

Claybrooke Magna Parish Council:

**Harborough District Local Plan Examination Submission in Respect Of Matters and Issues Item 4 –
Housing To Meet The Needs of the Community**

The Parish Council has a number of serious concerns regarding the lack of soundness in this aspect of Harborough Local Plan.

These fall under 2 main policies: SS1 The Spatial Strategy 9 (e) selected Rural Villages, H6 Gypsy, Traveller and Travelling Showpeople Accommodation

Copies of our initial representations are enclosed at Appendix A and B. To comment further briefly on each matter in turn:

1. Sustainable Settlements

The criteria set for determining SRVs are discriminatory against certain protected religious groups. There is a statutory duty on all public authorities to centre equality issues at the heart of policy making; this includes the planning process. By selecting discriminatory criteria and ignoring the needs of groups of people protected under the Equality Act, the Council can in no way be argued to be meeting community needs. To become legally compliant the criteria should be amended to exclude reference to a public house.

The decision making process around the Settlement Hierarchy was unsound and undemocratic. It was Officer led and, as set out in the detailed representations, focussed on retrospectively attempting to justify an invalid decision rather than taking into account evidence based representations. As a result the Plan fails to meet local community needs; Claybrooke Magna cannot be afforded SRV status on a sound basis and thus should be excluded from this designation.

2. Gypsy, Traveller and Showpeople

The spatial distribution of such sites is massively disproportionate across the district which leads to real issues around integration and pressure on local resources. The evidence base is weak and

certainly not transparent – it is clear many existing sites are not used to capacity yet Officers refuse, or neglect, to factor in. Accordingly it is impossible to argue the Plan meets community needs; of either the travelling or settled population.

The proposed new site in Claybrooke Parva has only recently been rejected by HDC Planning Committee as unsustainable and a previous Inspector ruled provision in Parva to be unsustainable and, significantly, injurious to community relations. Yet, as the applicant has made clear to Councillors and residents, Officers have encouraged and continue actively to support the application. This is unfair to both the applicant and local residents and again throws the democratic process into question. This site should be removed from the Local Plan as is clearly unsound and demonstrably fails to meet community need – as recognised by the Planning Committee and the earlier Inspector ruling.

List of Appendices:

A: The Spatial Strategy – Claybrooke Magna Parish Council Initial Representations

B: Gypsy, Traveller and Travelling Showpeople Accommodation Section - Claybrooke Magna Parish Council Initial Representations

Appendix A

SS1 The Spatial Strategy (e) Selected Rural Villages plus para 3.1.13 and Appendix F

Claybrooke Magna Parish objects strongly to the inclusion of The Claybrookes as an SRV as the basis upon which this is proposed is unsound.

1. Appendix F – The Settlement Hierarchy sets out that 2 from a list of 6 key services must be present in order to identify the most sustainable locations for development and this determines the designation of SRV status. One of these services is a public house. Yet if the aim is, as stated within the LP, “to identify services accessible to the local population” (which therefore renders a location sustainable and suitable to accommodate future housing), how can a facility that, by its very nature, excludes people of certain religious beliefs, be set as a key criterion for selection?

It is well known that people from a number of different religious groups are not comfortable entering public houses where alcohol is served (indeed some see it as in complete opposition to their beliefs) and therefore are excluded from social life and activities centred thereupon. By way of example, the ‘Muslim In Britain’ website sets out a list of problems that a Muslim would encounter in any public house setting which would tend towards prohibiting many people of this faith from using this local facility.

The Equality Act 2010 provides protection for people of different religious beliefs and requires public bodies to ensure their policies do not discriminate directly or indirectly. This includes minimising any disadvantage to people on grounds of their religious belief. By using a selection method based on a facility that cannot be (or is highly unlikely to be) used by certain groups, the Local Authority is effectively excluding people and minimising their opportunities to be involved in community life.

The ‘Essential Guide to the Public Sector Equality Duty’ makes clear that equality issues must be integrated into all business of public authorities and goes on to stipulate that they have a duty to consider how policies will affect different protected groups in different ways. This duty sits side by side with other pressing issues and must be at the heart of any policy development. The Guide states the duty must be exercised with “substance, rigour and an open mind”. In addition, it notes that the duty belongs to the decision maker, not the officials advising them, and must be complied with as policy is being developed and decisions are made – it is not acceptable to justify decisions retrospectively. It is clear certain religious groups could suffer detriment through the application of unsound and discriminatory SRV selection criteria and thus the Local Authority would be in breach of its equality legal obligations and failing to conform with NPPF para 69 which requires the promotion of inclusive communities and social interaction for all.

2. The process of developing SRV policy has been unsound. It became abundantly clear that a decision was made, by Officers, around 2015 to designate Claybrooke Magna as an SRV and the policy justification has been changed on a number of occasions, without effective governance, in an attempt to justify that decision retrospectively.

The HDC published policy on SRV selection in 2015, and through most of 2016, was the presence of 2 key services in a settlement – there was no capacity for taking account of facilities in neighbouring villages. Yet, despite quite evidently not meeting this criteria (Claybrooke Magna has only one facility – the pub) Officers designated Claybrooke Magna an SRV. The Parish Council queried this over an extended period and was advised by the HDC Planning Policy team that account was being taken of the school in Claybrooke Parva on the grounds that it was within 800m of most of Magna and therefore met the acceptable walking distance test in line with the County Council definition. When challenged as to when policy had been changed, HDC advised the adaptation to the criteria was an unminuted meeting discussion with no record being taken. This does not meet the standards required in public life.

In 2016 the Parish Council evidenced, through detailed survey work, that the majority of Claybrooke Magna (some two thirds) lay outside of the 800m acceptable walking distance as defined by HDC and was also able to demonstrate inconsistency of application of the 'rule' across the District. HDC Planning Policy Team agreed to reconsider in light of the evidence provided and then came back saying distances of around 1km may be acceptable for school journeys on foot. Rather than acting on the evidence presented this was clearly reverse engineering policy simply to try to justify the original incorrect and unsound decision.

Note of the meeting on 10 August 2016 with HDC Planning Policy representative and subsequent letter from the Parish Council to the Local Planning Executive Advisory Panel dated 13 September 2016 are enclosed to provide more background.

The CIHT document used to support the move to a 1km test was dated 2000 and never adopted by HDC as policy. That same document identifies that 800m is a more appropriate walking distance and more recent CIHT publications such as Planning for Walking 2015 show 400m as a reasonable benchmark with up to 800m as acceptable in relation to a place of importance. The policy definition has changed once again in the Local Plan consultation document; further reverse engineering as HDC Officers had failed to find evidence to justify their original decision. No options were presented to Council, the process has been Officer led.

3. The Local Plan now says adjoining settlements where there is one key facility but that "share a primary school within safe, acceptable walking distance" have been treated as composite Selected Rural Villages. So again let us turn to the evidence. What is an acceptable walking distance? As set out above, CIHT see it as up to 800m. Most of Claybrooke Magna (two thirds) is beyond 800m of the school in Parva.

And is the walk deemed safe? Not by residents. The pavement coming out of Magna slopes sharply with a gully running through the centre. At that point parents with pushchairs and people with mobility impairment have to walk in the road. Is this deemed safe? Is it acceptable to increase footfall and traffic flow and add to the level of risk? County Council Highways are aware of and acknowledge the risk but do not have capital resource to address. Some of the stretch is not overlooked and there is no street lighting plus the school itself is situated on a sharp bend and there is extensive parking congestion around it every day which presents a real risk to the safety of young children trying to cross the road.

Photos enclosed.

A travel survey of parents from Magna undertaken by the Parish Council in May 2017 showed that 92% of them regularly transport their children to and from school by car due to time pressure (the walk to school takes too long when many have to get to work or take other siblings to school) or concerns about road safety (the parking situation and speeding traffic). So it's pretty clear that the reality is that the walk to the school in Parva is neither safe nor acceptable and therefore the SRV designation is unsound and unsupported by the evidence.

4. On the wider issue of sustainability there is no evidence of need for Claybrooke to be given SRV designation. The age profile in Magna is lower than that of the average of other villages across the district; it is a vibrant and family oriented community that does not require the scale of development envisaged in order to be sustainable. The opposite is true; the facilities are simply not available to support the proposed plan. HDC's own Housing Register data for the last 5 years confirms the lack of evidence of local need – only 2 applications received of which only 1 is still active.

Any development of the scale proposed contravenes the NPPF requirements for sustainable transport as we have a limited (hourly) bus service that does not take people directly to major centres of employment such as Leicester and doesn't run beyond late afternoons or on Sundays. A survey of residents conducted by the Parish Council in April 2017 showed 100% usage of personal transport for commuting for those working both locally and further afield. The main reasons given being time pressures and lack of public transport alternatives.

For example: to use public transport to work in Leicester entails having to leave before 4pm to get back to Claybrooke Magna. This demonstrates the service is of very limited value. The unsustainable pattern would clearly only be worsened by additional development with more people using cars. Further evidence was supplied by Arriva confirming very low usage of the bus service. The proposed scale of development would clearly fail to facilitate access to jobs and services as required by the NPPF.

Overall, the scale of development being disproportionate, out of keeping with the character of the village and with no evidence of local need or support is contrary to NPPF core principles as set out in para 17 and contravenes the requirements of paras 50, 58 and 66. It

also fails to meet NPPF core principles regarding sustainable transport and in this regard contravenes paras 17, 35, 37, 38, 69 and 70.

Appendix B

H6. Gypsy , Traveller and Travelling Showpeople Accommodation Section 2(a)

Claybrooke Magna Parish Council objects to the proposal to create new G/T pitches in Claybrooke Parva as this is unsound and unjustified.

Data provided by HDC shows that of the pitches currently provided across the Harborough District some 72% are in Lutterworth and its surrounding villages with **30% of the whole District's provision being in the villages of Ullesthorpe and Claybrooke Parva**. What is the evidence of need for this hugely distorted distribution strategy? In reality there is no evidence of need – a position confirmed by our District Councillor.

Due to the G/T itinerant lifestyle the level of demand on services can be very unpredictable with significant peaks and troughs. By concentrating the pressure in one area HDC makes service delivery unsustainable - both for the G/T community and other residents. HDC should avoid adding to the concentration in this part of the district and look for a more geographically balanced spatial distribution strategy to enable a fairer level of service provision and even out the resource requirement. It is well recognised that services such as our local GP surgery are, to use HDC's description, "under severe strain".

Claybrooke Parva is, in any case, an unsustainable location in terms of NPPF development requirements. It lacks facilities and amenities, has nothing to offer by way of employment and has limited public transport links. SRV status is clearly unsuitable and cannot be used to justify this development; well evidenced objections to such status have been lodged separately.

The proposed site itself has a restricted view on to a busy road with acknowledged (by LCC Highways) speeding issues so poses a safety risk for potential site residents as well as other local road users. Additionally, road safety on the A5 would be compromised by any increase in slow moving vehicles using the junctions approaching or leaving the Claybrookes – the relevant junctions already have a poor record for fatal or life limiting accidents.

Planning Appeal 14/00603/FUL confirmed that provision for G/T in Claybrooke Parva would be damaging to the countryside, unsustainable and injurious to community relations. The justification for the Inspector's ruling holds good as nothing has changed.