

## Great Easton Neighbourhood Plan

### Summary of representations submitted to Harborough District Council by consultees pursuant to Paragraph 13 (1), Schedule 4B of the Town and Country Planning Act (as amended)

Name	Full Representation
Anglian Water	<p>Thank you for the notification relating to the Great Easton Neighbourhood Plan. The following comments are submitted on behalf of Anglian Water.</p> <p>I would be grateful if you could confirm that you have received this response.</p> <p>Anglian Water has no comments to make relating to the proposed exclusion of text as proposed by the examiner of the Great Easton Neighbourhood Plan.</p> <p>Should you have any queries relating to this response please let me know.</p>
Natural England	<p>Natural England has no further comments to add on the Great Easton Neighbourhood Plan.</p>
Gateley PLC On behalf of Bybrook Homes	<p><b>1. <u>Introduction</u></b></p> <p>1.1 These representations are made on behalf of Bybrook Builders Limited (BBL) in response to the consultation process initiated by Harborough District Council (HDC) pursuant to paragraph 13 (1) of Schedule 4B of the Town and Country Planning Act (as amended) respecting the emerging Great Easton Neighbourhood Plan (GENP) and the Examiner's Report (ER) into it.</p> <p>1.2 In the ER the Examiner has made the recommendation that there should be added to the remaining supporting text on page 26 of the GENP the following words: "The landowner of land adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton" (the False Statement).</p> <p>1.3 Following the publication of the ER, the Qualifying Body through its website published a post-examination text for the GENP which including the False Statement.</p> <p>1.4 The "...area of former railway track .." referred to in the False Statement is accessed (albeit only with the permission of BBL) from Long Lane at the southern edge of the village, and is referred to in these representations as "the Old Railway Land" hereafter.</p> <p>1.5 The False Statement was inaccurate, misleading and prejudicial to BBL 's interests for the reasons first</p>

	<p>indicated to HOC in a letter dated 4th July 2017 (the July Letter) and further summarised in these representations.</p> <p>1.6 We understand that as a result of new evidence first put forward on BBL's behalf in the July Letter, HOC takes a different view from that of the Examiner concerning one of the recommendations made by the Examiner.</p> <p>1.7 It is HDC's proposal that this modification to the GENP recommended by the Examiner (the Flawed Recommendation) should be rejected and that the False Statement should be excluded from the GENP.</p> <p>1.8 These representations are made in support of:</p> <p>1.8.1 HDC's proposal to reject the Flawed Recommendation of the Examiner's; and</p> <p>1.8.2 the exclusion of the False Statement from the GENP which is to be put forward for referendum accordingly.</p> <p><b><u>2. The Inaccuracy of the False Statement</u></b></p> <p>2.1 The ER makes a number of comments in respect of policy H3. The Examiner has recommended that Policy H3 be combined with policy H1 to form a new policy H1. A number of specific recommendations are made at paragraph 83 of the Report culminating in the False Statement.</p> <p>2.2 The False Statement is not objective or empirical in character - nor does it express a planning judgment within the purview of an examiner considering whether or not the submission version of a neighbourhood plan satisfies the basic conditions.</p> <p>2.3 It purports to be the expression of a position taken by a particular landowner - BBL - and it is therefore entirely a matter of record and the landowner's own position as to whether that statement of BBL's position is accurate or not. It is not accurate and it was not accurate at the time at which the Examiner considered the submission version of the GENP.</p> <p>2.4 It has in fact never been BBL's position that in respect of the development of the Barnsdale House site alone, permissive pedestrian access to an area of former railway track elsewhere in the village would be provided by BBL.</p> <p>2.5 BBL's position was that as part of a multi-site development it would provide a permissive footpath along the Old Railway Land for the benefit of all residents in lieu of any affordable housing contribution otherwise required as a condition of that multi-site development.</p> <p>2.6 The submission version of the GENP went on to confirm in policy H3 itself that: "A planning obligation under section 106 of the Town and Country Planning Act 1990 shall provide for a permissive path for pedestrians only to be made available in perpetuity along the section of disused railway line as a contribution towards the establishment of a circular walking route...".</p> <p>2.7 The Examiner made certain criticisms relating to the potential use of a planning obligation in that respect and we have responded in writing to HDC in respect of those points so we do not repeat them here. The short point is that the Examiner's recommendation that the GENP should be modified by the inclusion of the False Statement was - with due respect to the Examiner - founded upon an apparent inference as to BBL's position which had no basis in fact.</p> <p>2.8 BBL strongly supports HDC's proposal to omit the False Statement from the GENP accordingly.</p> <p><b><u>3. Conclusion</u></b></p> <p>3.1 The result of the flawed approach towards the role of planning obligations and towards policy H3 on the Examiner's part was that :</p>
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Appendix D

	<p>(i) the Examiner recommended the omission from policy of a reference to a desirable planning obligation which would have secured a valued local benefit had Policy H3 remained substantially as proposed by the Qualifying Body in the submission version of the GENP ; and</p> <p>(ii) wrongly and prejudicially attributed to BBL a position which it does not have and has never professed to have.</p> <p>3.2 HOC is therefore correct to have determined that paragraph 83, bullet point 7, of the ER wrongly ascribes to the landowner a position which it has never had (and which the submission version of the GENP did not establish any basis for) and that for planning policy-making purposes BBL as the landowner has not committed to providing permissive pedestrian access over the Old Railway Land.</p> <p>3.3 We understand the Qualifying Body to share the view of HOC that the Flawed Recommendation should be set to one side and the False Statement omitted from the GENP as it goes forward for consideration by the local community at the referendum stage.</p> <p>3.4 BBL strongly supports HOC's proposal to omit the False Statement from the GENP so that - amongst other things - residents considering whether or not to support the referendum version of the plan are not misled accordingly.</p>
<p>Resident</p>	<p>I respond as follows: -</p> <p>I am not at all surprised by the challenge to the Examiner's Report but one wonders why it has taken this long as there have been numerous opportunities to raise this point beforehand, particularly, at one of the many public access meetings which have taken place locally over the preceding months.</p> <p>I have already stated publicly that I am, in general, a advocate of Neighbourhood Plans. Having said that my view on the Great Easton Neighbourhood Plan has not altered since my original response and I can confirm, therefore, because of the inclusion of the Barnsdale House site I will not support the Plan when it eventually comes to a referendum.</p> <p>Whilst appreciating all the hard work and endeavour carried out by numerous volunteers over the past 3 years in producing this Plan I have always considered the inclusion of the Barnsdale House site as erroneous, plain wrong and an act of appeasement. In satisfying the housing figure required by the Local Planning Authority I consider there are far more suitable and sensible options.</p> <p>With regard to the "permissive footpath" this has always been something of a sop. I am of the opinion this would only go ahead if the combined Planning Application of 6 new dwellings in the rear garden of Barnsdale House (totally unacceptable) and the "workers cottage" at Castle View Stables (again totally unacceptable) were successful. So, was it ever thus?</p> <p>The fact is this multi-faceted Application set a precedent i.e. 3 different proposals on 3 different locations wrapped up as some "holistic" approach was, in my view, absurd and unrealistic from the outset, however, should a part of the proposal be unsuccessful it gave the Applicant a get-out regarding the circular path.</p>

Appendix D

<b>Leicestershire County Council</b>	<b>Thank you for informing us of the Examiner's recommendations and the District Council's proposals. I hereby confirm that Leicestershire County Council have no comments to make in this regard.</b>
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