow (inventory site and map reference 239)
- East Field (240)
- Old Chapel paddock (417)
- Manor Gardens earthworks meadow (418)
- South Meadow (433)

Appendix 2 – Excerpt from Kibworth NDP Examiners Report

4.131 I consider that the requirement to open a relief road in advance of the construction of any houses may place a burden on the new development that would affect the viability of the development and would be contrary to advice in the PPG. The requirement should therefore be modified to make provision for the relief road being delivered on a phased basis as an alternative. Consequential amendments should be made to section 5a on Transport and Access.

4.132 Criterion e) refers to a mix of housing types and sizes being delivered. The final paragraph of the justification refers to the housing development meeting the housing needs as set out in other policies in the Plan. Policy H5 on Housing Mix provides very little guidance on the type and size of housing required. To provide greater clarity so that this matter can be determined consistently by decision makers it is recommended that the housing mix of any future development on the SDA, if it is allocated in the plan area, should be based on up to date housing needs and aspirations studies.

4.133 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 25: revise Policy H11 as follows:

Revise the first paragraph of Policy H11 to read: "*If the North East of Kibworth SDA is allocated for development, the development proposals should provide for:*" (revise the wording of the criteria for grammatical reasons).

Revise criterion a) to read: "*The construction of a relief road in advance of the construction of new housing or phased in conjunction with the development of the housing.*"

Add the following to the end of the final paragraph of the justification: "*and up to date housing needs and aspirations surveys and/or housing market assessment.*"

4. Natural and Historic Environment

4.134 An inventory of environmental information has been collated by a group of local residents for over 100 parcels of land on the edge of the settlement and throughout the rural area within the parish. The sites have been scored against a number of factors developed from the criterion for assessing Local Green Space in NPPF paragraph 77. To assess whether the site was "special to the community" the inventory relied on the opinion of local people from the questionnaires and responses at the community consultation.

4.135 Eleven sites scored more than 75% of the maximum score and a further 14 sites were considered to have a high level of natural or historic significance or community value. Other environmental features were also identified such as

			<p>trees, hedgerows, ridge and furrow, views/landscape and susceptibility to flooding and these have been included in other policies.</p> <p>4.136 A representation has been made stating that it is not clear how robust the evidence can be considered in view of the lack of information on the qualifications of the assessment team. There is particular concern about the large areas of the parish covered by the Important Views and Ridge and Furrow Policies ENV5 and ENV7. Two other representations question the robustness of the evidence because there is no explanation of the methodology, or the justification for any of the scores provided and why this leads to a valid Local Green Space designation. Regardless of this the representation notes that designating land as Local Green Space would restrict the available land for meeting the housing requirement.</p> <p>4.137 Two representations have been made concerning a planning application for a development proposal for 45 houses on site 073. This is not a matter for consideration in the Neighbourhood Plan examination.</p> <p>4.138 One representation states that the site should be protected as valued open space as it is designated as Important Open Space under saved Policy HS/9.</p> <p>4.139 I have asked the Local Planning Authority to confirm the status of open land safeguarded under Policy HS/9. They have stated that this is a saved policy from the 2001 Local Plan which is now not possible to implement because it was adopted so long ago and lacks supporting evidence.</p> <p>4.140 The boundary of the site 073 is not defined on the Environmental Inventory Map. The inventory report states that the site is a private garden.</p> <p>4.141 I am not satisfied that sufficient robust evidence has been provided to support the safeguarding of site 073 under the environmental policies of the Neighbourhood Plan.</p> <p>Policy ENV 1: Protection of Local Green Spaces</p> <p>4.142 NPPF paragraph 76 sets out the national policy on the designation of Local Green Space and states:</p> <p><i>"Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period."</i></p>	
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			<p>4.143 Paragraph 77 states that <i>"the Local Green Space designation will not be appropriate for most green areas or open space."</i> It sets out criteria to be used to determine whether the designation would be appropriate. These are:</p> <ul style="list-style-type: none"> • <i>"where the green space is in reasonably close proximity to the community it serves</i> • <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife</i> • <i>where the green area concerned is local in character and is not an extensive tract of land."</i> <p>4.144 The Planning Practice Guidance provides guidance on a number of matters relating to the designation of Local Green Space.</p> <p>4.145 There is no national definition of green space and in response to the question "What types of green area can be identified as Local Green Space?" the PPG advises that:</p> <p><i>"The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis."</i></p> <p>4.146 The critical test is to meet all the criteria set out in paragraph 77. It is noted that the examples given are areas where the public usually has access to the area as a whole rather than solely by way of a public footpath crossing the site. The PPG advises that other land could be considered for designation even if there is no public access and gives examples of green areas which are valued because of their wildlife, historic significance and/or beauty.</p> <p>4.147 The Environment Group should be applauded for the work they have undertaken in collating an extensive amount of data about the sites in the parish. However I have concerns that the method of assessing sites using a scoring method has not fulfilled the assessment requirements sets out in NPPF paragraph 77 which requires that sites should meet all three tests.</p> <p>4.148 The assessment records historical and environmental features but has not included an expert assessment of the data to evaluate the significance of the site. For example, site 001 is recorded as a candidate Local Wildlife Site in the 2014 Phase 1 Habitat Survey and various features are described. However, it is not possible from this description to evaluate whether the features on the site are of sufficient significance to justify safeguarding the whole of the area.</p> <p>4.149 I have considered all the sites included in the inventory, particularly those within and adjacent to the settlement. It is evident that taken together the designation of the sites proposed as Local Green Space and Sites of High</p> <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 37</p>
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			<p>Environmental Significance under Policies ENV1 and ENV2 would protect extensive tracts of agricultural land on the edge of the village and thereby preclude consideration of development on them. Unless there is robust evidence to justify the proposals to safeguard them, it is considered that these designations would amount blanket restrictions contrary to NPPF paragraph 16 and the PPG.</p> <p>4.150 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are proposed for designation under both Policies ENV1 and ENV2.</p> <p>4.151 In view of the lack of a specialist assessment of the significance of the natural and historic features described, I am unable to determine whether they are of sufficient importance to justify placing a blanket protection on the sites. If any of the sites were to be considered for development it would be for the developers to undertake detailed environmental assessments using specialist expertise to demonstrate the significance of the features and propose a means of safeguarding them where appropriate. Other policies in the Neighbourhood Plan address the various types of natural and historic features that have been identified in the countryside around the village.</p> <p>4.152 With the prospect of a proposal of a large scale development it is understandable that the local community has identified areas of countryside around the village as special to them. However, of and by itself this is considered to be insufficient to justify safeguarding these fields of agricultural land. When considering each site, it has to be clear why the site is particularly special and different from other fields or areas of countryside in the locality in order for it to be designated for safeguarding.</p> <p>4.153 The definition of Local Green Spaces in the PPG gives examples of the types of areas that could be considered suitable including sports grounds and tranquil areas within the built-up area. A number of these were included in the inventory but they do not appear to have been selected for designation as Local Green Spaces in the Neighbourhood Plan.</p> <p>4.154 I have considered the evidence presented in the Environmental Inventory and visited the proposed Local Green Spaces. It is considered that sites 001, 003, and 005 when considered alongside the sites proposed under Policy ENV2 amount to an extensive tract of land. I am not convinced that there is robust evidence to demonstrate that any of these and other areas of agricultural land are sufficiently special to warrant their designation as Local Green Space.</p> <p>4.155 It is recommended therefore that sites 001 Langton Field, 003 Harcourt Field, 005 Banner, and 034 First (Delcus) do not satisfy the criteria of NPPF paragraph 77 and are not suitable for designation as Local Green Space and should be deleted from Policy ENV 1.</p> <p>4.156 My conclusions on the remaining sites are:</p> <ul style="list-style-type: none"> • Site 030 Tin Bridge Paddock - the Local Planning Authority has confirmed that the appeal on site 030 Tin Bridge Paddock has been allowed. In the <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant Page 38</p>	
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			<p>circumstances it would not be appropriate to identify the site as a Local Green Space as this would conflict with NPPF paragraph 76.</p> <ul style="list-style-type: none"> • Site 031 Storm water retention basin is an attractive area of open land with public access from Warwick Road recreation ground. It is considered that it satisfies the designation criteria. • Site 071 Kibworth Harcourt Fishponds is part of a field and has no public access. It has some local heritage significance, however, the boundaries of the site are not clearly distinguishable and the assessment has not demonstrated that it is demonstrably special to the local community. It is considered that it does not satisfy the designation criteria as a Local Green Space. • Site 096 Church Road east woodland, allotments and pond is a small area of open space and unused allotments with public access. It is considered that it satisfies the designation criteria. <p>4.157 A representation has been made by Anglian Water concerning the application of the policy to land within their ownership at Church Road (site 096) and whether the policy would allow Anglian Water to undertake development required to meet their statutory and/or corporate obligations. The representation proposes that the policy should state the “<i>development of utility infrastructure</i>” instead of its “safeguarding”. I recommend that this amendment should be made.</p> <p>4.158 A representation has been made objecting to the designation of sites within the proposed SDA area (sites 1, 3, 5 and 71).</p> <p>4.159 A representation has been made to the proposed designation of site 30 Tin Bridge Paddock stating that there is no public access to the site or views into or from the site. The site has no natural or historic conservation significance. No evidence has been supplied to demonstrate that the site is any more special than any other areas of undeveloped land.</p> <p>4.160 In order to improve the clarity of the wording of the policy, modifications are proposed to refer to the designation of the sites as Local Green Space, to delete reference to development being “ruled out” and to include development of utility infrastructure instead of safeguarding it. The justification should also be revised to explain that the policy on managing Local Green Spaces is consistent with that on Green Belts as set out in NPPF paragraph 78.</p> <p>4.161 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.</p> <p>Recommendation 26: Revise Policy ENV1 as follows:</p> <p>Revise the wording of the first paragraph of Policy ENV1 to read: “<i>Local Green Space are designated on the following sites shown on the Proposals Map. Development on the sites will not be acceptable other than in very special circumstances, including the development of utility infrastructure</i>”</p> <hr/> <p>The Kibworths’ Neighbourhood Plan Independent Examiner’s Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 39</p>	
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			<p>Delete the following sites: 001 Langton Field, 003 Harcourt Field, 005 Banner, 030 Tin Bridge Paddock, 034 First (Delcus) and 071 Kibworth Harcourt Fishponds and revise the Proposals Map.</p> <p>Update the justification to explain that sites are designated where they meet all the criteria of NPPF paragraph 77. Update the text to refer to the revised number of sites. Delete reference to the selection being based on the scoring methodology. Note there is no requirement in the NPPF for sites to be "bounded".</p> <p>Add the following to the end of the second paragraph of the justification under the heading Local Green Space: <i>"The policy for managing development within a Local Green Space is consistent with that for Green Belts in that development will only be acceptable in very special circumstances."</i></p> <p>Policy ENV 2: Protection of Other Sites of High (Natural and Historical) Environmental Significance</p> <p>4.162 Policy ENV2 designates 11 sites of High Natural and Historical Significance for protection and enhancement. These sites scored between 19 and 23 on the Environmental Inventory ie less than the sites proposed as Local Green Space.</p> <p>4.163 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are shown on the maps as proposed for designation under both Policies ENV1 and ENV2. They are not included in the list of sites under Policy ENV2.</p> <p>4.164 It is noted that site 033 Smeeton Road Recreation Ground is identified under Policy CSA6 as a Park and Green Space.</p> <p>4.165 A representation has been made seeking the deletion of site 030 Tin Bridge Paddock from Figure 8 to avoid confusion.</p> <p>4.166 The justification to the policy states that there is a rarity of places of ecological value or visible historic interest and the only surviving areas are of "disproportionate value in the context of the landscape of the Plan area".</p> <p>4.167 NPPF paragraph 113 states that <i>"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks"</i>.</p> <p>4.168 The PPG on the historic environment states that <i>"The conservation of heritage assets in a manner appropriate to their significance is a core</i></p> <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 40</p>
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Appendix 3 – Environmental Inventory – Tur Langton NDP

Supporting document: Local Green Spaces (Policy ENV1)

All maps: © Crown copyright and database right. All rights reserved (100057017), 2016. © Contains Ordnance Survey data. Crown copyright and database right 2016

Ref.	EVIDENCE	NPPF (2012) ELIGIBILITY CRITERIA										TOTAL
		Access /4	Proximity /4	Bounded /4	Special /4	Recl'd /4	Beauty/ Views in /2	Tang. /2	History /4	Wildlife /4		
239	<p>East Field Field, joint ownership, adjoins woodland, ridge and furrow earthworks, site of geological heritage significance (gravel pits), open space valued by the community, view valued by the community. Footpath in SW corner. 2.1 bird spp including 4 BAP (e.g. spotted flycatcher)</p>  	2	4	4	4	0	2	2	3	3	24	
240	<p>Old Pits meadow Field, joint ownership, Site of geological heritage significance (gravel pits) ridge and furrow earthworks, footpath, open space valued by the community. 3 boundary Cranoe Road 13 bird spp including 3 BAP</p>	2	4	4	4	0	2	2	3	24		

			 <p style="text-align: right; font-size: small;">(Scheduled Monument) Some spreading nears Paddock on site of the 17th century Chapel</p> 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9e1f2;">Ref.</th> <th style="background-color: #d9e1f2;">EVIDENCE</th> <th style="background-color: #d9e1f2;">Access</th> <th style="background-color: #d9e1f2;">Proximity</th> <th style="background-color: #d9e1f2;">Bounded</th> <th style="background-color: #d9e1f2;">Special</th> <th style="background-color: #d9e1f2;">Record</th> <th style="background-color: #d9e1f2;">Beauty/ Views</th> <th style="background-color: #d9e1f2;">Trend</th> <th style="background-color: #d9e1f2;">History</th> <th style="background-color: #d9e1f2;">Wildlife</th> <th style="background-color: #d9e1f2;">TOTAL</th> </tr> </thead> <tbody> <tr> <td>418</td> <td> <p>Manor Gardens Permanent grass field adjoining (south of) the Manor, bounded to south by small stream. Access via footpath B16. Very high local and regional historical significance: includes extant and clear earthworks representing the early medieval manor house site (evidence of moat, buildings, etc., and the manorial gardens to the south); the manor of Tur Langton is recorded in Domesday (1086) as being held by the Norman baron Walchelin (Walkein), Scheduled Monument. Also includes part of the medieval settlement core of Tur Langton (Historic Environment Record MLE1614).</p> <p>High biodiversity significance (18 bird species including 3 BAP / red-listed Birds of Conservation Concern (BoCC)) Va ued views from footpath to south and west, and of the features in the field itself</p> </td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>2</td> <td>2</td> <td>2</td> <td>4</td> <td>3</td> <td>27</td> </tr> </tbody> </table>	Ref.	EVIDENCE	Access	Proximity	Bounded	Special	Record	Beauty/ Views	Trend	History	Wildlife	TOTAL	418	<p>Manor Gardens Permanent grass field adjoining (south of) the Manor, bounded to south by small stream. Access via footpath B16. Very high local and regional historical significance: includes extant and clear earthworks representing the early medieval manor house site (evidence of moat, buildings, etc., and the manorial gardens to the south); the manor of Tur Langton is recorded in Domesday (1086) as being held by the Norman baron Walchelin (Walkein), Scheduled Monument. Also includes part of the medieval settlement core of Tur Langton (Historic Environment Record MLE1614).</p> <p>High biodiversity significance (18 bird species including 3 BAP / red-listed Birds of Conservation Concern (BoCC)) Va ued views from footpath to south and west, and of the features in the field itself</p>	3	3	4	4	2	2	2	4	3	27
Ref.	EVIDENCE	Access	Proximity	Bounded	Special	Record	Beauty/ Views	Trend	History	Wildlife	TOTAL																	
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			 <p><small>Identify Gardens earthworks and the view southwest</small></p>			<p>433 South Meadow Field. E boundary 56047, ridge and furrow earthworks, 2x footpaths meet, open space valued by community, view valued by community 18 bird spp including 4 BAP</p>  <p><small>Open meadow from South Meadow</small></p>		<p style="text-align: center;">NPPF (2012) ELIGIBILITY CRITERIA</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Access /4</th> <th>Proximity /4</th> <th>Bounded /4</th> <th>Special /4</th> <th>Record /4</th> <th>Beauty/ Views in /2</th> <th>Traffic /2</th> <th>History /4</th> <th>Width /4</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>3</td> <td>4</td> <td>4</td> <td>0</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>25</td> </tr> </tbody> </table>	Access /4	Proximity /4	Bounded /4	Special /4	Record /4	Beauty/ Views in /2	Traffic /2	History /4	Width /4	TOTAL	4	3	4	4	0	2	2	3	3	25		
Access /4	Proximity /4	Bounded /4	Special /4	Record /4	Beauty/ Views in /2	Traffic /2	History /4	Width /4	TOTAL																					
4	3	4	4	0	2	2	3	3	25																					

Appendix 4 – 2017 Letter to TLPC



Tur Langton Parish Council Parish Clerk
56 Naseby Way
Great Glen
Leicester
LE8 9GS
16th August 2017

Dear Parish clerk

Tur Langton Draft Neighbourhood Plan – Statutory Consultation period

I am the owner of land that is directly connected and within the village of Tur Langton and I write to you in response to the Tur Langton Draft Neighbourhood plan – Statutory Consultation period. The land in question is noted in your plan as area 240.

I raise a number of serious concerns about how the parish council has managed the process of developing the neighbourhood plan particularly in relation to the **'process for identifying suitable locations for residential development'** and the proposed redrawing of the **'limits to development'**. This is in relation to how TLPC has managed the communication and notification process; its failure to include all correspondence and the questionable basis for how the recommendations in the plan have been made. I also comment and raise questions about the proposed **'Local Green Spaces'**

I raise questions about the recommendations that the council are proposing and why these appear to directly and positively affect members of the parish council and exclude others.

The process for identifying suitable locations for residential development' and the proposed redrawing of the limits to development.

I was initially made aware of the Neighbourhood plan by residents of the village and was subsequently contacted by TLPC as land owner and former resident that a meeting was to take place within the week to discuss the outline of the Neighbourhood plan process. Given the timescale of the notice for the meeting which was held on 9th July 2015 I could not attend. I followed up with both yourself as Clerk and the Chairperson of TLPC to request information and plans about the meeting and the outcome. Eventually I was told that the meeting was just sharing information and no minutes or outcomes were available. I then requested updates in the following months/years.

			<p>In 2016 I was then asked, as land owner, whether I wanted to propose land within the village that at some unspecified time could be made available for small scale residential development. I did propose and confirm that my land (area 240) could be made available for this purpose directly to the Chairperson.</p> <p>At the village meeting which was held in Feb 2017 I noticed that the land in question had NOT been included in those areas proposed for limited development. Five areas of land had been included and TLPC asked residents to use green dots to identify those areas that, in their view, were suitable to be identified for limited development and red dots to identify those areas that should not. Even though my land had not been included by TLPC residents identified it as a good candidate for development by applying green dots on the site and making positive anecdotal comments about its suitability above other sites that were identified as can be seen in your supporting information.</p> <p>At the meeting I asked TLPC members why my area of land had not been included and was told that this was an error and if I sent details of the site in question again it would be included in the final analysis.</p> <p>I immediately sent and again confirmed details of the area of land in question directly to the chairperson who confirmed that this would be included.</p> <p>The plan that you have produced does not include any reference to this and does not include my land in the process. TLPC are attempting to redraw the limits to development on the basis of reviewing only the 5 sites excluding other suitable sites including my own.</p> <p>In the Draft Neighbourhood plan document you make a comment on page 23 'No other sites were put forward or were considered'. This is completely false and incorrect and is misleading to the reader. TLPC and its members were fully aware about the land that I had proposed. Documented correspondence will confirm the series of events that I outline above.</p> <p>In my view the land that I identified is extremely suitable for limited development as it possesses the following important attributes:</p> <ul style="list-style-type: none"> • It is directly located next to the village and is connected to existing housing • It is located on the Cranoe Road which has the lowest flow of traffic of all roads in Tur Langton and is the least busy at all times of the day compared to the other roads in the village. • It has good existing access directly from the Cranoe Road with good visibility for vehicular manoeuvring in both directions • Any development could follow the natural existing line of property along the Cranoe Road • It would NOT constitute so called back land development • It enjoys an edge of the village location and would be a natural extension of the village <p>I compare this with the characteristics of the some of the other sites that TLPC have chosen:</p> <p>Site 1 North of village</p>
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			<ul style="list-style-type: none"> • Located on a notoriously busy road (B6047) that has had a number of fatalities due to speed and poor visibility along the road • Located on a dangerous corner with poor visibility for vehicular manoeuvring • Poor positing of access that has been recently created • Was not well supported at the village meeting • Statements made in the plan document that this site was developed before are completely false <p>Site 4 West of village</p> <ul style="list-style-type: none"> • Located on a busy road • Located on a dangerous corner with poor visibility for vehicular manoeuvring <p>Site 3 South of village</p> <ul style="list-style-type: none"> • Located on a notoriously busy road that has had a number of fatalities due to speed and poor visibility along the road • Located on the junction of the B6047 and Cranoe Road <p>I note that some of the land owners of the sites that are set to benefit from redrawing of the limits to development are members of TLPC.</p> <p>I therefore conclude that the process for identifying suitable land for limited development has been poorly managed and I'm concerned that the area of land that I put forward has been purposefully excluded from both the village meeting and the plan preparation in order to satisfy some other means. It raises such questions that make this element of the Neighbourhood plan extremely questionable and therefore I cannot see any basis of support for redrawing the limits to development in this manner and request that this process be reassessed by an independent assessor.</p> <p>Local Green Space</p> <p>The plan attempts to classify the area of land 240 as a Local Green Space however I critically question the basis for such a classification. You have somewhat conveniently excluded from the field in question site 2 which you included as one of the sites put forward for limited development. I note also that site 1 has been excluded from area 239 with the remaining area of 239 being classified as Local green space due to its 'Ridge and Furrow' nature. I remind you that both sites 1 and 2 that you have excluded are part of area 239 and 240 respectively and enjoy the same characteristics. How can one part be proposed as a development site and the same land be assessed as a Local Green Space. It is at best illogical. Both 239 and 240 were purchase by me as 2 fields.</p> <p>Area 240 of the land does enjoy sporting right benefits and has been used as such over many years.</p> <p>You suggest that you have used the NPPF 2012 criteria for assessing local green space in order to make this assessment but I question, particularly given my comments above, why these areas have been included above other more obvious and more suitable areas that surround the village</p>
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			<p>I strongly disagree with this classification and request that a review of all the locations be prepared independently so that the assessment of each criteria can be transparent.</p> <p>In summary I strongly object to the redrawing of the limits to development and I believe that the process adopted and the manner under which it has been managed is extremely questionable and potentially self-serving. The proposed redrawing of the limits to development has no basis for support.</p> <p>In the same manner the proposed Local Green Space assignment appears arbitrary and again self-serving and should be reassessed by an independent and appropriately qualified panel</p> <p>Yours Sincerely,</p> <p></p> <p>Copy:</p> <p>Mrs Tessa Bladon – Chairperson Tur Langton Parish Council</p> <p>Cllr Christopher Holyoak - Harborough District Council</p> <p>Cllr Lynne Beesley-Reynolds - Harborough District Council</p> <p>Cllr Kevin Feltham (Gartree Ward) - Leicester County Council</p> <p>Tess Nelson – Harborough District Council Strategic Planning</p>
2	<p>On behalf of Resident/ Landowner</p> <p>Agent: Mr Robert Waite, Gateley PLC, Park View House,</p>	Policy ENV1	<p>Consultation Tur Langton Neighbourhood Plan Neighbourhood Planning (General) Regulations 2012 Regulation 16 OBJECTION TO PROPOSED DESIGNATION OF LAND AS LOCAL GREEN SPACE (ENV1) & PART DESIGNATION AS RIDGE AND FURROW FIELD (ENV5)</p> <p>1. Introduction</p>

	<p>58 Ropewalk, Nottingham, NG1 5DW</p>	<p>1.1 These representations are made:</p> <p>1.1.1 in respect of the field identified as “Old Pits Meadow (inventory site and map reference 239)” in policy ENV1 on pages 35 & 36 of the TLNP (the Field) ;</p> <p>1.1.2 on behalf of xxxx (the Landowner);</p> <p>1.1.3 in response to the consultation process initiated by Harborough District Council (HDC) respecting the submission version of the Tur Langton Neighbourhood Plan (TLNP). The TLNP has been promoted by Tur Langton Parish Council (TLPC).</p> <p>1.2 The Landowner owns the freehold legal estate in a substantial part of the Field, as well as adjacent land immediately to the west of it comprising his home (xxx) which he occupies with xxx and a paddock associated with that property. xxx is therefore able to speak with direct experience of the characteristics of the Field and of the community of which he is a member, having lived in the village since January 2002.</p> <p>1.3 The Landowner objects to the designation of the Field as “Local Green Space” (LGS) as proposed in policy ENV1 on pages 35 & 36 of the TLNP. A copy of pages 35 & 36 of the TLNP is attached as appendix one for ease of reference the Field being shown shaded green and denoted “239” on Figure 4 on page 36.</p> <p>1.4 Such designation is irreconcilable with paragraphs 99 – 101 of the National Planning Policy Framework published in July 2018 (the New NPPF) and the TLNP fails to meet the ‘basic conditions’ in schedule 4 B to the Town and Country Planning Act 1990.</p> <p>1.5 This response therefore respectfully invites the Examiner:</p> <p>1.5.1 to conclude that the TLNP fails to satisfy the basic conditions in paragraph 8 (2) of schedule 4 A to the Town and Country Planning Act 1990 (insofar as applicable) because the Field should not be designated as amenity green space pursuant to policy ENV1 having regard to (i) national policies and advice contained in guidance issued by the Secretary of State; and (ii) the extent to which the making of the GENP would contribute to the achievement of sustainable development; and</p> <p>1.5.2 to recommend :</p> <p>(a) the deletion of the Field from policy ENV1 of the TLNP accordingly or at the least the deletion from figure 4 of that part of it owned by the Landowner as the same is shown edged red and identified as Land Registry Title Number LT 410010 on the plan at appendix two (the Landowner’s Land);</p> <p>(b) in respect of the small area of land shown edged red on the plan at appendix three - insofar as this has amenity value for the Landowner’s home and the paddock adjacent to it (the Amenity Land) – the deletion of the Amenity Land from : (a) figure 4 so that no designation as LGS shall apply to it; and (b) figure 7 so that no designation as ridge and furrow for the purposes of ENV5 shall apply to it either.</p>
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			<p>1.6 In respect of the deletion of the Amenity Land from figure 7 we are instructed that it simply does not contain any ridge and furrow and the Examiner is invited to recommend that figure 7 should be modified to exclude it on that straight forward basis. The issue of ridge and furrow in respect of ENV5 is not further addressed in these representations accordingly.</p> <p>2. The National Planning Policy Framework 2018</p> <p>2.1 The TLNP has been prepared by reference to the old national planning policy framework of March 2012 (the Old NPPF) but this has been superseded in its entirety by the current national planning policy framework of July 2018 (i.e. the New NPPF). Without prejudice to the specificity of the concerns raised below respecting the proposed designation of the Field as LGS, we reserve the Landowner's position as to whether the TLNP can be sensibly subjected to independent examination in its current form at all, given that the key national planning policy statement has been changed accordingly.</p> <p>2.2 If the TLNP in its current form were to be assessed against the basic conditions it would be its degree of consistency with <i>current</i> national policies and advice contained in guidance issued by the Secretary of State - centred upon the New NPPF - which would have to be assessed. That exercise would submit the TLNP to scrutiny against a policy framework it has not been designed to meet and whose medium term implications – in particular for housing requirements and housing land supply - cannot be determined until data enabling the first application of the new 'housing delivery test' is made available.</p> <p>2.3 In respect of the policies in the Old NPPF respecting designation of LGS these formerly appeared in paragraphs 76 and 77 of the National Planning Policy Framework as follows:</p> <p style="padding-left: 40px;">“[76] Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</p> <p style="padding-left: 40px;">[77]. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</p> <ul style="list-style-type: none"> ● where the green space is in reasonably close proximity to the community it serves; ● where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and ● where the green area concerned is local in character and is not an extensive tract of land.” <p>2.4 The New NPPF has slimmed down the policy and omits / amends the text highlighted in red above. It has separated the relevant policy out into three paragraphs as follows :</p> <p style="padding-left: 40px;">“99 The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be</p>
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		<p>consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.</p> <p>[100]. The designation should only be used where the green space is:</p> <ul style="list-style-type: none"> ● in reasonably close proximity to the community it serves; ● demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and ● local in character and is not an extensive tract of land . <p>[101] Policies for managing development within a Local Green Space should be consistent with those for Green Belts”.</p> <p>2.5 In refining national policy respecting the designation of LGS the Secretary of State has therefore :</p> <p>2.5.1 deleted the purposive statement to the effect that by such designation local communities “..will be able to rule out new development other than in very special circumstances” without replacing it with any equivalent formulation;</p> <p>2.5.2 retained the ‘exceptionality’ requirement for designation of LGS through the use of the word “only” in the phrase “ The designation should only be used where...” insofar as that word “only” can efficiently do the work previously also done by the sentence “The Local Green Space designation will not be appropriate for most green areas or open space...” such that the substance of the policy remains the same i.e. <u>designation will be exceptional because it will “only” take place when the criteria are satisfied</u>; and</p> <p>2.5.3 retained the three criteria in substance; and</p> <p>2.5.4 retained the word “and” between the second criterion and the third criterion such that as before in the NPPF <u>all three criteria must be satisfied</u> before a piece of land should be so designated.</p> <p>2.6 The designation of LGS within the TLNP has however clearly been approached on the misleading and now omitted purposive basis of ‘ruling out new development’ since the wording of policy ENV1 itself declares that “...development is ruled out other than in very special circumstances”. In the New NPPF it is clear that policy protection akin to that of green belt is the consequence of designation, but as the omission of the wording about the local community being able to “rule out development other than in very special circumstances” from the New NPPF makes clear, the intention behind the NPPF was never to invite local communities to use LGS designation in order to create “by the back door” a quasi- green belt around their settlements.</p> <p>2.7 It is important to recognise that creation of a kind of “Green Belt” by the back door is not the purpose of LGS designation, even if the effect of designation is to apply policies of constraint similar to those applicable in Green Belt areas. To proceed - as it is suggested that the TLPC may have done in this case - is to confuse <i>effect</i> with <i>purpose</i>.</p>
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		<p>2.13 Having regard to the NPPG, the Field is simply not an area of land appropriate for designation as LGS for the reasons indicated in section 3 below. Furthermore, not only would the Field fail to satisfy the criteria for registration as LGS (in the manner set out in sections 4,5 and 6 below) but it is also already subject to policy protection to a degree that no “additional local benefit” would be gained by designating any of it as LGS (as addressed in section 7 below). The NPPG states that it “Gives key advice on...the new local greenspace designation” (emphasis added); it must not only be taken into account but given significant weight in respect of this aspect of the process of neighbourhood plan preparation accordingly.</p> <p>3. What types of green area can be identified as Local Green Space?</p> <p>3.1 The heading of this section mirrors the heading of a short paragraph in the NPPG which states : “The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, <u>green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis</u>”.(emphasis added) (The reference to paragraph 77 of the Old NPPF should be read as a reference to paragraph 100 of the New NPPF).</p> <p>3.2 It is apparent from the list of examples given that in order to be of particular importance to the community so as to be capable of consideration for designation as LGS however, a green area must already :</p> <p style="padding-left: 40px;">3.2.1 have some formal built structure or facility on it (sports pavilion/boating lake/war memorial) or</p> <p style="padding-left: 40px;">3.2.2 be subject to some element of community use (allotments)</p> <p>the only exception to that amongst the examples being that of a “tranquil oasis”, although that exception is confined to such green spaces where they may occur within an urban setting and is not relevant to a settlement such as Tur Langton.</p> <p>3.3 None of these examples – or anything like them – are true of the Field. On the contrary, the Field is in ordinary agricultural use, as grazing land for sheep.</p> <p>3.4 It is devoid of any structure giving a community significance or focus, nor is there any public use of it (either as allotments or in any other way).</p> <p>3.5 There is no right of public access to it.</p> <p>3.6 The issue was addressed by Rosemary Kidd Dip TP MRTPI (the Kibworth NP Examiner) in her report into the draft Kibworth neighbourhood plan at paragraph 4.146 and 4.152 (extracts form which appear at appendix 4). Kibworth is a larger settlement than Tur Langton, being the nearest substantial settlement to it to the west.</p> <p>3.7 The Kibworth NP Examiner stated that : “ The critical test is to meet all the criteria set out in paragraph 77 of the National planning Policy Framework. Whether to designate land is a matter for local discretion . For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban</p>
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		<p>spaces that provide a tranquil oasis....”. The Examiner therefore rightly took into account the examples as practical guidance <i>respecting the types of space and land use</i> which the policy is aimed at.</p> <p>3.8 The Kibworth NP Examiner went on to make it clear that although the promoters of a neighbourhood plan might wish to misuse LGS designation for the purpose of constraining development it was not acceptable to designate entire agricultural fields at the edges of the settlement as LGS. She stated that : “With the prospect of a proposal of a large scale development it is understandable that the local community had identified areas of countryside around the village as special to them. However, of and by itself <u>this is considered to be insufficient to justify safeguarding these fields of agricultural land.</u>” (emphasis added). The Kibworth NP Examiner therefore rightly adopted an objective approach having regard to the stark contrast between:</p> <p>3.8.1 the examples of the types of community facility which the LGS designation is aimed at, and</p> <p>3.8.2 the ordinary agricultural field system around most rural settlements which is plainly not what the LGS designation is intend to affect.</p> <p>3.9 The Kibworth NP Examiner therefore concluded as follows respecting the approach which should be taken towards applying the criteria (in what is now paragraph 100 of the New NPPF but was at that time paragraph 77 of the Old NPPF) : “ When considering each site, it has to be clear why the site is particularly special <u>and different from other fields or areas of countryside</u> in the locality in order for it to be designated for safeguarding ” . The Kibworth NP Examiner duly <i>recommended the deletion</i> of various such sites around Kibworth from designation within the Kibworth neighbourhood plan, as LGS.</p> <p>3.10 Like them, the Field is also neither particularly special nor different from other fields in the locality. It does not merit designation as LGS accordingly.</p> <p>4. The First Criterion : is a proposed LGS area in reasonably close proximity to the community it serves ?</p> <p>4.1 In order to satisfy this criterion in paragraph 100 of the New NPPF a proposed LGS area would have to : (a) serve a community; and (b) be in close proximity to that community.</p> <p>4.2 For the reasons set forth in section 5 below however the Field does not serve the community of Tur Langton because it is not “demonstrably special” and does not hold “a particular local significance” (R (on the application of Legard) v Royal Borough of Kensington and Chelsea [2018] EWHC 32 (Admin)).</p> <p>4.3 Even if the Field were understood to serve the community of Tur Langton in some way, the NPPG states that : “ The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, <u>but it must be reasonably close.</u> For example, if public access is a key factor, then <u>the site would normally be within easy walking distance</u> of the community served.”</p> <p>4.4 As far as Tur Langton is concerned, the settlement is basically linear in form on an east/west axis, but with two wings at</p>
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		<p>its eastern end projecting approximately north and south from the junction of Shangton Road/Melton Road with Main Street. Because the Field is so large, the easternmost parts of it are well over 400 metres away from the westernmost parts of the village. Furthermore the ground continues to rise from west to east so walking from the western end of the village toward the Field would not be on the level either.</p> <p>4.5 Since however there is no reason for any member of the community to go the Field except to walk along the public footpath outside its southern edge, the practical reality is that a walker <i>setting out to use the particular public footpath</i> through the neighbouring field will by definition regard it as reasonably close. Their purpose however would be to use the footpath outside the Field, their right to do so being already protected by legislation. That cannot function as a reason for designating any part of the Field as LGS.</p> <p>4.6 In this context it is worth noting that residents living towards the western end of the village have access to a range of much closer public rights of way - including those offering the opportunity to make circular walks - in any event. It is not obvious that they would wish to use the footpath across the neighbouring field at all for local leisure walking. Since in any event that footpath is outside the Field itself it only underlines the fact that the Field has no particular importance for the community as a whole.</p> <p>4.7 The more fundamental reasons for the proposed designation of the Field as LGS failing to meet the requirements of paragraph 100 of the New NPPF arise from the many respects in which it does not satisfy criteria 2 and 3 therein in the manner summarised below.</p> <p>5. Criterion 2 : is the proposed LGS demonstrably special to the local community and does it hold a particular local significance ?</p> <p>5.1 Criterion 2 gives a number of examples of factors which a site might give a site such value to a local community as to amount to 'particular local significance'. These comprise any beauty, historic significance, or recreational value (including as a playing field) it may possess, its tranquillity, or the richness of its wildlife.</p> <p>5.2 The short point is that ordinary agricultural fields around a village do not generally exhibit any such features as there is no specific characteristic of the Field which would do so in this case. Addressing each of the examples in turn :</p> <p>5.2.1 the Field land is not of natural (or artificial) "beauty": It is rough pasture with a gravel pit towards its south-eastern corner, and some ridge-and-furrow in parts, and (unless the route of that path is within plot 240 when fully platted out) traversed by a footpath whose route is simply a worn track across the grassland.</p> <p>5.2.2 The Field does trees / a spinney but these trees :</p> <ul style="list-style-type: none"> (a) have never been subject to tree preservation orders either individually or as a woodland group, nor (b) have not been identified in the TLNP itself as significant trees of woodland for the purposes of policy ENV3 (figures 6.1 and 6.2). <p>Furthermore the Field has never been designated as a SSSI by reason of the quality of its natural environment, nor</p>
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			<p>has the conservation area for Tur Langton ever been extended to include any part of the Field;</p> <p>5.2.3 the Field has no historic significance: there is no above ground building or structure protected by any statutory designation or listed as being of local historic interest in any existing development plan document; in the inventory the attribution of a score of 3 out of a possible 4 is not supported by any heritage or archaeological report by an appropriately qualified consultant ; the expression “geological heritage significance (gravel pits) ” is used in the “supporting document” (copy at appendix 5) under the heading “evidence” but that is ambiguous and that document contains no reference to a geological report by an appropriately qualified consultant either; the only specific historic feature of the Field identified in the TLNP is the ridge and furrow but that is protected under its own policy namely ENV5; the environmental inventory suggests that all ridge and furrow containing land has been ascribed a score of 3 out of a possible 4 points although this appears disproportionate and unsupported by any methodology (e.g. land of outstanding heritage value containing a grade I listed building and its setting would on this basis only score one additional point more than a bare ridge and furrow field);</p> <p>5.2.4 There is moreover no public access to the Field as such, either for recreational use or any other use; the public footpath does not even pass through the Field at all but instead passes to the south of it;. It is clear that the examples in the NPPG indicate that primarily to be designated as LGS however relevant land should <u>already have largely unrestricted public access</u>, though even in places like parks there may be some restrictions. Whilst it acknowledges that “ ...other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty)” there are no significant views into /across the Field from the public footpath because a substantial hedge circa eight feet in height creates a significant boundary according to our instructions;</p> <p>5.2.5 It is therefore only <i>secondarily</i> that non-publicly accessible land might be considered for designation, and that would be because of other factors (beauty etc) It is therefore not justifiable to ascribe a score of 2 out of a possible 4 to the Field - the Field as such should more properly in this legal context be ascribed a score of zero for accessibility on this basis;</p> <p>5.2.6 The Field has no particular “tranquillity” value above and beyond that of the countryside outside the village in general. Criterion 2 is about establishing any <u>special</u> significance or <u>particular</u> importance, but this cannot be done by reference only to quotidian features of marginal fields widely shared by hundreds of acres of such spaces around settlements in the Harborough District and beyond.</p> <p>5.2.7 Furthermore the example given in the NPPG is that of a “tranquil oasis” specifically within an urban setting. Tranquillity in general is not supported as a factor by which to evaluate whether land in a rural setting might be designated as LGS, and when the example in the NPPG is properly considered in full it clearly refers to a green lung surrounded by urbanised development (i.e. an “oasis” in that sense) – it is wholly inappropriate to try to apply this as an evaluative factor to agricultural land largely surrounded by other agricultural fields.</p>
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		<p>40 acres and to extend in the case of the Field and site 240 - <i>along the entire length of the Shangton Road/Melton Road side of the village</i> (and in the case of sites 418 and 433 along circa 80 % of the entire length of the southern edge of the settlement with a break lying fairly centrally along that edge).</p> <p>6.2 The expression “ extensive tract of land” is not defined in the New NPPF. Its interpretation should be approached on the general basis summarised by Lindblom LJ in <i>St Modwens Ltd v Secretary of State for Communities and Local Government and others</i> (2017) at paragraph 6 (4) :</p> <p style="padding-left: 40px;">“(4) Planning policies are not statutory or contractual provisions and should not be construed as if they were. The proper interpretation of planning policy is ultimately a matter of law for the court. The application of relevant policy is for the decision-maker. But statements of policy are to be interpreted objectively by the court in accordance with the language used and in its proper context. A failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration (see the judgment of Lord Reed in <i>Tesco Stores v Dundee City Council</i> [2012] P.T.S.R. 983, at paragraphs 17 to 22)”</p> <p>6.3 In the NPPG it is stated that : “ 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 77 of the National Planning Policy Framework is clear <u>that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land.</u> Consequently <u>blanket designation of open countryside adjacent to settlements will not be appropriate.</u> In particular, 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....”.</p> <p>6.4 <u>Both in terms of its total area (circa 16.3 acres according to our instructions), its shape and its relationship to the settlement the Field is clearly an extensive tract of land.</u></p> <p>6.5 The third criterion is intended to limit the impact of LGS designations to smaller and more contained areas of land, and whilst there may be no “hard and fast rules” as the NPPG indicates, the designation is clearly not intended to apply to large agricultural fields outside rural settlements, such as the Field.</p> <p>6.6 When Figure 4 in the TLNP is considered, it appears that the draftsman has substantially fallen into the very trap which the NPPG cautions against i.e. in the TLNP a blanket designation of extensive tracts of open countryside adjacent to the village is being proposed.</p> <p>6.7 This interpretation of the position enjoys recent relevant local support from the report into the Kibworth neighbourhood plan (extracts at appendix 2). The Kibworth NP Examiner – who was faced with smaller and less extensive areas of land proposed for designation than the broad fields now being put forward through the TLNP – nonetheless still expressed the concern that : “ Unless there is robust evidence to justify the proposals to safeguard them, it is considered that these designations would amount blanket restrictions contrary to NPPF paragraph 16 and the PPG [paragraph 4.149] ...I have considered the evidence presented in the environmental inventory and visited the proposed Local Green Spaces. It is</p>
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		<p>considered that sites 001, 003, and 005 when considered alongside the sites proposed in policy ENV2 <u>amount to an extensive tract of land</u> [4.154] ...<u>It is recommended that</u> sites 001 Langton Field, 003 Harcourt Field, 005 Banner and 034 First (Delcus) do not satisfy the criteria of NPPF paragraph 77 and are not suitable for designation as local Green Space and <u>should be deleted</u> from policy ENV1".(emphasis added).</p> <p>6.8 In our respectful view the same is true a fortiori in respect of the Field.</p> <p>6.9 In fact each of the four sites numbered 240, 239, 418 and 433 individually appears to be an extensive tract of land in the ordinary and natural meaning of those words, when read in the context of the clear intention of the policy to limit the impact of LGS designation to smaller and less extensive sites even if they fulfil the other two criteria.</p> <p>6.10 On figure 4 in the TLNP there is an obvious contrast between each of those tracts of land and the much smaller and semi-contained site number 417 which nestles into the western end of the settlement, and whose candidature for designation (about which we express no further view) is at least not ruled out by criterion 3 as all the other four open countryside sites outside the village clearly are.</p> <p>7. Would any additional local benefit be gained by designating the Field as Local Green Space ?</p> <p>7.1 The Field is already subject to the countryside protection policies in the existing core strategy (to be replaced in 2019 by their updated equivalents in the new local plan). Even within the TLNP itself policy will constrain development on the Field insofar as :</p> <p>7.1.1 the Field is entirely outside the limits to development (LtD) respecting which policy S2 states that "Land outside the defined limits to development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies"; and</p> <p>7.1.2 the Field is shown as subject to draft policy ENV5 (ridge and furrow fields) which states : " The surviving areas of ridge and furrow fields (figure 7) are non-designated heritage assets and any harm arising from a development proposal will need to be balanced against their significance as heritage assets".</p> <p>7.2 Having regard to the existing and proposed policy matrix applicable to the Field, there is no additional public benefit in designating it as LGS. The future developability of the Field will depend upon a balanced planning judgment including for the purposes of section 38 (6) of the Planning and Compulsory Purchase Act 2004 an assessment of whether or not such a proposal accords with the development plan. The TLNP once "made" as a neighbourhood plan will form a part of that development and the policies of restraint within it including S2 and ENV5 will apply to it accordingly. There is no additional public benefit in requiring "very special circumstances" to be proven in addition before any such decision were made – effective development control can be perfectly well exercised without designating the Field as LGS and to do so would represent policy-overkill contrary to the NPPG.</p> <p>8. The Amenity Land</p>
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		<p>8.1 If – contrary to the Landowner’s view – it were considered that nonetheless some part of the Field ought to be designated as LGS, the Landowner considers that any such designation should at the least exclude the Amenity Land.</p> <p>8.2 This area of the Field comprises only a small rectangular area abutting the land adjacent to the frontage of the Landowner’s house and the paddock. It comprises only bare ground with a surface of grass.</p> <p>8.3 Insofar as this may be developable by the Landowner in the future – for example by the laying out of vehicular access to the Paddock – there is no reason for such modest and appropriate development proposals to have to be adjudged against policy restrictions akin to those applicable to Green Belt. They could be determined on their own merits against policy applicable to the countryside.</p> <p>9. The TLNP Process to date (including the Environmental Inventory Assessment)</p> <p>9.1 The analysis set out in the ‘environmental inventory’ for the TLNP (in which the Field is site 239 albeit there named as “East Meadow” whereas in the text of policy ENV1 it is referred to as “Old Pits Meadow”) - purportedly scoring 24 out of a possible 32 points) is moreover flawed in the following respects:</p> <p>9.1.1 It does not apply the criteria in paragraph 100 of the New NPPF but introduces the following additional criteria: “Access” and “Bounded”; and</p> <p>9.1.2 It fails to apply the <i>exclusionary</i> test of whether or not the site under assessment is an “..extensive tract of land...” at all; and</p> <p>9.1.3 It adopts ‘specialness to the community’ as a separate criterion in addition to the examples in paragraph 100 criterion 2 (“..beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife...”) but this is illogical since those examples are supposed to be examples of matters <i>which would make a site objectively special to the community</i> – such “specialness” is pre-supposed in respect of each of them and having a separate category of ‘specialness’ to which 4 out of the available 32 points in the scoring system are ascribed is not logical and is a vehicle for highly subjective <i>general</i> judgments on the part of the members of the TLPC unattached to any of the specific examples in criterion 2 of paragraph 100 of the New NPPF or to any other specific factor;</p> <p>9.1.4 It adopts “boundedness” as a criterion. Whilst it may be logical to only identify land having defined boundaries as a <i>formal</i> pre-condition to considering its merits it cannot be a reason for actually ascribing higher value to it on its <i>substantive</i> merits for the purpose of assessing whether or not it ought to actually <i>be</i> local green space. What the inventory does is ascribe another 4 out of the available 32 points to this formal characteristic, when it can logically tell one nothing about the degree of specialness of the site to the community by virtue of the type of factor referred to in paragraph 100 criterion 2;</p> <p>9.1.5 The adoption of “access” as a criterion is also illogical insofar as “..recreational value (including as a playing</p>
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		<p>field”)..” in the examples in criterion 2 in paragraph 77 of the NPPF pre-supposes that community access is possible. For a site which was a playing field a maximum score of eight would arise (4 because of recreational value and 4 because it was accessible) even though <i>the recreational value presupposed the accessibility in any event</i>; that would double the weight being given to this factor without explanation or justification;</p> <p>9.1.6 The scoring system does not ascribe the same maximum number of points to each of the examples in criterion 2 to paragraph 100 of the NPPF but instead ascribes only 2 points each to “beauty” and “tranquillity” respectively but 4 points to historic interest, wildlife interest and recreational value. No explanation for this is given in the inventory itself but it will have the effect of overvaluing sites which have merit in terms of the latter above those having merit in terms of the former; and</p> <p>9.1.7 The scoring system adopt tranquillity as a factor even though the NPPG makes it clear that this is intended to apply to a green lung (i.e. a tranquil oasis) within an urban area rather than being used to attempt to differentiate one field from another across a rural parish.</p> <p>9.2 The scoring system has moreover been applied inaccurately to the Field in the following respects:</p> <p>9.2.1 “Access”: it has scored 2 out of a possible 4 in other words 50% of the maximum in terms of accessibility but there is however no community or public right of access to any of the Field whatsoever; the public right of way runs outside its southern boundary and it should have scored zero for this specific reason (but arguably all sites should have scored zero because the NPPF does not put this forward as a separate criterion in any event);</p> <p>9.2.2 ‘Bounded’: it has scored 4 out of a possible 4 but merely having defined boundaries tells one nothing about whether it has any merit as local green space (please see above); it is illogical to use this a criterion at all and nothing in the Old or the New NPPF justifies doing so; it should have scored zero (and all sites should have scored zero in this sense since if they lack definable boundaries they should not formally designated in the TLNP at all); and</p> <p>9.2.3 “Special (community)”: it has scored 4 out of a possible 4 but this is mere surplusage and tells one nothing specific about any <i>objective</i> characteristic of the site; it should have scored zero in the sense that all sites should have scored zero – if the TLPC thought that there were other <i>specific</i> factors of importance to the community which ought to be used for assessing the merits of sites as potential LGS it ought have given such a factor a column of its own.</p> <p>9.3 The practical effect of these general flaws in the scoring system and the specific inaccuracies in respect of the Field - is that it has effectively <i>not been assessed at all</i> as against the actual requirements of what is now paragraph 100 of the NPPF. The inclusion of the Field within policy ENV1 does not meet the basic conditions accordingly.</p> <p>10. Conclusion</p> <p>10.1 Mere assertion of ‘specialness to the community’ on the part of a plan-promoting body – in support of a submission</p>
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		<p>version of a neighbourhood plan - cannot by itself establish that relevant land merits designation as “Local Green Space”. Given the extreme consequence which that has under paragraph 101 (namely that the land becomes restricted in the manner of Green Belt land) all the criteria in paragraphs 99 and 100 of the New NPPF must be applied.</p> <p>10.2 Those criteria must be satisfied in rigorous and objective terms, but when that is done there is no reason to think that the Field actually does merit such designation nor that it merits any greater protection than does other land within the open countryside. As the NPPG emphasises, the LGS designation is not supposed to be used to create a kind of Green Belt by the “back door” . The Landowner considers however that the TLPC may be misusing it to attempt to do exactly that.</p> <p>10.3 In particular figure 4 in the TLNP identifies extensive tracts of land east and south of the settlement as potential LGS ; criterion 3 in paragraph 100 of the New NPPF is not satisfied accordingly. The Field is a large agricultural field with no public access and when considered on a proportionate basis in the context of a small settlement like Tur Langton, the designation of it as LGS would clearly be a disproportionate misuse of the discretion.</p> <p>10.4 The Kibworth NP Examiner firmly rejected the designation of substantial agricultural field space around a settlement as LGS when considering the same issue in respect of the next settlement to the west, within the Harborough District, as recently as September 2017.</p> <p>10.5 The Field would moreover also fail to meet criterion 2 in paragraph 100 of the New NPPF – it is not of particular local significance in objective terms, It :</p> <p style="padding-left: 40px;">10.5.1 is not used by the community for recreational or any other purpose (being private farmland with no public access);and</p> <p style="padding-left: 40px;">10.5.2 is entirely outside the settlement.</p> <p>10.6 When one considers the guidance in the NPPG it is clear that fields in ordinary agricultural use outside rural settlements are entirely outside the scope of what is contemplated by the NPPF in land use terms. There is no sports pavilion, boating lake or any similar structure which might give the Field a community-focus – no war memorial - and the Field is not in use as allotments or for any other community use. It does not provide a tranquil oasis within an urban area – which is what the NPPG refers to rather than identifying tranquillity as a general factor whereby to assess suitability to designate - for obvious reasons either).</p> <p>10.7 Although the assessment process adopted by TLPC is moreover highly questionable the Landowner would respectfully seek at least the exclusion of the Landowner’s Land from the designation. Failing that, the Landowner would at the very least seek the exclusion of the Amenity Land from the designation. It is immediately adjacent to his house and paddock and itself lacks any material feature pertinent to an assessment of its merits against the criteria for LGS designation.</p> <p>10.8 The failure to meet the criteria on paragraph 100 of the NPPF is a failure to meet the basic conditions in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 insofar as it is a failure to have regard to the national policies and</p>
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		<p>advice contained in guidance issued by the Secretary of State. To designate the Field as LGS would furthermore fail to meet the basic conditions insofar as it would not contribute towards the achievement of sustainable development.</p> <p>10.9 No part of the Field should be designated as LGS – and certainly not the Landowner’s Land - accordingly (or at the very least the Amenity Land should be excluded from any such designation). The TLNP should therefore be modified by the deletion of all reference to the Field from policy ENV1 (or at least figure 4 should be modified to exclude the Amenity Land from the land shaded green thereon) . The Examiner is respectfully invited to recommend accordingly.</p> <p>10.10 These representations are made without prejudice to any step which may be taken or any argument which may be advanced on behalf of the Landowner hereafter.</p> <p>Appendix 1 – Excerpt from Tur Langton NDP (submission version)</p>
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Settlement, territory and land use in the East Midlands: The Langton Hundred c.150BC – c.AD1350 Bowman, P., 1995 (unpublished PhD thesis, University of Leicester)
A history of the County of Leicestershire Volume 5, Gartree Hundred (Victoria County History, 1964) via british-history.ac.uk

The MAPS in this section have been reduced to fit the document page size. Full-size versions are provided as *supporting documents*

Local Green Spaces

An Environmental Inventory [List (Appendix 1) and Maps (Appendices 2 and 3) in supporting information] of all undeveloped land in the Parish was carried out between May and September 2016. Information was compiled from existing sources (national and/or local designations, records and mapping), fieldwork and local knowledge and records, combined with the results of the consultation (open events and questionnaires) with residents conducted for this Plan.

Of the (estimated) 139 parcels of open, undeveloped land in Tur Langton, 44 were identified as having significant environmental (natural, historical and/or cultural) features. These features have been listed to provide the evidence base for the *environment* component of *sustainable development* in the Plan Area.

The 44 inventory sites of most significance for biodiversity, history and community value were scored against the nine criteria for Local Green Space eligibility in the *National Planning Policy Framework 2012*. Five sites score 75% or more of the maximum possible and are proposed for designation as Local Green Spaces. Their statutory protection will ensure that these five most important places in Tur Langton's unique natural and human landscape are protected.

Further information on these Local Green Spaces is provided in Appendix 4

POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACES – Within the area of Local Green Space sites designated in this policy and identified on the map below (Figure 4), development is ruled out other than in very special circumstances.

- Old Pits Meadow (inventory site and map reference 239)
- East Field (240)
- Old Chapel paddock (417)
- Manor Gardens earthworks meadow (418)
- South Meadow (433)

Figure 4 – Local Green Spaces



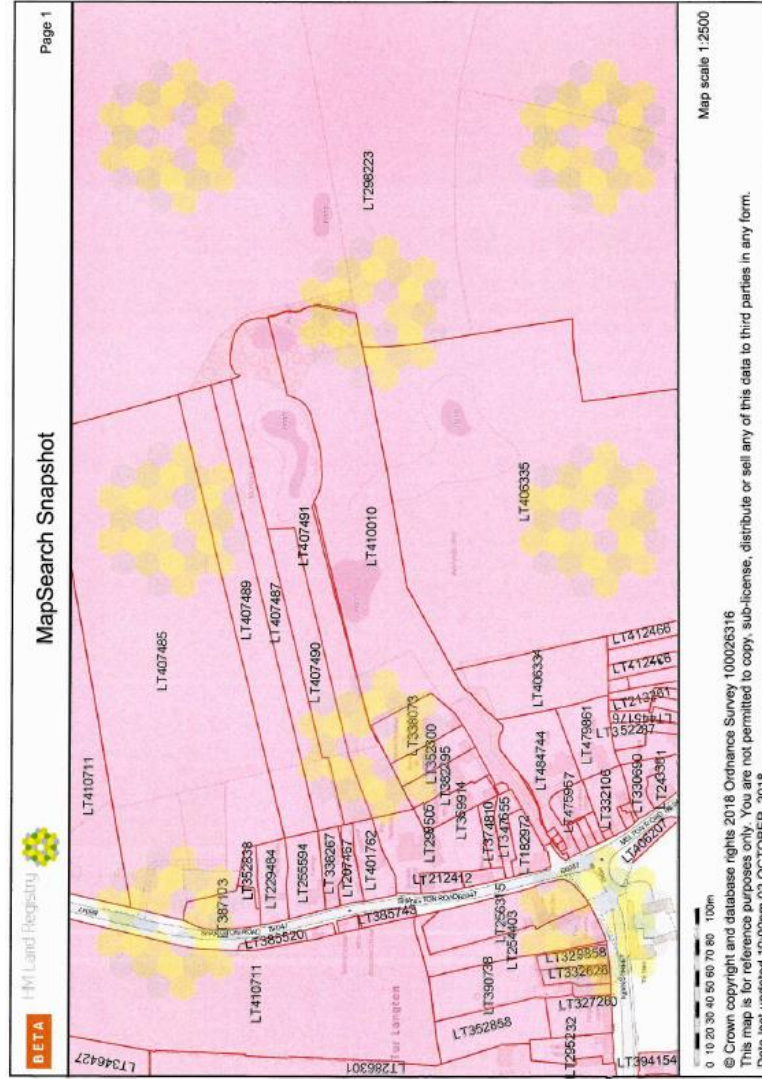
Other sites of environmental significance

The remaining natural and historical environment sites identified in the inventory are all significant at parish level. The natural environment sites are mainly those where *priority habitats* occur or where *priority species* have been recorded. Policy ENV 4, below, deals with the community's wish to promote protection of these priority habitats, priority species and species of conservation concern, in general; Policy ENV 2 here deals with the identified site-specific occurrences. The historical environment sites comprise parcels of land of known (Historic England and Leicestershire & Rutland Historic Environment Records) or of local history significance.

POLICY ENV 2: PROTECTION OF OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE – The following sites (environmental inventory and map figure 5) are of local significance for wildlife and/or history. They are important in their own right and are locally valued. Development proposals that affect them will be expected to protect or enhance their identified features.

Field with site of Roman villa (inventory site 404)	village (120)
Field with Anglo-Saxon site and woodland (411)	Small enclosure field north of 'St Andrews View' (122)
John Stanhope Memorial Wood (413a)	Small enclosure field north of South View farm (125)
Ridge and furrow field north of	Long field west of Shangton Road (130)

Appendix 2 – Land Registry information



Appendix 3 – Small Area of paddock



Appendix 4 – Excerpt from Kibworth NDP Examiners Report

- 4.131 I consider that the requirement to open a relief road in advance of the construction of any houses may place a burden on the new development that would affect the viability of the development and would be contrary to advice in the PPG. The requirement should therefore be modified to make provision for the relief road being delivered on a phased basis as an alternative. Consequential amendments should be made to section 5a on Transport and Access.
- 4.132 Criterion e) refers to a mix of housing types and sizes being delivered. The final paragraph of the justification refers to the housing development meeting the housing needs as set out in other policies in the Plan. Policy H5 on Housing Mix provides very little guidance on the type and size of housing required. To provide greater clarity so that this matter can be determined consistently by decision makers it is recommended that the housing mix of any future development on the SDA, if it is allocated in the plan area, should be based on up to date housing needs and aspirations studies.
- 4.133 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 25: revise Policy H11 as follows:

Revise the first paragraph of Policy H11 to read: "*If the North East of Kibworth SDA is allocated for development, the development proposals should provide for:*" (revise the wording of the criteria for grammatical reasons).

Revise criterion a) to read: "*The construction of a relief road in advance of the construction of new housing or phased in conjunction with the development of the housing.*"

Add the following to the end of the final paragraph of the justification: "*and up to date housing needs and aspirations surveys and/or housing market assessment.*"

4. Natural and Historic Environment

- 4.134 An inventory of environmental information has been collated by a group of local residents for over 100 parcels of land on the edge of the settlement and throughout the rural area within the parish. The sites have been scored against a number of factors developed from the criterion for assessing Local Green Space in NPPF paragraph 77. To assess whether the site was "special to the community" the inventory relied on the opinion of local people from the questionnaires and responses at the community consultation.
- 4.135 Eleven sites scored more than 75% of the maximum score and a further 14 sites were considered to have a high level of natural or historic significance or community value. Other environmental features were also identified such as

			<p>trees, hedgerows, ridge and furrow, views/landscape and susceptibility to flooding and these have been included in other policies.</p> <p>4.136 A representation has been made stating that it is not clear how robust the evidence can be considered in view of the lack of information on the qualifications of the assessment team. There is particular concern about the large areas of the parish covered by the Important Views and Ridge and Furrow Policies ENV5 and ENV7. Two other representations question the robustness of the evidence because there is no explanation of the methodology, or the justification for any of the scores provided and why this leads to a valid Local Green Space designation. Regardless of this the representation notes that designating land as Local Green Space would restrict the available land for meeting the housing requirement.</p> <p>4.137 Two representations have been made concerning a planning application for a development proposal for 45 houses on site 073. This is not a matter for consideration in the Neighbourhood Plan examination.</p> <p>4.138 One representation states that the site should be protected as valued open space as it is designated as Important Open Space under saved Policy HS/9.</p> <p>4.139 I have asked the Local Planning Authority to confirm the status of open land safeguarded under Policy HS/9. They have stated that this is a saved policy from the 2001 Local Plan which is now not possible to implement because it was adopted so long ago and lacks supporting evidence.</p> <p>4.140 The boundary of the site 073 is not defined on the Environmental Inventory Map. The inventory report states that the site is a private garden.</p> <p>4.141 I am not satisfied that sufficient robust evidence has been provided to support the safeguarding of site 073 under the environmental policies of the Neighbourhood Plan.</p> <p>Policy ENV 1: Protection of Local Green Spaces</p> <p>4.142 NPPF paragraph 76 sets out the national policy on the designation of Local Green Space and states:</p> <p><i>"Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period."</i></p> <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 36</p>
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			<p>4.143 Paragraph 77 states that <i>"the Local Green Space designation will not be appropriate for most green areas or open space."</i> It sets out criteria to be used to determine whether the designation would be appropriate. These are:</p> <ul style="list-style-type: none"> • <i>"where the green space is in reasonably close proximity to the community it serves</i> • <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife</i> • <i>where the green area concerned is local in character and is not an extensive tract of land."</i> <p>4.144 The Planning Practice Guidance provides guidance on a number of matters relating to the designation of Local Green Space.</p> <p>4.145 There is no national definition of green space and in response to the question "What types of green area can be identified as Local Green Space?" the PPG advises that:</p> <p><i>"The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis."</i></p> <p>4.146 The critical test is to meet all the criteria set out in paragraph 77. It is noted that the examples given are areas where the public usually has access to the area as a whole rather than solely by way of a public footpath crossing the site. The PPG advises that other land could be considered for designation even if there is no public access and gives examples of green areas which are valued because of their wildlife, historic significance and/or beauty.</p> <p>4.147 The Environment Group should be applauded for the work they have undertaken in collating an extensive amount of data about the sites in the parish. However I have concerns that the method of assessing sites using a scoring method has not fulfilled the assessment requirements sets out in NPPF paragraph 77 which requires that sites should meet all three tests.</p> <p>4.148 The assessment records historical and environmental features but has not included an expert assessment of the data to evaluate the significance of the site. For example, site 001 is recorded as a candidate Local Wildlife Site in the 2014 Phase 1 Habitat Survey and various features are described. However, it is not possible from this description to evaluate whether the features on the site are of sufficient significance to justify safeguarding the whole of the area.</p> <p>4.149 I have considered all the sites included in the inventory, particularly those within and adjacent to the settlement. It is evident that taken together the designation of the sites proposed as Local Green Space and Sites of High</p> <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 37</p>
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			<p>Environmental Significance under Policies ENV1 and ENV2 would protect extensive tracts of agricultural land on the edge of the village and thereby preclude consideration of development on them. Unless there is robust evidence to justify the proposals to safeguard them, it is considered that these designations would amount blanket restrictions contrary to NPPF paragraph 16 and the PPG.</p> <p>4.150 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are proposed for designation under both Policies ENV1 and ENV2.</p> <p>4.151 In view of the lack of a specialist assessment of the significance of the natural and historic features described, I am unable to determine whether they are of sufficient importance to justify placing a blanket protection on the sites. If any of the sites were to be considered for development it would be for the developers to undertake detailed environmental assessments using specialist expertise to demonstrate the significance of the features and propose a means of safeguarding them where appropriate. Other policies in the Neighbourhood Plan address the various types of natural and historic features that have been identified in the countryside around the village.</p> <p>4.152 With the prospect of a proposal of a large scale development it is understandable that the local community has identified areas of countryside around the village as special to them. However, of and by itself this is considered to be insufficient to justify safeguarding these fields of agricultural land. When considering each site, it has to be clear why the site is particularly special and different from other fields or areas of countryside in the locality in order for it to be designated for safeguarding.</p> <p>4.153 The definition of Local Green Spaces in the PPG gives examples of the types of areas that could be considered suitable including sports grounds and tranquil areas within the built-up area. A number of these were included in the inventory but they do not appear to have been selected for designation as Local Green Spaces in the Neighbourhood Plan.</p> <p>4.154 I have considered the evidence presented in the Environmental Inventory and visited the proposed Local Green Spaces. It is considered that sites 001, 003, and 005 when considered alongside the sites proposed under Policy ENV2 amount to an extensive tract of land. I am not convinced that there is robust evidence to demonstrate that any of these and other areas of agricultural land are sufficiently special to warrant their designation as Local Green Space.</p> <p>4.155 It is recommended therefore that sites 001 Langton Field, 003 Harcourt Field, 005 Banner, and 034 First (Delcus) do not satisfy the criteria of NPPF paragraph 77 and are not suitable for designation as Local Green Space and should be deleted from Policy ENV 1.</p> <p>4.156 My conclusions on the remaining sites are:</p> <ul style="list-style-type: none"> • Site 030 Tin Bridge Paddock - the Local Planning Authority has confirmed that the appeal on site 030 Tin Bridge Paddock has been allowed. In the <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant Page 38</p>
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			<p>circumstances it would not be appropriate to identify the site as a Local Green Space as this would conflict with NPPF paragraph 76.</p> <ul style="list-style-type: none"> • Site 031 Storm water retention basin is an attractive area of open land with public access from Warwick Road recreation ground. It is considered that it satisfies the designation criteria. • Site 071 Kibworth Harcourt Fishponds is part of a field and has no public access. It has some local heritage significance, however, the boundaries of the site are not clearly distinguishable and the assessment has not demonstrated that it is demonstrably special to the local community. It is considered that it does not satisfy the designation criteria as a Local Green Space. • Site 096 Church Road east woodland, allotments and pond is a small area of open space and unused allotments with public access. It is considered that it satisfies the designation criteria. <p>4.157 A representation has been made by Anglian Water concerning the application of the policy to land within their ownership at Church Road (site 096) and whether the policy would allow Anglian Water to undertake development required to meet their statutory and/or corporate obligations. The representation proposes that the policy should state the “<i>development of utility infrastructure</i>” instead of its “<i>safeguarding</i>”. I recommend that this amendment should be made.</p> <p>4.158 A representation has been made objecting to the designation of sites within the proposed SDA area (sites 1, 3, 5 and 71).</p> <p>4.159 A representation has been made to the proposed designation of site 30 Tin Bridge Paddock stating that there is no public access to the site or views into or from the site. The site has no natural or historic conservation significance. No evidence has been supplied to demonstrate that the site is any more special than any other areas of undeveloped land.</p> <p>4.160 In order to improve the clarity of the wording of the policy, modifications are proposed to refer to the designation of the sites as Local Green Space, to delete reference to development being “ruled out” and to include development of utility infrastructure instead of safeguarding it. The justification should also be revised to explain that the policy on managing Local Green Spaces is consistent with that on Green Belts as set out in NPPF paragraph 78.</p> <p>4.161 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.</p> <p>Recommendation 26: Revise Policy ENV1 as follows:</p> <p>Revise the wording of the first paragraph of Policy ENV1 to read: “<i>Local Green Space are designated on the following sites shown on the Proposals Map. Development on the sites will not be acceptable other than in very special circumstances, including the development of utility infrastructure</i>”</p> <hr/> <p>The Kibworths’ Neighbourhood Plan Independent Examiner’s Report Final Rosemary Kidd MRTPI Planning Consultant Page 39</p>
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			<p>Delete the following sites: 001 Langton Field, 003 Harcourt Field, 005 Banner, 030 Tin Bridge Paddock, 034 First (Delcus) and 071 Kibworth Harcourt Fishponds and revise the Proposals Map.</p> <p>Update the justification to explain that sites are designated where they meet all the criteria of NPPF paragraph 77. Update the text to refer to the revised number of sites. Delete reference to the selection being based on the scoring methodology. Note there is no requirement in the NPPF for sites to be "bounded".</p> <p>Add the following to the end of the second paragraph of the justification under the heading Local Green Space: <i>"The policy for managing development within a Local Green Space is consistent with that for Green Belts in that development will only be acceptable in very special circumstances."</i></p> <p>Policy ENV 2: Protection of Other Sites of High (Natural and Historical) Environmental Significance</p> <p>4.162 Policy ENV2 designates 11 sites of High Natural and Historical Significance for protection and enhancement. These sites scored between 19 and 23 on the Environmental Inventory ie less than the sites proposed as Local Green Space.</p> <p>4.163 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are shown on the maps as proposed for designation under both Policies ENV1 and ENV2. They are not included in the list of sites under Policy ENV2.</p> <p>4.164 It is noted that site 033 Smeeton Road Recreation Ground is identified under Policy CSA6 as a Park and Green Space.</p> <p>4.165 A representation has been made seeking the deletion of site 030 Tin Bridge Paddock from Figure 8 to avoid confusion.</p> <p>4.166 The justification to the policy states that there is a rarity of places of ecological value or visible historic interest and the only surviving areas are of "disproportionate value in the context of the landscape of the Plan area".</p> <p>4.167 NPPF paragraph 113 states that <i>"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks"</i>.</p> <p>4.168 The PPG on the historic environment states that <i>"The conservation of heritage assets in a manner appropriate to their significance is a core</i></p> <hr/> <p>The Kibworths' Neighbourhood Plan Independent Examiner's Report Final Rosemary Kidd MRTPI Planning Consultant</p> <p style="text-align: right;">Page 40</p>
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Supporting document: Local Green Spaces (Policy ENV1)

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Ref.	EVIDENCE	NPPF (2012) ELIGIBILITY CRITERIA									
		Access /4	Proximity /4	Bounded /4	Special /4	Rep/Ed /4	Beauty/ Views /2	Transp. /2	History /4	Wildlife /4	TOTAL
239	East Field Field, joint ownership, adjoins woodland, ridge and furrow earthworks, site of geological heritage significance (gravel pits), open space valued by the community, view valued by the community, footpath in SW corner. 21 bird spp including 4 BAP (e.g. spotted flycatcher)	2	4	4	4	0	2	2	3	3	24
	 East Field, looking back towards the village										
											
240	Old Pits meadow Field, joint ownership, Site of geological heritage significance (gravel pits) ridge and furrow earthworks, footpath, open space valued by the community, 5 boundary Crane Road 13 bird spp including 3 BAP	2	4	4	4	0	2	2	3	3	24

Appendix 5 – Environmental Inventory Tur Langton NDP





<p>417 Old Chapel paddock Small paddock, adjoining (east of and part of the grounds of) The Manor Hedged boundaries to west and south, group of mature trees in east side footpath, Includes extant and partly upstanding remains (coursed dressed and rubble stone) of late 13th C chapel associated with the original manor house, largely demolished late 19th century; Listed Grade II and Scheduled Monument 9 bird spp including 2 BAP/Species of Conservation Concern</p>	 <p>Old Pits meadow from the footpath entrance view southeast</p>		<table border="1"> <thead> <tr> <th colspan="2">Ref: EVIDENCE</th> <th colspan="10">NPPF (2012) ELIGIBILITY CRITERIA</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Access /4</td> <td>4</td> <td>Proximity /4</td> <td>4</td> <td>Bounded /4</td> <td>3</td> <td>Special /4</td> <td>2</td> <td>Rec/Ed /4</td> <td>1</td> <td>Beauty/ Views in /2</td> <td>1</td> <td>Trans. /2</td> <td>4</td> <td>History /4</td> <td>2</td> <td>Wildlife /4</td> <td>24</td> <td>TOTAL</td> </tr> </tbody> </table>	Ref: EVIDENCE		NPPF (2012) ELIGIBILITY CRITERIA										3	Access /4	4	Proximity /4	4	Bounded /4	3	Special /4	2	Rec/Ed /4	1	Beauty/ Views in /2	1	Trans. /2	4	History /4	2	Wildlife /4	24	TOTAL
Ref: EVIDENCE		NPPF (2012) ELIGIBILITY CRITERIA																																	
3	Access /4	4	Proximity /4	4	Bounded /4	3	Special /4	2	Rec/Ed /4	1	Beauty/ Views in /2	1	Trans. /2	4	History /4	2	Wildlife /4	24	TOTAL																



Padlock on site of the 13th century chapel (Scheduled Monument). Some upstanding remains survive



Ref.	EVIDENCE	NPPF (2012) ELIGIBILITY CRITERIA									
		Access /4	Proximity /4	Bounded /4	Special /4	Rep.Ed /4	Beauty/ Views /2	Tranq. /2	History /4	Wildlife /4	TOTAL
418	<p>Manor Gardens</p> <p>Permanent grass field adjoining (south of) the Manor, bounded to south by small stream. Access via Footpath 816. Very high local and regional historical significance: includes extant and clear earthworks representing the early medieval manor house site (evidence of moat, buildings, etc., and the manorial gardens to the south); the manor of Tur Langton is recorded in Domesday (1086) as being held by the Norman baron Walschelin (Walskellin); Scheduled Monument. Also includes part of the medieval settlement core of Tur Langton (Historic Environment Record MLE1614). High biodiversity significance (18 bird species including 3 BAP / red-listed Birds of Conservation Concern (BOCC)) Valued views from footpath to south and west, and of the features in the field itself</p>	3	3	4	4	2	2	2	4	3	27

 <p>Manor Gardens earthworks and the view southwest</p>	
<p>433 South Meadow Field, E boundary B6047, ridge and furrow earthworks, 2x footpaths meet, open space valued by community, view valued by community 18 bird spp including 4 BAP</p>	 <p>View northeast from South Meadow</p>
<p>433</p>	
<p>Ref. EVIDENCE</p>	<p>Access /4</p>
<p>4</p>	<p>Proximity /4</p>
<p>3</p>	<p>Bounded /4</p>
<p>4</p>	<p>Special /4</p>
<p>4</p>	<p>Rec/Ed /4</p>
<p>0</p>	<p>Biodiv/ Views /2</p>
<p>2</p>	<p>Transp /2</p>
<p>2</p>	<p>History /4</p>
<p>3</p>	<p>Wildlife /4</p>
<p>3</p>	<p>TOTAL</p>
<p>25</p>	<p></p>
<p>NPPF (2012) ELIGIBILITY CRITERIA</p>	

3	Environment Agency. Trentside Offices Scarrington Road Nottingham NG2 5BR		<p>Thank you for giving the Environment Agency the opportunity to comment on the Tur Langton Neighbourhood Plan – Examination submission version.</p> <p>We have no adverse comments to make on the Plan as submitted and include the attached for completeness.</p>
4	Historic England 2nd Floor Windsor House Cliftonville Northampton NN1 5BE		<p>Neighbourhood Plan for Tur Langton</p> <p>Thank you for consulting Historic England about the Neighbourhood Plan for Tur Langton.</p> <p>On this occasion we have no further comments to make and refer to our letter of 1 August 2017.</p>
5	Merton College Merton Street Oxford OX1 4JD Agent: Savills Wytham Court 11 West Way Botley Oxford OX2 0QL		<p>Tur Langton Neighbourhood Plan 2031 Regulation 16 Submission Plan Consultation</p> <p>Savills has been instructed by Merton College, Oxford (hereinafter ‘the College’) to submit representations to the Regulation 16 Submission Plan of the Tur Langton Neighbourhood Plan (‘the Plan’).</p> <p>The College controls land at Tur Langton, as per the accompanying site plan, and has been actively engaged with the preparation of the Plan since its earlier stages. To this effect, we note that representations have been previously submitted, including to the pre-submission consultation held in August 2017.</p> <p>This correspondence offers a view on whether the Plan meets the Basic Conditions set out in regulations, and suggests amendment or further comment where appropriate. The following comments are set out in a positive and constructive manner intended to aid the clarity and implementation of the Plan.</p> <p>Neighbourhood Plan Process</p> <p>The College has reviewed the process undertaken by Tur Langton Parish Council in preparing the Plan as set out by The Neighbourhood Planning (General) Regulations 2012. Tur Langton Parish Council is the “qualifying body” and the Neighbourhood Plan area is defined by the parish area for Tur Langton.</p> <p>Paragraph 15 of Part 5 of the regulations sets out the requirement for the submission of a plan to the local planning authority.</p> <p>The College considers that the Parish Council, as qualifying body, has met the requirements including submission of:</p> <ul style="list-style-type: none"> ▪ a map or statement which identifies the area to which the proposed neighbourhood plan relates; ▪ a consultation statement;

		<ul style="list-style-type: none"> ▪ the proposed neighbourhood development plan; and ▪ a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (i.e. the '<i>Basic Conditions Statement</i>'). <p>It is clear that Tur Langton Parish Council has followed the due process required in the preparation and submission of the Neighbourhood Plan.</p> <p>Basic Conditions</p> <p>These representations seek to ensure that the proposed Tur Langton Neighbourhood Plan, in meeting national and local policy guidance, satisfies the basic conditions identified in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).</p> <p><i>Basic Condition (a) Having regard to the National Planning Policies</i></p> <p>In consideration of this matter, we note that, owing to its submission before 24 January 2019, the previous national planning policy provisions will apply for the purposes of examination (Paragraph 214, including footnote 69, NPPF, July 2018).</p> <p>Paragraph 070 of the PPG and Paragraph 16 of the NPPF require that Neighbourhood Plans support the strategic development needs of Local Plans, including policies for housing and economic development. Paragraph 184 of the NPPF is furthermore clear that that Neighbourhood Plans should not promote less development than set out in the Local Plan.</p> <p>Table 1 of the Basic Conditions Statement addresses the relationship of neighbourhood plan policies to the NPPF The College agrees that the Tur Langton Neighbourhood Plan actively seeks to respond to local development needs, and furthermore seeks to deliver the core planning principles outlined at Paragraph 17 of the NPPF. Clear reference is made at Table 1 as to how the Plan relates to specific provisions dealing with housing delivery and growth (paragraph 17, 30, 48, 50, 55), building design principles (paragraphs 58 -60), the natural environment (paragraphs 111- 139), among others.</p> <p>On review, the College is generally satisfied that the Plan makes appropriate provisions to ensure its consistency with relevant national planning policies.</p> <p><i>Basic Condition (b) and (c): Having regard to the Listed Buildings and Conservation Areas</i></p> <p>These basic conditions require that policies in the Neighbourhood Plan do not weaken the statutory protections for listed buildings and conservation areas.</p> <p>Chapter 7 Part B of the Plan identifies 16 listed buildings within Tur Langton, and describes the extent of the designated Conservation Area. There is no specific policy included at this part of the Plan, although it is instead noted that national and local policies will generally seek to protect and enhance these assets. That said, Policy H3 Building Design Principles, does itself acknowledge that development should complement the character and quality of the surrounding environment and Conservation Area.</p> <p>Chapter 7 Part C of the Plan addresses the natural and historic environment of Tur Langton. It is clearly set out that the Plan</p>
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		<p>seeks to maintain the characteristic and valued features of Tur Langton while meeting the housing needs of the District and securing the long-term viability of the parish. Policy ENV2 endeavours to protect other sites of environmental (natural and historic) significance. A list of natural historic sites is identified as part of this policy, accompanied by Figure 5 – a map of these environmentally significant sites.</p> <p>Therefore, on balance we consider that basic conditions (b) and (c) are satisfied insofar as the Plan has clear regard to identified listed buildings and the Tur Langton Conservation Area.</p> <p><i>Basic Condition (d): Contributing to Sustainable Development</i> Paragraph 14 of the NPPF sets out a powerful presumption in favour of sustainable development. Neighbourhood Plans must therefore demonstrate that they contribute to improvements in environmental, economic and social conditions. Paragraph 16 of the NPPF sets out the implications of this presumption on the production of Neighbourhood Plans and how they can address these.</p> <p>The Neighbourhood Plan is not accompanied by a sustainability appraisal, and as stated in the NPPG this is not a legal requirement. This is instead supplemented by a written summary of the principal ways in which the Plan contributes to achieving sustainable development. Section 4.2. of the Basic Conditions Statement outlines how the Plan seeks to contribute to achieving sustainable development, with specific reference to the social, economic and environmental dimensions of sustainability. The Statement outlines key principles which go some way in delivering sustainable development, including the protection and enhancement of the built and natural environment, the protection of existing employment sites, and the safeguarding and enhancement of open space, community facilities and opportunities for community wellbeing.</p> <p>In line with this, the College is generally in agreement that the Plan seeks to actively contribute to the achievement of sustainable development.</p> <p><i>Basic Condition (e): Conformity with Strategic Policies of the Development Plan</i> In relation to general conformity with the strategic policies of the Development Plan, the Neighbourhood Plan has been prepared in line with the saved policies of the Harborough District Core Strategy 2006-2008. Section 4.3 of the Basic Conditions Statement outlines how the plan has sought to address emerging strategic policies of the new Local Plan where appropriate, with due regard to housing provision. There are no specifically identified strategic policies identified within the plan itself, though it is reasonable to consider those policies for housing delivery as requiring conformity with related policies of the Core Strategy and those of the emerging Local Plan for the district, which is currently at Examination in Public.</p> <p>Neighbourhood Plan policies S1, S2, and H1 deal with housing and seek to reflect Core Strategy policies CS1 and CS2, which respectively relate to the location of development. Nevertheless, there is some concern as to whether the inclusion of defined settlement limits accords with the thrust of emerging policies GD3 and GD4 of the Local Plan 2011-2031. The inclusion of settlement limits appears more restrictive than the proposed emerging strategic policies for the District, and should therefore be considered in more detail in the course of examination.</p>
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		<p><i>Basic Condition (f): Conformity with EU Obligations</i> As required by paragraph 078 of the NPPG, the Neighbourhood Plan should consider the effects on the environment of the allocated sites and the proposed policies. Section 4.4. of the Basic Conditions Statement addresses matters of EU obligations, including the need or not for a strategic environment assessment. The Strategic Environmental Assessment (SEA) Screening Report (July 2017) concluded that the full SEA was not required. Subsequent to this, the SEA Determination report (July 2018) ultimately concluded that:</p> <p><i>“...it is unlikely there will be any significant detrimental environmental effects arising from the Tur Langton Neighbourhood Plan Submission Version as submitted at the date of this assessment, that were not covered in the Sustainability Appraisal of the Core Strategy and Local Plan”</i></p> <p>On this basis, the College is itself satisfied with Harborough District Council's determination that the Tur Langton Neighbourhood Plan does not require a full SEA to be undertaken.</p> <p>In respect of the Habitats Directive and the Convention of Human Rights, the College is satisfied that the Plan does not conflict with such related obligations.</p> <p>Neighbourhood Plan Policies <i>A Vision for Tur Langton</i> The College supports the aims and scope of the proposed vision statement for Tur Langton, including broad support for its objectives. These include supporting sensitive development within the built-up area within the updated limits to development to meet local need in terms of scale, size and tenure, and to support the employment area in Tur Langton where there is no detrimental impact on local amenity.</p> <p>Policy S1 <i>Policy S1 – Limits to Development</i> The College supports the general principle of revision to the limits to development at Tur Langton to deliver required housing and employment growth, subject to design and amenity considerations. The Plan clearly sets out the methodology in updating the limits to development, noting at (c) that the boundary has been relaxed to allow for future expansion to meet need for housing growth over the plan period. The College owns land currently proposed within these revised limits, and welcomes the opportunity to deliver housing growth during the plan period.</p> <p>However the College has previously provided comment on this policy, and reference should therefore be made to earlier Regulation 15 representations submitted in July 2017.</p> <p>In particular, it is essential that the Plan is consistent and conforms to the provisions of the emerging Local Plan, currently at Examination in Public. The emerging Local Plan does not itself impose settlement limits, and adopts a more flexible approach to housing delivery in the countryside. Whilst identified in the ‘Other Villages’ category of the Settlement Hierarchy, Policies GD3 and GD4 of the emerging Local Plan remain supportive of limited development in such settlements in certain circumstances. In respect of housing delivery, this includes</p>
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			<p>new residential development on small sites of no more than four dwellings which are within or physically and visually connected to settlements, and which meet a local need for housing. There is no mention of defined settlement limits in this emerging policy.</p> <p>The College wholly supports the Neighbourhood Plan's aspiration to meet local housing need, and recommends further consideration of the use and need for defined settlement limits. It is considered that, to achieve conformity with the strategic policies of the emerging Local Plan, limits should be removed but the overall thrust of supporting development should remain. We consider that a criteria-based policy would be sufficient in delivering appropriate development in the village, in line with national planning policy and overarching sustainability credentials.</p>
		Policy S2	<p><i>Policy S2 – Development proposals outside the defined limits of development</i></p> <p>Consideration of this policy should be taken in tandem with the comments made above in relation to Policy S1, specifically regarding the appropriateness of the limits to development. It is, however, agreed that the countryside should be protected from harmful development, in line with national and local plan policies.</p>
		Policy H1	<p><i>Policy H1 – Windfall Sites</i></p> <p>The College supports the ambition and aspiration for the Plan to deliver small residential development in the village. This is also reflected, in principle, in the emerging policies of the Harborough District Local Plan 2011-2031.</p> <p>That said, the provisions of Policy H1 are too prescriptive insofar as they restrict development proposals up to three dwellings only, as infill or redevelopment sites within the revised limits to development. This does not reflect other greenfield sites included within the settlement limits. Again, reference should be made to the appropriateness of such limits in any event.</p> <p>A capped figure of 'up to three dwellings' may inadvertently and unduly restrict delivery, and a more appropriate strategy may simply be to allow for residential development on appropriate sites, with the proposed number of dwellings reflecting local need as may be relevant at the time of any given proposal. This is particularly true of smaller housing schemes, where identified sites may accommodate more dwellings, and where provision of only three dwellings may not adequately meet local need. In a similar manner, we note that phasing of delivery for smaller sites may also not be the most appropriate route forward. Both of these matters could be addressed with a simple re-wording of the proposed policy.</p>
		Policy H2	<p><i>Policy H2 – Housing Mix</i></p> <p>The principle of providing a mix of housing on sites is supported where appropriate to specific sites. It is acknowledged that some local need relates to smaller two-three bedroom dwellings, with larger homes not comprising a majority on any single site. It is, however, noted that the extent to which a mix of dwellings can</p>

		<p>Policy H3</p> <p>be provided on small scale sites (i.e. up to three units as proposed in the Neighbourhood Plan) is dependant on site characteristics.</p> <p><i>Policy H3 – Building Design Principles</i></p> <p>The College generally agrees with the approach taken in respect of the pursuit of good design, including reinforcing local distinctiveness and character of the area, a consistent design approach in the use of materials, and the minimisation of visual (and other) impacts on existing character in Tur Langton. In reaching a conclusion on the appropriateness and soundness of this policy, the listed criteria should be consistent with relevant design criteria set out in the emerging Local Plan</p> <p>It is respectfully requested that these above matters inform the Examination of the plan as necessary. We note that detailed comment on the below policies is not provided at this stage, although we note that the College’s earlier representations should be referred to on such matters:</p> <p>ENV1 – Protection of local green spaces ENV2 – Protection of other sites of environmental (natural and historical) significance ENV3 – Important woodland, trees and hedges ENV4 – Biodiversity ENV5 – Ridge and furrow fields ENV6 – Footpaths and bridleways ENV7 – Sustainable development ENV8 – Rivers and flooding CF1 – The retention of community facilities CF2 – New or improved community facilities CF3 – Support for new employment opportunities CF4 – Broadband infrastructure CF5 – Working from home</p> <p>Summary</p> <p>The above comments are intended to be provided in a constructive manner to help support the preparation and examination of the Neighbourhood Plan. We respectfully request that previous Regulation 15 representations are reviewed as part of this current representation, as many of the matters raised herein bear some overlap with comments already raised previously. We trust that this submission is informative at this stage of the plan preparation process. We would be grateful if you could confirm safe receipt of these comments, and if you could keep us informed of the progress of the plan.</p> <p>If you wish to discuss any of the points raised please contact Reece Lemon at the above address.</p>
6	National Grid Environment and Infrastructure Booths Park	<p>Tur Langton Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID</p> <p>National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed</p>

	<p>Chelford Road Knutsford Cheshire WA16 8QZ</p>		<p>by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.</p> <p>About National Grid National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customer. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London. To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.</p> <p>Assets in your area National Grid has identified the following high-pressure gas transmission pipeline as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • FM04 - Shangton to Tur Langton <p>From the consultation information provided, the above gas transmission pipeline does not interact with any of the proposed development sites. <i>Gas Distribution – Low / Medium Pressure</i> Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network please contact plantprotection@cadentgas.com Electricity distribution Information regarding the distribution network can be found at: www.energynetworks.org.uk</p>
7	<p>National Farmers Union NFU East Midlands Region, Agriculture House, North Gate, Uppingham, Rutland, LE15 9NX, tel. 01572 824255,</p>	General	<p>Thank you for consulting the NFU about the neighbourhood development plan. Our general comments on the neighbourhood plan are as follows:- The NFU has 4,800 farmer members out of the 6,000 farmers in the East Midlands region who are commercial farmers. About 90 per cent of land within this part of Leicestershire is farmed. The viability and success of farmers near Tur Langton is crucial to the local economy and the environment. Farmers need local plan policies which enable:-</p> <ul style="list-style-type: none"> - New farm buildings needed by the business. This could be for regulatory reasons (e.g. new slurry stores) or because new or more crops and livestock are being farmed (grain stores, barns, livestock housing etc). - Farm and rural diversification. Some farmers will be in a good position to diversify into equine businesses, on farm leisure and tourism and in other sectors which will help boost the local economy and support the farm business. - On farm renewable energy. Farms can be ideal places for wind turbines, pv, solar, anaerobic digestion, biomass and biofuels plant provided they do not cause nuisance to others. The UK must meet a target of 15% renewables by 2020. Currently we are not meeting this target but on farm renewables can help us to meet it.

	<p>email paul.tame@nf.u.org.uk</p>		<ul style="list-style-type: none"> - Conversion of vernacular buildings on farms into new business use or residential use. This enables parts of older buildings to be preserved whilst helping the economy and the farm business. <p>Fast broadband and mobile connectivity. Rural businesses depend on these but so often these are not provided and planning can be an obstacle to their provision rather than the enabler that it should be.</p> <p>The NFU will be looking to see that the neighbourhood plan has policies which positively encourage the above and do not deter them because of, for example, restrictive landscape designations and sustainable transport policies which imply that all development needs to be by a bus stop. There can also be issues about new buildings being sited too close to noisy or smelly farm buildings which cause nuisance to new householders and lead to abatement notices being served on longstanding businesses. We would urge the local planning authority to be especially careful before granting permission to residential development near to bad neighbour uses.</p>
8	<p>Severn Trent Water PO Box 51, Raynesway, Derby, DE21 7JA</p>	General	<p>Please find all comments attached in our standard format. I would however note that whilst Tur Langton is located within the Severn Trent water Supply Region, it is not located within the Severn Trent Sewerage boundary. I would therefore strongly advise that Anglian Water are also contacted for any comments in relation to the Neighbourhood Plan. <i>(note to Examiner – Anglian Water were also contacted as part of the consultation)</i></p> <p>Tur Langton Neighbourhood Plan Consultation</p> <p>Thank you for the opportunity to comment on your consultation. Tur Langton is located within the Water supply region for Severn Trent, It is advised that Anglian water are contacted for any comments regarding Sewerage. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p> <p>For your information we have set out some general guidelines that may be useful to you.</p> <p>Position Statement</p> <p>As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.</p> <p>Water Quality</p> <p>Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency’s Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.</p> <p>Water Supply</p>

			<p>When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.</p> <p>We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.</p> <p>Water Efficiency</p> <p>Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.</p> <p>We recommend that in all cases you consider:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Single flush siphon toilet cistern and those with a flush volume of 4 litres. <input type="checkbox"/> Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute. <input type="checkbox"/> Hand wash basin taps with low flow rates of 4 litres or less. <input type="checkbox"/> Water butts for external use in properties with gardens. <p>To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption per person is 110 litres per person per day or less. More details can be found on our website https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</p> <p>We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.</p>
9	<p>Sport England Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF</p>	General	<p>Thank you for consulting Sport England on the above neighbourhood plan.</p> <p>Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.</p> <p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England’s statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England’s playing fields policy is set out in our Playing Fields Policy and Guidance document. http://www.sportengland.org/playingfieldspolicy</p>

		<p>Sport England provides guidance on developing planning policy for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded. http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.</p> <p>Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work. http://www.sportengland.org/planningtoolsandguidance</p> <p>If new or improved sports facilities are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes. http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p> <p>Any new housing developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.</p> <p>In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.</p> <p>Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying</p>
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			<p>checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.</p> <p>NPPF Section 8: https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities</p> <p>PPG Health and wellbeing section: https://www.gov.uk/guidance/health-and-wellbeing</p> <p>Sport England's Active Design Guidance: https://www.sportengland.org/activedesign</p>
10	Harborough District Council	<p>General</p> <p>Policy S1</p> <p>Policy H1</p> <p>Policy H1</p> <p>Policy H3</p> <p>Policy ENV1</p> <p>Policy ENV 3</p> <p>Policy ENV6</p> <p>Policy</p>	<p>Quotes relating to NPPF will need to reflect 2018 not 2011, although transitional arrangements are in place</p> <p>Policy S1 need not refer to other policies in the NDP. Note appeal decision was to refuse an application in Jan 2018 at The Brambles, Shangton Road (north of village) Appeal Ref: APP/F2415/W/17/3182880 The Brambles, Shangton Road, Tur Langton LE8 0PN</p> <p>Policy H1 states up to three dwellings. There is some concern that this is a restrictive policy but it is recognised that any development will be very small scale. Also Policy H2 requires smaller dwellings which may lead to a policy conflict. A site may be able to accommodate four or five dwellings.</p> <p>Should 'redevelopment' be 'brownfield'?</p> <p>Policy H3 c – in line with LCC policy – needs amending in light of recent appeal history – The LCC document is guidance only.</p> <p>Policy ENV1 – Some concern that the larger agricultural fields are extensive tracts of land, and not of demonstrably special significance to the community compared with other similar agricultural fields that are not proposed to be designated.</p> <p>Trees in the Conservation Area are already subject to protection. Figure 6.1 in support of policy ENV 3 is not precisely mapped. This could lead to confusion about which trees are subject to additional protection.</p> <p>Spelling error in line 1 of the policy. 'Exiting' should be 'Existing'</p> <p>The curtilage of Manor Farm employment area (fig 10) incorporates the area that is proposed for designation of Local Green</p>

		CF3 Policy CF5	Space (site number 417). This leads to a policy conflict. Many 'small scale' developments that may be used for home working do not require planning permission therefore the criteria would be redundant
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