

This form has two parts:

Part A – contact details

Part B – your representation

Please fill in a separate sheet for each representation you wish to make.

Ref:

(for official use  
only)

### Part A

1. Personal Details*		2. Agent's Details (if applicable)
<i>* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in column 2.</i>		
<b>Title</b>	<b>Montrose Trustees Limited</b>	<b>Mr</b>
<b>First name</b>		<b>James</b>
<b>Last name</b>		<b>Beverley</b>
<b>Job title (where relevant)</b>		<b>Planner</b>
<b>Organisation (where relevant)</b>		<b>Fisher German LLP</b>
<b>Address line 1</b>	<b>Estate Office</b>	<b>The Estates Office</b>
<b>Line 2</b>	<b>Cottesbrooke</b>	<b>Norman Court</b>
<b>Line 3</b>		
<b>City/Town</b>	<b>Northampton</b>	<b>Ashby de le Zouch</b>
<b>County</b>	<b>Northamptonshire</b>	<b>Leicestershire</b>
<b>Postcode</b>	<b>NN6 8PG</b>	<b>LE65 2UZ</b>
<b>Telephone number</b>		<b>01530446039</b>
<b>Email (if provided we will always contact you this way)</b>		<a href="mailto:James.Beverley@fishergerman.co.uk">James.Beverley@fishergerman.co.uk</a>



**4 (3) Please give details of why you consider the Local Plan is not sound, referring to the tests of soundness as appropriate, be as precise as possible.**

Please see attached representations

(continue on a separate sheet/expand box if necessary)

**5. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at part 4(1) or 4(3) above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound.**

**It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

Deletion of Local Green Space ref:167 for the reasons outlined in the attached representations.

(Continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matter and issues he/she identifies for examination.

<b>6. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please tick as appropriate)</b>			
<b>No</b> , I do not wish to participate at the oral examination		<b>Yes</b> , I wish to participate at the oral examination	✓

<b>7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.</b>
To articulate our concerns to the Inspector and to respond to any questions arising or comments made.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

<b>8. Please tick the box if you wish to be notified of further progress of the Local Plan.</b>	✓ (Care of agent)
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<b>9. Signature</b>	J.Beverley	<b>Date</b>	05/10/2018
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**Thank you for taking the time to complete the form.  
Please return it to the Local Strategy Service at Daventry District Council  
by 4.30pm on Friday 5<sup>th</sup> October 2018.  
Responses received after this time will not be accepted.**



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5<sup>th</sup> October 2018

Local Strategy Service  
Daventry District Council  
Lodge Road  
Daventry  
Northamptonshire  
NN11 4FP  
**(BY EMAIL: [planningpolicy@daventrydc.gov.uk](mailto:planningpolicy@daventrydc.gov.uk))**

Dear Sir/Madam

### Land north of Brixworth Road, Creaton

We write on behalf of our Clients, *Montrose Trustees Limited*, in respect of their land to the North of Brixworth Road, Creaton, which is currently used as a playing field. This area is delineated on the emerging Local Plan Policies Inset Map for Creaton as a Local Green Space (LGS) reference: Local Green Space 167. The identification of the land in the emerging Local Plan as Local Green Space is not supported by the owner of the land.

Access to the field is currently enjoyed by the residents of Creaton as part of an ongoing lease arrangement. The field was first leased to the Creaton Playing Fields Association in 1985 and has been renewed at the discretion of our client ever since. There is no arrangement to continue the lease of the field to Creaton Playing Fields Association in perpetuity. The agreement is reliant on agreeable terms being arranged with Creaton Playing Field Association and our client. In the circumstance that agreeable terms could not be agreed for the continued lease of the land, then the field would revert to agricultural use under the provisions of section 55 2E of the 1990 Town and Country Planning Act and access would be restricted to the rights of way which cross the field.

As the access currently enjoyed by the residents of Creaton is part of an ongoing lease arrangement, we are content that public rights of access as a 'Village Green' or as 'Common Land' have not been established.

The NPPF at Paragraph 77 (revised NPPF para 100) states that 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 in that it holds a particular local significance, for example because of its beauty, historic significance, recreation 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.

Our client does not contest the first criterion and accepts the land is within a reasonable proximity to the village of Creaton.



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The second criterion is however challenged. As referred to above, the use of the field as a Playing Field is secured by a short-term lease, which has been renewed on several occasions over a number of years. Should terms not be agreed for the continuation of this arrangement, the field would not be accessible to the public beyond that of the existing the Public Rights of Way which crosses the site.

It is clear from the Councils Local Green Space Assessment that the area does not hold any other demonstrably special value to the area other than its recreational value. It holds no evidenced biodiversity value; it is not a 'beautiful' site; and, it cannot be said to be particularly tranquil. Therefore, it is considered that there can be no other reason to warrant its designation as Local Green Space, nor is there the evidence to do so. The land's value to the community is therefore based on a use and free access which cannot guaranteed to remain in situ. Paragraph 76 (revised 99) of the NPPF is clear that Local Green Spaces should be "capable of enduring beyond the end of the plan period". The National Planning Practice Guidance Paragraph 017 of the *Open space, sports and recreation facilities* chapter is unequivocal that 'Designation does not in itself confer any rights of public access over what exists at present'. Therefore, designation would not ensure access to the wider site, beyond the existing Public Rights of Way.

With regards to the third criterion, it is clear that the site has been carved out of a larger parcel of land. The boundary with the rest of the field is separated only by post and rail -fencing. It is not 'enclosed on all sides by low hedges' as described by the Parish Council in their recent submission to Daventry District Council and within the Creaton Village Design Statement. A boundary of this nature does not adequately nor permanently break up the larger landholding. Should the field be returned to agricultural use, the fencing would be removed, and the land farmed as part of the wider parcel of land. This larger landholding would be significant, especially when one considers the modest size of Creaton, and therefore we consider would constitute an extensive tract of land. Should the field be returned to agricultural use, then the Local Green Space designation boundary would be entirely arbitrary.

Procedurally, National Planning Practice Guidance is clear at Paragraph 019 of the *Open space, sports and recreation facilities* chapter that the plan making body should contact landowners at an "early stage about proposals to designate any part of their land as Local Green Spaces". In an email dated 15 August 2018 the Council informed our client that "the Council has accepted the nomination by Creaton Parish Council" of Creaton Playing field as Local Green Space. However, this email was received after the publication of the Draft Plan. Clearly this can not constitute an "early stage" of the Plan making process. In reality, it is a very late stage to share such intentions. Our client is now wholly prejudiced as these comments are to the publish Draft Plan which is now in the public domain. This is, by definition, the Plan the Council intend to submit for examination. The Council therefore have limited options in how they wish to respond to these objections meaningfully.

It is noted the Council did consult on an Emerging Draft Plan, between 27 November 2017 and 26 January 2018, however this version did not include any LGS designation in Creaton. We also understand that it was at this time the Parish Council indicated which sites they wished to be included. It is unclear why the Council have waited over half a year to inform our client of their intentions to designate the land.

We have also been informed by Parish Councillor James Hill that the Parish Council received only 24 hours' notice to submit their proposed sites to Daventry District Council. It is also clear in the minutes of the Parish Council Meeting held on 11 September 2018 that the Playing Field Committee were also not aware of the submission by the Parish Council. (A copy of the minutes is attached to this letter). We do not believe an appropriate assessment against the criteria set by the NPPF could have been preformed by the community in this time frame and certainly no opportunity to discuss potential designations with our client. The lack of such discussions is very disappointing, especially when one considers the charitable nature shown by our client in the past, but also a clear breach of the

requirements set by the Planning Practice Guidance as discussed above. Moreover, we do not consider the Creaton Village Design Guide to be an appropriate document on which to rely for this designation, not least because it predates the NPPF designation by almost 10 years.

To conclude, the designation of our client's land as Local Green Space is flawed and not supported. It is based on a recreation use which is not secured in perpetuity and is dependent on an ongoing lease. There is no substantive evidence that the area holds demonstrably special value other than its recreational use. No mention is made in the Council's Local Green Space evidence (the evidence on which this designation relies), of other reasons for designation. Therefore if, in the future, terms agreeable to our client cannot be secured, then the land would likely revert to agricultural use as allowed by section 55 2E of the 1990 Town and Country Planning Act. The designation of the site is unsound; it is not justified, effective or consistent with national policy.

On this basis we request that the designation is removed through the examination of the Local Plan. We reserve the opportunity to represent our client throughout the examination process as necessary.

Yours sincerely

**James Beverley**  
**For and on behalf of Fisher German LLP**  
**Email: [James.Beverley@fishergerman.co.uk](mailto:James.Beverley@fishergerman.co.uk)**  
**Phone: 015304 46039**

Encs: Statement of Representation Form and Creaton Parish Council Draft Minutes (11<sup>th</sup> September 2018)



68. **To Agree to Spend Proportion of CIL money on Speed Display Signs and Any Required Actions:** It was **RESOLVED** that no action was required at present and that this would be included in the budget discussions.
69. **To Agree to Purchase a Bench, Agree Location and Any Required Actions:** It was **RESOLVED** not to apply for a war memorial bench from Daventry District Council and to include this as an item in the budget discussions.
70. **To Receive Update on Great Creaton Primary School, Consider Future Prospects and Agree Any Actions to be Taken by the Parish Council:** It was noted that Northamptonshire County Council had decided to close the school and that it was due to close in December. It was **RESOLVED** that the Clerk would write to the school asking them to cut back the overhanging hedges, brambles and ivy on Violet Lane.
71. **To Agree Memorial Applications for the late Ena Webb and the late Grace Dunkley:** It was **RESOLVED** to approve both of the memorial applications.
72. **To Nominate Up To Two Delegates to Attend Northants CALC AGM on Saturday 6<sup>th</sup> October 2018, Agree Voting Delegate and Consider Submitting Any Motions:** It was **RESOLVED** that Cllrs Maxene Atkinson and Michelle Aveyard would be nominated to attend and that Cllr Aveyard would have voting rights. It was **RESOLVED** not to submit a motion.
73. **To Agree Grant Request from the Playing Field Association:** It was **RESOLVED** to approve, in principle, a grant of up to £500 towards the Playing Field Association's legal costs for renewing the lease on the playing field.
74. **To Note and Consider Any Action Regarding the Neighbourhood Watch Co-ordinator Leaving:** It was noted that this vacancy had been advertised on the Parish Council Facebook page and in the Village Link newsletter.
75. **To Agree Date of October Litter Pick:** It was **RESOLVED** to hold the litter pick on Saturday 13<sup>th</sup> October 2018 at 10am-12pm and that Cllr Aveyard would request the litter picking equipment from DDC and the Clerk would ask if Poppies coffee shop could open that morning. An alternative date of 20<sup>th</sup> October was agreed if 13<sup>th</sup> October could not go ahead.
76. **To Receive Update on Creaton Heritage Lottery Bid:** Cllr Aveyard provided an update and it was agreed that Cllr Aveyard would advise the Heritage Lottery Fund that the Parish Council would be the project manager and that the Parish Council were willing to provide a contingency of 10%.
77. **To Note Complaints Regarding the Playing Field and Agree Any Action:** It was noted that there was an issue with dog fouling on the playing field and that large quantities of dog waste were being put in litter bins by the playing field, possibly taken from residents' own homes. Cllr Aveyard advised that an article had been included on this in the village link newsletter and the DDC dog warden will be taking measures.
78. **To Receive Update and Agree Any Action Required Regarding the Creation of Parish Council Email Addresses:** It was **RESOLVED** that councillors would try the new parish council email addresses linked to the village website and then decide at the next Parish Council meeting if they wish to adopt them permanently.

79. **To Consider Letter from MP, Chris Heaton- Harris and Agree Any Action or Response Regarding Bus Service:** It was **RESOLVED** that Cllr Hughes would be asked to respond to the letter from the MP regarding the buses by 13<sup>th</sup> September, as she had the most knowledge on the subject.
80. **To Agree Repair to Lychgate Street Light:** It was **RESOLVED** to agree the costs of repairing the Lychgate Street Light estimated to be £75.
81. **To Agree Any Action Regarding Rats on The Green:** It was **RESOLVED** to defer this item to the next agenda and to monitor the situation.
82. **To Agree Action Regarding Overhanging Trees on The Jetty/ Horseshoe Close Footpath Obscuring Street Light No.16 and Creating a Blackspot:** It was **RESOLVED** that the Clerk would write a letter to the owner of the tree requesting that they cut back the overhanging tree.
83. **To Agree Response to Daventry District Council Regarding the Settlements and Countryside Local Plan (Part 2):** It was **RESOLVED** that the Parish Council had no further response to submit to this document.
84. **Planning:**
- a. **Decision Notice: DA/2018/0430 3, Horseshoe Close, Creton, Northamptonshire, NN6 8NW: Single storey side/front extension and porch. Rear balcony deck with patio doors. Planning Permission Granted. Noted.**
- b. **DA/2011/0666 Land At Brampton Lane, Boughton, Northamptonshire: To Be Considered by DDC Planning Committee on 12<sup>th</sup> September 2018. Noted.**
- c. **DA/2018/0767: Bryn Carreg 24A, The Green, Creton, Northamptonshire, NN6 8ND: Remove one tree and works to one tree within a conservation area: It was RESOLVED that there were no comments or objection to this application.**
85. **Finance**

**Bank Balance on Bank Statement as at 31st August 2018** £

**Business Reserve Account** 38,420.89  
**Current Account** 336.00

**a. Receipts** £

i. Interest (29.06.18)	1.57
ii. Interest (31.07.18)	1.73
iii. Interest (31.08.18)	1.65
iv. Mowing grant	450.27
v. Burial & Memorial fees	136.00

**b. Payments for Approval:** £

i. Calico UK for website domain renewal	24.00
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ii. Village Link for August/September edition	50.00
iii. R & G for grass cutting (invoices dated: 28/8/19 (August) -£558.64; 30/7/18 (May/June) – £749.50; 30/7/18 (July) - £751.58)	2059.72
iv. Katrina Jones (Clerk salary and home use payment July and August 2018 paid by standing order )	750.22
v. Katrina Jones for backdated pay to April 2018 due to national pay increase for clerks	22.61
vi. Royal British Legion for donation for Parish Council poppy wreath	50.00
vii. Eon for street light upgrades	2224.80
viii. HMRC	8.80
ix. Eon for electricity supply	263.59

It was **RESOLVED** to approve all of the above payments.

- c. **To Receive List of Payments and Receipts and Approve Bank Reconciliation:** A list of payments and receipts was circulated to the Parish Councillors.

**86. AOB (Points of Information)**

- a. Cllr Leggett reported that she had been advised by a member of staff at the new village shop that the defibrillator should be two minutes from the shop and she said will investigate this further. She will also try and obtain a sign for the shop and renew the writing on the sign outside the village hall stating the location of the defibrillator.
- b. Cllr Aveyard advised that she will make enquiries on the possibility of a face to face meeting with LGSS regarding outstanding issues with a previous Parish Clerk's pension.

- 87. To Note Next Meeting: Ordinary Parish Council Meeting on Tuesday 6<sup>th</sup> November 2018:**  
Noted.

**Meeting closed at 10.04pm.**