

Clerk to Upper Clatford Parish Council
19 White Oak Way
Anna Valley
Andover
SP11 7QN

7th September 2020

To Whom it May Concern,

Draft Upper Clatford Neighbourhood Development Plan 2019-2029

Consultation Response by Atlas Planning Group on behalf of Mr & Mrs Li, Yew Tree Farm, Goodworth Clatford, Andover, SP11 7QX

Context

These comments are made on behalf of Mr & Mrs Li of Yew Tree Farm as part of the pre-submission public consultation on proposals for the Upper Clatford Neighbourhood Development Plan which took place between 28th October 2019 – 10th December 2019.

In order for a Neighbourhood Plan (NP) to be lawful, it must comply with the basic conditions set out within paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. These basic conditions are that the NP must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Having examined the draft NP, we consider that the first two basic conditions are not met.

Basic Condition 1 – Have regard to National Policies and Guidance

Paragraph 100 of the NPPF provides national guidance on the designation of Local Green Space (LGS).

The policy states:

“The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land”*

As explained below, we contend that the currently proposed LGS4 does not accord with criteria (b) and (c). The Draft Neighbourhood Plan therefore fails to meet the basic conditions required, as it does not adequately account for national planning policy.

In addition, the entirety of the land proposed for designation as LGS4 is already protected as a local gap under Test Valley Revised Local Plan policy E3 and is within the open countryside for the purposes of the Council’s main development control policy, COM2. The Government’s Planning Practice Guidance states:

“Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space”

The proposed LGS policy would operate in much the same way as Test Valley’s policy E3 does, restricting development proposals which seek to alter the open nature of these designated areas. This policy overlap means the likely benefit of the additional designation of the land as a LGS is negligible. Therefore, there is no clear reason to proceed with designating this LGS.

The Planning Practice Guidance also states in no uncertain terms that the LGS designation should not be used as a ‘back door’ way of achieving protection of land akin to a Green Belt. The aim of LGS is to protect spaces which are genuinely special and valued as such by the community they serve, not to provide an additional tool to restrict development wholesale. It appears even from first glance of Plan

10 that the proposed LGS areas (especially LGS4) have been strategically positioned to prevent development between Upper Clatford and Andover and provide a local Green Belt.

Whilst we agree that the proposed LGS4 would be in reasonably close proximity to the community of Upper Clatford (and therefore accordant with criterion (a)), the proposed designation would not accord with criteria (b) and/or (c).

Demonstrably special and holding a particular local significance

In order to properly assess the NP's conformity with this criterion of NPPF 100, the terms 'special' and 'significance' should first be clearly defined.

special – *“better, greater, or otherwise different from what is usual”*

significance – *“the quality of being worthy of attention; importance”*

We contend that the justification put forward within the draft NP and its evidence base does not demonstrate that LGS4 is better, greater or otherwise different from the other areas of countryside surrounding Upper Clatford or that it warrants special attention.

Table 6 of the draft NP seeks to provide justification for the proposed LGS designations. In regards to LGS4, the table states that the area is of historic, biodiversity and landscape value, whilst also contributing to the beauty and tranquillity of the local setting.

The historic value is argued to arise from the presence of an old railway line, built on the former Andover-Redbridge Canal. It is difficult, however, to understand where any value arises. Indeed, it appears that value is being placed on this area because something once stood there, rather than because of the way in which historic elements which remain benefit the understanding of users in the present day. Apart from the slightly raised footpath which briefly runs along the line of the former railway, there are no distinctive features which indicate that the area has any historic value. There are no physical remains of the railway, nor any indication (e.g. plaque/information board) along this stretch which provide a reminder of its past. Further, even if this stretch of land did contain some clear historic value, this does not justify the inclusion of such a large area of land within the same designation.

With regards to the biodiversity value of the area, the draft NP contends that this comes from the presence of several priority habitats, including an area of lowland fen which is not found within the remainder of the NP area. The other priority habitats are found within the NP area, continuing southwards from the boundary of the proposed designation along the River Anton. Again, even if the area of lowland fen was demonstrably special and of significance to the local community, this does not explain the proposed designation of a vastly larger area.

The draft NP states that LGS4 also provides special landscape value and contributes to the beauty and tranquillity of the area. Having walked the public realm around the site, there is no doubt that the area in general is pleasant. However, it is not demonstrable better or greater in this regard than most of the other green areas which immediately surround the settlement, so in this context cannot be considered special. The area is certainly not tranquil due to the presence of the A303 bypass immediately to the north of the LGS, which provides a consistent source of noise discernible from a variety of points around the LGS.

Whilst the area may well be valued by the local community to some degree, there is no demonstrable reason to suggest that it holds any greater significance than the other swathes of countryside which surround Upper Clatford. Taken individually or collectively, the justification put forward for the inclusion of LGS4 within the NP does not sufficiently demonstrate that the area is special or of significance to the local community.

On the basis of the above, the land which is proposed for inclusion within the NP as LGS4 is not sufficiently 'special' nor 'significant' to the local community to warrant its designation. Therefore, the proposed designation of LGS4 does not accord with criterion (b) of NPPF 100.

Local in character, not an extensive tract of land

The proposed LGS4 measures 12 ha in area. Whilst there is no hard and fast rule for determining what an 'extensive tract' is, it is useful to have regard to the approach that examiners of other neighbourhood plans have taken.

Examples of other examiners finding areas to be extensive tracts of land include:

- Osgodby Neighbourhood Development Plan – 16.2 ha
- Castlethorpe Neighbourhood Plan – 4.8 ha

- Faringdon Neighbourhood Plan – 5.6 ha
- Sedlescombe Neighbourhood Plan – *“In observing Street Farm, I noted that several full size football pitches, with land around each of them, could easily fit within it.”* (A standard football pitch is 0.714 ha)

Taking these decisions into account, the logical conclusion is that LGS4 is an extensive tract of land and therefore the proposed designation does not accord with NPPF 100 (c).

No coherent reason is given for the inclusion of the whole of the land within the proposed LGS, indeed the only justification which is provided is for individual elements (e.g. lowland fen/former railway line) which lie within the area. There is no obvious factor such as landownership, public access, or visual character which seems to have been used as a basis for establishing the boundary.

Upon examination, it also appears that the proposed LGS is not local in character and is clearly contiguous with the surrounding countryside. LGS designations should normally have a distinctive boundary, which as noted above is clearly not the case. Having a distinctive boundary is a demonstrable way of showing the character of the LGS is clearly contained and does not overlap with the surrounding area. In the present situation, the character of the proposed LGS is not contained solely within the LGS and is clearly an extension of the surrounding countryside. The proposed LGS is therefore not local in character.

The presence of several different types of habitat designations also indicates that the proposed LGS is not local in character. Apart from the lowland fen habitat, the land within the LGS is comprised of a mix of habitat types which can be found along the stretch of the River Anton which continues southwards towards Goodworth Clatford, providing a continuation of the landscape character within the proposed LGS. The lack of any clear distinction in terms of character between areas within and outside of the LGS further indicates the proposed LGS is not local in character.

Basic Condition 2 – Contribution to the Achievement of Sustainable Development

The proposed designation of LGS within the NP area would introduce stricter planning controls on development than those which currently exist under Test Valley’s Policy E3 (Local Gaps). Development proposals would be assessed against a NP policy which functions for all intents and purposes identically to Green Belt policy, the result being an overly restrictive stance which does not allow for sensitive development proposals to come forward in proximity to a large area of Upper Clatford.

By virtue of this proposed approach to development control within the NP area, the policies within the draft NP fail to contribute to the achievement of sustainable development and as such, the NP does not meet the second basic condition.

Other Comments

We also object to the inclusion of view 12 (NE at Cobbetts Corner) within the NP for the purposes of Policy UC9 and request its removal.

Policy UC9 seeks to protect 'important public views', dividing these into landscape views of the countryside and settlement views of the approaches to the villages and along the valley floor. However, view 12 is neither a public view nor a settlement view of an approach to the village and as such its inclusion within UC9 is inappropriate.

It is also noted that in preparing the Goodworth Clatford and Upper Clatford Conservation Area Character Appraisal, Test Valley Borough Council sought to identify important views within Upper Clatford and view 12 was not included.

It is noted that policy UC12 proposes that a section of the Pillhill Brook and bankside habitat be designated as a Site of Importance for Nature Conservation (SINC). However, it is unclear from the draft NP and its supporting text why the full extent of the Brook that lies within the NP area is not proposed for inclusion. If protected species are suspected to be using the Brook as a wildlife corridor (as suggested in the Evidence Statement for UC12) then surely the inclusion of its entire length within the NP boundary would be appropriate.

Summary

We object to the designation of LGS4, as for the reasons above, this would be contrary to the requirements of NPPF 100. The proposed area for designation (whilst valued to some degree) is not demonstrably special and does not hold a particular local significance. The land is also vast enough to be considered an 'extensive tract' and is not local in character. Accordingly, the NP does not meet the first of the basic requirements. We therefore respectfully request that LGS4 is deleted from future versions of the Neighbourhood Plan.

In addition, we contend that the proposed NP would also fail to accord with the second basic requirement, as the overly restrictive approach to development proposals within the proposed LGS would be contrary to the overarching objective of achieving sustainable development.

We also object to the inclusion of view 12 as an important public view under policy UC9 as the view achievable at position 12 is not a public view, nor is it reasonable to consider it 'important'.

Finally, whilst no objection is raised to the inclusion of the proposed additional SINC sites, we do query the rationale behind the proposed designation of only a partial stretch of the Brook, when it would appear there is an opportunity to include the full extent.

We trust that these comments will be taken into account in the preparation of the final NP.

Yours sincerely

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