

KING'S SOMBORNE NEIGHBOURHOOD PLAN

Representations to the Regulation 16 King's Somborne Neighbourhood Plan (dated January 2023)

Prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust

March 2023

REPRESENTATIONS TO THE REGULATION 16 KING'S SOMBORNE NEIGHBOURHOOD PLAN
(DATED JANUARY 2023)

KING'S SOMBORNE NP
PROJECT NO. 50190

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APPENDICES

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Appendix C - Extract of the Broughton Astley NP Examiner's Report

Appendix D - Extract of the Brixworth NP Examiner's Report

1.0 Introduction

- 1.1 These representations have been prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust (**'the Trust'**) in response to the Regulation 16 pre-submission version of the King's Somborne Neighbourhood Plan (**'the NP'**) .
- 1.2 The Trust has landholdings at and around King's Somborne. Previous representations to the Neighbourhood Plan have highlighted that land is available and suitable for small-scale residential development. In particular, the Trust has previously actively promoted the following two parcels of land adjacent to the settlement boundary:
1. Land off Winchester Road and New Lane (Site 80 as identified in Test Valley's SHELAA); and
 2. Land south of Winchester Road (Site 81 as identified in Test Valley's SHELAA).
- 1.3 These parcels of land are identified as being 'potentially suitable' for residential development in Aecom's Site Option Assessment Report (dated April 2021). However, the NP does not allocate either site for development.

Summary of Previous Representations

- 1.4 In September 2022, the Parish Council consulted on their Regulation 14 Neighbourhood Plan. Representations were submitted (see **Appendix A**) and focussed on the following key points:
- a) the lack of any evidence to justify the identification of 'Local Green Space' (LGS) – including the Trust's land at Site 80/KSLGS11 - and to restrict any development on land affected by these designations;
 - b) the lack of evidence to support the suitability and deliverability of the proposed site allocations;
 - c) the potential of the Trust's land at Site 80 and 81 to deliver housing to the north-east of King's Somborne and to round off development in this locality; and
 - d) the need to amend several development management policies to ensure that they contribute to sustainable development and accord with both national and local policy.
- 1.5 Whilst it is acknowledged that some changes have been made to the Plan, the NP does not address all the matters in relation to the outstanding points above.

King's Somborne Neighbourhood Plan Regulation 16

- 1.6 The NP (dated January 2022) is currently the subject of a consultation until the 7th March 2023.
- 1.7 In addition to the NP, the following documents prepared by the Parish Council are also being consulted upon by the Borough Council:
- Basic Conditions Statement; and
 - Consultation Statement.

- 1.8 A Strategic Environmental Assessment (June 2022) and Habitats Regulation Assessment (April 2022) has also been published, having been prepared by Aecom on behalf of the Parish Council.
- 1.9 Since the Regulation 14 consultation in Summer 2022, planning permission was granted (Ref: 22/01359/OUTS) for a hybrid application for the redevelopment of the existing village allotments for the construction of 18 dwellings (outline) and change of use of the adjacent agricultural land to an allotment (full).
- 1.10 As a result, the NP now proposes the inclusion of this site as a housing allocation (Ref: ALL3). Furthermore, the potential site for the allotments is now proposed to be designated as LGS (Site Ref: KSLGS05). The proposed site for the new allotments has been provided by the Trust (in collaboration with the adjoining landowner and developer).
- 1.11 The designation of LGS at KSLGS11 remains. However, the designation now encompasses the entire site whereas previously it had been only part of it – see comparison below:



Figure 1. Figure 3 from KSNP Regulation 14.



Figure 2. Figure 3 from KSNP Regulation 16.

Report Structure

- 1.12 These representations set out a formal response to the current consultation and in particular the approach taken with regards to the NP, its justification, evidence base and the plan's ability to meet the basic conditions.
- 1.13 These representations set out the lack of evidence to support the designation of the Local Green Space at KSLGS11 and the premature allocation of KSLGS05. The Trust also has concerns with the appropriateness of the Parish Council's approach to the 'site selection process' and the proposed housing allocations (particularly KS/ALL1 and KS/ALL2). They also provide further information on the Trust's sites that are suitable and available for small-scale residential development. In addition, comments are provided on specific policies within the NP.
- 1.14 The following section sets out the planning policy context relevant to the representations being made. Sections 3-6 will provide the Trust's representations to the NP.

2.0 Planning Policy Context

- 2.1 The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

Basic Conditions

- 2.2 For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph 65 (Reference ID 41-065-20140306) of the 'Neighbourhood Planning' section of the Planning Practice Guidance (PPG).

- 2.3 The basic conditions are:

“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

(e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

- 2.4 In order to meet the basic conditions, the King's Somborne Neighbourhood Plan must be in general conformity with the “...strategic policies contained in the Development Plan...” which in this instance comprises the Test Valley Borough Revised Local Plan (2016) and which will remain so until such time as they are replaced.

National Planning Policy and Guidance

- 2.5 The National Planning Policy Framework ('the Framework'), published in July 2021, sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.
- 2.6 The requirements set out in the Framework are supplemented by the Neighbourhood Plan section of the Planning Practice Guidance ('the PPG') and its allied sections on Viability,

Housing Land Availability Assessment and Strategic Environmental Assessment. The provisions of the Framework and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a).

- 2.7 The PPG, at paragraph 040 (Reference ID 41-040-20160211), that “...*proportionate, robust evidence should support the choices made and the approach taken*” by a Neighbourhood Plan and in respect of their preparation, states that: “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*” (Paragraph: 041 Reference ID: 41-041-20140306).

Local Green Space

- 2.8 Paragraph 101 of the Framework states that local communities through local and neighbourhood plans can “...*identify and protect green areas of particular importance to them*”. The paragraph adds that “*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*”.
- 2.9 The Framework, at paragraph 102, advises that “*Local Green Space designation should only be used where the green space is:*
- (a) in reasonably close proximity to the community it serves;*
 - (b) 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*
 - (c) local in character and is not an extensive tract of land”.*
- 2.10 The Framework explains that “*policies for managing development within a Local Green Space should be consistent with those for Green Belts*” (paragraph 103).
- 2.11 Further, the PPG provides the following additional advice:
- Paragraph: 007 Reference ID: 37-007-20140306: “*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making*”.
 - Paragraph: 008 Reference ID: 37-008-20140306: “*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented*”.
 - Paragraph: 009 Reference ID: 37-009-20140306: “*Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city*”.
 - Paragraph: 013 Reference ID: 37-013-20140306: “*The green area will need to meet the criteria set out in paragraph 100 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”.

- Paragraph: 014 Reference ID: 37-014-20140306: *“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, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served”.*
- Paragraph: 015 Reference ID: 37-015-20140306: *“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. 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”.*
- Paragraph: 017 Reference ID: 37-017-20140306: *“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). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected”.*
- Paragraph: 018 Reference ID: 37-018-20140306: *“Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation”.*
- Paragraph: 019 Reference ID: 37-019-20140306: *“A Local Green Space does not need to be in public ownership. However...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.”*

3.0 Representations to the Neighbourhood Plan Policy KS/E3

3.1 This Section provides the representations to Policy KS/E3 of the NP made on behalf of the Trust.

Policy Wording and Justification

3.2 Policy KS/E3 reads:

“The following are identified as Local Green Space due to their importance to the local community:

- *Muss Lane Recreation Ground (KSLGS01)*
- *St Peter & St Paul’s Churchyard (KSLGS02)*
- *Playing Field by Village Hall, John of Gaunt’s Palace Site and Field to South of playing field (KSLGS03)*
- *Paddock opposite the Old Vicarage – Old Vicarage Lane (KSLGS04)*
- *Allotments – Furzedown Road (KSLGS05)*
- *King’s Somborne Cemetery and extension – Stockbridge Road (KSLGS06)*
- *Up Somborne Recreation Ground (KSLGS07)*
- *Up Somborne Down (KSLGS09)*
- *Banks/verges either side of Somborne Stream between The Old Vicarage and The Corner House (KSLGS10)*
- *Area directly behind Manor Farm House up to 40m Contour Line (KSLGS11)”*

3.3 The Parish Council’s stated justification for the identification of the LGS – including KSLGS05 and KSLGS11 - is now included at Appendix 2 of the NP. The Parish also prepared a Local Green Space Background Information and Evidence document, albeit it is noted that this has not been updated since Regulation 14 and still refers to the existing allotment site in the village.

3.4 The reasoning for the identification of the Trust’s land is:

KSLGS05

“The proposed new allotments on Furzedown Road are identified for their recreational value. This strategically centred site is much valued by the community and is identified as a key link between two parts of the Village, an area for residents to meet and enjoy healthy exercise and production of fresh fruit and vegetables.”

KSLGS11

“Area directly behind Manor Farm House up to 40m Contour Line for its beauty and historical significance”.

- 3.5 The Local Green Space Background Information and Evidence document includes two Yes/No or ✓ / ✗ tables. The Parish Council, at 'Potential Areas of Green Space', considers that KSLGS11 is considered to meet all the criteria of 'Beauty', 'Historic Significance', 'Recreational Value', 'Tranquillity' and 'Richness of Wildlife'.
- 3.6 Further, they note at Section 4 'Assessment of Suitability' that KSLGS11 is reasonably close to the community and is of particular value to the local community.
- 3.7 As noted above, the Background Information and Evidence document refers to the existing allotment site. The evidence base has not been updated to reflect the change to the NP (see further comments below).

Policy Critique

- 3.8 The designation of LGS on a site is tantamount to Green Belt protection (paragraph 103 of the Framework). It is therefore essential that, when seeking to designate LGSs, plan-makers clearly demonstrate, through compelling evidence, that the requirements for its designation are met in full, namely it is reasonably located to the community it serves; it is demonstrably special to a local community and is of a particular local significance; it is local in character and it is not an extensive tract of land.
- 3.9 By only providing one sentence to support each proposed LGS and a 'Yes/No' exercise, it is clear that the Parish Council has not undertaken a thorough and robust assessment to justify the LGSs. Furthermore, the Consultation Statement does not acknowledge or seek to respond to previous representations to the Regulation 14 draft NP on Policy KS/E3 or KSLGS11, despite them being published on the Parish's website.

Assessment against Basic Conditions

KSLGS05 - Allotments – Furzedown Road

- 3.10 As noted at Section 1, planning permission (Ref: 22/01359/OUTS) has been granted for the development of the existing allotments for 18 dwellings (outline) and change of use of the adjacent agricultural land to an allotment (full). The proposed site for the new allotments has been provided by the Trust (in collaboration with the adjoining landowner and developer).
- 3.11 The provision of the new allotment site (identified as KSLGS05 in the NP) is clearly dependent upon the housing development coming forward. Or else it is not needed. At this stage, the housing element has an outline planning permission and a further reserved matters application(s) and discharge of conditions will be required before development can commence.
- 3.12 As a result, the Site will remain in private agricultural and grazing use until there is certainty that the housing development will be delivered.
- 3.13 With the above in mind, the NP is premature in designating this potential new allotment site as LGS. If and when the new allotment is delivered (and it meets the criteria of LGS), only at that point may the Parish Council seek to designate KSLGS05 for LGS as part of any review and further iteration of the NP. However, the current outline planning permission secured the delivery of the replacement allotments site through a Section 106 Agreement and as such should the housing be delivered on the Site the allotments would be secured in perpetuity negating the need for any LGS designation.

- 3.14 At this stage of the NP, KSLGS05 needs to be assessed against its current position. The Parish Council has not updated the LGS Background Information and Evidence document and Appendix 2 of the NP refers to the Site's recreational value (as a potential allotment).
- 3.15 The NP provides no assessment of the existing site against the requirements of paragraph 102 of the Framework. Currently, the Site is in private agricultural and grazing use with no public access. Accordingly, the Site currently does not have any recreational value and it does not function to "...serve a local community". Furthermore, the site was not previously identified by the Parish as a green area "...of particular importance to them" in accordance with paragraph 101 of the Framework.
- 3.16 The designation of KSLGS05 as LGS does not meet basic conditions (a) and (d) and should therefore be removed.

KSLGS11 – Area directly behind Manor Farm House up to 40m Contour Line

- 3.17 There is no robust assessment of the proposed LGSs against the requirements of paragraph 102 of the Framework. These requirements, and the Trust's response to them in relation to Ref: KSLGS11, are set out at Table 1 below.
- 3.18 Table 1: Assessment of paragraph 102 of the Framework:

The Framework	The Trust's response in respect of LGS designation ref: KSLGS11
<i>(a) in reasonably close proximity to the community it serves;</i>	<p>Whilst it is accepted that KSLGS11 is in reasonably close proximity to existing residential development, given the Site adjoins the built up extent of the settlement, it does not function primarily to "...serve a local community". The Site is in private agricultural and grazing use.</p> <p>It is accepted that a public footpath runs through the LGS area designation, however this alone is not an appropriate reason to designate the site as LGS.</p>
<i>(b) where the green area is demonstrably special to a local community and holds a particular local significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i>	<p>No compelling evidence has been provided to demonstrate that the proposed LGS designations are demonstrably special to the local community and as explained above KSLGS11 does not function principally to serve the local community and does not represent an existing public recreational asset.</p> <p>The main reason given by the Parish for the Site's designation as LGS in the NP is for its beauty and historical significance. However, in the LGS Background Information and Evidence document all of the criteria are ticked.</p> <p><u>Landscape/Beauty</u></p> <p>There is no landscape evidence provided by the Parish Council to explain why the Site is of particular local importance/significance regarding its 'beauty'. Indeed, the</p>

	<p>Site is not subject to any specific landscape designations such as AONBs or Special Landscape Areas.</p> <p>There are no particular features or merit of this land that would distinguish it from the vast majority of the remaining land surrounding the village. Further, the Site is below the 40m contour line that the NP identifies as of great significance to protecting the landscape character of the village at Policy KS/E1. Therefore, the Site does not appear to be demonstrably special.</p> <p>We cannot see that there would be any additional benefit to the community through the Site's designation as LGS. Again, it is private agricultural and grazing land and, as noted in the PPG, there is no need to designate LGS to protect rights of way, which are already protected under other legislation.</p> <p><u>Heritage</u></p> <p>Again, there is no robust evidence (e.g. heritage assessment) provided to support the Parish Council's justification that the Site is historically important/significant to the local community.</p> <p>Whilst the Site is located adjacent to the Grade II listed Manor Farmhouse, the LGS designation is not within the Conservation Area. The historic landscape context of Manor Farmhouse has undergone extensive alteration. A new dwelling has been built recently within the original garden area (Ref: 16/03029/FULLS). The adjacent barn to the east also has a Class Q permission for residential development (Ref: 20/03005/PDQS). Furthermore, the Farmhouse and its associated land and barns appear have been subdivided and already redeveloped over the last 30 years.</p> <p>As part of the Conservation Area setting the area would also seem to have little importance as there is limited intervisibility and much of this side of the village is made up of modern development.</p> <p>There is also no evidence of any historical features. In addition, as noted above, it is in private agricultural and grazing use and, therefore, it is not clear how the Site is demonstrably special to the local community or of local historical significance.</p> <p><u>Recreational value</u></p> <p>The Site is in private agricultural and grazing use and is not an existing public recreational asset.</p>
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	<p>Whilst it is accepted that a public footpath crosses the Site, this alone is not an appropriate reason to designate the site as LGS as noted in the PPG.</p> <p>This particular point was made by the Examiner appointed to assess the Freshford and Limpley Stoke Neighbourhood Plan who made it clear that a footpath bisecting a site is “...not in itself a reason to designate a parcel of land as Local Green Space”. A copy of the relevant extract of the Examiner’s Report can be found at Appendix B.</p> <p><u>Tranquillity</u></p> <p>No evidence is provided by the Parish Council to explain why the Site is of particular importance regarding its tranquillity. Again, it is not considered that the Site’s location would distinguish it from the vast majority of the remaining land surrounding the village.</p> <p>The land is private and, therefore, locals can only pass along the public footpath. Further, the NP currently proposes to allocate land immediately to the west for residential development (Ref: ALL1) and the Site is situated immediately adjacent existing residential areas. These all impact on the overall ‘tranquillity’ that you would experience at the Site.</p> <p><u>Wildlife</u></p> <p>The Site is not subject to any specific ecological designations such as SSSI, SINC or SAC. Again, the Council has provided no ecological evidence for ticking ‘richness of wildlife’ and basis for inclusion of the Site as LGS in the NP. The Site is ‘improved grassland’ which is grazed by livestock and horses and, therefore, has little biodiversity value.</p> <p>Accordingly, it is not demonstrated that the Site is demonstrably special.</p>
<p><i>(c) where the green area concerned is local in character and is not an extensive tract of land.</i></p>	<p>It is accepted that the proposed LGS allocation at KSLGS11 is not an extensive tract of land.</p> <p>The Site is in a countryside location beyond the settlement boundary and, therefore the Site is currently part of the wider countryside, rather than ‘local in character’. In addition, whilst there is a footpath that is used by locals, there are many areas of countryside where footpaths allow access.</p>

- 3.19 In summary, Table 1, demonstrates that the designation of KSLGS11 as LGS does not meet basic conditions (a) and (d) and should therefore be removed.

The consideration of the Parish Council's Evidence on LGS

- 3.20 As noted above, it does not appear that the inclusion of the LGSs has been evidenced by any independent and robust advice to ascertain their significance, in particular with regards to landscape/beauty and heritage. The requirement to provide further justification for these is set out within the PPG where it states "*proportionate, robust evidence should support the choices made and approach taken*" (paragraph 040 Reference ID 41-040-20160211 of the PPG). Without any clear and robust evidence to support the LGSs, and demonstrate their compliance with the Framework, Policy KS/E3 fails to meet basic condition (a).
- 3.21 The Examiner's Report into the Broughton Astley Neighbourhood Plan highlighted the importance of providing sound evidence to demonstrate local importance and significance, with the Inspector concluding that insufficient evidence had been provided to demonstrate that the proposed LGS at Clump Hill was of particular importance to the local community. A copy of the relevant extract of Examiner's Report can be found at **Appendix C**. The Examiner's Report into the Brixworth Neighbourhood Plan also deleted LGSs largely due to a lack of compelling evidence that they are demonstrably special and that they were not in use as green spaces with only access by public rights of way – see **Appendix D** for the relevant extract.
- 3.22 Therefore, it is not considered that the proposed LGS allocations comply with the requirements of the PPG with regards to the provision of evidence. Therefore, the Trust challenges the designation of KSLGS11, especially with regards to the specific mention of beauty and heritage. As noted above, the designation of KSLGS05 is premature and currently provides no recreational or community value.

Summary

- 3.23 The Trust consider that Policy KS/E3 and designation of Site Refs: KSLGS05 and KSLGS11 fail to meet the basic conditions, in particular conditions (a) and (d).
- 3.24 Furthermore, the designation of these sites is not justified by any evidence to demonstrate that either should be protected from development (that is tantamount to Green Belt protection). As such, the LGS designation at Site Refs: KSLGS05 and KSLGS11 should be deleted from Policy KS/E3 in order for the Neighbourhood Plan to meet the basic conditions.

4.0 Representations to the Neighbourhood Plan Policy KS/H1

- 4.1 This Section provides representations to Policy KS/H1 'Quantity of New Homes Needed' of the NP made on behalf of the Trust.

Context and Justification

- 4.2 The Trust continue to support the intent of the NP to deliver new housing at King's Somborne. The Parish's Housing Need and Sites document considers that there is a need to deliver 41 new homes in the area.

Policy Critique and Assessment against Basic Conditions

- 4.3 Notwithstanding the above, the 41 new homes should be expressed as a minimum. We note that Policy KS/H1 says that "*around 41 new homes*" will be accommodated. It is recommended that this wording is still not strong enough and the Policy should include the following alternative wording such as "*a minimum of*" or "*at least*".
- 4.4 This modification would provide clarity that the 41 homes is not a 'ceiling' or 'cap' to development and, therefore, accords with the government's objective of significantly boosting the supply of housing (paragraph 60 of the Framework). Without this change, the Policy would not meet basic conditions (a) and (d).
- 4.5 It is not clear what the Parish Council is trying to achieve with the additional reference to '*utilisation of sites within the settlement boundary with at least 10 houses or more*'. This approach will have a negative impact, by effectively acting to restrict growth by impeding small-scale 'infill' opportunities within the settlement boundary and is contrary to Policy COM2 of the Test Valley Revised Local Plan (January 2016).
- 4.6 There will also be opportunities for development to come forward outside of the settlement boundary, including rural exception sites etc. The supporting text should refer to Policy COM2 of the Local Plan that provides the broad outline for where development will be appropriate in the 'countryside'.
- 4.7 This approach therefore does not meet basic conditions (a), (d) and (e) and should therefore be removed or amended.

Summary

- 4.8 The Trust consider that Policy KS/H1 currently fail to meet the basic conditions, in particular conditions (a), (d) and (e).
- 4.9 For the Policy to meet the basic conditions, it is recommended that the following changes are made:

Policy KS/H1 – Quantity of New Homes Needed

1. The Plan seeks to deliver ~~around~~ a minimum of 41 new homes over the next 15 years. ~~This shall be achieved by the allocation of new suitable sites outside the existing settlement boundary or utilisation of sites within the existing settlement boundary with at least 10 houses or more.~~ Development will predominantly come forward on the housing site allocations in the Plan, together with infill development, including that on windfall sites within the settlement boundary.

...

5.0 Representations to the Neighbourhood Plan Housing Site Allocations

- 5.1 This Section provides representations on the proposed housing site allocations of the NP made on behalf of the Trust, particularly relating to Policies KS/ALL1 and KS/ALL2.
- 5.2 In general, the Trust support the addition of KS/ALL3 'Allotments Site' for 18 dwellings given its recent planning permission.

Proposed Housing Sites

- 5.3 We have a number of concerns with the suitability of the 'site selection methodology' and allocation of sites. Previous representations in respect of our comments on the site selection process are appended for the Examiners consideration at **Appendix A** - see Section 4.
- 5.4 Indeed, no information has still been provided to demonstrate that KS/ALL1 and KS/ALL2 will be available and deliverable within the plan period and therefore fail to meet basic condition (d). These sites are considered further below:

KS/ALL1 – Land at Spencer's Farm (South)

Access

- 5.5 The Policy confirms that access would need to be taken from the A3057.
- 5.6 A Site Access Study was prepared to support the Regulation 14 consultation. This includes evidence from Nick Culhane - Highway Consultant. This report confirms that the Site should be excluded from consideration and would not be acceptable/deliverable with regards to access. It is noted that visibility splays would be difficult to achieve onto the A3057 due to the speed of cars, mature hedgerows and the alignment of the carriageway.
- 5.7 As such, the allocation of the Site is contrary to the Parish Council's own evidence base and should be removed on this basis.

Landscape and Character of the Area

- 5.8 An access from the A3057 will require a road over 250m in length. The access road would be highly visible from distant views (and above the 40m contour line) and an incongruous feature within the landscape at the edge of the settlement.
- 5.9 The developable area is constrained to the north of the Site by the 40m contour line. The NP, at paragraph 4.23, confirms that the northern part of the Site is visible in long distance views. The development of 14 houses will impact on the character of the village. The Policy KS/ALL1 confirms that the developable area is 0.31ha. Accordingly, 14 dwellings would equate to a density of 45 dwelling per hectare (dph) and is clearly overdevelopment.
- 5.10 The built form of the village is relatively low density and the development of 14 dwellings will clearly result in a departure from the current pattern of residential development at the edge of the settlement and adjacent to the Conservation Area.

- 5.11 We consider that if the Site is to come forward for residential development, a development of c.6-8 dwellings could be accommodated on site which would respond more positively to the character of the village and the site context.

KS/ALL2 – Land East off Eldon Road

Landscape and Character of the Area

- 5.12 The Site is above the 40m contour line and, therefore, would be at odds with the Parish Council's own aspirations in the NP to deliver development below this line to protect the landscape character of the village (Policy KS/E1).
- 5.13 There are a number of suitable and available sites that are below the 40m line and, therefore, this adds to our concerns with regards to the robustness of the site selection process.
- 5.14 The impact on landscape character is also evidenced by a refusal of a planning application (ref: 16/02378/OUT) in April 2017 for 60 dwellings on the wider site. The reason for refusal states that the development would be *"...to the detriment of the prevailing landscape character and established countryside setting, particularly in medium and longer range views from the south and south-east of the application site..."*.
- 5.15 The proposed parcel for the development of around 10 dwellings would create a protrusion of random built form into the open landscape which would be out of character with the existing settlement form and pattern of King's Somborne.
- 5.16 Furthermore, a development of 10 dwellings on 0.22ha is around 44dph. Again, we consider that if the Site is to come forward for residential development, a development of c.4-5 dwellings could be accommodated on site which would respond more positively to the character of the village and the site context.

Alternative Sites

- 5.17 With the above in mind, it is important for the Examiner to understand that other suitable sites are available for residential development at King's Somborne to help meet the Parish's minimum housing need. The Trust consider that their land at Sites 80 and 81 are available and suitable for small-scale residential development and these are considered further below:

Site 80 - Land off Winchester Road and New Lane

- 5.18 As noted at Section 3, the LGS designation at Site Ref: KSLGS11 should be deleted from Policy KS/E3 in order for the NP to meet the basic conditions. As such, development of the 'Land off Winchester Road and New Lane' for between 8-10 dwellings is a deliverable option for the following reasons:
- a) Residential development in this location would be in keeping with the surrounding area. The site is a logical extension to the settlement boundary and can deliver a robust edge to the settlement.
 - b) The Site is below the 40m contour line in accordance with the Parish Council's aspirations to protect the landscape character of the village.
 - c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved,

subject to detailed design. It is established that, in principle, a safe access can be delivered.

- d) The proposed scale of development can be accommodated entirely within FZ1, which would mean that any development would be free from any potential flooding.
- e) The site is close to the Grade II listed Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset. There is an opportunity to leave the central portion of the site undeveloped to protect the backdrop setting to the Farmhouse.
- f) Similarly, the site is adjacent to the Conservation Area – however, any residential development will be sympathetic, in scale and design, to the character and appearance of King’s Somborne (in accordance with the other policies in the draft NP).
- g) The size of the site and scale of development lends itself to small to moderately sized houses, rather than large ‘executive’ homes. This type of ‘smaller’ housing will provide an opportunity for young families to live in the village or downsizing, thereby enhancing its vitality. This approach supports the Parish’s aspirations for delivering the need for 2 and 3 bed properties in the Housing Needs Survey (2017).
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

Site 81 - Land south of Winchester Road

5.19 Development of the ‘Land south of Winchester Road’ also for between 7-9 dwellings is also a deliverable option for the following reasons:

- a) Residential development in this location would be in keeping with the surrounding area. The triangular site sits below an ancient bank and hedgerow and is clearly within the historic curtilage of the village bounding onto open fields; is a logical extension to the settlement boundary and can deliver an attractive gateway to the village.
- b) The Site is below the 40m contour line in accordance with the Parish Council’s aspirations to protect the landscape character of the village.
- c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved, subject to detailed design. It is established that, in principle, a safe access can be delivered.
- d) The Site lies within FZ1, including any site access (contrary to the conclusion in the sequential test).
- e) The site is close to the Grade II listed Barns and Stables of Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset.
- f) Whilst part of the Conservation Area, the area would appear to have little connection and this side of the village is made of up of more modern development. However,

residential development will be sympathetic, in scale and design, to the character and appearance of King's Somborne (in accordance with the other policies in the draft NP).

- g) The size of the site and scale of development lends itself to small to moderately sized houses, rather than large 'executive' homes. This type of 'smaller' housing will provide an opportunity for young families to live in the village or downsizing, thereby enhancing its vitality. This approach supports the Parish's aspirations for delivering the need for 2 and 3 bed properties in the Housing Needs Survey (2017).
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

5.20 The above clearly demonstrates that the sites are suitable, available and achievable to enable the delivery of residential development that responds positively to the character of King's Somborne within the plan period. Moreover there are no significant constraints which will prevent development on the sites coming forward.

5.21 Indeed, the Trust also consider that their landholding offers a unique opportunity to deliver a comprehensive development to the north-east of King's Somborne and to round off development in this locality. It is considered that the joint development of both sites would deliver a cohesive scheme for around 15-19 dwellings. This could deliver a number of local community benefits, including:

- The potential delivery of affordable housing.
- Improvements to flood storage capacity through drainage works. This could potentially result in wider flood risk related benefits to existing residents.
- The delivery of enhancements to the landscape character of the area to provide a more cohesive and attractive gateway to the village.
- This approach will ensure the delivery of benefits to the local community in terms of securing the required infrastructure, open space and S106 contributions.

Summary

5.22 With the above in mind, the Trust consider that KS/ALL1 and KS/ALL2 should be removed as site allocations.

5.23 We have concerns that the Parish Council's approach to the 'site selection process' and the proposed housing allocations at KS/ALL1 and KS/ALL2 has significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d).

5.24 This reinforces the need to consider further the development strategy for King's Somborne and approach to identifying sites for housing prior to the NP proceeding through to any referendum.

5.25 In this respect, the Trust consider that their land on the edge of the settlement at Site Refs 80 and 81 are available and deliverable for housing, and should be allocated for housing in a revised NP.

6.0 Representations to the Draft Neighbourhood Plan – Development Management Policies

Policy KS/E5 – Flooding and Water Management

- 6.1 Policy E7 of the Test Valley Revised Local Plan (2016) ensures that development must comply with national policies and guidance in relation to flood risk and water management.
- 6.2 Policy KS/E5 goes beyond the requirements in national and local planning policy and, therefore the Policy fails to conform with basic conditions (a) and (e). In particular, the requirement for all applications to provide groundwater and infiltration testing is too onerous and not supported by national policy. For ease and clarity, criteria 4 and 8 could be removed as the criteria are covered by national policy, by local validation list requirements and other legislation.

Policy KS/E6 – Biodiversity

- 6.3 This Policy appears to be mainly related to trees and landscaping/planting rather than biodiversity. The criteria within the policy are covered by existing policies in the Test Valley Local Plan (2016) e.g. Policy E2.

Policy KS/E10 – Solent and Southampton Water SPA and Solent Maritime SAC

- 6.4 It is considered that nutrient neutrality is a strategic level matter and is not appropriate for inclusion in a Neighbourhood Plan. Furthermore, there is no need to include a policy given the Conservation of Species and Habitats Regulations 2017 requires local planning authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats before granting planning permission.

Policy KS/H2 – Housing Mix

- 6.5 The policy is too restrictive and not reflective of the approach taken by the Borough Council in the Local Plan, which simply requires the provision of a mix with reference to the most up to date SHMA (para 5.31). The proposed mix also appears to be based upon a housing need survey in 2017 which is already over five years old.
- 6.6 We consider that the Housing Mix policy should be deleted, and like the Local Plan, the NP should simply refer to developments including a mix of properties having regard to the character of the immediate area in the text. In this way, housing mix would be assessed on a site-by-site basis with the inclusion of smaller houses encouraged where needed and appropriate.

Policy KS/H8 – Design

- 6.7 The Trust support the NP's intention to deliver high quality and well-designed development at the village. Further, the Design Guidance document prepared by Aecom provides a useful and simplified framework for applicants to follow.
- 6.8 Nevertheless, the Policy wording appears to be too prescriptive, onerous and replicates some of the suggested approach in the Design Guidance. For clarity, we recommend that the wording of the Policy should be amended to:

“Development in the Neighbourhood Area should be of a high quality and respect residential amenity and local character and should have regard to the King’s Somborne Design Guidance”.

Policy KS/F1 - Community Assets

- 6.9 The current ‘allotments’ at Furzedown Road are identified as a as a ‘Key Community Facility / Asset’. A plan should be included to identify the location of the ‘community assets’.
- 6.10 As noted at Section 3 regarding LGSs, at this stage of the NP it would be premature to identify the potential new allotment site – identified as Site Ref:KSLGS05 – as a community asset given that it is not currently been delivered and is reliant upon the housing development coming forward.

7.0 Conclusions

7.1 These representations have been produced by Pro Vision on behalf of the of The Trustees of CB Morgan Will Trust in response to the Regulation 16 pre-submission version of the King's Somborne Neighbourhood Plan.

7.2 The Representations cover the following key points:

- The proposed LGS designation at KSLGS05 and the potential new allotment site is premature and must be deleted from Policy KS/E3.
- The proposed LGS designation at KSLGS11 does not meet the requirements of paragraph 102 of the Framework and so it must be deleted from Policy KS/E3 on this basis. No compelling evidence has been provided by the Parish Council to support the proposed designation as LGS or demonstrate that such a designation meets the requirements of national planning policy and guidance.
- Policy KS/H1 should provide clarity that the provision of 41 homes is not a 'ceiling' or 'cap' to development. Furthermore, the approach to development within the settlement boundary will have a negative impact, by effectively acting to restrict growth by impeding small-scale 'infill' opportunities within the settlement boundary.
- The Trust consider that the Parish Council's approach to the 'site selection process' and the proposed housing allocations KS/ALL1 and KS/ALL2 have significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d). This reinforces the need to consider further the development strategy for King's Somborne and approach to identify sites for housing. The Trust's land at Site Refs: 80 and 81 would deliver housing that would deliver the aims and objectives of the Neighbourhood Plan.
- We have provided comments on several of the development management policies and suggested changes to ensure that the Plan meets the basic conditions.

7.3 In its current form, the NP cannot currently proceed to a referendum and should be modified to address the fundamental implications the NP will have for the delivery of sustainable development and housing through the lifetime of the plan

Appendix A – The Trust’s representations to the Regulation 14 KSNP consultation

KING'S SOMBORNE NEIGHBOURHOOD PLAN

Representations to the Regulation 14 King's
Somborne Neighbourhood Plan (dated January
2022)

Prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust

September 2022

REPRESENTATIONS TO THE REGULATION 14 KING'S SOMBORNE NEIGHBOURHOOD PLAN
(DATED JANUARY 2022)

KING'S SOMBORNE NP
PROJECT NO. 50190

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SEPTEMBER 2022

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1.0 Introduction

1.1 These representations have been prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust (**'the Trust'**) in response to the Regulation 14 pre-submission draft of the King's Somborne Neighbourhood Plan (**'the draft NP'**) .

1.2 The Trust has landholdings at and around King's Somborne. Earlier representations to the Neighbourhood Plan have highlighted that this land is available and suitable for small-scale residential development. In particular, the Trust has previously actively promoted the following two parcels of land adjacent to the settlement boundary:

1. Land off Winchester Road and New Lane (Site 80); and
2. Land south of Winchester Road (Site 81).

1.3 These parcels of land are identified as being 'potentially suitable' for residential development in Aecom's Site Option Assessment Report. However, the draft NP does not allocate either site for development. Indeed, the draft NP identifies part of Site 80 as 'Local Green Space' referred to as KSLGS11.

King's Somborne Neighbourhood Plan

1.4 The draft NP (dated January 2022) is currently the subject of a consultation until the 12th September 2022.

1.5 In addition to the draft NP, the following key documents prepared are also being consulted upon by the Parish Council [inter alia]:

- Local Area of Green Space prepared by the Parish Council;
- Site Options and Assessment Report prepared by Aecom;
- Housing Need and Sites prepared by the Parish Council;
- Site Access Study (including Nick Culhane Site Access Study) prepared by the Parish Council; and
- Sequential Test prepared by the Parish Council.

1.6 A Strategic Environmental Assessment and Habitats Regulation Assessment has also been published, having been prepared by Aecom on behalf of the Parish Council.

Report Structure

- 1.7 These representations set out a formal response to the current consultation and in particular the approach taken with regards to the draft NP, its justification, evidence base and the plan's ability to meet the basic conditions.
- 1.8 These representations set out the lack of evidence to support the designation of the Local Green Space at KSLGS11. The Trust also has concerns with the appropriateness of the Parish Council's approach to the 'site selection process' and the proposed housing allocations. They also provide further information on the Trust's sites that are suitable and available for small-scale residential development. In addition, comments are provided on specific policies within the draft NP.
- 1.9 The following section sets out the planning policy context relevant to the representations being made. Sections 3-5 will provide the Trust's representations to the draft NP.

2.0 Planning Policy Context

- 2.1 The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

Basic Conditions

- 2.2 For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph 65 (Reference ID 41-065-20140306) of the 'Neighbourhood Planning' section of the Planning Practice Guidance (PPG).

- 2.3 The basic conditions are:

“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

(e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

- 2.4 In order to meet the basic conditions, the King's Somborne Neighbourhood Plan must be in general conformity with the “...strategic policies contained in the Development Plan...” which in this instance comprises the Test Valley Borough Revised Local Plan (2016) and which will remain so until such time as they are replaced.

National Planning Policy and Guidance

- 2.5 The National Planning Policy Framework ('the Framework'), published in July 2021, sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.
- 2.6 The requirements set out in the Framework are supplemented by the Neighbourhood Plan section of the Planning Practice Guidance ('the PPG') and its allied sections on Viability,

Housing Land Availability Assessment and Strategic Environmental Assessment. The provisions of the Framework and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a).

- 2.7 The PPG, at paragraph 040 (Reference ID 41-040-20140306), that “...proportionate, robust evidence should support the choices made and the approach taken” by a Neighbourhood Plan and in respect of their preparation, states that: “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared” (Paragraph: 041).

Local Green Space

- 2.8 Paragraph 101 of the Framework states that local communities through local and neighbourhood plans can “...identify and protect green areas of particular importance to them”. The paragraph adds that “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”.
- 2.9 The Framework, at paragraph 102, advises that “Local Green Space designation should only be used where the green space is:
- (a) in reasonably close proximity to the community it serves;
 - (b) 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
 - (c) local in character and is not an extensive tract of land”.
- 2.10 The Framework explains that “policies for managing development within a Local Green Space should be consistent with those for Green Belts” (paragraph 103).
- 2.11 Further, the PPG provides the following additional advice:
- Paragraph: 007 Reference ID: 37-007-20140306: “Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making”.
 - Paragraph: 008 Reference ID: 37-008-20140306: “Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented”.
 - Paragraph: 009 Reference ID: 37-009-20140306: “Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city”.
 - Paragraph: 013 Reference ID: 37-013-20140306: “The green area will need to meet the criteria set out in paragraph 100 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”.

- Paragraph: 014 Reference ID: 37-014-20140306: *“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, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served”.*
- Paragraph: 015 Reference ID: 37-015-20140306: *“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. 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”.*
- Paragraph: 017 Reference ID: 37-017-20140306: *“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). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected”.*
- Paragraph: 018 Reference ID: 37-018-20140306: *“Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation”.*
- Paragraph: 019 Reference ID: 37-019-20140306: *“A Local Green Space does not need to be in public ownership. However...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.”*

3.0 Representations to the Draft Neighbourhood Plan Policy KS/E3

- 3.1 This Section provides the representations to Policy KS/E3 of the draft NP made on behalf of the Trust.

Policy Wording and Justification

- 3.2 Policy KS/E3 reads:

“The following are identified as Local Green Space due to their importance to the local community:

- *Muss Lane Recreation Ground (KSLGS01)*
- *St Peter & St Paul’s Churchyard (KSLGS02)*
- *Playing Field by Village Hall, John of Gaunt’s Palace Site and Field to South of playing field (KSLGS03)*
- *Paddock opposite the Old Vicarage – Old Vicarage Lane (KSLGS04)*
- *Allotments – Furzedown Road (KSLGS05)*
- *King’s Somborne Cemetery and extension – Stockbridge Road (KSLGS06)*
- *Up Somborne Recreation Ground (KSLGS07)*
- *Up Somborne Down (KSLGS09)*
- *Banks/verges either side of Somborne Stream between The Old Vicarage and The Corner House (KSLGS10)*
- *Area directly behind Manor Farm House up to 40m Contour Line (KSLGS11)”*

- 3.3 The Parish Council’s stated justification for the identification of our client’s land is:

“Area directly behind Manor Farm House up to 40m Contour Line for its beauty and historical significance”.

- 3.4 The Parish Council’s Local Green Space Report includes two Yes/No or ✓ / ✗ tables and the Parish Council, at ‘Potential Areas of Green Space’, considers that the Site Ref: KSLGS11 is considered to meet all the criteria of ‘Beauty’, ‘Historic Significance’, ‘Recreational Value’, ‘Tranquillity’ and ‘Richness of Wildlife’. Further, they note at Section 4 ‘Assessment of Suitability’ that the Site is reasonably close to the community and is of particular value to the local community.

Policy Critique

- 3.5 The designation of Local Green Space (LGS) on a site is tantamount to Green Belt protection (paragraph 103 of the Framework). It is therefore essential that, when seeking to designate LGSs, plan-makers clearly demonstrate, through compelling evidence, that the requirements for its designation are met in full, namely it is reasonably located to the community it serves;

it is demonstrably special to a local community and is of a particular local significance; it is local in character and it is not an extensive tract of land.

- 3.6 By only providing one sentence to support each proposed LGS and a 'Yes/No' exercise, it is clear that the Parish Council has not undertaken a thorough and robust assessment to justify the LGSs.

Assessment against Basic Conditions

Failure to comply with Basic Conditions (a) and (d)

- 3.7 There is no robust assessment of the proposed LGSs against the requirements of paragraph 102 of the Framework. These requirements, and the Trust's response to these (in respect of Ref: KSLGS11), are set out at Figure 1 below.

- 3.8 Figure 1: Assessment of paragraph 102 of the Framework:

The Framework	The Trust's response in respect of LGS designation ref: KSLGS11
<i>(a) in reasonably close proximity to the community it serves;</i>	<p>Whilst it is accepted that KSLGS11 is in reasonably close proximity to existing residential development, given the Site adjoins the built up extent of the settlement, it does not function primarily to "...serve a local community". The Site is in private agricultural and grazing use.</p> <p>It is accepted that a Public Right of Way in part borders the northern boundary and in part runs through the LGS area designation, however this alone is not an appropriate reason to designate the site as LGS.</p>
<i>(b) where the green area is demonstrably special to a local community and holds a particular local significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i>	<p>No compelling evidence has been provided to demonstrate that the proposed LGS designations are demonstrably special to the local community and as explained above KSLGS11 does not function principally to serve the local community and does not represent an existing public recreational asset.</p> <p>The main reason given by the Parish for the Site's designation as LGS in the Consultation Document is for its beauty and historical significance. However, in the separate Parish's LGS report all of the criteria are ticked.</p> <p><u>Landscape/Beauty</u></p> <p>There is no landscape evidence provided by the Parish Council to explain why the Site is of particular local importance/significance regarding its 'beauty'. Indeed, the Site is not subject to any specific landscape designations such as AONBs or Special Landscape Areas.</p> <p>There are no particular features or merit of this land that would distinguish it from the vast majority of the remaining</p>

	<p>land surrounding the village. Further, the Site is below the 40m contour line that the NP identifies as of great significance to protecting the landscape character of the village at draft Policy KS/E1. Therefore, the Site does not appear to be demonstrably special.</p> <p>We cannot see that there would be any additional benefit to the community through the Site's designation as LGS. Again, it is private agricultural and grazing land and, as noted in the PPG, there is no need to designate LGS to protect rights of way, which are already protected under other legislation.</p> <p><u>Heritage</u></p> <p>Again, there is no robust evidence (e.g. heritage assessment) provided to support the Parish Council's justification that the Site is historically important/significant to the local community.</p> <p>Whilst the Site is located adjacent to the Grade II listed Manor Farmhouse, the LGS designation is not within the Conservation Area. The historic landscape context of Manor Farmhouse has undergone extensive alteration. A new dwelling has been built adjacent (Ref: 16/03029/FULLS). The adjacent barn to the east also has a Class Q permission for residential development (Ref: 20/03005/PDQS). Furthermore, the Farmhouse and its associated land and barns appear have been subdivided and already redeveloped over the last 30 years.</p> <p>As part of the Conservation Area setting the area would also seem to have little importance as there is limited intervisibility and much of this side of the village is made up of modern development.</p> <p>There is also no evidence of any historical features above or below ground. In addition, as noted above, it is in private agricultural and grazing use and, therefore, it is not clear how the Site is demonstrably special to the local community or of local historical significance.</p> <p><u>Recreational value</u></p> <p>The Site is in private agricultural and grazing use and is not an existing public recreational asset.</p> <p>Whilst it is accepted that a Public Right of Way crosses the Site, this alone is not an appropriate reason to designate the site as LGS.</p>
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	<p>This particular point was made by the Examiner appointed to assess the Freshford and Limpley Stoke Neighbourhood Plan who made it clear that a footpath bisecting a site is “...not in itself a reason to designate a parcel of land as Local Green Space”. A copy of the Examiner’s Report can be found here.</p> <p><u>Tranquillity</u></p> <p>No evidence is provided by the Parish Council to explain why the Site is of particular importance regarding its tranquillity. Again, it is not considered that the Site’s location would distinguish it from the vast majority of the remaining land surrounding the village.</p> <p>The land is private and, therefore, locals can only pass along the Public Right of Way. Further, the draft NP currently proposes to allocate land immediately to the west for residential development and the Site is situated immediately adjacent existing residential areas. These all impact on the overall ‘tranquillity’ that you would experience at the Site.</p> <p><u>Wildlife</u></p> <p>The Site is not subject to any specific ecological designations such as SSSI or SAC. Again, the Council has provided no ecological evidence for ticking ‘richness of wildlife’ and basis for inclusion of the Site as LGS in the draft NP. The Site is ‘improved grassland’ and, therefore, has little biodiversity value.</p> <p>Accordingly, it is not demonstrated that the Site is demonstrably special.</p>
<p>(c) <i>where the green area concerned is local in character and is not an extensive tract of land.</i></p>	<p>It is accepted that the proposed LGS allocation at KSLGS11 is not an extensive tract of land.</p> <p>However, the proposed LGS boundary does not appear to follow any physical features of the Site. The Site is in a countryside location beyond the settlement boundary and, therefore the Site is currently part of the wider countryside, rather than ‘local in character’. In addition, whilst there is a footpath that is used by locals, there are many areas of countryside where footpaths allow access.</p>

The consideration of the Parish Council’s Evidence

- 3.9 As noted above, it does not appear that the inclusion of the LGSs has been evidenced by any independent and robust advice to ascertain their significance, in particular with regards to landscape/beauty and heritage. The requirement to provide further justification for these is

set out within the PPG where it states “*proportionate, robust evidence should support the choices made and approach taken*” (paragraph 040 Reference ID 41-040-20140306 of the PPG). Without any clear and robust evidence to support the LGSs, and demonstrate their compliance with the Framework, Policy KS/E3 fails to meet basic condition (a).

- 3.10 The Examiner’s Report into the Broughton Astley Neighbourhood Plan highlighted the importance of providing sound evidence to demonstrate local importance and significance, with the Inspector concluding that insufficient evidence had been provided to demonstrate that the proposed LGS at Clump Hill was of particular importance to the local community. The Examiner’s Report can be found [here](#).
- 3.11 Therefore, it is not considered that the proposed LGS allocations – including KSLGS11 – comply with the requirements of the PPG with regards to the provision of evidence. Therefore, the Trust questions the designation of KSLGS11, especially with regards to the specific mention of beauty and heritage.

Importance to the local community

- 3.12 The Framework highlights the importance of community-led planning and the power that Neighbourhood Planning provides to local communities. Paragraph 101 of the Framework states that local communities through local and neighbourhood plans can “...*identify and protect green areas of particular importance to them*”. Clearly, it is therefore vital for the draft NP to accurately portray the views of the community that it purports to represent.

At present this is not the case for the draft NP – as far as we are aware, no public consultation took place on LGS designations ahead of this draft NP. A public consultation should have been carried out to identify sites that were of importance to the local community. The results could then have been considered against the outcomes of appropriate evidence to help demonstrate that they meet the criteria for designation. However, the selection of sites for designation as LGSs – and in particular KSLGS11 – appears to have been completely arbitrary with no local community involvement. As such, the draft NP currently fails to meet basic conditions (a) and (d).

Summary

- 3.13 The Trust consider that Policy KS/E3 and designation of Site Ref: KSLGS11 fails to meet the basic conditions, in particular conditions (a) and (d).
- 3.14 Furthermore, the designation of the Site is not justified by any evidence to demonstrate that it should be protected from development (that is tantamount to Green Belt protection). As such, the LGS designation at Site Ref: KSLGS11 should be deleted from Policy KS/E3 in order for the Neighbourhood Plan to meet the basic conditions.

4.0 Representations to the Draft Neighbourhood Plan Policy KS/H1 and Housing Site Allocations

- 4.1 This Section provides representations to Policy KS/H1 'Quantity of New Homes Needed' and the proposed Site Allocations of the draft NP made on behalf of the Trust.

Context and Justification

- 4.2 The Trust support the intent of the draft NP to deliver new housing at King's Somborne. The Housing Need and Sites document considers that there is a need to deliver 41 new homes in the area. In our previous representations, the Trust questioned how the figure of 41 new homes was derived and whether this approach was appropriate.
- 4.3 Notwithstanding the above, it was also explained that the 41 new homes should be expressed as a minimum. We note that Policy KS/H1 says that "*around 41* new homes" will be accommodated by allocated sites in the Neighbourhood Plan. It is recommended that this wording is still not strong enough and the Policy should include the following alternative wording such as "*a minimum of*" or "*at least*".
- 4.4 In addition to the proposed housing allocations, the Policy should be clear that in addition to the proposed housing allocations there would be support for other forms of residential development, for example infill development within the settlement boundary and rural exception sites.

Consideration of potential housing sites

Identification of sites

- 4.5 The Parish Council's Housing Needs and Site Report sets out the process by which the Sites were identified and put forward for consideration as part of the draft NP.
- 4.6 The Trust has primarily promoted two sites that are considered to be available and suitable for small-scale residential development and are situated immediately adjacent the existing settlement boundary. These are identified as follows:
- Land off Winchester Road and New Lane (Site 80 and formerly KS7); and
 - Land south of Winchester Road (Site 81).
- 4.7 In 2021, the Parish Council engaged Aecom to undertake a new Site Options Assessment. This identified twelve sites (or part of sites) that were suitable for development and includes both of our client's land at Site Refs: 80 and 81. The Parish Council's Housing Need and Sites Report assesses these twelve sites and proposes the allocation of four sites for development.
- 4.8 However, the draft NP does not allocate either of the Trust's Sites for development. Indeed, the draft NP identifies part of Site 80 as 'Local Green Space' referred to as KSLGS11 (see Section 3).

Community Consultation

- 4.9 Similarly to the LGS designations, it appears that no public consultation has taken place to seek the specific views of the local community on the twelve available sites that were determined as being potentially suitable for development to establish community preference. Again, this should then have been considered alongside the site selection methodology to determine the preferred development strategy for King's Somborne. As such, the draft NP currently fails to meet basic conditions (a) and (d).

Consideration of the Parish Council's Site Assessment and Conclusions

- 4.10 The Housing Needs and Sites report confirms that following the identification of the twelve sites by Aecom, four sites were immediately removed on the basis they were remote from the settlement boundary.
- 4.11 The remaining eight sites - including our client's two sites as identified above – were taken forward for further consideration. The starting point appears to have been the consideration to deliver 25% of the total housing need as affordable homes. Whilst the Trust support the desire of the Parish to provide affordable housing, it is not clear where and how this number has been derived. Indeed, meeting this affordable housing requirement appears to drive the development strategy for the village and identification of the allocations. This approach has significant potential to undermine the delivery of sustainable development at the village given that Sites appear to have been chosen simply on their ability to deliver affordable housing and is contrary to basic condition (d).
- 4.12 Notwithstanding the above, the Parish subsequently commissioned consultants to review highways/access and flooding/drainage on the remaining eight sites. However, the Parish has not commissioned any new/updated landscape evidence and no heritage, ecology or urban design evidence has been provided. It is not clear why flooding and access/highways were the only matters considered.
- 4.13 The Parish also undertake a flood sequential test. This concludes that our client's land at Site 81 should be excluded as any potential access is determined to be in FZ3. This is an error. The Waterco report and the 'EA Flood Map for Planning' show that the majority of the site frontage of Site 81 is within FZ1. Further, the Historic Flood Map shows that there has been no historic flooding along the site frontage. As such, Site 81 should not be excluded from the Site Assessment at this stage on the basis of the sequential test.
- 4.14 With regards to highways and access, again it appears that the Parish Council has ignored its own evidence base. The Nick Culhane Access Study concludes that Sites KS1, KS3 and SHELAA 148b would not be acceptable/deliverable with regards to access. These Sites should therefore have been excluded at this stage of the Site Assessment.
- 4.15 Following the outcomes of the sequential test, the Parish Council state that a "*final site appraisal based upon strength and weakness of each site*" was undertaken to determine the allocations. There is no evidence of this assessment in the evidence base. This appears to have been an arbitrary selection process without any objective criteria and restricted to personal views of Members of the NP Steering Group.
- 4.16 With the above in mind, the Trust consider that the approach to the 'site selection process' and the allocation of KS148b, SHELAA 55, SHELAA 168, and KS3 has significant potential to

undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d).

Proposed Housing Sites

- 4.17 We have a number of concerns with the suitability of the 'site selection methodology' and allocation of sites. Indeed, no information has been provided to demonstrate the sites will be available and deliverable within the plan period and therefore fails to meet basic condition (d).
- 4.18 The proposed allocation sites are considered further below:

KS148b - Land at Spencer's Farm (South) – as noted above, the Site should have been excluded from further consideration in the site assessment following the outcomes of the Site Access Report and the Nick Culhane Access Study.

SHELAA 55 – Land east of Furzedown Road – the Trust has concerns that the development would create a protrusion of built form into the open landscape and would therefore be out of character with the settlement form and pattern of King's Somborne (contrary to draft Policy KS/E1). There also appears to be potential for a ransom strip between the allocation site and the proposed access.

SHELAA 168 – Land East off Eldon Road – the Site is above the 40m contour line and, therefore, would be at odds with the Parish Council's own aspirations in the draft NP to deliver development below this line to protect the landscape character of the village. There are a number of suitable and available sites that are below the 40m line and, therefore, this adds to our concerns with regards to the robustness of the site selection process.

KS3 - Land off Frogghole Lane - as noted above, the Site should have been excluded from further consideration in the site assessment following the outcomes of the Site Access Report and the Nick Culhane Access Study.

Alternative Sites

- 4.19 With the above in mind, we consider that the site assessment approach and proposed housing allocations are flawed and do not meet the basic conditions.
- 4.20 The Trust consider that their land at Sites 80 and 81 are available and suitable for small-scale residential development. These are considered further below.

Site 80 - Land off Winchester Road and New Lane

- 4.21 As noted at Section 3, the LGS designation at Site Ref: KSLGS11 should be deleted from Policy KS/E3 in order for the Neighbourhood Plan to meet the basic conditions. As such, development of the 'Land off Winchester Road and New Lane' for between 8-10 dwellings is a deliverable option for the following reasons:
- a) Residential development in this location would be in keeping with the surrounding area. The site is a logical extension to the settlement boundary and can deliver a robust edge to the settlement.
 - b) The Site is below the 40m contour line in accordance with the Parish Council's aspirations to protect the landscape character of the village.

- c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved, subject to detailed design. The Trust has previously also submitted an access Feasibility Study prepared by Odyssey to demonstrate that, in principle, a safe access can be delivered.
- d) The proposed scale of development can be accommodated entirely within FZ1.
- e) The site is close to the Grade II listed Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset. There is an opportunity to leave the central portion of the site undeveloped to protect the backdrop setting to the Farmhouse.
- f) Similarly, the site is adjacent to the Conservation Area – however, any residential development will be sympathetic, in scale and design, to the character and appearance of King’s Somborne (in accordance with the other policies in the draft NP).
- g) The size of the site and scale of development lends itself to moderately sized houses, rather than large ‘executive’ homes. This type of ‘smaller’ housing will provide an opportunity for young families to live in the village, thereby enhancing its vitality.
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

Site 81 - Land south of Winchester Road

4.22 Development of the ‘Land south of Winchester Road’ also for between 7-9 dwellings is also a deliverable option for the following reasons:

- a) Residential development in this location would be in keeping with the surrounding area. The triangular site sits below an ancient bank and hedgerow and is clearly within the historic curtilage of the village bounding onto open fields; is a logical extension to the settlement boundary and can deliver an attractive gateway to the village.
- b) The Site is below the 40m contour line in accordance with the Parish Council’s aspirations to protect the landscape character of the village.
- c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved, subject to detailed design. The Trust has previously also submitted an access Feasibility Study prepared by Odyssey to demonstrate that, in principle, a safe access can be delivered.
- d) The Site lies within FZ1, including any site access (contrary to the conclusion in the sequential test).
- e) The site is close to the Grade II listed Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset.
- f) Whilst part of the Conservation Area, the area would appear to have little connection and this side of the village is made of up of more modern development. However,

residential development will be sympathetic, in scale and design, to the character and appearance of King's Somborne (in accordance with the other policies in the draft NP).

- g) The size of the site and scale of development lends itself to moderately sized houses, rather than large 'executive' homes. This type of 'smaller' housing will provide an opportunity for young families to live in the village, thereby enhancing its vitality.
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

4.23 The above clearly demonstrates that the sites are suitable, available and achievable to enable the delivery of residential development that responds positively to the character of King's Somborne within the plan period. Moreover there are no significant constraints which will prevent development on the sites coming forward.

4.24 Indeed, the Trust also consider that their landholding offers a unique opportunity to deliver a comprehensive development to the north-east of King's Somborne and to round off development in this locality. It is considered that the joint development of both sites would deliver a cohesive scheme for around 15-19 dwellings. This could deliver a number of local community benefits, including:

- The potential delivery of affordable housing.
- Improvements to flood storage capacity through drainage works. This could potentially result in wider flood risk related benefits to existing residents.
- The delivery of enhancements to the landscape character of the area to provide a more cohesive and attractive gateway to the village.
- This approach will ensure the delivery of benefits to the local community in terms of securing the required infrastructure, open space and S106 contributions.

Summary

4.25 The Trust consider that the Parish Council's approach to the 'site selection process' and the proposed housing allocations has significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d). This reinforces the need to consider further the development strategy for King's Somborne and approach to identify sites for housing.

4.26 In this respect, the Trust consider that their land on the edge of the settlement is available and deliverable for small-scale housing and should be allocated for housing in a revised policy.

5.0 Representations to the Draft Neighbourhood Plan – Development Management Policies

Policy KS/E4 – Conservation Area

- 5.1 The Policy requires developments within the Conservation Area to incorporate key materials as listed. It is considered that this is too prescriptive and could constrain sustainable development (contrary to the basic conditions). It is recommended that the wording of the policy is amended to:

‘The Parish Council will support proposals in the conservation area that are sympathetic, in scale and design, to the character and appearance of the area...’

Policy KS/E5 – Flooding and Water Management

- 5.2 Policy E7 of the Test Valley Local Plan (2016) ensures that development must comply with national policies and guidance in relation to flood risk and water management. Policy KS/E5 therefore appears to go beyond the requirements in national planning policy and, therefore the Policy fails to conform with basic conditions (a) and (e).

Policy KS/E6 – Biodiversity

- 5.3 A number of the criteria within the policy are covered by existing policies in the Test Valley Local Plan (2016) e.g. Policy E5/E6. It is not the role of Neighbourhood Plans to replicate policy that already exists.

KS/E7 – The River Network

- 5.4 It is considered that nutrient neutrality is a strategic level matter and is not appropriate for inclusion in a Neighbourhood Plan. Furthermore, there is no need to include a policy given the Conservation of Species and Habitats Regulations 2017 requires local planning authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats before granting planning permission.

KS/H2 – Housing Mix

- 5.5 The policy is too restrictive and not reflective of the approach taken by the Council in the Local Plan. We consider that the Housing Mix policy should be deleted, and like the Local Plan, the draft NP should simply refer to developments including a mix of properties having regard to the character of the immediate area. In this way, housing mix would be assessed on a site-by-site basis with the inclusion of smaller houses encouraged where needed and appropriate.

KS/H8 – Design

- 5.6 The Trust support the draft NP's intention to deliver high quality and well-designed development at the village. Further, the Design Guidance document prepared by Aecom provides a useful and simplified framework for applicants to follow.
- 5.7 Nevertheless, the Policy wording appears to be too prescriptive, onerous and replicates some of the suggested approach in the Design Guidance. For clarity, we recommend that the wording of the Policy should be amended to:

“Development in the Neighbourhood Area should be of a high quality and respect residential amenity and local character and should have regard to the King’s Somborne Design Guidance”.

6.0 Conclusions

- 6.1 These representations have been produced by Pro Vision on behalf of the of The Trustees of CB Morgan Will Trust in response to the Regulation 14 pre-submission draft of the King's Somborne Neighbourhood Plan.
- 6.2 The proposed LGS designation at KSLGS11 does not meet the requirements of paragraph 102 of the Framework and so it must be deleted from Policy KS/E3 on this basis. No compelling evidence has been provided by the Parish Council to support the proposed designation as LGS, or demonstrate that such a designation meets the requirements of national planning policy and guidance.
- 6.3 The Trust consider that the Parish Council's approach to the 'site selection process' and the proposed housing allocations has significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d). This reinforces the need to consider further the development strategy for King's Somborne and approach to identify sites for housing. The Trust's land at Site 80 and 81 would deliver small scale housing that would deliver the aims and objectives of the Neighbourhood Plan.
- 6.4 In its current form, it is considered that the draft NP cannot proceed and the Parish Council need to consider further revisions to address the fundamental implications the draft NP will have for the delivery of sustainable development and sufficient housing through the lifetime of the plan.

Appendix B - Extract of the Freshford and Limpley Stoke NP Examiner's Report

LOCAL GREEN SPACES POLICY

71. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- 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.*
72. Planning Policy Guidance states (at Paragraph: 010 Reference ID: 37-010-20140306): *If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*
- One potential benefit in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.*
73. The joint clarification note dated 8 December 2014 states that the central Local Green Space on Map 2 is made up of a number of smaller proposed Local Green Spaces and each of these should be considered on their own merits. In my opinion, this can only be the correct approach if it does not result in an extensive tract of land, however it is derived.
74. I have spent a considerable amount of time at my visit to the area looking at the areas proposed to be designated as Local Green Spaces. Appendix B4 includes a map identifying each parcel of land by a number and by ownership. For ease of reference, I will refer to each parcel in accordance with that map
75. Combined sites 1, 2, 3 and 4 comprise an extensive tract of land, which is part of the wider countryside, rather than local in character. Thus, the combination does not meet the criteria for Local Green Space designation. The Plan states *that the Local Green Space is needed to prevent agglomeration between the settlement areas*. This is not the purpose of a Local Green Space Designation. There is already considerable protection of the fields between the settlements, being protected by both Green Belt policy and AONB policy.
76. Whilst I do not consider the combined sites of site 1, 2 3 and 4 meet the Local Green Space criteria, I have considered the sites individually below as

requested. I must emphasise that in order for an area to be designated as a Local Green Space, it has to meet all the criteria for designation.

77. I realise that footpaths dissect some of the parcels of land. This is not in itself a reason to designate a parcel of land as a Local Green Space.

Site 1 Richie

78. Whilst this small parcel of land is in reasonably close proximity to the community, there is no robust justifiable evidence to indicate that it is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 2 Millard

79. This is an extensive tract of land dissected by the A36. It is part of the wider countryside, rather than local in character. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 3 Dawson

80. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 4 Walden

81. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 5 Alexander

82. Site 5 appears to have been included for designation to prevent coalescence between the settlements. This is not a reason to designate land as Local Green Space. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 6 Fletcher

83. Site 6 appears to have been included for designation to prevent coalescence between the settlements. This is not a reason to designate land as Local Green Space. . There is no robust justifiable evidence to indicate that this small parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 7 Freshford Parish Council (Tyning Village Green)

84. This area is a registered Village Green. Clearly it is close to the community, is demonstrably special and holds a particular local significance, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

Site 8 Limpley Stoke Parish Council (King George V)

85. This play park is within the community; clearly it is demonstrably special and holds a particular local significance, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.
86. To meet the Basic Conditions, I recommend the deletion of sites 1-6 from the Local Green Space designation. I realise that this will not be welcomed by a considerable number of people in the local community. It is clear from the evidence base that strong reasons for designating these sites have been to prevent coalescence of the settlements and to provide a visual break between the built up areas. These are not Local Green Space criteria. Existing protective designations, i.e. Green Belt and AONB designations provide considerable protection against development on these sites.
87. There has been a request for further land to be designated as Local Green Space. My role is to determine whether the Plan meets the Basic Conditions. The inclusion of further Local Green Space is not necessary to meet these conditions.
88. **Recommendation: to meet the Basic Conditions, I recommend modification to Map 2 by the deletion of Local Green Spaces 1-6 and associated modification to the text in the Safeguarding Local Green Spaces section.**

HIGHWAYS POLICY

89. I have visited the Neighbourhood Plan area and have experienced both driving and walking around the narrow roads. In particular, I see the importance of 'painted pavements' for pedestrian safety. (I must emphasise that I was unscathed by my experience).
90. The Highways Policy seeks to advance shared space principles in order to improve road safety. However, the policy is not a land use and development policy, it is more a list of aspirations. Thus, to meet the Basic Conditions, the policy should be deleted, but can be retained as a list of objectives in the Walking, Cycling and Safer Roads Section.
91. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the Highways Policy and the incorporation of this list of objectives into the accompanying text, with the text modified to remove reference to 'policy' objectives.**

Removal of reference to the Highways Policy in paragraph 8.2 in the Business and Technology Section.

Appendix C - Extract of the Broughton Astley NP Examiner's Report

Objections to policy W1 refer to the potential for the delivery of a healthcare facility on another site, elsewhere in Broughton Astley. This would be dependent upon planning permission for associated residential development on an unallocated greenfield site – and I note that the site is the subject of a planning appeal.

- **Key issues, second line of third bullet point (top of page 22) to read “...people *within* the village.”**

Environment

Neighbourhood Plan Policy EH1 seeks to protect existing open spaces and heritage; and to provide for new open spaces. As presented, I find that policy EH1 sets out a confused approach in respect of green spaces and Local Green Spaces. It seeks to protect identified green spaces but then also states that it seeks to apply to Harborough District Council to designate the same spaces as Local Green Spaces.

I consider that it would be more appropriate, straightforward and significantly simpler for the Neighbourhood Plan to designate Local Green Spaces. This would have regard to the Framework, which states that “*By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances...Local Green Spaces should only be designated when a plan is prepared...*”

Representations were received objecting to the consideration of Clump Hill as a Local Green Space. In this regard, I am concerned that only a very small number of people identified Clump Hill as being an area worthy of protection. The Local Green Space designation affords land a very high level of protection – not dissimilar to that provided by Green Belt status. Given this, I am not satisfied that there is sufficient grounds to demonstrate Clump Hill’s “particular importance” to the local community, as required by the Framework. Consequently, I consider that its inclusion as a Local Green Space would fail to have regard to the Framework. However, I do note that Clump Hill is located outside the settlement area and as such, is already afforded some protection from development.

- **Delete EH1 sub-section (ii). Change sub-section (iii) to read “*The green spaces at Frolesworth Road Recreation Ground, War Memorial, Cottage Lane, and the disused railway, which have been demonstrated to be of significance to the local community, are designated as Local Green Spaces, in order to protect their identity. The Local Green Spaces are identified in Figure 6.*”**
- **Remove Clump Hill from Figures 1 and 6.**
- **Change the title of Figure 6 to “*Local Green Spaces.*”**
- **It would be helpful to show clearer boundaries to each of the sites by enlarging and re-centring Figure 6.**

- **Change sub-section (iv) to read “Existing areas of public open space and Local Green Spaces will be preserved in order...”**

Neighbourhood Plan Policy EH2 aims to ensure that Sutton in the Elms maintains its identity and character. There is no need to repeat part of policy EH2 in policy EH1.

- **Delete EH1 sub-section (vi). Delete paragraph 3 under the Justification on page 26.**

I also find that policy EH1, together with Figure 7, sets out a confusing approach in relation to Listed Buildings and other buildings of local interest. Listed Buildings and their settings are, by their very status, afforded a different level of protection by the Framework to other, non-Listed buildings. However, Figure 7 does not distinguish between Listed and non-Listed buildings.

Further to this, Listed Buildings are already afforded protection and it is unnecessary for the Neighbourhood Plan to repeat existing policy. This can lead to confusion – for example, sub-section (vii) refers to protecting the “character and setting” of Listed Buildings, but to no other considerations. However, there is no harm in referring to Broughton Astley’s existing heritage assets.

- **I recommend that sub-section (vii) is re-worded to read “*Broughton Astley’s Listed Buildings – St Mary’s Church, Sutton in the Elms Baptist Church, Quaker Cottage and the Stone House – will be protected in line with national policy.*”**

It is not the role of the Neighbourhood Plan to give “consideration” to the Listing of other buildings, as set out in sub-section (viii). Furthermore, such an approach does not comprise a land use planning policy. This part of the policy does not meet the Basic Conditions.

It may be that the Neighbourhood Plan seeks to recognise the buildings identified in sub-section (viii) as locally important buildings. In so doing, there should be evidence setting out why they are locally important and it should be clearly stated that they are non-designated heritage assets. On this basis, the supporting text might indicate that Broughton Astley Parish Council will consult with English Heritage with regards the future status of these building. These are matters for Broughton Astley Parish Council and Harborough District Council to consider.

- **Unless an appropriate alternative approach along the above lines is introduced, policy EH1 sub-section (viii) should be deleted.**
- **Reconsider the title of Figure 7, in line with the above.**
- **Policy EH1 (i) first line to read “...Highway *Authority*, developers, and local environmental groups, improved...”**

Subject to the changes above, policy EH1 meets the Basic Conditions.

Appendix D - Extract of the Brixworth NP Examiner's Report

Revise paragraph 6.53 to read:

“The following policy aims to protect *the historic and landscape setting of Brixworth and views from public vantage points in the surrounding countryside and from the edge of the village* from development that would have a harmful impact on it. The views and vistas are important to the unique character of the village and its rural feel, and it is appropriate for the Neighbourhood Plan to seek to protect them. This policy will only apply to land within the Neighbourhood Plan area. The Neighbourhood Plan seeks to protect *the setting of the village* in order to maintain its local distinctiveness.”

Policy 5 – Trees and Hedgerows

- 4.56 Policy 5 supports the protection of mature trees, woodland and important hedgerows and for the replacement of any protected trees and woodland that may be lost through development. As worded in the publication draft plan, point 1 of the policy could be interpreted to mean that all mature trees, woodland and hedgerows should be protected wherever possible. The Qualifying Body had confirmed that it is the intention to apply this policy to new development proposals. A revision to point 1 has been proposed by the Qualifying Body to clarify this.
- 4.57 Paragraph 6.58 states that Policy 5 aims to prevent development that would result in loss of or damage to significant trees, woodland and hedgerows where possible. It is considered that this approach is generally restrictive towards development and that it would better reflect the intention of the policy to refer to development retaining the trees, woodland and important hedgerows within the development, where possible.
- 4.58 Subject to the recommended modifications, the policy is considered to have had regard to national planning policy and to be in general conformity with strategic local policy.

Recommendation 7: Revise Policy 5 as follows:

Revise point 1 to read: “*When considering development proposals, mature trees, woodlands....*”

Revise the first sentence of paragraph 6.58 to read “*The following policy aims to safeguard and retain mature trees, woodlands and hedgerows within the development, where possible.*”

Policy 6 - Local Green Spaces

- 4.59 The policy proposes the designation of seven areas as Local Green Space. NPPF paragraphs 76 – 78 set out the approach and criteria to be considered in designating Local Green Space. The purpose is to give special protection

to green areas of particular importance to the community. The designation will rule out development on the sites other than in very special circumstances and should be consistent with and complement investment in homes, jobs and other essential services.

- 4.60 Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *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.*
- 4.61 A representation has been received stating that no assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF has been carried out; sites LGS1, LGS2 and LGS3 are extensive tracts of land and their proposed designation would represent a blanket restriction on development; there is no public right of way crossing LGS2; and no compelling evidence has been provided to demonstrate that the proposed designations are demonstrably special to the local community. The District Council has also commented on the lack of an assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF.
- 4.62 The Qualifying Body has provided me with an assessment of the proposed Local Green Space against the criteria in paragraph 77 of the NPPF. It is recommended that this should be included in the appendices to the Neighbourhood Plan.
- 4.63 I have visited all the sites on my site visit. Sites LGS1, LGS2 and LGS3 are all arable agricultural land on the edge of the village. They are not in use as green spaces and the only access to the areas is by way of public and permissive rights of way. All three sites are extensive tracts of land. There is no compelling evidence about why the areas are of particular local significance. Footpaths border some of the sites but this is not in itself a reason to designate a parcel of land as a Local Green Space. The sites are important in the landscape setting of the village, however this is not a reason to designate them as Local Green Space. For an area to be designated as a Local Green Space it must meet all three criteria of NPPF paragraph 77 which these sites clearly do not do.
- 4.64 The other four sites (LGS4 – 7) are all recreation grounds and playing fields within or on the edge of the village used for sports and children's play. I am satisfied that they meet the criteria of paragraph 77 and are appropriate for designation as Local Green Space.

- 4.65 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy.

Recommendation 8: Delete sites LGS1, LGS2 and LGS3 from Policy 6 and Maps 10 and 11. Delete paragraph 6.70 and the second sentence of paragraph 6.72. Revise Table 4 by including the Local Green Space assessment and move to the appendices.

Policy 7 - Open Spaces

- 4.66 Policy 7 resists development on open spaces unless it supports the existing function or improves the quality of the open space. The policy also requires the proposal to be in accordance with JCS Policy RC2 which addresses the circumstances when considering the loss of areas of open space.
- 4.67 Map 12 identifies 16 areas of open space which are described in Table 5. These include allotments, historic open areas in the conservation area and local green areas within residential areas. Site 16 is the open area to be provided within phase 2 of the recently approved housing development near the A508 / Northampton Road roundabout. Whilst this area has not yet been laid out, it has been approved and will provide the play area, green space and swale to serve the housing development.
- 4.68 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy.
- 4.69 It would be helpful to provide clarity to the policy to include reference to the sites shown on Map 12.

Recommendation 9: Revise Policy 7 to read “Development on open spaces shown on Map 12.....”

Policy 8 - Brixworth Village Centre

- 4.70 Policy 8 supports development that will strengthen the village centre as a focal point for local service and community facilities.
- 4.71 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. The title of the policy refers to Brixworth Village Centre, whereas the policy itself refers to Brixworth Neighbourhood Centre. The Qualifying Body has confirmed that the term “village centre” is preferred.

Recommendation 10: Revise Policy 8 to refer to Brixworth Village Centre.