

NP Regulation 16 response



**I am responding as a Resident (A) and as a landowner (B)
In responding as a landowner, I am a joint holder of land cited in this plan and am responding on behalf of Michael Hensworth / Rebecca Hayward / Martyn Hayward owners of Mill Lane Fields (land to the East, behind Mill Lane) sites 15, 16, 17, 18 and 22.**

SUPPORT:

- **POLICY H6: HOUSING MIX (p23-25)**

SUPPORT WITH MODIFICATIONS:

- **POLICY H7: WINDFALL SITES (p26)**
- **POLICY ENV3 IMPORTANT WOODLAND, TREES AND HEDGES (55-57)**

OBJECTION TO:

- **H1: HOUSING PROVISION (p14)**
- **H2: HOUSING ALLOCATION (P15-18)**
- **H3: LIMITS TO DEVELOPMENT (p18-20)**
- **ENV1: LOCAL GREEN SPACES (p50-51)**
- **ENV2: PROTECTION OF OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE (p53-55)**
- **ENV5: RIDGE AND FURROW FIELDS (p61-62)**
- **ENV6: PROTECTION OF IMPORTANT VIEWS (p63-64)**
- **ENV9: AREA OF SEPARATION (p68-69)**
- **CONTENT AND SCORING OF SITES IN APPENDIX C**

The following document contains 15 separate representations which relate to specific policies, appendices or parts of the NP. An online version has also been submitted but this is limited to 12 representations and also excludes inclusion of images, so is not a complete response. The images included under representations 2 and 5 are an important part of my response, so this document should be accepted as my official response to the regulation 16 consultation. Please provide an acknowledgement of receipt. Thank you.

Rebecca Hayward

Representation 1

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
ENTIRE DOCUMENT
- Paragraph/Policy Number
SEE BELOW

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do you: OBJECT TO THE PLAN

Comments:

Representation as both a resident of the village and local landowner.

I am objecting to the Neighbourhood plan on the following grounds:

- 1) Inappropriate Use of the Neighbourhood plan to block potential future development. Specifically, through the following policies which are extremely restrictive, have little regard for national planning policies, do not support sustainable development, and do not allow for natural expansion and development of the village:**
 - H2: HOUSING ALLOCATION (P15-18)
 - H3: LIMITS TO DEVELOPMENT (p18-20)
 - ENV1: LOCAL GREEN SPACES (p50-51)
 - ENV9: AREA OF SEPARATION (p68-69)
 - ENV5: RIDGE AND FURROW FIELDS (p61-62)
 - ENV6: PROTECTION OF IMPORTANT VIEWS (p63-64)
- 2) Extensive Tracts of Land being designated as LGS is contrary to the National Planning Policy Framework (NPPF). The land being designated is part of the open countryside rather than being local in character to the village.**
- 3) Due consideration has not been given to the Parish Council's obligations as a public body under the Human Rights Acts 1998. As a result of the policies in 1 above, within the plan, ALL land belonging to the Hayward family will be negatively impacted upon as the proposals would impose significant constraints on the land use and, as such, is likely to prejudice its marketability and significantly reduce the open market value. Should the NP be approved as it stands a claim for loss of value to the Council would likely follow in order to restore the owners in financial terms to a position where they are not any worse off by this, effectively, compulsory application.**

- 4) **Inaccurate and contradictory information being provided to support proposals under policy ENV1: LGS Protection of local green space and without consultation or discussion with landowners. The landowners do not support this restrictive and significant policy designation’.**
- 5) **Site 16 is not demonstrably special or of any particular significance to the local community and the narrative and scores relating to sites 16, 17 and 18 are grossly inaccurate, exaggerated, extremely subjective not to mention inappropriate and insulting. Full objections are detailed below.**

Suggested amendments:

The whole approach to the plan needs to change as it currently stands the plan is being used to block housing development of both small and large sites.

Representation 2

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
Entire Document
- Paragraph/Policy Number
See Below

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THE PLAN

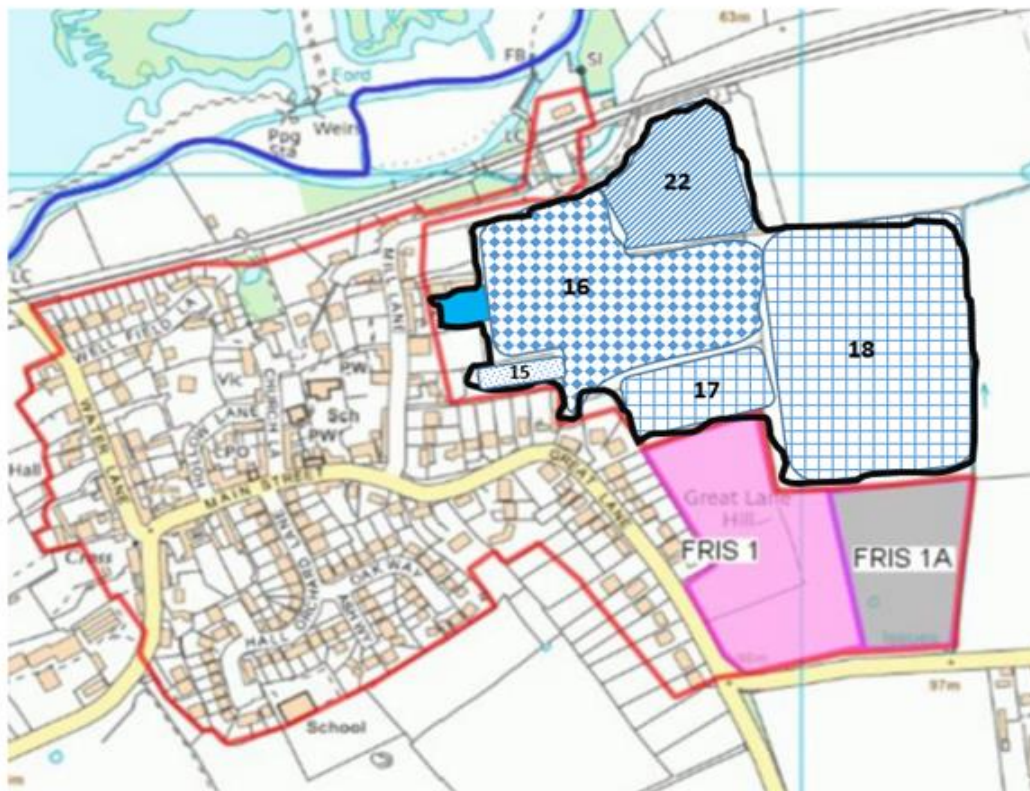
Comments:

As a result of this plan and the various policies contained within it, specifically policies:





- **H3: LIMITS TO DEVELOPMENT (p18-20)**
- **ENV1: LOCAL GREEN SPACES (p50-51)**
- **ENV9: AREA OF SEPARATION (p68-69)**
- **ENV2: PROTECTION OF OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE (p53-55)**
- **ENV5: RIDGE AND FURROW FIELDS (p61-62)**
- **ENV6: PROTECTION OF IMPORTANT VIEWS (p63-64)**



the majority of land owned by the Hayward family in Frisby, will be adversely affected as the proposals place significant constraints on the land use, and as such is likely to significantly reduce its open market value. In particular, the classification of land as LGS and as an AOS is extremely restrictive and will immediately devalue it and prejudice its marketability. As the plan is currently a draft, the landowners are not at this point seeking compensation, but if the plan is approved as it stands such action would likely follow in order to restore the owners in financial terms to a position where they are not any worse off by this, effectively, compulsory application. Additionally, unfounded comments in appendix C in relation to access to sites 16 and 17 and the statement that **the land is to be sold**, is completely unfounded and has never been verified by the landowner. This public statement will have the effect of devaluing the land and given the NP/PC targeting of the sites, this would appear to be the deliberate intention. Given the Parish Council's obligations as a public body under the Human Rights Acts 1998 and the significant constraints proposed on the development rights and any other use of the land, it would have been strongly advisable to adopt a consultative approach and work with the land-owners prior to any proposed designation, not only to ensure that the designation was viable and that accurate information was being presented, but a more compelling argument would be that it meets the above Human Rights obligations. This fact has been repeatedly presented to representatives of both the NPAC, and the PC but has been completely ignored. The land owners have never been consulted or engaged prior to this designation and this lack of engagement and acknowledgement of landowner concerns, given the

severity of the impact of the proposals is also indicative of local prejudice, and does not represent an open and honest process. It is hard to envisage the NPAC taking a more antagonistic approach to their proposals for designating LGS and targeting, in one way or another, all the land owned by the Hayward family. Certain information should have been acquired by the NPAC before they made comment or representation. It is for example a matter of record that I am resident in the village yet I am referred to as a non-resident landowner, the reason for this appears to be to discredit my comments by implying I have a lack of local knowledge. The land at sites 15, 16, 17, 18 and 22 has not recently been inherited, nor has any confirmation been made about land being sold, information such as this is private and has no place in a public consultation documents. This document was released initially with critical errors and, after I contested the scoring, a different scoring matrix was uploaded to the website, without notice or acknowledgment of the error. The map below, taken from the NP (p20) and showing the proposed limits to development line, is overlaid with the boundary of all land within the Parish of Frisby owned by the Hayward family and details how the proposed NP will affect it.



Key to impact of NP policy proposals:

	Boundary line showing the extent of land owned by the Hayward family in the Parish of Frisby on the Wreake
	Garden of house on Mill Lane, negatively impacted by policy H3: Limits to development
	Site 16: Mill Lane Fields - Negatively impacted by policies ENV1: Protection of local green space; ENV5: Ridge and Furrow fields; and ENV6: Protection of important views and also affected by policy ENV3: Important woodland, trees and hedges;
	Site 22: Mill Land Fields- Negatively impacted by policies ENV9: Area of separation; ENV5: Ridge and Furrow fields; and also affected by policy ENV3: Important woodland, trees and hedges;

	<p>Site 17 & 18: Mill Lane Fields - Negatively impacted by policy ENV 5: Ridge and Furrow Fields and site 17 also affected by claims the land is to be sold and the NPAC wish to see a footpath link here: also affected by ENV2: Protection of other sites of environmental significance; and ENV3: Important woodland, trees and hedges</p>
	<p>Site 15: Mill Lane Fields - impacted by policy ENV3: Important woodland, trees and hedges</p>

Representation 3

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
APPENDIX C (Both documents) – ENVIRONMENTAL INVENTORY and LOCAL GREEN SPACES, VIEWS AND AREAS OF SEPERATION and NEIGHBOURHOOD PLAN
- Page Number
EI p4 (re: site 16) and p6 (re: site 17) / LGSVAOS p8 / NP page 65
- Paragraph/Policy Number
Commentary re: Site 16 and Site 17 / NP Paragraph 1 p65

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS PART OF THE PLAN

Comments:

The fact that there are two appendix C's has meant that this representation relating to inaccurate and personal information being published in a public consultation document covers both appendix C documents as well as including a related statement on p65 of the NP. The comments in Appendix C 'Environmental Inventory' on p4 and p6 regarding land at sites 16 and 17 is incorrect and an invasion of privacy. This land has not recently been inherited and even if it had been this information is confidential and not something to be included in a public document. Additionally, the comments on page 6 of appendix C, 'Environmental Inventory', relating to site 17, and the comments on p8 of appendix C 'Local green spaces, views and area of separation' that **the land is to be sold** is completely unfounded and has never been confirmed by the landowner. Furthermore, whether the landowners choose to sell the land is of no relevance to the NP. Additionally, the NPAC have used this unfounded claim to promote their desire to see changes to current land use and for a footpath extension to join rural network. Page 65 of the NP make specific reference to this '*Another new path might be appropriate in the proposed LGS 16/17, to link the new development on Great Lane to the existing network of rural PRow's*'. Regardless of the truth of the matter, it is unclear why the NPAC/PC have chosen to draw attention to this point and to include misleading statements about access, there is no public access to this field and there never has been. One can only conclude that by including this unfounded statement about what may or may not be the landowners' intentions and then including the PC's hopes that a footpath be installed, the PC is sending a clear message to any future purchaser that the PC will attempt to block any future development on that land. This public statement will have the effect of devaluing the land and, given the lack of consideration shown to the land owner, this would appear to be the deliberate intention.

Representation 4

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
14 and 15-18
- Paragraph/Policy Number
POLICY H1: HOUSING PROVISION and POLICY H2: HOUSING ALLOCATIONS

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS PART OF THE PLAN

Comments:

Whilst policies H1 and H2 outwardly appear to support future development within the Parish, it is extremely limited and as such is effectively blocking potential future development in that it solely focuses upon a site upon which planning permission has already been granted for up to 54 houses with further provision for another 30 to be built in the same area. The wording of policy H1 is very misleading as it states 'Having regard to dwellings already constructed or with planning permission, the remaining housing provision for Frisby on the Wreake will be a target of 78 new dwellings', yet this figure of 78 includes up to 54 houses that already have planning permission. The content and implications of policies H1 and H2 are essentially identical in that no additional provision is being considered for any other housing in the village apart from the already approved provision on FRIS1 and a potential expansion on FRIS1A. Although I am in favour of the development of FRIS1 & 1A, policies H1 and H2 do nothing to address other potential sites put forward in the SHLAA in 2016 or 2017, in fact it completely disregards them, or other smaller developments that could add value to the village and bring redundant spaces into use. It assumes 78 houses is enough to meet future housing demands over the next 20 years, yet Melton Borough Council are currently unable to meet the requirements to ensure that they have sufficient land to meet the required housing provision in the Borough over the next 5 -10 years. Numerous other sites in Frisby have been put forward in the SHLAA and the NP is being used to block future development on these sites.

Policies H1 and H2 offer no flexibility to allow for further development outside the already approved site and effectively restricts development anywhere else in the village for a 20 year period. Frisby PC initially objected to FRIS1, and the NP repeats the objection: 'The land is on the extremities of the village which may prove to be challenging for integration within the community'. Consideration of and opportunities for development within the village should be encouraged, to enable the village and local businesses and community facilities to grow and thrive. Also as the NP has recognised the village has a significantly higher than average proportion of 4 and 5 bedroom properties and whilst the new development will bring much needed smaller housing the NP plan should also encourage development of 2 and 3 bedroom properties in close proximity to the village to ensure a diverse population can enjoy living in the heart of the community. See also policies H7: windfall sites and H3: limits to development.

Suggested amendments:

Policy H1 is revised to reflect the potential for further housing development as a result of other sites submitted in the 2016 and 17 SHLAA.

Representation 5

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
DRAFT NEIGHBOURHOOD PLAN
- Page Number
p61-62
- Paragraph/Policy Number
POLICY ENV5: RIDGE AND FURROW FIELDS

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN

Comments:

The proposed policy ENV5: Ridge and Furrow Fields appears to be an attempt to block or stifle potential development by affording increased and significant protection to open countryside surrounding the village. Ridge and Furrow is a common feature across Leicestershire and the Midlands and Policy ENV5 should be removed from the plan as it is potentially harmful to landowners as it could restrict how the land is used, e.g. ploughing and crop growing which would remove these features and as such can have a significant adverse impact on land values, and again consideration must be given to the Parish Council's obligations as a public body under the Human Rights Acts 1998. Ridge and Furrow are non-designated heritage assets and FOTW NPC are using this policy to circumvent this current situation by placing additional significance on the feature as heritage assets. Policy ENV5 is surplus to requirements as Policy ENV2: PROTECTION OF OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE would offer some protection for ridge and furrow but allows for a wider range of sites to be considered for natural as well as heritage significance. Having a separate policy for ridge and furrow is not required as this is already covered under policy ENV2, and is just overtly bureaucratic and adds unnecessary complication to an already complex planning process.

Additionally, site 17 is not a good example of ridge and furrow, indeed it is far less visible and pronounced as that on FRIS1, as evidenced by the aerial photograph below, and as such should be removed from this designation. This supports my concern that sites owned by the Hayward family are being deliberately targeted, and suffering from biased scoring in the environmental inventory.



Suggestions:

Policy ENV5: Ridge and Furrow Fields be deleted from the plan as this would already be covered under policy ENV2: Protection of other sites if environmental (natural and historical) significance. If this policy remains, then sites 17 and 18 should be removed from this policy.

Representation 6

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p18-19
- Paragraph/Policy Number
POLICY H3: Limits to Development

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THE PLAN

Comments:

Policy H3: Limits to development, is clearly an attempt to use the Neighbourhood plan to block potential future development. Section 1.4 of the Leicester and Leicestershire Neighbourhood Planning Toolkit specifically states that “A Neighbourhood Plan¹ CANNOT be used to... **Prevent any development from ever taking place in an area or Be used to block development**”. The red limits line does not follow a natural area of expansion, and it is evident that the line has been drawn to restrict land and property owners from future development or expansion of existing sites. A natural expansion of the village would be for it to expand organically outwards, this red limits to development line prohibits any such outward expansion and growth. Specifically, the line across the gardens of the properties on Mill Lane is unjustified and one could argue a breach of human rights as this policy would have a significant negative effect on property values and land use. The supporting narrative states ‘Clearly defined physical features such as walls, fences, hedgerows and roads have been followed’ (p19) however this is clearly not the case where the limits boundary line has run through the middle of property and gardens on Mill Lane and elsewhere in the village.

The property at 16 Mill Lane is a declining farm, with a number of farm buildings, in various states of repair, at the back of the property and by deliberately putting this site outside the limits to development is in direct conflict with Policy H7: Windfall Sites which specifically refers to² *‘redundant or under-utilised buildings, including former farm buildings, or a restricted gap in the continuity of existing frontage buildings and can range from small sites suitable for only a single dwelling to areas with a capacity for several houses (up to 5).’*

A quick trawl of planning apps in the area shows Frisby PC objected to nearly everything. At the same time as objecting to FRIS 1 as it would represent a bolt on, the PC now wishes to prevent any natural growth by drawing the LTD such that virtually nothing can be developed at all.

Suggested Amendments:

¹ Extract from Leicester and Leicestershire Neighbourhood Planning Toolkit, section 1.4 p.6

² Paragraph 1, page 26 of the draft NP

The stated objectives of the windfall policy are at odds with the LTD as proposed and the LTD should be re-drawn to allow for natural growth and expansion.

Representation 7

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p23-25
- Paragraph/Policy Number
POLICY H6: HOUSING MIX

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.	YES		
Has regard to national planning policies.	YES		
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans	YES		
Contributes to the achievement of sustainable development.	YES		

Do You: SUPPORT THIS POLICY/PART OF THE PLAN

Comments:

I support this policy as Frisby has a high percentage of 4 and 5 bedroom houses, exacerbated by the fact that previous planning decisions have meant that many of the smaller houses in the village have been extended into larger family dwellings. It is important to ensure smaller dwelling are available, particularly for older people 'downsizing' once dependants have left and for young people looking to stay in the village.

Representation 8

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p26
- Paragraph/Policy Number
POLICY H7: WINDFALL SITES

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.			UNSURE
Has regard to national planning policies.	YES		
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: SUPPORT THIS POLICY/PART OF THE PLAN SUBJECT TO MODIFICATIONS

Comments:

I support the sentiment behind this policy, however the proposed boundary line put forward in policy **H3: limits to development** effectively make this a meaningless policy as most of the potential redevelopment or infill sites, old and disused farm buildings fall outside the LTD boundary line. I would recommend that to make this policy a reality rather than meaningless or empty gesture that the limits to development boundary line be redrawn to include the gardens of all existing properties, but specifically the following sites should all be within the limits to development as by excluding them the NP is clearly being used to block future development, contrary to the intention of policy H7 Windfall Sites: All gardens to the rear of Mill Lane, where a number of disused farm buildings are located, site 15 off Mill Lane the gardens to the rear of properties on Great Lane and part of the land to the West of Water Lane abutting the railway. By extending the LTD boundary natural outward expansion of the village will be encouraged rather than being deliberately blocked.

Suggested Amendments:

The stated objectives of Policy H7: Windfall sites are at odds with policy H3: Limits to development as proposed and the LTD boundary line should be re-drawn to allow for natural growth and to enable this policy H7: Windfall Sites, to be meaningful and implementable.

Representation 9

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p50-51
- Paragraph/Policy Number
POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACES

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN

Comments:

This policy is being applied inappropriately and is being used to block potential housing development and as such is contrary to the National Planning Policy Framework (NPPF). Additionally, section 1.4 of the Leicester and Leicestershire Neighbourhood Planning Toolkit specifically states that “A Neighbourhood Plan³ CANNOT be used to... **Prevent any development from ever taking place in an area or Be used to block development**”. Care is required to ensure that green space policies are not being misused, for example through making designations to stop development, rather than to ensure proper green space provision. Local Green Space is a “restrictive and significant policy designation” equivalent to Green Belt designation and the landowners of site 16 do not support this designation. The classification of this land will immediately devalue it and prejudice its marketability. The freeholders are not at this point demanding compensation, but such action would likely follow in order to restore the owners, in financial terms, to a position where they are not any worse off by this, effectively, compulsory application. Rather than duplicate lengthy responses detailed objections to the scoring and information used to designate site 16 as LGS can be found at representation 10.

At no point prior to the regulation 14 consultation had the landowner been approached or consulted in connection with the proposed LGS designation, despite guidance issued by the County Council, which has been completely ignored by NPAC, clearly stating ‘*Land ownership is an important consideration in designating Local Green Spaces. As with other site specific allocations in Plans the owners of sites should be involved from an early stage to ensure the owner’s support for the designation. This is to make sure that the designation is viable*’. (Section 1.4, p9 of ‘Green Spaces in Leicester And Leicestershire: Local Green Spaces Toolkit And Existing Policy Context’. In contrast to the NPAC’s approach to designation of LGS, South Gloucestershire Council⁴ have taken a sympathetic and responsible approach to LGS and landowners ‘*Generally, any landowner objection*

³ Extract from Leicester and Leicestershire Neighbourhood Planning Toolkit, section 1.4 p.6

⁴ Local Green Space Designation, Background Paper: June 2016, South Gloucestershire Council. P9

to the designation of a LGS resulted in the space not being recommended for designation at this time. Where objections could not be overcome through for example, the remapping of a space to remove the area affected by an incompatible local plan policy or planning permission, the landowner objection remained and therefore it has been considered inappropriate to recommend the space for designation.’ It is strongly recommended that Melton Borough consider this in their consideration of this plan.

As stated in representation 10 there is no wider access to site 16 than the footpath, although NPAC have made claims to the contrary. NPPF Paragraph: 018 Reference ID: 37-018-20140306 states that ‘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’. Wider access apart from the existing footpath is not negotiable and the views of the land owners in this matter are being disregarded and disrespected.

Although there is no definitive guidance, consideration of whether the green space is local in character and not an extensive tract of land suggests spaces **within** a locality, rather than, extensive green areas in the countryside. Site 16 is an area of open countryside or farmland and as such reflect the characteristics of the surrounding countryside rather than being local in character. Planning Practice Guidance (PPG)⁵ regarding local green spaces provides further guidance, stating that: “...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: 015 Reference ID: 37-015-20140306). It is interesting to note that in their objections to the development at site FRIS1, the PC claimed that “This development would constitute an overdevelopment of a small community in a short space of time.” This may suggest that the development site is regarded as an extensive tract of land. Designation of site 16, which comprises 3.33ha, appears contrary to NPPF guidance as site 16 could reasonably be classed as an extensive tract of land. The National Planning Policy Framework (NPPF) states:⁶ “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 area concerned is local in character and is not an extensive tract of land”. The designation of site 16 is inappropriate as this large site could reasonably be classed as an extensive tract of land. Similarly, Site 01 can also reasonably be classed as an extensive tract of land. Extensive is not, as far as I am aware, legally defined, so it seems that a site that area-wise covers an area almost one third the size of the nearby community would reasonably be considered large. Detailed guidance on LGS has been produced by Leicestershire County Council⁷ (page 8) which reiterates “‘The NPPF states a designated Local Green Space should be “local in character” and “not an extensive tract of land”, in other words it should be small rather than large”. Whilst it is acknowledged that this is only guidance, good practice would dictate that locally produced plans acknowledge and refer to local guidance that has been produced, at cost, rather than blatantly ignore or disregard them as FOTW NPAC have admittedly done. It is interesting to note the plethora of consultants now available to support local communities in developing NPs, and the advice and guidance offered by one states... ‘The ‘Local in character and not extensive tract’ box should be used to demonstrate that the space in question is a local facility and not, for example, green space in the countryside. The purpose of Local Green Space designation is to protect local spaces. Containing urban sprawl or protecting open countryside would not be proper uses of the designation.’⁸

⁵ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

⁶ Paragraph 77 of the NPPF

⁷ GREEN SPACES IN LEICESTER AND LEICESTERSHIRE: LOCAL GREEN SPACES TOOLKIT AND EXISTING POLICY CONTEXT p8

⁸ My Community, Locality, Neighbourhood Planning: Local Green Spaces p

I wonder if, in the fullness of time, Frisby PC's attempt at drafting a NP might be cited as an example of how seeking to designate LGS should not be approached. The PC is clutching at straws in what seems to be a determined attempt to block any future development by designating open countryside as LGS, based on biased and inaccurate scoring, and drawing a LTD to prevent natural extension and expansion. The NPAC comparison of the proposed LGS area as being 'generally similar in size (2-7 Ha) to recent Planning Applications in the Plan Area' would suggest that site 16 has been targeted in fear that a planning application may be submitted. It appears that NPAC are using LGS designation of site 16 as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

The designation of rural open space outside the village rather than the designation of local sites within the village as LGS, such as sites in blue on p.52 of the NP, seems to be contrary to the purpose of LGS designation. As a resident of the village I would wholeheartedly support LGS designation for these pockets of land as they are an integral part of the character and beauty of the village and therefore hold special interest. The exclusion of these small local sites within the village and the focus on designating surrounding fields as LGS would seem to further support my argument that the NP is being used to block potential future development. The draft NP states that these sites in blue are a 'vital part of the special and rural character of the settlement of Frisby on the Wreake and merit consideration for protection and enhancement'⁹, yet they go on to state that these sites are "classified as important open spaces although the Neighbourhood Planning Group have not scored them highly enough, using NPPF criteria as applied in this Plan, for Local Green Space designation". This highlights the fact that the scoring system is fundamentally flawed. Examples of disparities in the scoring system include:

- the scoring for bounded appears to have been interpreted contrary to the stated scoring descriptor which says 'individual parcel, not an undefined area or extensive tract of land.' Small sites within the village e.g. sites 59, 60, 65 and 64 all described as village 'greens', which would clearly imply an individual parcel of land, should score highly, yet all have been scored 0 or 1, in contrast extensive areas of open countryside, many with large gaps in hedgerows leading into adjoining fields, have mostly scored 4.
- It should be noted that site 64 at the top of Hall Orchard is an important recreational site where children play after school and people can sit on a bench and relax, yet this site has scored lower than sites 15, 16 and 18 regarding recreational/educational.
- The village cricket ground, site 44 should surely be designated as a LGS, especially so as it adjoins the river and is adjacent to the site where otters, a protected species, have been sited, yet in comparison to sites 16 and 17 which have scored 3, this site only scored 1.
- The burial ground, site 52, has only scored 2 for tranquillity, in comparison to site 16 which has also scored 2 and is located close to the railway.

⁹ Draft NP page 50

Representation 10

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
APPENDIX C – ENVIRONMENTAL INVENTORY
APPENDIX C – LGS, etc
- Page Number
p3-4 & p6-8
p 7/8
- Paragraph/Policy Number
Comments relating to sites 16, 17, 18 and 22

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN

Comments:

The scoring system is flawed, see comments on bounded in particular, and the application of the scoring system for sites 16 is heavily biased and has been conducted by individuals with a personal grudge and as such is not objective and impartial.

The scoring system is flawed as the scoring for bounded appears to have been interpreted contrary to the stated scoring descriptor which says 'individual parcel, not an undefined area or extensive tract of land.' Small sites within the village e.g. sites 59, 60, 65 and 64 all described as village 'greens', which would clearly imply an individual parcel of land, should score highly, yet all have been scored 0 or 1, in contrast extensive areas of open countryside, many with large gaps in hedgerows leading into adjoining fields, have mostly scored 4. Very few sites score highly in all the main characteristics and for the sake of transparency, but to satisfy the desire to prevent development of any nature other than in exceptional circumstances, the NPAC have arbitrarily decided on a score of 75% of the total possible allocation of 32. Why not 60%, or 80%, or 90%? Given that most scores were quintiles, 80% would seem to be a better threshold.

The scoring for the following sites: 16, 17 and 18 is unfounded, biased and lacks parity with similar sites and is indicative of the NP being used to block development on sites owned by the Hayward family. The reg16 consultation now includes new names for the sites: site 17 is now additionally referred to as Christine's field and site 16 as Horse Meadow in the Environmental survey and in the LGS etc appendix C, the site numbers are omitted completely. I object to this arbitrary naming of sites 16 and 17 and am at a loss as to understand the rationale for it, the fields have always been known as Mill Lane fields and have been farmed for generations. There is no mention in the consultation responses about naming the fields thus, so the intention seems to have been to create confusion and to make comparison with earlier drafts of the plan more difficult. However, referring to site 17 as Christine's field is particularly insulting given how the NPAG have approached the designation of LGS, the distress I have suffered as a result, and how I imagine my late mother would have viewed the very inferior quality of the consultation and the bias of the proposals. One would

have thought that some consultation with my late mother's family would have been warranted. It is of course acknowledged that referencing a field as the PC have done is not fatal to the NP, although the way it has been approached is indicative of the arrogance and lack of regard the NPG and PC appear to have for the Hayward family.

Site 17 has **never** been accessible by the public and my mum only invited people she considered friends to walk there with her, this kindness on my mums part has been completely taken advantage of and the sentiment has been twisted and used to support dishonest claims, which I find extremely distressing. An example of this is on p8, Appendix C, LGS etc. where the NPAC have included the following quote from a resident *"I walked the fields freely when Christine was alive and would intentionally join her off the footpath, usually because [dog's name] would run to her from 200 yards or more for a treat. I'd then walk with Christine on her route."* All this statement demonstrates is that this person walked off the footpath to join my mum, presumably because my mum considered her to be a friend, it does not imply that the fields are accessible to anyone as the NPAC are trying to insinuate. There are serious concerns with the responses to the comments I made on the reg 14 document. In the PC's responses, it is claimed that "The late Mrs Hayward allowed people to enjoy her land more broadly than strictly by use of the footpath. Hence, access is 3" and "The late Christine Hayward allowed residents to walk the fields and to view her fish pond in field 17". The single piece of evidence provided is not sufficient to support this statement. The response however should be disregarded - more weight appears to have been given to a single letter than the owners' clear assertion that access of such a nature would be regarded as trespass.

It must be questioned why sites 16, 17 and 18 have all been scored significantly higher than adjoining site 19 which according to the narrative shares many of the same features, including ridge and furrow, views to Kirby Church and popular well used footpath access. This demonstrates the biased, and subjective application of the scoring system.

Site 16 has been designated as an area of LGS, the scoring to support this is subjective and is not supported by the landowners, full details below. , The following extract is taken from appendix C and the content is contested by the landowners.

Site #	Access 0-4	Proxim 0-4	Bounded 0-4	Special 0-4	Rec/Edu 0-4	Beauty 0-2	Tranq 0-2	History 0-4	Wildlife etc. 0-4	Total score/32
16	3	3	4	4	3	2	2	3	3	27

The Horse Meadow. Large field, horse-grazed grassland. Favoured footpath to Asfordby and Kirby Bellars. AA route 'Villages of the Wreake' and LCC 'Parish Walks'. More informal access and used for sledging in snow (disputed by current landowner who recently inherited the land). Dot map heavily populated for this plot, during village consultation to indicate special places and views. Lovely views to Kirby Bellars church spire. Mill Lane gardens to west, Mill Lane to north. Hedges and a number of mature trees to four sides, mostly ash, some hollow, deadwood in canopy and girth 3m. Phase 1 survey suggests pLWS. Rising ground, view from top to north treasured by public, view from bottom to southwest edge of village treasured by community. Deep ridge and furrow, other archaeology in HER. Part of designated Shine DLE8012. Location of medieval village earthworks MLE3740 in HER. Other HER Findspots in adjacent Mill Lane gardens support the ancient relevance of this area to the historic origins of the village. Awaiting further habitat survey by LCC Ecology. Thrush and yellowhammer present, **April, 2017.**

Access – Apart from the footpath, there is **no** informal access to this field and there never has been, the landowners are currently exploring the possibility of fencing the footpath to stop unauthorised access or trespass, which appears to have been encouraged by the NPAC. The fields have been in my family for over 50 years and I grew up in the village, and walked the fields frequently with my grandparents and parents before becoming a resident again in 2016 after the death of my mum. The statement that the fields were recently inherited is incorrect and also completely irrelevant, this

statement seems to make the implication that the landowner has limited local knowledge. The comment in the LGS appendix C p7 states *'The footpath overlooks the historic, Grade II Mill House and lock and bridge on the low ground beside the river'*, this is stretching the truth as the footpath does not go anywhere near the bottom of the field (site 16) and the lie of the land and the presence of site 22, means that only the gable end and roof of the Mill House is visible at certain times of the year, the lock and bridge cannot be seen at any time of the year. Furthermore, the comment on p7 that site 16 adds *'an opportunity to experience exercise, history and nature all at once'* is something that is true of many local footpaths in the area and is not unique to site 16. The score for access should be reduced to 2 for parity with other footpath sites.

Bounded - The scoring for bounded should be reduced to 1-2 as the site is extensive and is a not clearly defined parcel of land as it merges into sites 17 and 22 with only limited hedge or tree boundaries separating the sites. It is this very openness that has led to the NPAC encouraging trespass. The scoring for bounded across all sites is seriously flawed and should be discounted.

Recreational/Educational - As previously stated there is no access to the wider site apart from the footpath, which is proposed to be fenced off. The NPAC claims (p7, appendix C) that "Families have sledged in the snow in field 16 behind the farmhouse for over forty years, and in substantial numbers", this claim is wildly inaccurate. As the statement says the field is 'behind the farmhouse' and it has always been like a large back garden to the Hayward family children, who sledged here with school and village friends growing up in between 1980-1990. Access for sledging or any other activity has never been permitted to the public. The only evidence put forward for sledging in site 16 is from an apparently unsolicited text message to a person who lived in the village some years ago and sledged there with the Hayward family. The statement continues...'in summer, the natural history/nature watching and history observation of high quality medieval ridge and furrow provides practical social and economic history for primary children, and is excellent exercise walking/running over the large banks and troughs.' This really is clutching at straws, as the vast majority of people who use this footpath are dog walkers, most of whom it would seem, do not pick up after their dogs, and therefore have little regard for primary children who may be 'running' or falling over in the area and certainly not the regard one would show for area an considered 'special'. The reference to 'large banks and troughs' is exaggerated and certainly where the footpath is located these have worn down over the years, so offer nothing different to neighbouring footpath fields, sites 18, 19 and 28 in particular all of which have similar topography. Additionally, in the spring/summer the grass is grown for hay and for anyone walking, or indeed running, off the footpath area would find this terrain difficult going and potentially dangerous as the long grass presents a dangerous trip hazard and camouflages dips and holes. The NPAC are being wholly irresponsible encouraging trespass off marked footpaths. I refer again to the disparity in scores between sites with public footpaths, and the weight that has been given to the evidence in the form of one letter about dog walking and one series of text messages about sledging. No reason has been given by the NPAC for preferring the evidence of one dog walker and one former village resident about sledging over the evidence I, as the landowner, and farmhouse resident for many years, supplied which clearly states that actually free range is not permitted across the sites and is trespass. The revised commentary on the scoring states that the current owner disputes the accessibility which is bizarre as surely only the landowners have the right to determine access rights? Even if they were accessible in the past (which is certainly not the case), the sites are now most certainly not as accessible, apart from the footpath, as the NPAC clearly wish them to be. The fact that the clerk to the council resorted to sending an unsolicited text to a former resident to obtain evidence of sledging years ago illustrates the NPAC's desire to obtain whatever they can to support their intentions. I submit that the desire to impart **the highest of preventative measures** has over-ridden the need to be fair, transparent and open in the consultation process. The site does not support any recreational or educational activities other than walking the footpath, access to the wider site would be classed as trespass.

Most fields with footpaths will fall within this category as they offer some form of recreational value, however the score allocated to site 16 for rec/educ is effectively claiming that this site offers something unique that is not offered on any other footpaths sites, this is clearly not the case. For parity with similar adjoining footpath sites the score should be reduced to 2.

Beauty - The landscape of this site is comparable with the adjoining sites 15, 17, 22 and 18. The trees mentioned in the narrative were Ash, with much deadwood in the canopies, and were located in the adjoining fields (17 and 22) rather than actually in site 16. Ash are especially common in the area and not particularly special. As the NPAC have brought to my attention that people are trespassing in sites 16 and 17, the landowners have had no choice but to remove these trees as the health and safety risk posed by falling deadwood and large branches to members of the public is a risk the landowners are not prepared to take, as such the trees have now been removed. The claim that the *'view from top to north treasured by public, view from bottom to southwest edge of village treasured by community'*, is extremely subjective. As mentioned previously the only access is via use of the public footpath, the public footpath does not extend to the top (south) of the site, nor to the bottom (north) of the side, so whilst there are some views along the footpath they are not particularly special and during summer visibility of the church spires is largely obscured by trees and can only be seen from a limited section of the footpath. The highest ground level of the Frisby-Kirby/Asfordby footpath at any point is on the adjoining site, Site 15, as the footpath enters site 16 the ground declines so views along the footpath are visibly reduced as one enters site 16 and further reduced into site 18 as the footpath is situated in a dip. As the community are therefore unable to enjoy any views from the top or the bottom of this field as this is outside the scope of the footpath and therefore trespass it must be questioned how these views can be treasured.

The site is in a countryside location on the outskirts of the settlement, projecting into the wider countryside. As such, the character of the site is as part of the surrounding countryside, rather than local in character. Whilst there is public access along the footpaths, there are very many areas of similar countryside in close proximity to the village where footpaths allow public access and thus this site cannot be considered demonstrably special. A precedent for such cases has been established by an independent examiners report on Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028¹⁰ where it states *"It is not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside. In my view, the site is a large area which projects into the open countryside and is part of the wider countryside rather than local in character"*. As a result the score for beauty should be reduced to 2

Tranquillity – Site 16, is in close proximity to a busy railway line and offers nothing unique in the way of tranquillity that is not offered on any other footpaths sites in the area. Indeed it could reasonably be claimed that sites further away from the railway line offer more tranquillity, yet sites such as site 87, which also has a footpath and ridge and furrow only scores 1 despite being further from the noise of the railway. In keeping with scores for other similar footpath sites, such as site 19 which is adjacent to site 16 and arguably offers the same level of tranquillity a score of 1 should be allocated. In comparison, the burial ground, site 52, by its very nature is tranquil and offers seating for quiet contemplation yet this has also scored 2. This vast disparity in scoring between sites, highlights the level of subjectiveness applied to this scoring system.

History - The recorded heritage site, MLE3740, to the West side of site 16, is located on private land and therefore inaccessible to the public, has been partly destroyed and is of poor quality and of limited interest. I have been advised by the Historic Environment Record Officer at Leicestershire County Council that very little information about this site is held on the Leicestershire and Rutland Heritage Gateway and there is no record of any finds. The site is not a designated heritage site and

¹⁰ Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028, Report by Independent Examiner Janet L Cheesley BA (Hons) DipTP MRTPI, CHEC Planning Ltd, January 2015

much of the site has been partly demolished or obscured. Regarding the ridge and furrow, as this is common throughout Leicestershire and not a protected feature, it has relatively low importance. In email correspondence from the Historic Environment Record Officer at Leicestershire County Council it was stated that “DLE references are indeed for the medieval ridge and furrow (DLE8011) (DLE8012), though these aren’t relevant to anything other than Countryside Stewardship (farming) schemes”. I would therefore question why they are being used by the NPAC as the basis for scoring LGS in Local Neighbourhood Plans. The ridge and furrow only covers half of the field, and does not extend to the North or West of the site. To better reflect the relatively low importance and accessibility of the recorded heritage site and to take into account that half the site has no ridge and furrow, the score for historical importance should be reduced to 2.

Wildlife - For a site to be considered suitable for LGS status for its richness of wildlife it would need to support a unique and diverse range of wildlife and this would need to be evidenced by records, ecological surveys and/or expert advice. The recent footpath survey undertaken by LCC ecology team, which identifies a number of ‘**potential** local wildlife sites’ was not extensive or detailed, being conducted from public rights of way. Site 16 is not a designated wildlife site and the mature Ash trees identified as PLWS, falling within the adjoining fields 17 and 22 rather than in site 16, have now been removed as a consequence of people trespassing, they were identified as a health and safety risk from falling deadwood and the landowner had no choice but to remove them. In the absence of the previously identified Ash trees, the score for wildlife (for sites 16 and 17) should be reduced to 2, for parity with neighbouring sites 15, 22, 18 and 19. A further example of scoring bias and specific targeting of these sites is demonstrated by the addition of the comment ‘Thrush and yellowhammer present, April, 2017’. The motives for including this additional information at such a late stage and after the regulation 14 consultation, and when only this site and site 18, both owned by the Hayward family have had additional information added in such a way shows the determination and bias of the NPAC to target this land.

The revised scoring below better reflects the reality of the situation and should therefore replace all previous scoring which is biased and subjective and does not correlate to the scores of comparable neighbouring sites. This scoring would place site 16 outside the scope of LGS.

Site #	Access 0-4	Proxim 0-4	Bounded 0-4	Special 0-4	Rec/Edu 0-4	Beauty 0-2	Tranq 0-2	History 0-4	Wildlife etc. 0-4	Total score/32
16	2	3	2 -3	2	2	2	1	3	2	20

Site 17

I am unclear why this site has been included in the LGS appendix as it has not been designated as LGS. The comments on p8 refer to it being behind gardens on Great Lane, in fact only one property abuts this site and the pond is not visible from this house and I know this as my father built the house! The claim that site 17 shares some important features with site 16 is also exaggerated, the ridge and furrow in site 17 is poor quality, see picture in representation 13, and runs in the opposite direction to site 16. The continued referencing of SHINE DLE8012, which I have been advised in writing by the Leicestershire County Councils Heritage Officer as being completely irrelevant and shouldn’t be used in planning situations as it refers to agricultural stewardship schemes, demonstrates that the NPAC are clutching at straws to find whatever evidence they can to target these sites.

Site #	Access 0-4	Proxim 0-4	Bounded 0-4	Special 0-4	Rec/Edu 0-4	Beauty 0-2	Tranq 0-2	History 0-4	Wildlife etc. 0-4	Total score/32
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17	1	3	4	4	1	2	2	2	3	22
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Christine's Field, horse-grazed grass, frequent herbs, back gardens of Great Lane to west, and a natural village edge, integrating countryside with existing and new development on FRIS 1. (Indicative layout from Richborough Estates refers to view to St Peter's Church and will have a green edge and footpath at boundary with Christine's Field.) **Land to be sold - potential for footpath extension to join rural network if future landowner is sympathetic.** Informal dog walking/nature watching (disputed by current landowner who recently inherited the land). Hill - ground still rising from 016 and 018. Dot map heavily populated for this plot, during village consultation to indicate special places and views. Adjoins 016 with empty gateway in hedge and shares many features such as hedges, trees and archaeology. Ridge and furrow (Shine LE8012). (Fantastic ash, pLWS, massive girth, beautiful, hollow at base and holes in branches – in shared hedgerow with the Horse Meadow). Pond – fenced off + surrounded by young willows and other trees - goldfish? Heron visits the pond. Rabbits. **Tawny owls and bats reported by residents on Great Lane.**

The reference to the land being sold has been raised in representation 3, and regardless of the truth of the matter, it is unclear why the NPAC/PC have chosen to draw attention to this point and to include misleading statements about access, there is no public access to this field and there never has been. The NPAC appear to be using this unfounded claim to promote their desire to see changes to current land use and for a footpath extension to join rural network. One can only conclude that by including this unfounded statement about what may or may not be the landowners' intentions and then including the PC's hopes that a footpath be installed, the PC is sending a clear message to any future purchaser that the PC will attempt to block any future development on that land. This public statement will have the effect of devaluing the land and, given the lack of consideration shown to the land owner, this would appear to be the deliberate intention.

Access - There is no public pedestrian or vehicular access to this land, the field and pond is invisible to anyone other than trespassers, the score should therefore be reduced to 0. It should be pointed out that the writer of this narrative has trespassed in order to access the field and this in itself is an unethical way of compiling information.

Bounded - The scoring for bounded should be reduced to 2-3 as the site is not clearly defined as it merges into site 16 with only limited hedge or tree boundaries separating the sites. It is this very openness that has led to the NPAC encouraging trespass onto site 17. The scoring for bounded across all sites is seriously flawed and should be discounted.

Recreational/Educational - The landowners have never given consent or agreement to any informal dog walking/nature watching as described in the narrative, any such action would be trespass. As the site is inaccessible it offers no recreational or educational significance as such the score should therefore be 0-1 for this aspect.

Beauty and Tranquillity - Similarly, as the site is not accessible the tranquillity and beauty should be reduced as it cannot be enjoyed by anyone other than trespassers. The score for beauty should therefore also be reduced to 2.

History - The ridge and furrow feature is not a particularly good example of the technique and, as it runs perpendicular to site 16, is demonstrably not an extension of site 16 as the narrative suggests. Ridge and furrow is common and not of any particular special interest so the scoring for this field should be comparable with sites 18, 19 and 22 with a score of 2, that have also been recognised as having ridge and furrow. The score for this aspect should be reduced to 1.

Wildlife -Regarding wildlife, there are no rabbits as far as is known (they inhabit sites 18, 22 & 23), and the pond is inhabited by common goldfish. Other sites with ponds score less than 3 and neighbouring sites have scored 1-2, so for parity the score here should also be less than 3. The pending new development site off Great Lane borders site 17 and site 18 and shares the same topography, landscape and wildlife characteristics. The recent wildlife/ecology assessment of the Great Lane development site states¹¹ *'There are no known protected species on the site.....from the biodiversity study the site has been identified to be of low ecological value'*. The comment that residents on Great Lane have reported Tawny owls and bats is complete nonsense in relation to this site and further evidence that the NPAC are clutching at straws and deliberately targeting this site, as the houses on Great Lane do not back onto this site, they back onto the potential development site at FRIS1! The single house that does back onto site 17 the residents have not reported observing any wildlife as they have had no involvement in the local plan. The score for this aspect should therefore be reduced to 2.

Special -As this land, has never been accessible to the public, and only family members and a handful of people considered friends and invited by my late mum to walk this site have ever had access to it, I am unclear how this site can be considered special. The only logical assumption is because it adjoins the new development site so people have targeted it in an attempt to block the spread of future development.

The revised scoring below better reflects the reality of the situation and should therefore replace all previous scoring which is biased and subjective and does not correlate to the scores of comparable neighbouring sites.

Site #	Access 0-4	Proxim 0-4	Bounded 0-4	Special 0-4	Rec/Edu 0-4	Beauty 0-2	Tranq 0-2	History 0-4	Wildlife etc. 0-4	Total score/32
17	0	3	2-3	2	1	2	1	1	2	14- 15

¹¹ Draft NP Plan appendix F, page 12

Representation 11

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN

- Page Number
p68-69

Paragraph/Policy Number

POLICY ENV9: AREA OF SEPARATION

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN SUBJECT TO MODIFICATIONS

Comments:

The River Wreake, the flooded gravel pits and the railway line provide a clear line of separation from Asfordby as such the proposal to include land directly to the South of Mill Lane extension, including site 22 and 18, as an area of separation is unnecessary and conflicts with the recommendations of Melton Borough Council, as reported in Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (2015)¹² the relevant section is quoted below:

"4.104 This Area of Separation is identified and considered in paragraphs 4.49 to 4.52 above.

4.105 The recommendation for this AOS is Not required.

*4.106 The area was identified through the Issues and Options (2015) consultation. Although the area is sensitive in parts to development, it is considered that the sense of separation would be maintained by existing landscape features and constraints. **It is not necessary to designate this area.**"*

Implementation of this policy against MBC recommendations is clear evidence of **inappropriate Use of the Neighbourhood plan to block potential future development.**

A planning application on land falling into this area has recently been granted and another application for conversion of an old agricultural building into a dwelling is pending, although NPAC have objected to this, seems they would rather the area have derelict agricultural buildings than a residential dwelling. Implementation of this policy is contrary to the strategic policies of the local plan and completely rejects achievement of sustainable development.

The comment on p68 of the NP that 'the river is merely 10m wide and vehicular access across the track is already available at two places on Mill Lane, so diminishing its function as a barrier to development', is misleading as the 2 railway access points referred to are not roads they are purely tracks for agricultural access into the fields and don't and can't lead anywhere, as field boundaries and the natural boundary of the river make access towards Asfordby impossible.

¹² Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (2015)
4.104, 4.105 & 4.106

The rationale for selection this particular parcel of land as the AOS is bizarre and supports my claim that this land is being unreasonably targeted. Surely if an AOS is required it would make much more sense for it to be located in the far North East corner of the parish on the land located on the opposite side of the railway up to the river, this would ensure that any expansion or encroachment is prevented. As it stands the land abutting Asfordby parish on the Northern side of the railway is not within an AOS and could potentially be developed. The proposed AOS would reduce any possible natural outward expansion of the village and is just another example of the NP being used to block potential future development within the parish.

Representation 12

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p53-55
- Paragraph/Policy Number
POLICY ENV 2: PROTECTION OF OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN

Comments:

I object to the blanket application of this policy, as it is being used, without proper investigation or concrete supporting evidence, to block or hamper future development on selected sites. The map provided is unclear and it appears that of the 37 sites identified as having 'local significance', only 1 site is an actual designated Local Wildlife Site or SSSI. Many of the areas identified are large tracts of open land on the edge of existing/planned development in the village or they border the proposed LGS. There is considerable duplication with POLICY ENV3, protection of important woodland and trees and ENV5 Ridge and Furrow Fields, with the same sites being highlighted in all three policies. This blanket 'multiple designation' seems to be a deliberate attempt to impose as many restrictions as possible on a number of targeted sites, specifically Mill Lane fields, sites 17, 18 and 22. The current basis for targeting these sites is based on unsound evidence and supposition and as such appears to be based on bias rather than fact. For example, appendix E 'Wildlife Survey', makes only a single mention of wildlife seen in Mill Lane fields, and I would challenge this statement as untrue, as Mrs Hayward walked these fields virtually every day for over 30 years and never saw any deer. Furthermore, it's worth remembering that badgers are nocturnal creatures and the likelihood of anyone sighting any badgers, let alone frequently, in Mill Lane fields at night seems highly improbable. As highlighted in previous representations the scoring of sites 16, 17 and 18 is extremely subjective and appears to be biased against the Hayward family. It also dilutes the importance of really significant sites by imposing blanket designation on a large number of potential sites, covering extensive areas.

It appears that the two major factors in the selection of the 37 sites is the presence of ridge and furrow, which is commonplace across the area and which is also covered under the specific policy ENV5, and a recent footpath survey undertaken by LCC ecology team, which identifies a number of '**potential** local wildlife sites'. The LCC ecology survey was not extensive or detailed, being conducted from public rights of way and the report itself comes with the following caveat '*the results of this survey should be treated with a degree of caution; there may be other areas with ecological interest that it was not possible to identify*'. Site 17 is not visible from the public footpath, the Ash trees at the limits of this site have been removed as they were a danger to the public, and,

as highlighted in the attached aerial photograph under representation 13 (objection to policy ENV5), the ridge and furrow is of questionable importance. It is irresponsible to be using this policy on the targeted 37 sites until further investigation is undertaken. Additionally, the focus of this policy is misguided as it should focus on small pockets or areas where there is clear evidence of significant wildlife occupation/habitation rather than focus on extensive areas of open countryside.

Suggestions:

The blanket designation of 37 sites appears to be an attempt to use this policy ENV2, to object to or block potential development and is misguided and dilutes the importance of significant sites by imposing blanket designation on a large number of potential sites, covering extensive areas. In principle, I would support this policy if it was applied responsibly and with appropriate professional consideration and examination of potential sites. Amend the policy to focus on small localised patches/areas of significance, supported by evidence, rather than whole fields or surrounding areas.

Representation 13

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
DRAFT NEIGHBOURHOOD PLAN
- Page Number
p63-64
- Paragraph/Policy Number
POLICY ENV6: PROTECTION OF IMPORTANT VIEWS

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.		NO	
Has regard to national planning policies.		NO	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		NO	
Contributes to the achievement of sustainable development.		NO	

Do You: OBJECT TO THIS POLICY/PART OF THE PLAN

Comments:

POLICY ENV6: Protection of important views should be removed as it is not the role of the NP to designate areas of LGS based on views of the countryside. Site 16, designated as LGS is a large tract of agricultural land located on the outskirts of the village, projecting into the wider countryside. As such, the character of the site is as part of the surrounding countryside, rather than local in character. A precedent for such cases has been established by an independent examiners report on Chapel-en-le-Frith Neighbourhood Development Plan¹³ 2013-2028 where it states *"It is not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside. In my opinion, the site is a large area which projects into the open countryside and is part of the wider countryside rather than local in character"*. Specific objection to the inclusion under this policy of **area C**, North, East and west from Mill Lane fields, is detailed below.

The views referred to are not representative of the views from the footpath. As previously highlighted there is no wider access to this site other than via the footpath. For around half the year any views are limited as the foliage of the trees obscures clear views of the church spires and at no point on the footpath can all three church spires be seen together.

¹³ Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028, Report by Independent Examiner Janet L Cheesley BA (Hons) DipTP MRTPI, CHEC Planning Ltd, January 2015

Representation 14

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
FOTW NEIGHBOURHOOD PLAN
- Page Number
p55-57

Paragraph/Policy Number

POLICY ENV 3 IMPORTANT WOODLAND, TREES AND HEDGES

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.			UNSURE
Has regard to national planning policies.	YES		
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans	YES		
Contributes to the achievement of sustainable development.	YES		

Do You: SUPPORT THIS POLICY/PART OF THE PLAN SUBJECT TO MODIFICATIONS

Comments:

Although in principal I support this policy, it is again the blanket application of it to all trees and hedges irrespective of their actual wildlife and historic value that I object to. The policy states that *'Development proposals that will affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted'* The inclusion of those with *'landscape or amenity value'* is too broad an application of the policy. Whilst professional evidence can be used to support identification of trees, woodland and hedges that have environmental, biodiversity or historical significance, it is very much a matter of public opinion, which can be highly subjective depending on motives, as to whether they have landscape or amenity value. I feel this policy should be revised to exclude the statement *'landscape or amenity value'*, in order that the policy can be implemented fairly and supported by appropriate professional evidence.

Representation 15

1) Which part of the submitted NP/supporting documents does this representation relate to:

- Which document
Regulation 14 Consultation Comments
- Page Number
p39-55
- Paragraph/Policy Number

2) Do you believe that this policy/section of the Neighbourhood Plan:

	YES	NO	UNSURE
Meets European obligations.			UNSURE
Has regard to national planning policies.			UNSURE
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans			UNSURE
Contributes to the achievement of sustainable development.			UNSURE

Do You: **Support the comments made and would suggest the claims are investigated**

Comments:

This representation supports the following comments made by Pete Rogers in response to the regulation 14 consultation. *'It is clear that the village have been led by the NPAC and FPC who have their OWN self-interests as the main agenda. There are far too many very concerning points that have been raised in this document that clearly demonstrate the evidence base is NOT CREDITABLE, EXTREMELY BIASED and conducted without "Due process" so therefore only contributes to a "FLAWED" Frisby on the Wreake Neighbourhood Plan.'* My experience of the NP process echoes these sentiments, albeit in relation to the methodology and approach to the policy designation and scoring adopted for LGS. I would welcome an investigation into this matter in the interests of public transparency and openness.