



**REPRESENTATIONS TO
CHELVESTON-CUM-CALDECOTT
NEIGHBOURHOOD PLAN 2015-2035
CONSULTATION VERSION 1.0
AUGUST 2014**

**SUBMITTED ON BEHALF OF
MR PIETER MOMMERSTEEG**

WILBRAHAM ASSOCIATES LTD

SEPTEMBER 2014

Wilbraham Associates Ltd
Chartered Town Planning Consultants

1. Introduction

- 1.1 Further to your recent consultation exercise on the above document, we set out below representations made on behalf of our client, Mr Pieter Mommersteeg.
- 1.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, a Neighbourhood Development Plan must have due regard to national planning policy and must be in general conformity with strategic policies in the development for the local area. Relevant strategic planning policy is the North Northamptonshire Core Spatial Strategy (Adopted, June 2008) and the saved policies of the East Northamptonshire District Local Plan (Adopted, 1996).
- 1.3 In relation to that point, the National Planning Policy Framework (NPPF) (paragraph 184) states that:

“Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect those policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies”.

- 1.4 We are raising objection to the emerging Neighbourhood Development Plan (NDP) principally on the basis that it fails to comply adequately with national guidance.

2. Background

- 2.1 These representations are submitted on behalf of Mr Peter Mommersteeg, who owns land immediately behind Church House, adjacent to the Churchyard (**NDP Reference: LGS8**) and the paddock on the corner of Bidwell Lane opposite Manor Farm (**NDP Reference: LGS9**). The land owned by our client comprises undeveloped agricultural land (grazing) and extends to approximately 4 hectares. A right of way (Footpath MM11) extends across from Caldecott Road towards the northern boundary of the land.
- 2.2 Both parcels of land are identified in the NDP Consultation Version 1.0 as potential Local Green Space under **Policy LGS** and as shown on Figure 5.6 as:

LGS8 - land immediately behind Church House, adjacent to the Churchyard; and

LGS9 - the paddock on the corner of Bidwell Lane opposite Manor Farm.

We **object** to these potential designations.

- 2.3 We consider that both sites are not of particular importance to the local community requiring special protection and furthermore, do not meet the criteria outlined in the NPPF for designation as Local Green Space.
- 2.4 Both sites were promoted by our client through the Parish Council's 'Call for Aspirational Sites' consultation period which closed on 30 November 2013. The two parcels of land were identified by the Parish Council as Caldecott Road (NDP-S018a) and Bidwell Lane (NDP-S018b). The representations provided by our client highlighted the suitability of each site for residential development and how the attributes of each of the sites were suitable to accommodate small scale residential development.
- 2.5 Following from this consultation exercise, the Parish Council sought views from Parish households on the individual submissions made by landowners. The Parish Council's NDP Working Party analysed the results and discussed each promoted site to assess which of the proposals should go forward as 'preferred options' into the development plan. The full recommendation was discussed and approved by the Parish Council on 14 April 2014.
- 2.6 In regard to the outcome of the assessment of each of the sites, the Parish Council decision resolved the following:-

NDP- S018a – Caldecott Road

Parish Council Decision: On the basis that (a) the site NDP-S018a received insufficient popular support (b) this would be a development in open countryside contrary to Policy 1 of the CSS (c) development would

substantially change a sensitive approach to Caldecott and (d) the proposition would exceed the numbers of new properties that would be accepted in Caldecott during the period of the plan, this proposition is rejected for adoption.

NDP – S108b – Bidwell Lane

Parish Council Decision: On the basis that (a) the site NDP-S018b received insufficient popular support (b) this would be a development in open countryside contrary to Policy 1 of the CSS (c) development would substantially change a sensitive approach to Caldecott and (d) the proposition would exceed the numbers of new properties that would be accepted in Caldecott during the period of the plan, this proposition is rejected for adoption.

- 2.7 Finally, in regard to the assessment of each of the sites, we are concerned with how the Parish Council have interpreted the results of the poll on our client's land proposition and furthermore, how this is reflected in the emerging NDP.
- 2.8 The Parish Council published criteria for evaluating the results of the poll (Reference: NDP-0177). The document states that the Parish Council has developed a series of objective criteria against which each site can be evaluated for inclusion in the NPD. This is summarised as follows:
1. Propositions with a clear majority of Full Support (i.e. more than 50% of the voters supporting them) would go forward as preferred development sites into the NDP unless :

- a) External policy constraints mean that adoption of a particular site as a preferred option would be considered 'unsound' by an Inspector.
2. Propositions with a clear majority of Full Rejection (i.e. more than 50% of voters rejecting them) would be excluded from the Plan unless :
- a) There are external policy constraints which would favour the development and make a non-sense of trying to reject it.
3. Propositions which have more than 50% when combining the votes in Full Support and Conditional Support would be considered for adoption under the following circumstances:
- a) Where external policy constraints mean that the rejection of a particular site as a preferred option would be considered 'unsound' by an Inspector.
 - b) And provided that the Land Owner is prepared to address enough of the modifications suggested in the comments made by voters, such that majority support could be achieved.

2.9 In regard to each of the sites, the following votes were recorded:-

(i) NDP- S018a – Caldecott Road

Vote	% of voters
Support	41.1%
Conditional Support	5.7%
Reject	48.9%
No Opinion	4.3%

(ii) NDP – S018b – Bidwell Lane

Vote	% of voters
Support	41.4%
Conditional Support	8.0%
Reject	46.3%
No Opinion	4.3%

2.10 As detailed above, whilst a clear majority of full support (ie more than 50% of voters support) was not achieved in each of sites put forward by our client, the votes in favour (both support and conditional support) were marginally close to 50% in particular the Bidwell Lane site achieving 49.4%. We consider that this matter is not at all reflected in the emerging NDP in particular in regard to the description of LGS9 (Bidwell Lane) as provided on page 70. Within the text, the NDP states the following:

“Parts of fields behind and adjacent to Church House were originally proposed as Aspirational Development Sites during the consultation

process. These proposals were rejected outright (our emphasis) by Caldecott residents, and failed to achieve widespread support from the Parish as a whole.”

2.11 We consider that the above description provided within the emerging NDP is misleading and does not reflect the actual circumstances of the vote taken in regard to this site. We do not consider that a small proportion of votes, although coming from those closest to the proposed site, should heavily influence the future inspirations of the Parish as a whole.

2.12 Furthermore, we consider that the potential designation of the two sites owned by our client to ‘Local Green Space’ results from my client bringing the sites to the attention of the Parish through the ‘call for aspirational sites’. Both sites are located outside the built up area of Caldecott which means that there are already existing strict controls on development in this location. We do not agree with the Parish Council’s approach in designating these two pieces of land as ‘Local Green Space and why an additional control is necessary as we set out in the next section of this representation.

3. Representations

3.1 The opportunity to designate Local Green Space is provided in Paragraph 76 of the NPPF which states:

“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be

able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”

3.2 We note the requirement that green areas to be designated as Local Green Space should be of ‘*particular importance*’ to the local community as described within Section 30 of the Planning Practice Guidance. The land within our client’s ownership is currently an area of undeveloped agricultural land which is and has been extensively used for the grazing of livestock. It is private land and whilst there is a public right of access extending through the site, the land as a whole is not available for public or community use. We consider that the emerging NDP does not make it clear how the land is particularly important to the local community.

3.3 Paragraph 77 of the NPPF identifies the criteria for designating Local Green Space and states:

“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 reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular 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 exhaustive tract of land.”

3.4 It is clear from the guidance provided above that for a green area to be designated as a Local Green Space it needs to satisfy all the above criteria and not just one. We now assess each of the sites against each of the criteria below.

LGS8 - land immediately behind Church House, adjacent to the Churchyard;

3.5 Firstly, the site is currently located within the open countryside which means that there are already strict controls on development in this location. It is not clear why an additional control is necessary. Whilst the site is close to the properties along Caldecott Road, it is not within close proximity of the main settlement and other built up areas. The site is private land and we would conclude that the site does not comply with the first criteria for Local Green Space designation.

3.6 The emerging NDP provides no suggestion why this site should be designated as Local Green Space nor does it state how the site is “demonstrably special” to the local community or how it has a “particular local significance”. If the site is of the form and character of this part of the Parish, it would have been identified as such within the East Northamptonshire District Local Plan as ‘Important Open Land’. The site comprises a grass field which has been historically used for agricultural

purposes and therefore it cannot be of special significance to the community. Given the extent of the mature hedgerow along Caldecott Lane, that part of LGS8 and part of LGS9, some 40 m from the road, does not afford opportunities for views across this field or the Church. In our opinion, the site is part of a typical field surrounded by a hedge and post and rail fence enclosing a grassfield and not particularly notable for its beauty. We conclude that the site has no historic or significance for the Parish. Furthermore, the site has no recreational value and has never been used as a playing field.

- 3.7 The site is currently used for agricultural purposes which makes it highly unlikely that the site has any nature conservation interest. There are hedges at the site boundary which may provide habitat for some species. An assessment of the ecological interest of the site would need to be undertaken, although we are not aware that it has any interest worthy of protection. We note that the specific nature conservation related to criteria for designating a Local Green Space is that the site must contain a “richness of its wildlife”. We would anticipate that if the site was “rich in wildlife” it would have been identified before now.
- 3.8 We therefore conclude that the site meets none of the criteria identified in the second bullet point of paragraph 77 of the NPPF.
- 3.9 The final criteria of Paragraph 77 of the NPPF relates to the size of the proposed Local Green Space which should be a relatively small rather than large area. Given the advice provided within the NPPF and further reinforced within the National Planning Practice Guidance (NPPG), we

consider that the site is relatively large and as such does not fulfil the definition of Local Green Space.

- 3.10 It is clear from the wording of the NPPF that Local Green Space designation is not intended for use on all open space but it is a tool to be used for particular special circumstances. This site does not meet the criteria for Local Green Space and therefore should not be designated as such.

LGS9 – the paddock on the corner of Bidwell Lane opposite the listed Manor Farm

- 3.11 Firstly, the site is currently located within the open countryside which means that there are already strict controls on development in this location. It is not clear why an additional control is necessary. Whilst the site is close to the properties along Caldecott Road, it is not within close proximity of the main settlement and other built up areas. The site does not serve the community, it is private land and we would conclude that the site does not comply with the first criteria for Local Green Space designation.

- 3.12 The emerging NDP provides no suggestion why this site should be designated as Local Green Space nor does it state how the site is “demonstrably special” to the local community or how it has a “particular local significance”. The site is currently an agricultural field and therefore it cannot be of special significance to the community. The emerging NDP states that the site provides excellent views of the Church from Bidwell Lane across the paddock. This point is also reinforced within Policy H4g (Preserving and enhancing the street scene around Bidwell Lane) which

refers to maintaining a *'rural aspect and function whilst preserving views of the 13th Century Grade II* listed church and the surroundings of the Grade II listed buildings at Manor Farm and Duchy Farm.'* It is our view that the Parish Council's aspirations are to maintain views of the Church across the field and we therefore consider the designation of the site as 'Local Green Space' is not the appropriate manner in which to achieve this aspiration. We would go on to comment that the attraction of the view towards the listed Church from Bidwell Lane was made more apparent as result of my client clearing and maintaining the site boundary, in addition to the heavy pruning of a large chestnut tree situated in front of the south side of the church.

- 3.13 In our opinion, the site is a typical field surrounded by a hedge and post and rail fence enclosing a grass field which in itself is not particularly notable for its beauty. We conclude that the site has no historic or significance for the Parish. Furthermore, the site has no recreational value.
- 3.14 The site is currently used for agricultural purposes which make it highly unlikely that the site has any nature conservation interest. There are hedges at the site boundary which may provide habitat for some species. An assessment of the ecological interest of the site would need to be undertaken, although we are not aware that it has any interest worthy of protection. We note that the specific nature conservation relating to criteria required for designating a Local Green Space is that the site must contain a "richness of its wildlife". We would anticipate that if the site was "rich in wildlife" it would have been identified before now. It has not.

- 3.15 We therefore conclude that the site meets none of the criteria identified in the second bullet point of paragraph 77 of the NPPF.
- 3.16 The final criteria of paragraph 77 relates to the size of the proposed Local Green Space which should be a relatively small rather than large area. Given the advice provided within the NPPF and further reinforced within the National Planning Practice Guidance (NPPG), we consider that the site is relatively large and as such does not fulfil the definition of Local Green Space.
- 3.17 It is clear from the wording of the NPPF that Local Green Space designation is not intended for use on all open space but it is a tool to be used for particular special circumstances. This site does not meet the criteria for Local Green Space and therefore should be designated as such.
- 3.18 Turning to a separate matter, we wish to comment upon Policy H4f (Preserving the street scene around Caldecott Road) and in particular the description provided within the policy's justification. The policy and justification refer to the 'open rural approach to the Caldecott settlements'. The description provided relating to Caldecott Road as being 'open and rural', we consider is subjective. Existing dwellings comprise approximately 75% of the length of that part of Caldecott Road. The 'large open verge' near the Caldecott Road and Bidwell Lane junction resulted from the rerouting of the road. Beyond the Caldecott Road and Bidwell Lane junction there is a haulage and maintenance business which we consider does not contribute to the 'rural' approach. In summary, we

consider that the description provided within the policy justification does not reflect the character of this part of the Parish.

- 3.19 Finally, we would draw your attention to Figures 5.3 and 5.6 of the emerging NDP which refers to Policies H1b and CEM. The key provided with each of the Figures refers to 'Important Local Green Space' this should be amended to read as 'Local Green Space'.

4. Conclusions

- 4.1 Paragraph 182 of the NPPF explains that a sound plan must positively be prepared, be justified, affective and consistent with national policy. To be justified a DPD needs to be founded on a robust and credible evidence base. We consider that no evidence has been provided by the Parish Council to support the designation of the site as Local Green Space.
- 4.2 We object to the designation of these two sites as Local Green Space. The sites do not meet the criteria for Local Green Space as set out within paragraph 77 of the NPPF, it is private land; it is not noted for its beauty; it has no historic significance; it is not tranquil; it is not used for recreational purposes; and it is not rich in wildlife.

Wilbraham Associates Limited
September 2014