

## Part B – Please use a separate sheet for each representation

Name or Organisation:

Robert Hitchins Ltd

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="√"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text" value="√"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="√"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

<p><b><u>Delivery Policy ES3</u></b></p> <p><b><u>Maintaining quality of life within our environmental limits</u></b></p> <p>Whilst the concerns are not necessarily a soundness issue, a new criterion (8) is proposed to be included in the policy.</p> <p>Paragraph 170 of the NPPF identifies that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other matters, protecting and enhancing soils (in a manner commensurate with their statutory status or identified quality in the development plan). It goes on to advise that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be</p>
---

recognised, including the economic and other benefits of the best and most versatile (BMV) agricultural land.

Earlier this year Natural England produced a Guide to assessing development proposals on agricultural land (February 2021) <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land> which refers to the NPPF and PPG and practical advice.

In terms of policies to protect agricultural land: “ ***Developers and local planning authorities (LPAs) should refer to the following government policies and legislation when considering development proposals that affect agricultural land and soils. They aim to protect:***

- ***the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals***
- ***all soils by managing them in a sustainable way.***” (my emphasis)

The Guide refers to: A Green Future: Our 25 Year Plan to improve the Environment 2018, this sets out the Government’s 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030
- restore and protect peatland

In the policy wording as proposed it is not clear how this policy can be effectively implemented. Criterion 1 – 7 can all be mitigated, but it is not clear what an “... unacceptable level of loss of healthy soils” refers to, particularly as the sentence then refers to best and most versatile agricultural land and the economic and other benefits it offers.

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

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each 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.

The following wording is suggested from a recently adopted Local Plan:

“New development is required to make provision for the effective use and protection of natural resources where applicable, including:

- avoiding the development of the best and most versatile agricultural land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality; “

Alternatively the wording could be included in Policy CP14 High Quality Sustainable Development.

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

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Our objections go the heart of the Plan and its strategy as we consider the Plan as drafted is unsound.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date:

20.07.2021