



BOTUS FLEMING PARISH COUNCIL NEIGHBOURHOOD DEVELOPMENT QUESTIONS

26TH August 2020

A resident has asked BFPC some questions about Botus Fleming's Neighbourhood Development Plan (NDP).

The first part of the resident's comments are that "several years ago the Parish Council held an open meeting for members of the public to ask if they would like a Neighbourhood Development Plan. The answer was a resounding yes. A group was set up to produce one. After a lot of public consultation and many hours of hard work an initial document was sent to the Parish Council where it stalled (and is now probably out of date). This resulted in the original development group dissolving. For many months now this item has been deferred at the monthly meeting".

We thought it might be useful to try and respond firstly with a short timeline of the NDP.

The Botus Fleming Neighbourhood Development Plan (NDP) Steering Group had their first meeting on 11th July 2016.

The last recorded meeting of the NDP Steering Group was on Monday 26th March 2018.

At that meeting following a review of the draft plan, "the NDP Chair stated that on reflection, the group had maybe tried to put too much into the plan. It was clear that the planners required a simpler more compact document to assist their needs. As a Parish, we needed a broader plan and so suggested the way forward was to pare down the draft NDP into the format suggested and then separately start to put a Parish Plan together; to replace the existing one".

The NDP Steering Group through consultation with the community collected a large amount of evidence and data.

Major parts of the feedback from residents was that the parish should purchase the Hatt Recreation Field, and then improve the recreation facilities and establish a village hall/community centre/hub/ meeting place for all ages.

The last draft copy of the Botus Fleming Parish Neighbourhood Development Plan that we can find is dated 18th September 2018.

The draft plan proposed a Community Facilities Objective which was "to facilitate social interaction and promote a healthy community by retaining and improving green infrastructure networks and recreational open spaces valued by the community, and by promoting retention and development of local services and community facilities".

Two of the proposed policies of that plan are/were:

Policy Area: Local Green Space

Despite being a rural parish, Botus Fleming residents have very limited access to public open spaces. The recreation field is privately owned and has been leased by the PC since 1997. A second, adjacent field was added to the lease in 2011. The owner of the fields limited the lease terms to four years, with the option of cancelling the lease if he obtained planning permission to develop the sites. Because of this limited lease, it has not been possible to invest in equipment and facilities or bid for grant funding for improvements.

Policy LGS1 justification

Our green spaces are not secured for long-term use. We wish to protect our Local Green Spaces from development leading to loss of these important amenities. Green space is a vital part of the public realm. Attractive, safe and accessible parks and green spaces contribute positive social, economic and environmental benefits, improving public health, well-being and quality of life. Despite being a rural parish, Botus Fleming parishioners have limited access to green spaces. Consultation with residents has demonstrated support for retaining and improving the existing recreation fields. Consultation also demonstrated a significant proportion of the population who wished to see the provision of allotments in the parish.

Policy area: Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge on development. The purpose of the CIL is to ensure that the costs of providing infrastructure to support the development of our area can be funded (wholly or partly) by levying a charge on the owners or developers of land when development takes place.

CIL is designed to be a transparent and fair way of ensuring that new development contributes to the provision of essential local facilities. CIL is chargeable on residential and retail development

Policy justification

We have already demonstrated that the parish is deficient in amenities and facilities and we have stated the intention of the parish to secure the future of the recreation field. Equipping the recreation field with modern and safe play equipment and providing facilities to support sporting and social activities will be expensive.

Policy intention

To direct all CIL funding towards securing the retention and enhanced use of the recreation field.

In February 2019 BFPC commenced informal negotiations with the owners of Hatt Recreation Field. The designation of a Public Green Space (PGS) to the Recreation Field appeared acceptable to the Landowner.

However, any enforcement action with regard to a PGS for the adjacent Meadow, which served as access for farm machinery, would result in the ending of the Lease Agreement as previously indicated by the Landlord's solicitor's letter to the Parish Council dated 28th November 2018.

At about the same time, in February 2019 the Chair of the NDP steering group stated *“that he would feel that all the work he had put into the NDP would have been wasted should BFPC accept the position of the owners of the recreation field and the meadow without first seeking legal advice on the possibility of various courses of action to retain them for the community.”*

The options for him he felt were as follows:

- 1. If BFPC did not seek any legal advice he would take no further part in the NDP.*
- 2. If the legal advice was that a CPO (Compulsory Purchase Order) would very probably succeed or that the owners would find it difficult to obtain change of use for the fields, and BFPC ignored this advice, he would withdraw from the NDP.*
- 3. If the legal advice were that a CPO (Compulsory Purchase Order) would be unlikely to succeed and that owners would be likely to succeed in change of use, then he would re-write the plan accordingly. Given the amount of work that had gone into the NDP by him and others, and the fact that it was, barring this matter, so close to completion, he would propose that BFPC sought legal advice about the above options from Cornwall Council Legal as a matter of urgency.*

BFPC's reviewed these proposals which had been supplied an hour before the public meeting on Wednesday 27th February 2019.

Councillors declined to accept the above proposals and the Chair of the NDP steering group subsequently resigned.

As discussed previously the last recorded meeting of the NDP Steering Group had been on Monday 26th March 2018.

On 13th May 2019 the remaining members of the NDP Steering Group met and elected a new Chair.

BFPC continued to negotiate the purchase of Hatt Recreation Field.

On 24th July 2019 at BFPC's public meeting, Councillor Edwards (the newly elected Chair of the NDP Steering Group) advised that there was no update on the NDP and that clarity over the Hatt Recreation Field should be sought before it was continued.

The protracted negotiations with the owners of Hatt Recreation Field continued and resulted in the owners offering it for sale to the Parish Council in December 2019. Valuations were obtained and BFPC agreed to purchase the field for £70,000.

A survey among our residents revealed that there was overwhelming support for the Parish Council to purchase the field and to loan the money.

An application to the Ministry of Housing, Communities & Local Government to borrow the funds from the Public Works Loan Board was made by BFPC. Due to COVID 19 and the lockdown the response took some time, but the loan was finally approved in June 2020,

Negotiations are still ongoing but BFPC are hopeful that the purchase of the field will be achieved in the foreseeable future.

During this process it was decided that the purchase of the Hatt Recreation Field was such an integral part of our NDP, that the NDP should be deferred until completion.

Interestingly, in August 2020 BFPC received an enquiry from Mr Conor Layton BA (Hons) MSc a Planner with Tetlow King Planning based in Bristol as to the position of our NDP.

Mr Layton's company produces a biannual Neighbourhood Plan Monitoring Report for one of their clients (a housing association who specialised in delivering affordable housing).

Mr Layton populated a report biannually, which outlined what stage each NDP was at across the whole South West (approximately 350 NPs from Bristol to Cornwall).

Mr Layton received an update and sent the following reply.

"Thank you very much for the update that's really helpful.

Best of luck with the purchase of the recreational field purchase. For what's it worth, as a planner I think it 100% makes sense to defer the plan until you can incorporate the field and make sure it continues to benefit the community long term.

I'll most likely be in touch in 6 months' time for an update for the next report (unless they hire another Assistant Planner who can take it over... it takes me almost a month to complete, mainly due to the number of NDPs in Cornwall!)

If you ever need any planning advice let me know and in particular if you need info on neighbouring plans I'm sure I've got it covered in the report somewhere".

The letter under correspondence in the agenda for this meeting states that *"reading the letter from Jonathon Luker, Principal Development Officer, in the minutes for July 2020 it appears that without a Neighbourhood Development Plan the Parish is open to having planning permissions passed that members of the community may feel are unsuitable for the parish"*.

The resident is referring to a comment made by Jonathan Luker, Principal Development Officer (Area Team 7) at Cornwall Council during a 5-day protocol on planning application PA19/05565 – Heckberry Barn, Vollards Lane, Hatt at BFPC's public meeting on Wednesday 22nd July 2020.

The comment *"furthermore at present there is no Neighbour Development Plan for the village"* was put forward as one of the reasons that BFPC should support the planning application.

BFPC commented, *"We note the comment that there is no Neighbourhood Development Plan (NDP) in place. We agree that our evolving NDP has not yet been submitted. However, a great deal of consultation has taken place and that evidence should not be ignored or dismissed"*.

BFPC further commented, *"In conclusion we believe that this development is not a Rural Exception Site, it would lead to a very real potential of further urbanisation, it does not demonstrate that it will have a beneficial or minimal adverse impact on the*

surrounding countryside and its occupants, and on the wider environment. This development if permitted would seriously affect our biodiversity and contribute to the village's carbon footprint through additional motor vehicles and non-sustainable or renewable energy. Additionally it would add to the problems of sustainability and lack of amenities and services in the village and negatively affect the lives of our parishioners through urbanisation. The proposed development does not reflect the stated wishes of the local population, does not reflect the intentions of the evolving NDP and does not provide for the sustainability that is an inherent factor in the NPPF and Cornwall Local Plan".

Councillors unanimously voted for option 3, which was *"having made strong planning reasons to maintain your original position on the proposal against my recommendation, it is requested that the application is determined by the Planning Committee"*.

Our Cornwall Councillor Jesse Foot has also supported this stance and he has also requested that the Planning Committee hears this matter.

Our hopes are that an NDP will at some stage be completed, but in the meantime BFPC will strive to protect the parish from any unsuitable planning applications.

The resident also commented, *"the Parish is also unable to claim the higher rate of community levy without a NDP. Such monies would be useful for improving the poor facilities within the Parish"*.

Our hopes are that an NDP will at some stage be completed, but in the meantime we hope that the purchase of Hatt Recreation Field will improve our facilities.

The resident's final comment, *"please could the Parish Council please inform the parishioners what their timeline is for a Neighbourhood Development Plan and the date which they plan to present it to the public for final consultation"*.

When the purchase of Hatt Recreation Field is complete and we can commence plans for a village hall/community centre/hub/ meeting place for all ages and government guidelines allow us once again to meet, we will establish and perhaps recruit more members for a NDP Steering Group and put together a suitable Neighbourhood Development Plan. However, at present it would be unrealistic to suggest a timeline given the current limitations on holding face-to-face meetings.