

BY EMAIL

Planning Policy
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LE11 2TN

26 November 2018

Dear Sirs

**PROCTORS PLEASURE PARK (THE “PARK”)
PRE-EXAMINATION CONSULTATION ON THE DRAFT QUORN NEIGHBOURHOOD
PLAN 2018-2036 (“DRAFT PLAN”)
QUORN PARISH COUNCIL (THE “PARISH COUNCIL”)**

1 INTRODUCTION

- 1.1 We act for Mr Richard Proctor, the owner and operator of Proctors Pleasure Park in Barrow Upon Soar. The Park is a family business, which has been run by the Proctor family over three generations. The Park was first established in the 1940s and has operated as a tourism, camping and caravanning facility ever since.
- 1.2 The Park is a longstanding tourist and leisure facility in the area, and has been a feature of Barrow upon Soar for over 70 years. It is open all year round to static, touring and residential caravans, camper vans and campers. It provides facilities to those wishing to fish on the lake, access the River Soar and use canal boats. There are no public rights of way over the Park, however a degree of public access is permitted.
- 1.3 The Park is not located within the relevant neighbourhood area for the Draft Plan, as approved by Charnwood Borough Council on 21 December 2016 (shown in figure 1 on page 5 of the Draft Plan). Policy ENV8 of the Draft Plan seeks to regulate development on the Park. As such, it seeks to regulate development outside the neighbourhood area of the Draft Plan. This is beyond the scope of the Draft Plan, and it is submitted that these aspects of policy ENV8 should be deleted from the Draft Plan.
- 1.4 Policy ENV3 of the Draft Plan seeks to designate plots within the neighbourhood area as ‘*sites of local biodiversity importance*’ and regulate development within these sites. These

Aberdeen Edinburgh Glasgow

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Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm's registered office.

Live: 43767138 v 2



areas include land outside the Park but owned by our client. The land is active farmland and of very limited biodiversity importance. It is submitted that these designations should be deleted from the Draft Plan.

2 CONSULTATION ON THE DRAFT PLAN

- 2.1 Section 38A(1) of the Planning and Compulsory Purchase Act 2004 states that: "*Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.*" Section 38A(2) defines a 'neighbourhood development plan' as: "*...a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.*"
- 2.2 Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 requires a draft Plan to be publicised "*...in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area...*" prior to the submission of the Draft Plan to the local planning authority.
- 2.3 Following submission of a plan proposal to the local planning authority, the draft plan must be similarly publicised prior to submitting the plan for examination.
- 2.4 As the Park is outside the neighbourhood area it was outside the area for consultation. Our client was therefore not consulted on the Draft Plan and only became aware of the policies seeking to regulate the Park following publication of the Draft Plan. He has had limited time to make representations and, in particular, our client was not consulted on the terms of policy ENV8.
- 2.5 Where a plan purports to regulate development outside of the neighbourhood area, consultation under Regulation 14 would not be aimed at owners of land affected by the proposed policy. In the interests of natural justice these owners should be specifically notified of the draft plan. Failure to do so means that they are not given due opportunity to make representations on a policy which will affect the development of their property. It is submitted that this renders the relevant policy *ultra vires*.
- 2.6 Given the fact Policy ENV8 seeks to regulate development outside the neighbourhood area, it is submitted that the Parish Council failed to adequately consult on Policy ENV8 of the Draft Plan.

3 THE DRAFT PLAN – POLICY ENV8

- 3.1 Section 38A(2) of the 2004 Act sets out the purpose and remit of a neighbourhood plan:-

"A "neighbourhood development plan" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."

- 3.2 The neighbourhood area for the Draft Plan is the Parish boundary of Quorn. As section 38A(2) confirms, a neighbourhood plan cannot set out policies outside the specified neighbourhood area. In this case, the Draft Plan cannot set out policies in relation to the development and use of land outside the Parish boundary of Quorn.
- 3.3 The extent of the Draft Plan is recognised by the Parish Council. Paragraph 4 of the Draft Plan states that “...our Neighbourhood Plan is able to shape and direct sustainable development **in the Parish.**” (emphasis added)
- 3.4 Policy ENV8 - ‘Protection of Important Views’ - of the draft Plan states that: “*Development that adversely impacts in a significant way on the identified locally important and valued views (figure 13) will be strongly resisted.*”
- 3.5 Figure 13 on page 48 of the Draft Plan demonstrates with green arrows the views identified for safeguarding, and these are described in more detail on pages 49 and 50 of the draft Plan. Figure 13 shows views A, D, E and G extending outside the approved neighbourhood area. The land to the right of the blue line boundary (which follows the River Soar) towards which arrows D and E point is within the Park. Protected views D and E start on or close to the Parish boundary, and extend well outside the approved neighbourhood area.
- 3.6 The drafting of ENV8 and the illustration of protected views appears to seek to control development and the use of land outside the specified neighbourhood area. We would ask that the Draft Plan is amended to either delete arrows D and E, or for text to be added to Policy ENV8 to make it clear it does not seek to control development or the use of land outside the Plan boundary.
- 3.7 If the policy is to be retained, we would note that the description of views D and E are not wholly accurate.
- 3.8 The description of view D, on page 49 of the draft Plan, states that it is: “*From School Lane/Soar Road, east across the river and the important watermeadows and floodlands of the Soar valley floodplain (Barrow Gravel Pits SSSI), and northeast along the riverside to Quorn Hall grounds.*”
- 3.9 The description of view E, on page 50 of the draft Plan, states that it is: “*Northeast from Leicester Road, across managed wildflower-rich grazing meadows to the river Soar and floodlands beyond.*”
- 3.10 Our client and his family have managed the land for a significant period of time, and the recognition of the quality of land management is welcomed.
- 3.11 However, the use of the land is for camping and caravanning as part of Proctors Pleasure Park. As stated above, the Park is an active caravan park with tourist and leisure facilities. If the text is to be retained, it should be amended to include reference to the use of the land as Proctors Pleasure Park. It should also be noted that the Quorn Hall grounds are not visible from view D.

THE DRAFT PLAN – POLICY ENV3

- 4.1 Policy ENV3 - ‘Sites of Natural Environment Significance’ - of the Draft Plan states that:
- “Development proposals that affect sites of natural environment significance shown in Figure 9 will be expected to protect the identified habitats and/or species, according to their status, and to give appropriate weight to the contribution they make to the wider ecological network. Development proposals should demonstrate that the need for, and benefits of, the development clearly outweigh the ecological loss.”*
- 4.2 Figure 9 on page 42 of the Draft Plan identifies sites which the Parish Council consider should be protected under policy ENV3. The plots shaded blue and identified as plots 166, 168 and 169 are owned by our client (although not part of Proctors Pleasure Park). They are identified in figure 9 as ‘sites of local biodiversity importance’.
- 4.3 Section 5.3.2 - ‘Local Green Space’ - of the Draft Plan states that, of 220 parcels of open and undeveloped land identified in the neighbourhood area, 85 were identified as having notable environmental features, and listed in the Environmental Inventory. The sites were scored using the criteria for ‘Local Green Space’ designation set out in the National Planning Policy Framework. The scores are recorded in Appendix G.
- 4.4 The supporting text for policy ENV3, at section 5.3.4 of the Draft Plan, states that sites within Appendix G which score “highly” for ‘wildlife’ in the review of Environmental Inventory sites but which do not qualify for ‘Local Green Space’ designation are identified in figure 9 and designated as sites of natural environmental significance (either Sites Important to Nature Conservation, or Sites of local biodiversity importance).
- 4.5 Plots 166, 168, and 169 were scored ‘3’ in relation to wildlife. It is noted that there are a number of plots which also scored ‘3’ in relation to wildlife, but which are not identified on figure 9 or designated as Local Green Space eg. 12, 17A, 96 and 162A. It is therefore not clear on what basis the Parish Council have determined that plots should be designated as sites of natural environmental significance.
- 4.6 In relation to plot 166, Appendix G of the draft Plan submission – the ‘Environmental Inventory’ - notes that it is: *“Permanent grassland used for grazing cattle. Trees and hedging. Next to the river and also a stream runs through. Footpath used by walkers and dog walkers.”* There is a field ditch in plot 166 provided for farming purposes. There is no stream in any of the three plots.
- 4.7 In relation to plot 168, Appendix G states that it is: *“Permanent grassland used for grazing cattle. Trees and hedges. Next to the river. Footpath used by walkers and dog walkers.”*
- 4.8 In relation to plot 169, Appendix G states that it is: *“Large open field, permanent grassland used for grazing cattle. Trees and hedges, next to the river. Footpath used by walkers and dog walkers.”*

- 4.9 Plots 166, 168 and 169 comprise land that is actively farmed – which is recognised by the Parish Council when they identify the land as “*Permanent grassland used for grazing*”. It is our client’s position that the land has very limited, if any, natural environmental significance or biodiversity importance. It does not meet the criteria for “Sites of Natural Environment Significance”.
- 4.10 We would submit that plots 166, 168, and 169 should be deleted from figure 9.

5 CONCLUSION

- 5.1 Proctors Pleasure Park has operated for over 70 years, with caravans on site since the 1940s. The Park makes a valuable social, environmental and economic contribution to the local area. It is located outside the Parish boundary of Quorn, and the neighbour area of the Draft Plan.
- 5.2 Policy ENV8 appears to seek to regulate development on the Park and as such does not comply with s38A(2) of the 2004 Act. The Policy should be deleted in so far as it seeks to control development outside the neighbourhood area of the Draft Plan. Alternatively, text should be added to confirm the scope of Policy ENV8. The description of the land involved is not wholly accurate, failing to include reference to the use of the land as a camping and caravan park.
- 5.3 Policy ENV3 inaccurately designates plots 166, 168 and 169 as sites of local biodiversity importance. For the reasons set out above, these designations should be deleted from the draft Plan.

Kindly acknowledge receipt of these submissions.

Yours faithfully



for and on behalf of Burness Paull LLP

E: lynsey.reid@burnesspaull.com
T: +44(0)131 297 2839