

# Bartestree with Lugwardine Neighbourhood Development Plan Review

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## Response to Regulation 16 representations

### Introduction

1. The Bartestree with Lugwardine Neighbourhood Development Plan (NDP) Review was submitted by Bartestree with Lugwardine Group Parish Council (the Qualifying Body, QB) to Herefordshire Council on 13 October 2022. A consultation in accordance with Regulation 16 was carried out by Herefordshire Council from 18 October to 29 November 2022. The NDP progressed to examination on 8 December 2022.
2. The QB has been given the opportunity to respond to representations made at the Regulation 16 stage. The QB wishes to respond to:
  - Representation by CR Planning Solutions on behalf of Ms D Charity that land east of Traherne Close, Lugwardine should not be designated as Local Green Space.
3. The QB's response to this representation is set out in the schedule overleaf. The opportunity to respond is appreciated. The QB has no comment to make on the other representations.

January 2023

**Response by the QB to representation to the Bartestree with Lugwardine Neighbourhood Development Plan Review Regulation 16 consultation**

Abbreviations used:

- LGS: Local Green Space  
 NPPF: National Planning Policy Framework  
 NDP: Bartestree with Lugwardine Neighbourhood Development Plan Review Submission Draft September 2022  
 NPPG: National Planning Practice Guidance  
 QB: Qualifying Body (Bartestree with Lugwardine Group Parish Council)

Summary of representation	QB response
<p><b>Representation by CR Planning Solutions on behalf of Ms D Charity</b></p> <p>Land east of Traherne Close, Lugwardine should not be designated as Local Green Space as it does not meet relevant tests in national policy and guidance, as set out in the NPPF at para. 102 and in NPPG.</p>	<p>Land at Traherne Close, Lugwardine is proposed for designation as LGS by policy BL10 of the NDP, where it is referred to as site L5. The representation suggests this is contrary to national planning policy and guidance on a number of grounds. These are summarised below <b>in bold</b>. Each is followed by the QB’s response.</p> <p><b>The site is not demonstrably special to the local community and does not hold a particular local significance, contrary to NPPF para. 102b).</b></p> <p>QB response: Land east of Traherne Close (L5) is demonstrably special to the local community. This is evidenced by the level of response to the 2021 NDP consultation on housing site options (33 comments on the site, only one of which favoured development) and to the regulation 14 consultation (10 comments in support of policy BL10). Comments show that its particular local significance stems from its historic quality, wildlife interest and tranquillity, which complements the adjacent St. Peter’s graveyard. That this evidence has become available through consultation does not affect the fact that the land is demonstrably special to residents and holds a particular local significance.</p> <p><b>No additional benefit would be gained by LGS designation due to existing heritage designations.</b></p> <p>QB response: the QB considers that LGS designation will provide additional local benefit to the existing heritage designations. This is because these designations are intended to achieve different purposes. Whilst Conservation Area status protects character or appearance, it does not necessarily preclude development, whilst LGS designation gives effect to the aspiration of the local</p>

Summary of representation	QB response
	<p>communities, through the plan process, to identify and protect green areas such as L5 which are of particular importance to them.</p> <p><b>The field holds no special character, contrary to NPPF para. 102 c).</b></p> <p>QB response: the requirement in NPPF is that LGS should be local in character (rather than have a ‘special character’). The QB considers this requirement is met in that the land has a close and intimate relationship with the village with adjoining dwellings and the burial ground to St. Peter’s Church to the east. The clearly-defined and long-established boundaries with these village uses give the land an enclosed and secluded local character.</p> <p><b>It forms a large tract of land outside the settlement boundary and that the proposal amounts to the blanket designation of open countryside adjacent to settlements, contrary to NPPF para. 102 c) and Planning Practice Guidance (paragraph: 015 Reference ID: 37-015-20140306).</b></p> <p>QB response: the requirement in NPPF is that LGS should not be an extensive tract of land (rather than ‘large’). There is no definition of ‘extensive’ in the NPPF, whilst the NPPG para. referred to in the representation confirms there are no hard or fast rules about how big a LGS can be because places are different and a degree of judgment will inevitably be needed. The QB considers that it is appropriate, in assessing the size of any proposed LGS against these requirements, to judge the proposal by reference to its village and landscape context and character.</p> <p>On these terms, L5 does not represent an extensive tract of land. Indeed, at 1 ha. it is smaller than other confirmed LGSs in the made NDP such as L2 (1.3 ha.) and B1 (3.3 ha), accepting that these are recreational areas rather than a field. Nor does it represent any form of blanket designation of open countryside, being a well-contained site with a clearly defined local character as explained above. Finally, and despite the suggestion to the contrary, national policy or guidance does not as a matter of principle prevent LGS being designated on open land adjacent to settlements, provided that the relevant criteria are met.</p> <p><b>The land is in private ownership, is not available for a recreational use, and has no public access.</b></p> <p>QB response: these factors do not prevent designation of the land as LGS. NPPG states that “land could be considered for designation even if there is no public access (eg green areas which</p>

Summary of representation	QB response
	<p>are valued because of their wildlife, historic significance and/or beauty)” (paragraph: 017 Reference ID: 37-017-20140306). In this case, the land can be readily appreciated by members of the community from the public footpath which runs alongside its eastern boundary, and from the burial ground.</p> <p>In conclusion, having regard to the points raised the QB considers that the proposed designation of land east of Traherne Close, Lugwardine as LGS L5 by policy BL10 meets the requirements of national planning policy and guidance, and so complies with the relevant Basic Condition.</p>

Bartestree with Lugwardine Group Parish Council  
January 2023