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By email

Our Ref: NH/RSNP
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Dear Sirs

Radford Semele Neighbourhood Development Plan Regulation 16 Consultation

Lambert Smith Hampton represent Mike Jarrett, the owner of Land at Leigh Foss ("the Site").

Policy RS2 of the Submission Version of the Redford Semele Neighbourhood Development Plan seeks to designate the Site as Local Green Space. Policy RS2 does not meet the basic conditions under paragraph 8(2)(a), (d) and (e) of Schedule 4 of the Town and Country Planning Act 1990 (as amended) and should therefore be subject to modification, deleting this designation before the Plan can proceed to a referendum.

There are two grounds for this objection:

1. The proposed designation of the Site as Local Green Space does not satisfy the tests in Paragraph 100 of the National Planning Policy Framework (NPPF). In particular, because the Plan's evidence base falls far below what is required by NPPF 100b. There are also related deficiencies in respect of NPPF 100a and 100c.
2. The Neighbourhood Development Plan is a highly restrictive document, which makes no housing allocations. The designation of the Site as Local Green Space in such a context would be contrary to NPPF 99 and related PPG 37-007, which requires that any such designation must be consistent with local planning for sustainable development in the area and the Plan must therefore make provision for sufficient housing needs. It would further conflict with the adopted development plan.

For these reasons Policy RS2 breaches basic conditions 8(2)(a), (d) and (e). It would not be appropriate to make this neighbourhood plan with this constituent policy, having regard to national policy and the current development plan. Such a plan would frustrate, not contribute to the achievement of sustainable development.

We continue to rely on earlier representations submitted to the Parish Council in response to the previous Regulation 14 consultation at this Regulation 16 stage. Despite our detailed objections, no substantive changes have been made to Policy RS2 in this latest draft of the Neighbourhood Development Plan.

(1) Failure to Satisfy Criteria in Paragraph 100a-c of the NPPF and Basic Conditions 8(2)(a) and (d)

In order to be designated as Local Green Space, land *must* satisfy all the criteria set out in paragraphs 99 and 100 of the National Planning Policy Framework (NPPF).

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. 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.”*

PPG 37-005-22 contains supporting text and is a material consideration for the purposes of basic condition 8(2)(a). Various paragraphs, such as PPG 37-007 on sustainable development, PPG 37-015 recommending against blanket designation, and PPG-017 are also of particular relevance.

Collectively this text makes clear that Local Green Space is an exceptional designation which requires a very high standard of evidence. This cannot be excused by a lack of expertise or a generalised reference to the proportionate nature of neighbourhood plan evidence. The designation of a site such that it is afforded the same protection as Green Belt is a major step. The evidence to support such a designation must be commensurate in robustness.

The need for robust evidence is also strongly emphasised in Locality’s Neighbourhood Plan Local Green Spaces Toolkit, stating at Page 7:

“Good planning requires that green infrastructure be considered in terms of its values to the local community, local environment and local economy. This can be demonstrated by providing a clear rationale and evidence for Local Green Space designations or policies.

In addition to a robust and proportionate evidence base, it is necessary to engage with local communities and stakeholders...

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.”

Page 24 concludes:

“Designations and policies should be based on a robust evidence base and community and stakeholder engagement. The evidence base could include an audit of green infrastructure in an area, where existing evidence is insufficient.”

Local Green Space has been considered in many Examiners’ Reports. Each decision inevitably turns on its own facts, the location of each site and the different nature of the supporting evidence base. We would, however, emphasise the following observations from recent Examiners’ Reports which consider the practical issues that arise where sites are located in the open countryside and are wholly or largely inaccessible.

In his Report on the Burbage Neighbourhood Plan (19 April 2020), pages 18-19, paragraphs [91]-[94], Examiner John Slater considered various sites which were said to have wildlife and ecological value and adjacent to public rights of way (all underlining/emphasis added both here and below):

"91. The site at Woodgate is, I understand, the subject of a current planning application. It would not be appropriate to confer LGS status on sites with planning permission. My conclusions on this site have not been influenced by the existence of that current planning application. I have fully considered the representation of the land owner's planning representative at the hearing who was unaware that the site was a Local Wildlife Site. I am satisfied that any flora or fauna interest of the site is recognised by its existing designation as a local wildlife site. But that in itself does not, in my view, offer sufficient justification for designation as LGS.

92. I visited the site on two separate occasions, and noted that there is no public access (although that is not a pre-requisite for designation) and I am not satisfied from the evidence that the wider Burbage community (beyond those who live close to the site) would confer specific importance to this site, based on its richness of wildlife or ecological value, say compared to the value it would attach to the adjacent areas of open grassland, which appears well used by walkers and provide routes into the open countryside and Burbage Common. I am not satisfied that these areas, which fall on both sites of the public footpath, are of such significance to be deemed demonstrably special, compared to other similar sites whose ecological importance is recognised by local wildlife designation.

93. Equally, I have concluded that the Aston Lane north side does not warrant protection as Local Green Space. At the hearing, I specifically enquired as to what the characteristics that demonstrated its significance and I was told it was due to the site's tranquillity. However, as there is no public access to this land, it would not be the community that would enjoy its tranquil nature. There is an adjoining public right of way and I was able to view the site, but I could not ascribe the land a uniqueness that would justify LGS status, above other undeveloped areas in this part of the village's fringe.

94. It must be remembered that these sites need to be at the top of the pyramid in terms of their importance to the community as a whole. I saw several other areas of open space which I would imagine would be viewed as more important areas, in terms of the contributions they make to the community's appreciation of its green spaces."

It is respectfully submitted that this excerpt is a good summary of the approach that is required by NPPF 100b. It is not appropriate to designate Local Green Space in respect of sites that are merely ordinary, and which are, to a large extent, inaccessible areas of countryside. Mere references to wildlife and tranquillity fall some way short of the robust evidence required.

A similar approach was taken in the Report on the Welsh Newton Neighbourhood and Llanrorthal Plan (12 June 2019) by Examiner Rosemary Kidd at Page 19, paragraph 3.33:

"The Glebe Field at Welsh Newton is agricultural land with no public access. It is not usually appropriate to designate such land as Local Green Space unless there is special justification."

The same Examiner renewed this observation in her Report on the Kington Neighbourhood Plan at Page 28, paragraph 3.73:

"A number of the areas include agricultural land and woodland and cannot therefore be defined as green space unless there is robust evidence to justify their inclusion using the NPPF criteria."

Particular caution should be attached to sites where access is only via rights of way is contained in the Report on the Sutton Poyntz Neighbourhood Plan (2 October 2019), Pages 17-18, paragraph 4.14, where Examiner Mary O'Rourke observed:

"Advice in the PPG is that there is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation."

With those principles in mind, we turn to the specifics of the evidence base which, with respect to the authors of the Submission Version of the Neighbourhood Plan, is very limited.

Appendix 1, Table A1a-c of the Neighbourhood Development Plan is the only section of the evidence base which seeks to explain why the Parish Council consider that the Site should be designated as Local Green Space.

Appendix A1a provides the main text, limited to two boxes. Appendix A1b contains a list of sites that were not designated. Appendix A1c contains a list of criteria.

Appendix A1a relies on five principal reasons for designation:

- a) Public Access: The existence of a permissive footpath on the northern edge of the land;
- b) Ecology: The historic presence of protected species on the land;
- c) Trees and Hedgerows: The presence of mature trees and hedges around the boundary;
- d) Landscape: The character and tranquillity of the land; and
- e) Flooding: The role of the land and the pond in its NW corner in flood management.

None of these reasons provide a correct or adequate basis for the propositions that the Site is “*demonstrably special to a local community and holds a particular local significance*”. The land is an ordinary, unremarkable field, surrounded by development on three sides and largely inaccessible.

We shall address each point in Appendix A1a in turn, before turning to Appendix A1b-c and the flawed reliance upon comparative scoring.

We shall refer, where applicable, to the technical notes from FPCR in respect of ecology and Tyler Grange in respect of landscape, which update the evidence previously submitted with Application Reference W/17/0514.

a) Public Access

Appendix A1a leads the argument for designation by recording the existence of a “*permissive footpath*” within the Site, whilst noting that an application to designate this route as a Public Right of Way has already been made to the County Council. With respect to the authors, the description of this footpath is limited and fails to reflect the limits on access to the site.

The footpath runs alongside the northern edge of the Site and is fenced off from the main field to the south. There is no public access to the vast majority of the rest of the land, which we have measured as approx. 85% of the total area. The photograph below (dated 11 April 2015) shows the post and wire fence that separates the permissive footpath (to the left of the fence) from the remainder of the land (to the right of the fence). The significant limitations on access will be visible on a site visit.

If a Public Right of Way designation is made, this would preserve any existing right of way access by members of the community. As PPG 37-018 makes clear:

“There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.”

It is therefore unnecessary to designate Land at Leigh Foss as Local Green Space in order to retain the use of this footpath. There is nothing within NPPF100 which permits a designation to preserve existing access. Indeed, the fact this is the primary stated reason for designation reveals the extent to which the Local Green Space designation is wholly misconceived.



b) Ecology

Appendix A1a refers to the previous application and the recording of (1) Great Crested Newts in the pond at the north west corner; (2) grass snakes in the main field, and (3) ruderal grassland

plus a further non-specific reference to sightings of bats. The qualifying body have not provided a single piece of their own evidence to support their position on ecology.

The Ecology Report by FPCR, March 2017, identified that “*all habitats identified within the site are considered to be of low biodiversity value*”. The qualifying body have therefore either failed to take the FPCR conclusions into account or misinterpreted the FPCR Report from 2017.

We have further commissioned an updated Report from FPCR, which confirms that this remains the case. This is the most up-to-date evidence before the Examination and there is no other qualified evidence in respect of ecology within the evidence base. We respectfully request that the Report is considered in full. However, in summary, it confirms:

- i) The grassland is categorised as “species-poor improved grassland”. This is of low ecological value;
- ii) The population of Great Crested Newts is small and localised to a limited area within the Site. Development has never been proposed in this area, which remains fenced off from public access;
- iii) The site does not provide suitable breeding opportunities for the local grass snake population. Consequently, development of this site would not affect the breeding status of the population;
- iv) Habitats on the boundaries of the Site are used by common species of bats in low and unremarkable numbers, therefore the bat assemblage is considered to be of no more than local level value. The key habitats for bat foraging and casual commuting would be retained and supplemented in any development proposals.

FPCR have also listed the extensive biodiversity enhancements that would arise from development of the Site.

The only reference to wildlife and ecological matters under NPPF 100 is to “*richness of its wildlife*”. This cannot be approached on a subjective and un-evidenced basis. When addressing a designation as important as Local Green Space, it must be rooted in a proper evidence base with an objective approach, which has regard to technical matters such as population size and mitigation. The qualifying body have provided no such evidence.

In ecological terms, the Site is an ordinary, unremarkable field with a small population of protected species in restricted locations. These are capable of being protected under existing legislation or through careful master-planning of development on the site. Indeed, development of the Site would give rise to biodiversity enhancements.

The mere presence of protected species or valuable habitat cannot in itself provide justification for designating Land at Leigh Foss as Local Green Space. To take such an approach would again be both inappropriate and a misinterpretation of the NPPF.

c) Trees and Hedgerows

Appendix A1a refers to mature hedges and trees, and state that “*these add to the beauty of the area and the view*”. As with ecology (and all other matters) there has been no detailed survey of these elements on site. The text is extremely limited, however the case for designation appears to be put on a twin basis of both trees/hedgerows and landscape character impact. We respond accordingly.

The Landscape and Visual Appraisal (Tyler Grange, February 2017) considered the trees and hedgerows on site in a systematic way, in accordance with the Landscape Institute’s guidance under the Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA). This is provided at Appendix 1 to the August 2020 Report, from pages 20 onwards.

Tyler Grange record that the Site is “bound on the northern, southern and western sides by residential gardens and their associated ornamental vegetation [with] naturalised hedgerows, gappy and punctuated with small trees, [aligning] the eastern boundary”.

They further note that the land “is not situated within or within proximity to any area designated either Nationally or Locally for its landscape value”. This is not a valued landscape that could meet the high standard identified by Ouseley J in *Stroud DC v SSCLG* [2015] EWHC 488 (Admin). [16]-[18]: It has no “demonstrable physical attributes which would take this site beyond mere countryside” or any attributes that suggest it is anything other than “ordinary”. In any event, such a landscape would be covered by the separate provisions of NPPF 170a.

Tyler Grange’s updated August 2020 report confirms that the Site remains unchanged and their earlier findings remain valid: see page 2, paragraph 2.9 and Section 2, pages 3-9: Landscape and Visual Context.

Applying the GLVIA 3 to the Site, the Tyler Grange Report concluded the following at pages 15-16 of the 2017 Report (Appendix 1 to the 2020 Report):

- **Landscape quality:** “Whilst the site contains features representative of the wider landscape character, the detrimental effect of the adjacent development to the north and west, in combination with the poor quality of the existing boundaries, means the landscape quality can only be considered as ‘ordinary’.”
- **Scenic quality:** “From the wider landscape, the individual site location is difficult to discern when seen against the urban periphery and can only be identified by neighbouring built development. Because of this, the scenic quality is considered to be ‘ordinary’.”
- **Rarity:** “The landscape of the site is broadly consistent with the wider landscape character area...with features present that are typical and not rare locally or at a broader scale. The rarity of the site is therefore considered to be ‘ordinary’.”
- **Representativeness:** “The site does not contain features and/or elements considered to be of particular importance within the local landscape context and is therefore considered to be ‘ordinary’.”
- **Recreational value:** “Access is only possible along the permissive footpath found along the northern boundary. The site does not contain any formal recreational asset... Therefore, the site is considered to be of ‘ordinary’ value.”
- **Perceptual aspects:** “There are no known associations which would indicate a strong and important link between this landscape and its historic or current appreciation. It is therefore considered ‘ordinary’.”
- **Associations:** “There are no known associations which would indicate a strong and important link between this landscape and its historic or current appreciation. It is therefore considered ‘ordinary’ as it is part of the existing settlement edge.”

NPPF 100b refers to local significance arising from a site “because of its beauty”. However, Land at Leigh Foss has no special landscape value. This is simply and ordinary field on the edge of the village, with no exceptional features.

NPPF 100b further refers to local significance arising due to “recreational value (including as a playing field). Tyler Grange have addressed this in their August 2020 Report at page 13. They observe that:

“If the site were considered to be of high recreational or amenity value, then it would be expected that this site would have been emphasised within Policy RS6 through inclusion of a Community

Valued View from which the site is enjoyed as part of walks and appreciation of the countryside, wildlife and farmland, as set out within the Neighbourhood Plan."

Plainly this is not the case.

Equally, the mere presence of mature trees and hedges on the boundaries is by no means a unique characteristic within the rural surroundings of Radford Semele, and therefore not in itself justification for designating Land at Leigh Foss as Local Green Space.

d) Tranquillity

Appendix A1a states simply that this is a *"peaceful area"*.

Tyler Grange have not identified any further features that mean the Site is "peaceful" or "tranquil", as those terms are commonly applied by landscape professionals: see GLVIA definition (page 158) - *"A state of calm and quietude associated with peace considered to be a significant asset of landscape"*. Tranquillity is generally considered a "perceptual aspect" when assessing landscape sensitivity (GLVIA, page 84, Box 5.1). On this issue their 2017 Report states (at page 16 of Appendix 1 to the 2020 Report).

"The character of the site is defined by the proximity and outward visual influences of the wider rural area combined with the urban influences of the local built form. The existing built form located adjacent to the northern, southern and western site boundaries, contains the site against the open arable land further to the east and forms an urban-edge setting for the site location. When considered against the context of neighbouring residential development and an urban edge setting, the site and surrounding landscape is considered 'ordinary' in terms of perceptual aspects."

Whilst NPPF 100b refers to "tranquillity" as a basis for designation, this site cannot realistically be said to meet this standard. Tyler Grange observe at page 13 that the Site is not tranquil. Due to the amount of housing that surrounds the Site, it has a more peri-urban character.

In this respect, again Land at Leigh Foss is not 'special' relative to any other undeveloped land that also forms part of the existing settlement edge.

e) Flood Management

Appendix A1a states *"the pond together with the open space provides drainage and is important in flood management."*

The Parish Council have provided no professional evidence to support this assertion and it is not a relevant consideration under NPPF 100. The Flood Risk Assessment (RMO, May 2015) submitted as part of the 2017 planning application (W17/0514) for residential development on the Site identifies that Land at Leigh Foss is within Flood Zone 1, where there is a low (less than 1%) probability of flooding. The County Council's Strategic Flood Risk Assessment (July 2013), which provides details of historic flooding within the area, establishes that there are no recorded incidents of flooding near to the site. A risk of surface water flooding during the 1 in 200 year event is identified. However, this is limited to a narrow corridor either side of the existing watercourse that runs east to west through the northern end of the site.

NPPF100b makes no reference to flood management as a reason for designating Local Green Space and, as with public rights of way, there are separate regulatory mechanisms to address this issue. Again, the fact that this matter is referred to in the only evidence base for designating the Site as Local Green Space indicates that the designation has not been approached in the correct manner.

Appendix A1b provides no further robustness to the evidence base. The sites referred to have a number of similar features to those relied upon for Land at Leigh Foss. For example: GS4 contains a permissive footpath and woodland; GS5 provides views, is said to include wildlife and has no public access. The fact that these sites were not designated as Local Green Space does not provide any robust evidence for the Site meeting the NPPF 100b criteria.

Appendix A1c contains what is described as an Assessment Methodology. It is not explained who conducted the assessment and when, what their qualifications were and where they derived the methodology. With respect to its authors, it is a rudimentary and arbitrary exercise which simply underscores the lack of a proper evidence base.

The “Importance Weighting” is arbitrary - for example, why “Landscape Beauty, Character and Setting” should be weighted “9” whilst “Recreational and Community Value” (i.e. actual use of the site) and “landscape Sensitivity” are weighted “5” – and the language used does not follow the NPPF wording (e.g. the addition of terms such as “setting”, “openness” and “sensitivity”). The penultimate criterion gathers together disparate but important questions: “*any existing designations or known objections by landowners*”, and the scoring states in a non-neutral fashion: “*Higher the better*”. With respect to the authors, this is not an empirical or reliable piece of work. It appears to have been constructed on a retrospective basis to justify pre-determined and subjective views of the Plan’s authors.

Land at Leigh Foss is not “*demonstrably special to the local community*” nor does it hold “*particular local significance*”. There is no basis for designating the Site as Local Green Space. It is an ordinary field on the edge of the settlement boundary with public access limited to footpath only.

The failures in respect of NPPF 100b are determinative. However, for completeness, we add that the designation does not comply with NPPF 100a and 100c either.

In respect of NPPF 100a the full Local Green Space area does not “*serve the community*” in any meaningful sense. The vast majority of the area is inaccessible and offers no recreational benefits. Whilst the Site is open, this does not in itself mean that it provides any services to the community. We note that the Regulation 14 version recorded that the site was 500m from the village centre and this has now been inexplicably reduced to 300m.

As to NPPF 100c, a similar issue arises. The Parish Council seek a designation over the whole site at 1.7 hectares. Whilst in certain contexts this scale of area might not represent an extensive tract of land, here the size of the designation is wholly disproportionate to the very small area which the community can lawfully access. The broader site is therefore “*local in character*” only in the sense that it is fully surrounded by development on two sides (three sides counting the dwelling to the south).

Accordingly, the proposed designation of land at Leigh Foss as Local Green Space should be deleted from Policy RS2 of the Neighbourhood Development Plan.

(2) Failure to Satisfy Criteria in Paragraph 99 of the NPPF and Basic Conditions 8(2)(a), (d), (e)

Policy RS2 runs counter to national policy on the provision for housing and fails to support the achievement of sustainable development consistent with the Spatial Strategy for the District.

a) National Planning Policy and Practice Guidance

NPPF paragraph 13 makes clear that:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”.

This is underscored by multiple PPG paragraphs within Chapter 41-074 to 077 on the correct approach to the application of basic condition 8(2)(e).

Paragraph 99 of the NPPF further states that:

“Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.”

PPG 41-069 states that neighbourhood development plans *“must not constrain the delivery of important national policy objectives”*.

A neighbourhood plan must therefore give effect to the Government’s objective of significantly boosting the supply of homes as stated in NPPF 59. To ensure that this takes place the qualifying body must have regard to NPPF 65 and 66 and confirm the housing requirement for the neighbourhood area.

All of this applies with particular force in rural areas where many neighbourhood plans have been promoted. They cannot proceed on the false assumption that they can make provision for limited growth. NPPF 78 states that: *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive...”*

b) The Development Plan

Strategic Policy DS4 of the Warwick District Local Plan (WDLP) 2011-2029 (adopted September 2017) details the Council’s Spatial Strategy. This *“focuses growth within and adjacent to built-up areas”* including in designated ‘Growth Villages’. Policy DS4 is a strategic policy for the purposes of basic condition 8(2)(e) as defined by NPPF13 and 20, and PPG 41-075 and 076 (although it pre-dates the Revised NPPF).

Radford Semele is defined as a Growth Village in the WDLP. These have been *“assessed as being the most sustainable rural settlements according to a range of sustainability indicators”* (WDLP, Paragraph 2.37).

The WDLP states that focusing rural housing development in these locations *“will provide the opportunity for newly-forming households to stay in the area and for existing households to move house as their circumstances change”* (WDLP, Paragraph 4.7). It also *“provides an opportunity to assist in re-balancing the local housing markets..., much-needed affordable housing and market homes for local residents”*, as well as *“other positive benefits such as helping to support and sustain local services, facilities and businesses”* (WDLP, Paragraph 2.38).

Therefore, although the WDLP does not itself currently allocate any housing sites in Radford Semele, the village is clearly a sustainable location, and likely to be a focus for future housing growth when the WDLP is next reviewed.

c) Plan Review

The Neighbourhood Plan as a whole, and Policy RS2 specifically, contain a fundamental flaw in that the Parish Council ignores the mandatory requirement for plan review imposed by the development plan and legislation. The Plan contains passing references to meeting needs up to 2029 (e.g. 4.4-4.5), however, it proceeds on the basis that some form of absolute cap has been reached for the entire plan period, simply due to the change in absolute numbers of houses in the village. This is not the case.

Strategic Policy DS19 of the WLDP commits the Council to “a comprehensive review of national policy, the regional context, updates to the evidence base and monitoring data before 31st March 2021 to assess whether a full or partial review period of the Plan is required”.

NPPF 33 (published after DS19) states that “policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary”. This provision gives effect to Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, footnote 18.

Under the terms of the legislation and policy, there will need to be a review of the WLDP within the next 2 years, particularly if local housing needs have changed. The Consultation on Changes to the Current Planning System proposes only a very small reduction from 932 to 910 dpa. This will plainly be the subject of detailed consultation responses until 1 October. The slightest change towards a more growth-orientated focus, e.g. an alteration in the stock/affordability inputs to the Revised Standard Method, could increase the Council’s housing requirements from the current development plan.

Whatever the outcome of the current Government consultation, the Council will need to prepare a Strategic Housing Land Availability Assessment to inform the identification of sufficient supply and mix of housing sites, and the resulting spatial strategy will likely look, once again, to the designated Growth Villages, including Radford Semele, to meet a significant portion of the identified housing need.

d) Restrictions and Sustainable Development

NPPF 99 and PPG 47-007 provide a strong cautionary note against the designation of Local Green Spaces, where this would constrain the provision of sufficient housing.

The proposed Local Green Space designation at Leigh Foss would pre-judge the outcome of any future review of the WLDP and prejudice the contribution that this site could make towards meeting future housing needs during the Neighbourhood Plan period.

As we have set out above, the Submission Version of the Neighbourhood Plan and its Appendices A1a-c have not satisfactorily demonstrated that the Land at Leigh Foss is “*demonstrably special to a local community and holds particular local significance*”.

The text in support of the proposed Local Green Space designation adopts submissions that are more in the nature of objections to the development of the Site (e.g. flood management) than a proper, fully evidenced explanation of the case for designation under NPPF 100.

With respect to the authors, Appendix A1a reads as an attempt to frustrate the delivery of sustainable development on this site. If this were to occur, then that could then lead to development being displaced to other, less sustainable, locations either in and around Radford Semele, or elsewhere within Warwick District.

In summary, the designation of this Site as Local Green Space would lead to further breaches of basic conditions 8(2)(a), (d) and (e).

(3) Proposed Modification: Deletion of Policy RS2

Policy RS2 of the draft Neighbourhood Development Plan should be subject to modification removing Land at Leigh Foss, if it is to first satisfy the basic conditions set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, before being put to a referendum and then ‘made’.

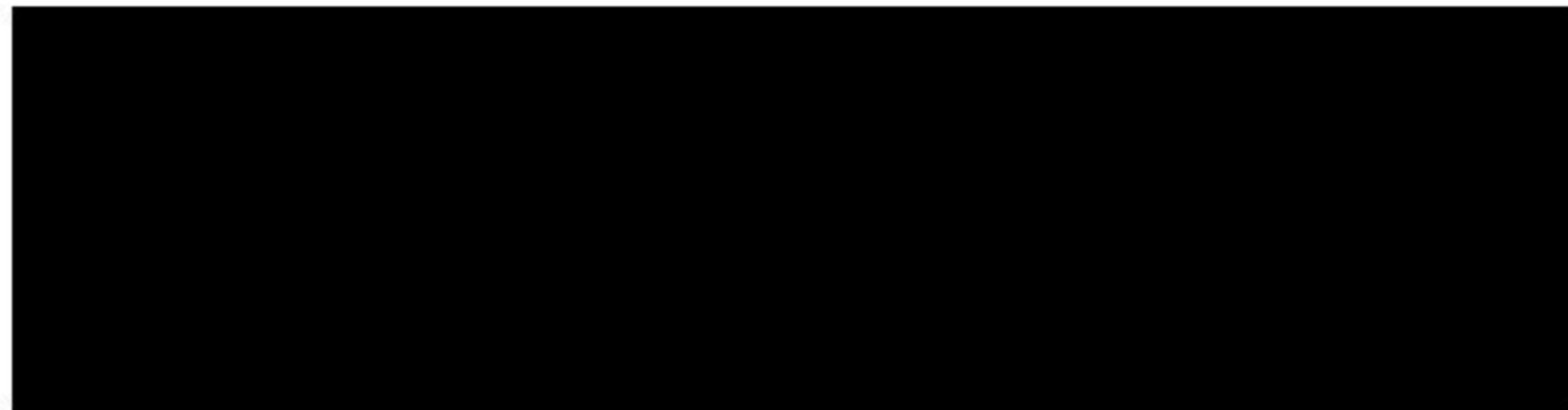
(4) Hearing

We respectfully request that the Examiner hold a hearing in respect of the Neighbourhood Plan examination under Paragraph 9 of Schedule 4B of the Town & Country Planning Act 1990. We consider that this is necessary to ensure adequate examination of the issues and so that our client has a fair chance to put his case.

There are now well-established precedents for virtual hearings in the plan examination and inquiry context, using Microsoft Teams or equivalent, e.g. the recent South Oxfordshire District Council Local Plan Examination. A short hearing lasting circa 3 hours, conducted in accordance with an agenda and written submissions with a pre-defined word limit would allow a focussed consideration of the issues and enable full public participation.

Finally, we hereby request to be notified of the Local Planning Authority's decision under Regulation 19 of the Neighbourhood Planning Regulations in relation to the Radford Semele Neighbourhood Development Plan.

Yours sincerely



Nick Harrison

Head of Planning Development and Regeneration - Midlands



enc

Landscape and Visual Update Report, Tyler Grange, August 2020
Ecological Statement, FPCR, August 2020
Ecological Statement Appendices