

### Examiner Enquiry

Yesterday I carried out an unaccompanied site visit of the parish. I anticipate being able to complete my report without a hearing provided I can obtain answers in writing to specific questions.

Please could the Qualifying Body let me know following.

1. Please could it identify all the evidence relevant to the following. This should be limited to evidence that has been made available publicly.

(1) The inclusion as locally listed buildings of the buildings specified in policy DBE2.

(2) The inclusion of the areas specified as local green spaces in policy ENV 1.

(3) The inclusion of the areas specified as “other environmentally significant sites” on figure 7. In the case of site 21, I wish to understand which factors apply to each of the fields within it.

2. With respect of the locally listed buildings specified in policy DB2, I would be grateful for the following information.

(1) The War Memorial, mentioned as a locally listed building, is a listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990 (List Entry Number 1437759).

<https://historicengland.org.uk/listing/the-list/list-entry/1437759>

The inclusion as a locally listed building may be an error. Is that so?

(2) Is the ‘House on green in East Langton’ “The Maltings”?

(3) Is the "Churchyard wall" within the curtilage of the Church and so covered by the church’s listing under the LBA? It may be that the local planning authority can help in respect of this.

(4) Are there Conservation Area Assessments, or other publicly available documents, that consider individual buildings (other than listed buildings) within the two Conservation Areas?

(5) It may help at this stage to say that I shall want some information on the buildings proposed for locally listed status beyond that apparent on my site visit. If it is available in a Conservation Area Assessment or other publicly available document, it may be that will be sufficient. If not I shall be seeking further information from the qualifying body and require that this is made available to those who have made relevant representations.

### LPA Response

Dear Mr Jones

Please find attached the documents provided by the Qualifying Body in answer to your queries.

I have also contacted HDC Conservation Officer concerning the churchyard wall and the protection under the LBA. She is away until next week, so I will forward her comments, if any, at that time.

### **Documents Provided**

[Buildings of Importance for Local Listing](#)

[Appendix xi East Langton consultation analysis June 2016](#)

[East Langton Boards](#)

[ELPC environmental inventory](#)

[East Langton and Church Langton Character Statement](#)

### **Further LP information 6/7/017 to Examiner from Conservation Officer**

Having looked at the wall, its position and also consulted old maps I don't believe that the wall is associated with the church, therefore it would not be covered by the listing of the church. It is my guess that for some reason the wall was built to enclose the plot of land which is now allotments for whatever reason. Therefore it could be associated with the Rectory or the school or neither. Without more evidence it would be difficult to say it is Curtilage Listed as there is no known association with the surrounding Listed Buildings. Having said that it is an attractive historic wall and any proposal to remove it would be resisted. The wall would also be protected by the fact it is within the Conservation Area.

### **Information to Examiner regarding Landowner consultation**

#### **From Wells McFarlane**

We act on behalf of xxx, the owner of an arable field labelled field No. 4 in the Submission version of the East Langton/Church Langton Neighbourhood Plan. The field is to the north of the church and is labelled field No. 4 on the plan found at page 59 of the Submission document. I understand that the Examiner is Tim Jones and I would be grateful if you could kindly ensure that he is copied in on this email.

Our Client, xxx who does not live in the vicinity, has only recently been made aware that his field has been included within the Neighbourhood Plan Submission document in the Environmental Proposals Map Figure 12 as a Site of environmental and community significance, as well as on the plan at page 47 of the Neighbourhood Plan Submission document, again labelled field No. 4, but identified in yellow.

My Client is particularly surprised that with no prior notification, he now discovers that his land has been identified as having environmental and community significance. There is no public access for

the community on this arable field. It is also intensively farmed in an arable crop rotation and, therefore, not typically well-suited to being of environmental significance.

My Client is concerned that these designations may in some way impinge upon his future abilities to farm his land or adapt to changes in farming practices, on-site building requirements for grain stores or produce stores or such other activities as may be necessary over time. Having read the Submission document, it is difficult to follow the rationale as to why this designation has been proposed. There is no evidence of any environmental significance or ecological significance from viewing the land and, as no surveys have been requested on the land, my Client is at a loss to understand how that has been determined.

I appreciate that this is extremely late in the stage, however, it is only recently that my Client has been made aware and I should be grateful if you would let me know more background to these designations and further, what steps, if any, my Client can now take to challenge the designations proposed.

**Further information to the Examiner from the Qualifying Body 17 /7/2017**

Thank you for sharing this email exchange.

The policy in question says 'The protection and enhancement of the identified features of sites shown on figure 7 and listed in Appendix 2 as 'Other Environmentally significant sites' will be supported.

The land in question is described in the environmental inventory as 'Large arable field providing valued view from St Peter's church west door northwards to open country'. and this is the feature that the policy is seeking to support. This does not prevent the owner undertaking routine farming practices, undertaking any activity that does not require planning permission or making planning applications as necessary on his land, but will ensure that any planning approval takes this identified important feature into account. The proposed designation affords no right of public access.

The methodology for undertaking the environmental inventory was to rank each field bounding the built up area of each village within the parish and by so doing provide an indication of those most special to the community, which are proposed for designation as Local Green Spaces (LGS). Mr Stanhope's field fell short of the requirement for LGS designation but the process highlighted important features that we hope will be taken into account in any planning application that may be considered in the future in support of the farming interest.

In terms of communicating with xxx, we understood that the land in question was in the ownership, at least in part, of Diane Stanhope who lives at the farmhouse bordered by the land in question. The Neighbourhood Plan has been widely publicised in the community through the village newsletter and there were several local consultation events publicised through posters and flyers distributed to each household. All residents were invited to participate at various stages of the Neighbourhood Plan's evolution, including the farming community.

I attach images of the land in question from the aspect of the valued view to help an understanding of the value associated with it. This is in part an extract from the supporting document on 'Important Views'.

I hope this helps to address the concerns raised.

**To Examiner from LPA 17/7/2017**

Dear Mr Jones

Please find below the response from the Qualifying Body regarding the Environmental site labelled field No4.

The QB has also attached photographs showing views from the churchyard other publicly accessible locations.

You will note that Wells McFarlane have been copied into the response.

Regards

Matthew

**From Examiner 23/7/2017**

Dear Mr Bills,

I must consider whether the extent of consultation was sufficient and, if it was not, whether the deficiency is capable of rectification. My provisional view (and I emphasise that it is provisional and that I am open to persuasion to take a different course of action) is that Mr Bills [Wells] should be given the chance to say anything else he wishes to on the matter and that the qualifying body should be able to reply.

If there are other landowners whose land is effected who have not been notified, it is important that they are identified. It is also important that there is full candour on the part of all involved and that I am informed of any fact that is or might be relevant to my recommendations. A reference to other landowners who are unhappy about aspects of the matter is, I am afraid, unhelpful. They should either contact me, explaining their concerns, or accept that I will consider all land whether or not it has been subject to objections.

Without wishing to limit what the qualifying body and landowners might say, I am particularly concerned that owners of property and occupiers of homes whose property and homes are significantly affected either have had or now have a chance to say what they wish to say about their land and homes. If matters can be rectified by what they wish to say this at a relatively late stage without substantial prejudice, that may well be satisfactory, but I would appreciate comments on this.

I have not received any request to go onto any land that is not accessible to members of the general public. My provisional view is that this is not necessary, but again I emphasise that I open to persuasion otherwise.

Regards,

Tim Jones

**Response from LPA 24/7/2017**

Dear Mr Jones

Thank you for the response.

I will contact Mr Wells of Wells McFarlane to ask for their clients comments concerning land in their ownership.

I will also determine from the Qualifying Body whether they are aware of any other land owners affected by the environmental, or other, policies that were not contacted as part of the Regulation 14 consultation. (Please note that I did, as part of the Regulation 16 consultation verification process, specifically ask the Qualifying Body whether the Consultation Statement contained all the stakeholders, and was assured by the QB that the list was complete).

I will then write to all the landowners identified and ask for their representations concerning the policies that may affect their land. I will give a period of 6 weeks for the landowner response.

As suggested, the Qualifying Body will also be given the opportunity to comment on the representations. I believe three weeks for the QB response should be sufficient.

I will collate all information received and make it available to you. The redacted representations will also be placed on the Council website with our other correspondence.

Thank you for your continued time to consider this issue, and I would be grateful if you could confirm that the above course of action is acceptable to you.

Regards

Matthew

**To Examiner 13/9/2017 from LPA**

Dear Mr Jones

The additional East Langton landowner consultation is now complete. We received responses from 10 landowners making a number of representations each.

I have compiled the responses into a summary document and forwarded a redacted copy to the Qualifying Body for their comments. I have asked to receive the response by 30th September 2017.

On receipt of the response from the Qualifying Body I will forward to you with full names and addresses of landowners and /or agents.

If you require anything further please let me know

Regards

Correspondence with East Langton Neighbourhood Plan Examiner – 13/9/2017

Matthew