

## Shearsby Neighbourhood Plan Examiner Correspondence -

On Mon, 10 Sep 2018 at 15:15, Matthew Bills <[M.Bills@harborough.gov.uk](mailto:M.Bills@harborough.gov.uk)> wrote:

Martin

I have forwarded the draft version to the QB and asked for comments relating to factual matter only.

I have been thinking further about Policy ENV1 – Local Green Space.

*You state in the draft report that 'Local Green Spaces proposed must secure assurance that the landowner supports the proposed designation and thus the retention (for community benefit) is likely to be achieved. As agents acting on behalf of relevant landowners have made clear the site owner objection to the basic principle of such designation it is unreasonable to pursue a 'Local Green Space' designation.'*

Is it the case that land owner consent must be secured prior to designation as Local Green Space? Planning Practice Guidance states that landowners should be consulted at the earliest opportunity, but does not mention consent to designate.

### **Does land need to be in public ownership?**

*A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.*

*Paragraph: 019 Reference ID: 37-019-20140306*

*Revision date: 06 03 2014*

It may be that you still have the same view that the sites should not be designated, but the issue of consent I believe is not a reason to refuse the designation

I would be grateful for your further thoughts

Regards

Matthew

**From:** Martin Lee

**Sent:** 11 September 2018 14:12

**To:** Matthew Bills

**Subject:** Re: [EXTERNAL] Re: Shearsby Neighbourhood Plan Examination

Matthew

In referencing the lack of owner agreement to the designation, I should have made clear that in making this reference I was focusing on the

likelihood of the areas enduring beyond the Plan period in their current form.

There are currently no wildlife designations or surveys that I have been made aware of which make the areas objected to any more special than other open countryside surrounding the village and thus likely to be preserved in their current form as a consequence of their own current character or level of biodiversity.

New agricultural or other open countryside development could be proposed by the landowner and find no legal basis for refusal other than the desire contained in the Neighbourhood Plan to preserve their contribution to the open character of these parts of the entrances to the village.

In addition, unless I am mistaken the District Council is not currently able to demonstrate the required supply of allocated housing sites over the next 5 years. Therefore any objections relating to a space that has highlighted any form of development potential (for a use incompatible with the emerging policy for Local Green Space) should not be recommended for designation, even if the objection relates to part of the space.

At this time, without the ability to demonstrate a 5 year supply of housing land or inclusion of housing sites in the current Development Plan to address that requirement, it is not possible to be definitive as to the extent of any nominated space that may be needed for housing in the future. A cautious approach to all spaces should therefore be taken whereby an objection citing potential for development has been lodged.

A number of neighbourhood plans have sought to designate areas of Local Green Space which are not in fact available for public recreational use and as a result the proposed allocations have been deleted. Early conversations with the landowner can help assess whether the proposed sites meet the criteria for designation and provide an opportunity to align the Plan's intentions match those of the landowner.

The alternate option would be to retain the policy as one for Local Green Space designation but remove all of the areas objected to.

I hope that's of help.

Best Regards

*Martin*

Shearsby Neighbourhood Plan Examiner Correspondence -

On Tue, 11 Sep 2018 at 15:19, Matthew Bills <[M.Bills@harborough.gov.uk](mailto:M.Bills@harborough.gov.uk)> wrote:

Martin

Thanks for the feedback.

I agree that LGS designation should be used with caution as it is an extremely high level of protection for green areas. If after your considerations during the Examination you have doubts that the LGS submitted by the QB in their Plan does not fit the criteria or has not demonstrated the special significance to the community it is not for the LPA or QB to try and alter the recommendation as submitted.

It was just the issue of landowner permission that I thought worthwhile clarifying.

The Authority will consider all of the recommendation in due course, and is likely to accept them to ensure the Plan meets the Basic Conditions.

For information, the Authority can now demonstrate a housing supply of 6.94 years. The figure has only just been released after recalculation when the revised NPPF was released.

[https://www.harborough.gov.uk/downloads/file/4613/31\\_march\\_2018\\_new\\_nppf\\_update\\_aug\\_2018](https://www.harborough.gov.uk/downloads/file/4613/31_march_2018_new_nppf_update_aug_2018)

Regards

Matthew

Matthew

Not a problem and thank you for the update on the housing land supply figures. I will ensure this up to date reference is included in the final report.

Best Regards

***Martin***

**From:** [Matthew Bills](mailto:Matthew Bills)

**Sent:** 19 September 2018 14:08

**To:** Martin Lee

**Subject:** RE: [EXTERNAL] Re: Shearsby Neighbourhood Plan Examination

Martin

I now have comments back from the Qualifying Body with regard to the fact checking draft. They have made a couple comments that probably stray a little outside fact checking, but I included them

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anyway for your information and consideration. In 5.30 the QB are aware that I have discussed this matter with you already.

5.6 The QB notes the changes suggested but also notes the increase in the number of units from up to 4 units to up to 5 units and infill development of up to 2 units. Is this right?

5.13 a) The QB have asked can the clause be amended as suggested as there is no legal right to a view?

5.14 The QB made the following comment, however it is officers view that the criteria in H1 already fulfils the requirement of this policy: *we would prefer this Policy remains and that last bullet point from Policy H1 (does not reduce garden / green space ...) be inserted.*

5.30 The QB had quite a discussion about this – The QB preferred the wording Local Green Space because of the additional level of protection that designation provides.

5.33 Noted on the size of the map

5.37 Noted on the size of the map

We look forward to receiving the final draft report and your invoice in due course

Regards

Matthew