

# Worcestershire Minerals Local Plan Publication Version Representations

## By Stop Lea Castle Farm Quarry Action Group

### **Statement of Community Involvement (Legality)**

Worcestershire CC Statement of Community Involvement Update February 2015 says that the Statement of Community Involvement (SCI) sets out how the County Council seeks the involvement of various stakeholders and local communities in the planning of minerals, waste and county planning matters (such as roads and some schools) within Worcestershire. The scope of the SCI covers the consultation arrangements for Minerals and Waste Local Plan Documents and any supporting Supplementary Planning Documents produced by Worcestershire County Council

WCC approach to consultation states that,

*“The minimum legal requirements for consultation are set out in the Town and Country Planning (Local Planning) (England) Regulations 20125. Where possible, if thought appropriate to improve engagement, and in line with Council policy, Worcestershire County Council will endeavour to go above and beyond the minimum.*

*Notwithstanding the above, Worcestershire County Council takes a flexible approach to all consultations and reviews its practices (if not regulated by law) to allow for changing public needs identified through residents’ and stakeholders’ consultation feedback.”*

The consultation on the Submission Minerals Local Plan lasted for the minimum 6 week period over the summer holiday period.

Prior to the consultation beginning WCC were requested to extend the consultation period in light of the SCI and the summer holidays.

Essentially the Council’s response was,

*“the need for the preparation of the Minerals Local Plan to be carried out in line with the adopted Local Development Scheme (available at [www.worcestershire.gov.uk/lids](http://www.worcestershire.gov.uk/lids)). This states that the Regulation 19 consultation will be conducted during Q3 of 2019 and the plan submitted to the Secretary of State during Q4 of 2019, i.e. before the end of this year.*

Q3 2019 covers the three months or 12 weeks of July, August and September. When adopting the LDS the council should have recognised that they were seeking the most

important, final response to the plan during the summer holidays and should have had regard to the adopted SCI to do more than the minimum and adjusted the LDS accordingly. The Plan could still have been submitted to the Secretary of State in the three months of Q4. Extending the consultation two weeks should not have prevented this and even if it did the benefits of meeting the spirit and intent of the adopted SCI would have outweighed a potential two week delay in submission. It will be interesting to see at the Examination how closely the Plan has followed the timetable.

The SCI refers extensively to public needs and not just statutory consultees and also the extra required consultation required for “hard to reach” groups and “seldom heard”. A minimum 6 week consultation period over the summer holidays fails to meet the commitment in the adopted SCI.

The Planning Advisory Service (PAS) Local Plan Legal Compliance Checklist (April 2013),

**Stage one: The beginning**

How will community engagement be programmed into the preparation of the DPD?

**Stage two: Plan preparation - frontloading phase**

Is the participation following the principles set out in your SCI?

**Stage three: Plan preparation – writing the plan**

Are the participation arrangements compliant with the SCI

**Stage four: Publication**

Have you made clear where and within what period representations must be made? The period must not be less than 6 weeks from when you publish under Regulations 19 and 35. The evidence being the statement of community interest

**Stage five: Submission**

Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?

The Sustainability Appraisal of the Worcestershire Minerals November 2018 includes,

*“SA Objective 14: Participation by all*

*This SA objective is to "Provide opportunities for communities to participate in and contribute to decisions that affect their neighbourhood and quality of life, encouraging pride and social responsibility in the local community".*

*Minerals developments are often large scale and last many years, and can generate significant interest from local communities. The MLP has the opportunity to support public engagement in the planning of minerals development, and local people can make a valuable contribution to shaping minerals sites and their restoration.”*

The consultation on the Re919 Plan has not met the principles set out in the SCI to endeavour to go above and beyond the minimum.

*Notwithstanding the above, Worcestershire County Council takes a flexible approach to all consultations and reviews its practices (if not regulated by law) to allow for changing public needs identified through residents' and stakeholders' consultation feedback*

### **Objectives of the Worcestershire Minerals Local Plan**

The Objectives of the Plan do not include protecting the Green Belt. As a designation not an allocation the value of Green Belt is not reflected in the 6 objectives. A further objective is required to protect from harm the Green Belt. Otherwise the local planning authority will need to explain why protecting the green belt from inappropriate development is not an objective of the plan.

None of the objectives are given any different weight in the plan and the weight to be attached must be determined based on national guidance.

### **Suggested Policy**

MO 1. Enable the supply of minerals

MO 2. Protect and enhance the environmental and socio-economic function of Worcestershire's network of green spaces and natural elements (green infrastructure)

MO 3. Protect and enhance the quality, character and distinctiveness of the built, historic, natural and water environment

MO 4. Protect and enhance the health, well-being, safety and amenity of people and communities

MO 5. Protect and enhance the vitality of the local economy

MO 6. Ensure the prudent use of natural resources

MO 7. Protect the Green Belt from harm reason of inappropriateness

### **MLP1**

Policy MLP1, without any caveats, states planning permission will be granted for quarrying anywhere in a strategic corridor or area of search. The policy has no regard for particular places within these huge areas with locally sensitive environments. The policy should require that within these areas regard must be given to other policies in the plan which seek to protect locally sensitive areas. The policy must be modified so that it is not absolute in granting planning permission regardless of local environmental issues.

The Plan contains an inherent contradiction. While the law requires that a development plan should be read as a whole MLP1 and MLP7 state that planning permission will be granted in prescribed areas. Other development management policies set out

requirements for planning permission to be granted. Failure to meet these requirements will cause an internal policy conflict with MLP1 and MLP7 which have no caveats requiring compliance with these development management policies.

The policy avoids the necessity of sites being fully considered and compared which would occur in a Site Allocations Document. The plan is therefore condoning a non-plan-led system of development. The development plan should only support proposals that have been specifically identified as being the most appropriate strategy for the development of land. Plans can only be considered sound if they are, inter alia justified – meaning an appropriate strategy, taking into account the reasonable alternatives. By effectively granting consent on all sites in the Strategic Corridor alternatives are not considered.

### **Suggested Policy**

Planning permission will be granted for mineral development where;

- i. It is located within a strategic corridor and it is within an allocated site or preferred area allocated in the Mineral Site Allocations Development Plan Document; or
- ii. it is demonstrated that the mineral resource has qualities which mean a sustainable supply of the mineral cannot be delivered from extant or allocated sites.
- iii. It meets the policies in Chapter 6 of this plan regarding development management.
- iv. Where development is allowed it seeks to protect people, places and the environment from potential negative impacts from mineral development and ensures that positive gains are maximised.

### **MLP7**

#### Landscape Value

Policy MLP7, without any caveats, states planning permission will be granted for quarrying where it merely contributes towards the quality, character and distinctiveness of the corridor through the delivery and enhancement of green infrastructure networks. This is not sufficient. Proposals should start with not harming the quality, character and distinctiveness of the corridor. Many parts of the area already have outstanding green infrastructure which requires protecting and enhancing. Any proposal must demonstrate that green infrastructure is protected and enhanced throughout its lifetime.

Indeed, MLP7 should go further and specifically identify the former Lea Castle Parkland as an area where quarrying will not be permitted due to its unique historic and special locally valued landscape, its environmental and social qualities and its proximity to residents, local facilities and businesses. It is noted that paragraph 195 of the MLP (among several others) excludes general areas from the strategic corridor.

#### Valued Landscape

NPPF (old and new) states,

*“Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.”*

In an appeal in 2016 (APP/B1605/W/14/3001717), the Secretary of State said,

*“Turning to the site itself, the Secretary of State has considered the Inspector’s assessment and agrees that, whilst not designated, the site has its own intrinsic charm which gives it value, is a locally valued landscape, and that its value derives from its own characteristics, of which views towards the AONB are only one of a number of charming features.*

*In conclusion, the Secretary of State agrees that development on this site at the present time would harm the character and appearance of the local area through the loss of a valued landscape. Although development of the site would not harm more structural elements of the wider contextual landscape character, such as the nearby AONB or the setting of Cheltenham as a whole, its development would cause a local loss and would conflict with LP policies identified.”*

Lea Castle Parkland Estate is a valued landscape and planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing this valued landscape.

The site, defined generally by the estate wall, has many demonstrable physical attributes and fulfils functions which elevates it above the ordinary. This value is not just its popularity and is more than being appreciated. This elevates the site above the ordinary in terms of impact from development and warranting protection.

While there is clear existing evidence on landscape value, an assessment can be made based on the criteria/ factors based on the guidance in GLVIA3 Box 5.1.

- *Landscape quality (condition): A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscapes and the condition of individual elements.*
- *Scenic quality: The term used to describe landscapes that appeal primarily to the senses (primarily but not wholly the visual senses).*
- *Rarity: The presence of rare elements or features in the landscape or the presence of a rare Landscape Character Type.*
- *Representativeness: Whether the landscape has a particular character and/or features or elements which are considered particularly important examples.*
- *Conservation interests: The presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of the landscape as well as having value in their own right.*
- *Recreation value: Evidence that the landscape is valued for recreational activity where experience of the landscape is important.*
- *Perceptual aspects: A landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.*

- *Associations: Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area.*

The statutory consultees for the Lea Castle Farm EIA Scoping Opinion confirmed features of the land addressed in guidance that add to its status as valued landscape.

#### Worcestershire Archive & Archaeology Service

- There are archaeological interest within the area, being the former World War II grass landing strip,
- the presence of unrecorded, as yet unknown, below-ground heritage assets (archaeological remains) cannot be discounted and stray finds of archaeological material including a silver denarius of Vitellius (AD 69-69) have been made in the area
- the setting of designated heritage assets in the vicinity of the area include, but not limited to, the Grade II listed Sion Hill Court (NHLE 1100640) to the south and the Grade II Listed North Lodges (NHLE 1296589) to the northeast.

#### Environment Agency

- The estate is located on a Principle Aquifer of the Wildmoor Sandstone Formation within Source Protection Zone 3 of the Cookley Public Water Supply. The hydrogeological setting at this location is sensitive

#### Parish Council

- An ancient wall borders the estate, this is a local landmark
- This is a biodiverse area where many animals and fungi are likely to be affected
- The estate contains a number of (TPO'd) trees.
- The land is described as "acid sand" which provides a unique habitat for various flora and fauna.

#### Wolverley and Cookley Historical Society

- This is a historical site
- The neo-gothic castle was built by the Knights, an important family in the Parish during the 18th and 19th century.
- The house was surrounded by parkland.
- It is suggested that the laying out of the grounds could have been in the picturesque taste (Survey of Parks and Gardens: Lockett 1997).
- The area is defined as "former parkland".
- there remains a 19th C. wall that defines the boundary of the estate
- The wall has served as a focus for community races etc in the recent past
- lodges serving as entrances at the end of long straight driveways; at the North East, Grade II listed and at the South, on the Local List.
- These structures help to characterise the heritage of the two villages and should be viewed in context with the whole parkland.
- There are well used public footpaths along the driveways and between the areas enjoyed by local people and walking groups.
- The paths are shown as early as on the tithe map of 1837.

- Medieval documents refer to a settlement at The Lea. Although its exact position is vague it was undoubtedly in the area of Lea Castle.

#### Worcestershire Countryside Access Mapping Officer

- Public rights of way as recorded on the Definitive Map: Wolverley and Cookley footpaths WC-622 and WC-624 and Bridleways WC-625 and WC-626 cross the estate

#### CPRE

- The estate is the former park of Lea Castle, a gentlemen's park largely only indicated by being surrounded by a brick wall having two lodges. These may deserve to be listed.

#### Worcestershire County Council Ecology

- the proximity to sites of local (i.e. county) importance, including the Staffordshire and Worcestershire Canal and River Stour Local Wildlife Sites and Grassland Inventory sites including Cookley Rough,
- the proximity of this site to the Wyre Forest Biodiversity Delivery Area

#### Historic England

- The designated heritage assets include but are not limited to the Wolverley and Staffordshire and Worcestershire Canal Conservation Areas to the west and northwest as well as several grade II listed buildings.
- non-designated features of historic, architectural, archaeological or artistic interest can be of national importance and make an important contribution to the character and local distinctives of an area and its sense of place

#### Worcestershire County Council Landscape

- The estate is contained within the broad landscape character type Sandstone Estate lands.
- the setting of the estate is located within a transitional landscape that moves from a more typical Sandstone Estate lands character, east of the site, toward a post-medieval historic landscape character of mixed irregular fields, meadows and woodland, influenced in part, by the Stour Valley.
- In addition, the site is within an area of former post-medieval designed landscape, which adds another layer of inherited character and includes distinctive structural features and historic buildings
- the Stour and Staffordshire and Worcestershire Canal corridor is a strategic Green Infrastructure link

#### Worcestershire Wildlife Trust

- the estate falls within open agricultural countryside and that it contains some semi-natural habitats that may be of value, both in their own right and in terms of the species they may hold.
- the estate is bordered and contains woodland and is close to wetlands that have Local Wildlife Site Status (River Stour and Staffordshire and Worcestershire Canal).

#### Wyre Forest Countryside Manager

- the estate is in proximity to a couple of SSSI and other wildlife site

- Dormice are known to be in proximity to this site
- Bats species are known to exist in area

### Wyre Forest Conservation

- Lea Castle estate had remained undisturbed by the expansion of Kidderminster into the early-20th century as recorded (as a park) on the 1st edition of the OS 6 inch.
- Much of the area defined then as park is still green.
- An avenue connected the house with the south lodge.
- The house at Cookley is noticed on Isaac Taylor's 1772 map.
- The early 19th century house was demolished in 1945. This house was a neo-gothic castle which suggests that a picturesque taste would have been applied to the laying-out of the grounds, but details cannot be made out from early or mid-19th century printed maps
- The mid-19th century castellated lodges and the brick boundary wall survive.
- Although the park is still legible 20<sup>th</sup> century encroachment and a variety of uses has reduced its aesthetic and historic values somewhat, although overall significance is low/medium.
- WSM 17233 Wolverley Camp General Hospital: Hospital built in 1942 accommodation for 500 patients used by US Servicemen until the end of the war.
- Former Military Grass Landing Strip WSM29266:
- Lea Castle Farm Wolverley WSM30493 comprises a partially extant C18 farmstead with buildings now converted to residential use.
- Originally the brick pierced barns were used for threshing.
- 1 and 2 South Lodges ref: LLWC55 and LLWC56 Lodge Houses originally serving Lea Castle (which was pulled down in 1945). Dating to c.1818, both Lodges served as the entrance from Wolverley. Square building, red brick construction, with castellated parapet to roof, buttresses to each corner, hood moulds to windows and doors. Extension to rear.
- These are included on the Local list for their architectural and historic values contributing to a medium significance.
- The adjacent Staffordshire and Worcestershire Canal Conservation Area within its woodland setting. This is a site highly sensitive to development due to its intact rural parkland character, topography and impact on mature woodland which form the setting for the Conservation Area.

### Heritage Value

The value of the landscape is also notable due to the heritage assets on the site including the Grade II listed Gatehouse and lodges. While locally listed the connected estate wall and Wolverley Lodge should be seen as structures which are ancillary to the listed building, built at the same time and as such should also be covered by the listing. The remaining avenue of trees linking the gatehouses to the site of the main house are covered by Tree Protection Orders as are other trees within the Parkland. The Parkland also has a relationship with the Wolverley Conservation Area and Staffordshire and Worcestershire Canal Conservation Area.

The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring should also be recognised. Lea Castle also has great historical



association with the villages of Cookley and Wolverley and the Parish. The history of the Castle, to a great extent, defines the evolution and identity of the local villages. The wealth of the estate was largely founded on two mills; Cookley and Wolverley Lower Mill. Lea Castle lies between these two mills and the gatehouses link the house to the two mills.

The Castle, by design, sits between the two villages and related iron works. While linking the two villages the parkland provides a vital green gap between them. While Wolverley is a washed over settlement and Cookley is inset the estate allows the villages to maintain their distinct identity.

Since the 1400's land at Wolverley had been owned by the Jewkes family. Samuel Jewkes surrendered in 1747 his properties in Wolverley to Edward Knight. In the early 1660's various corn mills around Wolverley were converted into forges and iron mills and new ones built including Cookley Mill and Wolverley Lower Forge which was purchased by the Knights in 1792.

Richard Knight (1659-1745), of Downton Hall, in the parish of Downton on the Rock in Herefordshire, was a wealthy ironmaster who operated the Bringewood Ironworks, on the Downton estate, and founded a large fortune and family dynasty. In 1731 Richard Knight purchased Wolverley.

Edward Knight was baptised 17 Dec 1699 at Burrington, Hereford the third son of Richard Knight and his wife Elizabeth Payne. Edward Knight was living in Wolverley as early as 1743 and so must have inherited this place in his father's will. Edward is referred to as an ironmaster by 1758.

The Cookley Ironworks were founded in the late 1600s and the town quickly became the centre of the local iron and tinsplate industry. The mill at Cookley was originally a corn mill but by 1706 it had been taken over by the new industry. Another local mill, Wolverley Lower Mill and Forge was built in 1669. These two mills were originally leased by the Knight family and by 1750 they had purchased them outright.

The mills generally produced iron bar which was moved up the Stour to the Black Country to produce nails supplying the British Navy.

Edward Knight owned the mills for thirty years until his death in 1780. It was Edward, with the wealth generated from the iron works, who had Lea Castle built in the then fashionable neo-Gothic style in 1762. Situated on an outcrop, the house was a large, brick-built castellated mansion which was described in 1848 as:

*"...a noble mansion surrounded by 550 acres of land enriched with plantations of oak and other timber."*

On Edward's death the house and business passed to his son, John Knight. However, in 1823, he sold the house to John Brown who is said to have greatly improved it. On his death the house passed to his daughter and then, by marriage, into the Westhead family. In 1848 it was owned by Joshua Proctor Brown-Westhead, a former local MP and chairman of the Inventors Society.

The Knight's estate at Lea Castle is further woven into the fabric of the parish as the fifth child of Edward and Elizabeth was Sarah Knight baptised at Wolverley 7 Feb 1743. On 15 May 1766 she married John Sebright. John Sebright being the nephew of William Sebright who founded the primary and secondary schools in Wolverley.



Worcestershire Archery Society mtg, Lea Castle, Wolverley, Kidderminster, 1858

In 1913 it was the residence of Mr. George Montagu Brown-Westhead, B.A., LL.M. Whatever the wealth was which had enabled the Brown family to purchase the house, it had evidently gone by the twentieth century. Maud Westhead-Brown inherited the estate aged just 16. She later married but by 1933 the decision had been taken to sell off the estate. The auction was held in the Lion Hotel in Kidderminster with many of the lots being sold to individuals.

Little further information exists about the house from this period. One can assume that as the estate was being sold there were financial issues and that the house was unlikely to have been well-cared for. In 1939 the local council investigated whether it would be suitable for housing refugees but already the house was in such a state of disrepair that the idea was abandoned. Lea Castle was eventually demolished in 1945. The remains of the house can still be identified with some walls and floors remaining, the workshops and boiler for the gardens remains along with the parkland, tree lined avenues, the long boundary wall and imposing gatehouses.

*“The fine park and a campsite at Wolverley are all that mark the passing of the imposing mock castle which once dominated the estate”* Lost Heritage

*“Lea Castle was an early 19th-century house in the picturesque castellated style, now demolished. The framework of its landscape park survives.”* Parks and gardens

In 1922, the Syracuse University College of Medicine was authorized to organize and staff the 52nd General Hospital. It was organized in 1941 during World War II and called to active duty on September 1st, 1942 for basic training at Camp Livingston, Louisiana. The unit was then briefly transferred to Camp Kilmer near Brunswick, New Jersey before embarking on January 2nd, 1943 on the Queen Elizabeth with 18,000 troops. On January 8th, it disembarked at Grenoch and was taken by train to Taunton, England. It remained at Camp Norton until March 1st, when they were transferred to the permanent hospital at Wolverley, near Kidderminster, England. The unit treated casualties from the D-Day invasions and the Battle of the Bulge and was most active during its last year and a half before its dissolution on June 14th, 1945.



Bob Hope at Wolverley Camp, the former US Army hospital used during WW2. The hospital became one of the top military hospitals in the European Theatre of Operations. Of the 10,000 battle casualties treated at the hospital, only four died.

Wyre Forest Conservation record a WWII grass landing strip on the Lea Castle Farm, probably associated with the D-Day medical evacuation. The HER records this as being within the field west of the Wolverley Drive above the Brown Westhead Playing fields where the hospital was located.

In addition to protection due to the Parkland being Valued Landscape it also has a separate significant value for its heritage value.

NPPF (para184) states that

*“Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource and should be*

*conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*

And (para 185)

*“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.”*

And (para194)

*“Substantial harm to or loss of a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.”*

Representation have been made to the Wyre Forest Local Plan Review for the Parkland to be identified as a Valued Landscape, The Local Plan which sets out the long-term vision and strategic context for managing and accommodating growth within the District until 2036. The aim of the Local Plan is to set out:

- the areas where development will take place;
- the areas that will be protected; and
- policies that will be used to determine planning applications.

Under the planning system most development needs planning permission. The principal basis for making those decisions is the development plan; the emerging Local Plan once adopted will form the main part of it for Wyre Forest District.

The adopted local plan already contains a number of policies which protect the important qualities of the Parkland.

### Flexibility

MLP7 should state that planning permission will only be granted where all policies of the Plan are met.

The Plan contains an inherent contradiction. While the law requires that a development plan should be read as a whole MLP1 and MLP7 state that planning permission will be granted in prescribed areas. Other development management policies set out requirements for planning permission to be granted. Failure to meet these requirements

will cause an internal policy conflict with MLP1 and MLP7 which have no caveats requiring compliance with these development management policies.

The policy avoids the necessity of sites being fully considered and compared which would occur in a Site Allocations Document. The plan is therefore condoning a non-plan-led system of development. The development plan should only support proposals that have been specifically identified as being the most appropriate strategy for the development of land. Plans can only be considered sound if they are inter alia justified – meaning an appropriate strategy, taking into account the reasonable alternatives, by effectively granting consent on all sites in the Strategic Corridor alternatives are not considered.

MLP7 goes further than MLP1 in establishing the principle of development for mineral development. MLP1 requires sites to be within Strategic Corridors and within an allocated site (which includes areas of search and specific sites and preferred areas allocated in the Mineral Site Allocations Development Plan Document). MLP7 only requires sites to be within Strategic Corridors.

### **Suggested Policy**

Planning permission will only be granted for mineral development within the North West Worcestershire Strategic Corridor and on specific sites or preferred areas allocated in the Mineral Site Allocations Development Plan Document; that protect and enhance the quality, character and distinctiveness of the corridor throughout its lifetime and where policies contained in Part 6 of the plan are met. Preference will be given to non-Green Belt sites.

Valued landscapes will be protected and enhanced.

Lea Castle Parkland Estate will be removed from the corridor.

## **Chapter 6**

### **MLP18**

NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. By contrast NPPF confirms that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. The weight attached to protecting Green Belt is greater than the benefits of mineral extraction. Need on its own cannot therefore be a consideration that outweighs harm to the Green Belt.

This can be compared to the balance needed to be taken in respect of housing need versus harm to the Green Belt. In a case in Thurrock, the main issue focused on whether the extent of possible harm to the green belt could be outweighed by other considerations. In making this assessment, the Inspector was mindful that the Planning Practice Guidance indicated that unmet housing need on its own would be unlikely to

outweigh harm to the green belt. She accorded very significant weight to the provision of market and affordable housing in the context of a severe shortfall in housing land supply, and gave further weight to other benefits such as a cycleway, but concluded the totality of benefit from the development did not outweigh the substantial harm that would be caused to the green belt and decided to dismiss the appeal in the absence of very special circumstances to merit allowing the development contrary to restrictive national green belt policy.( APP/M1595/W/17/3188665 Land at Little Thurrock Marshes, off Thurrock Park Way, Tilbury and off Churchill Road, Grays, Essex - Inspector: Christina Downes).

### **Suggested Policy**

To reflect the terms of NPPF Policy MLP18 should read,

*“Where the proposed development is within the Green Belt, a level of technical assessment appropriate to the proposed development will be required to demonstrate that, no non-Green Belt site is available and throughout its lifetime, the proposed development will:*

- *preserve the openness of the Green Belt; and*
- *not conflict with the purposes of including land within the Green Belt.*

*Where the proposed development will not preserve openness or will conflict with the purposes of including land within the Green Belt, planning permission will not be granted unless very special circumstances are demonstrated to exist whereby the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Unmet need on its own will be unlikely to outweigh harm to the green belt.*

*Policy MLP18 should include a further caveat that “other considerations” must include the absence of resources in non-Green Belt locations and the proposed site is the least harmful to the Green Belt.”*

### **MLP23**

MLP23 is concerned with protecting landscapes. While it generally requires proposals to demonstrate that the development will protect, conserve and enhance the character and distinctiveness of the landscape. The technical assessment required does not cover all important landscape designations. In particular, it does not have regard to the requirements of NPPF Para 107 which requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Lea Castle Parkland is such a valued landscape (see above) and as such falls within paragraph 107 requiring proposals to contribute to, enhance and protect these areas.

## **Suggested Policy**

A level of technical assessment appropriate to the proposed development and its potential impact on the landscape will be required to demonstrate that, throughout its lifetime, the proposed development will:

d) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)

## **Appendix**

### **Response in Respect of Consultation Period.**

Thank you for raising your concerns about the consultation period for the forthcoming Minerals Local Plan consultation.

The forthcoming consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) will be undertaken prior to submission of the plan to the Secretary of State for examination. The plan has been under development since 2012, and four previous stages of consultation have been undertaken on its development (under Regulation 18), for a combined total of over 40 weeks. The comments received at each of these earlier stages have been taken into account and have influenced the development of the plan.

Whilst we agree that it remains important to provide an opportunity for residents to influence the decision-making process and fully participate in this forthcoming consultation, we are also mindful of the need for the preparation of the Minerals Local Plan to be carried out in line with the adopted Local Development Scheme (available at [www.worcestershire.gov.uk/lds](http://www.worcestershire.gov.uk/lds)). This states that the Regulation 19 consultation will be conducted during Q3 of 2019 and the plan submitted to the Secretary of State during Q4 of 2019, i.e. before the end of this year. Extending the consultation period, or moving its start date as you suggest, would make it extremely difficult for these timescales to be adhered to. We think that it is in the greater public interest for the Minerals Local Plan to be submitted for examination within these timescales.

The matter of the length of the forthcoming consultation was raised during consideration of the item presented to Cabinet in June, whereby a member from outside the Cabinet echoed your concerns about the consultation taking place throughout August when Parish Councils may not have a meeting and he also hoped the consultation period could be extended. This was considered by the Cabinet, but it was concluded that the consultation was the last step in the process and the details of the plan had already been consulted on and publicised at each stage of the plan's development. Cabinet therefore supported the proposed consultation period. However, the Chairman asked that Parishes be contacted to alert them to the dates of the forthcoming consultation so that they could be prepared to consider it within the six week consultation period. Following approval at



full Council on 18th July, I contacted all of the statutory consultees (which includes all of the parish councils within and adjacent to Worcestershire) on 19th July to inform them of the dates for the forthcoming consultation. In addition to this, when the responses to the previous consultation were published in May 2019, the letters and emails sent to all consultees informed them that the next stage of consultation would take place during August and September, subject to approval at Council.

The dates for the forthcoming consultation have been considered by Cabinet and approved by full Council. They have also been advised to statutory consultees. We therefore do not consider that it is necessary or would be appropriate to alter them at this stage. We hope that this will not prevent you from submitting any representations should you wish to in due course.

Kind regards

Marianne

Marianne Pomeroy

Team Leader (Minerals & Waste Planning Policy)

Strategic Planning and Environmental Policy

Directorate of Economy and Infrastructure

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