DEVELOPMENT
SERVICES

24 AUG 2010

RECEIVED

8 Wesley Close
Ratby
Leicester
LE6 0NL

Date: 26/07/2010

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire.

In view of the new Coalition Government's commitment to protecting Green Belt and Green Wedge I wish to make further representations to add to my earlier objections to planning application number 09/00798/FUL

The application by J.S. Bloor (Measham) Limited not only clearly failed to meet Hinckley & Bosworth Borough Council's Green Wedge policy contained in the Hinckley & Bosworth Local Plan 2001 -2006 and the Hinckley & Bosworth Core Strategy adopted in 2009 but also directly conflicts with new Government planning policies and guidelines encouraging Local Authorities to protect Green Wedge.

The Appellant wrongly claims that *"it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing"*. This is simply untrue, as the Borough Council has made no such decision. The fact is that rather than "intention", Borough Council officers have merely put forward an initial proposal driven by the now abolished RSS guidelines to review areas of Green Wedge.

With respect this argument should carry no weight, as this is no more than one of many initial proposals contained in the Borough Council's emerging Preferred Site Allocations DPD which is still at the public consultation stage. Even if eventually included in the draft DPD any such proposal would still have to be subjected to Public Examination.

Therefore any presumption on the part of the Appellant is inappropriate as the site area is currently still clearly included in the designated Green Wedge identified by the Council's adopted Core Strategy and following the abolition of the RSS, the Borough Council is no longer compelled to carry a review of the Green Wedges and encouraged by new planning policy and guidelines may well choose not to do so.

In conclusion, it is my firm belief and that of a considerable number of Ratby and Groby residents that this Appeal is in direct conflict with both local and national strategic planning policy and guidelines, fails to illustrate sustainability, and does not relate to any proven local need.

Should this Appeal succeed, then a valuable and strategic area of designated Green Wedge and important part of the landscape would be destroyed to the detriment of the area of separation between Ratby and Groby.

Please remember to send your letter in Triplicate

Yours faithfully,

Mr & Mrs S. Cranthorn

DEVELOPMENT SERVICES
24 Aug 2010
RECEIVED

8 Wesley Close
Ratby
Leicester
LE6 0NL

Date: 26/07/2010

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire.

Having previously objected to the original planning application 09/00798/FUL which was unanimously rejected by the Hinckley & Bosworth Borough Council's planning committee but now having been made aware of Bloor's tenuous "Ground of Appeal" in the context of the much publicized Government changes to planning policy and guidelines that now promote a "Localism" agenda, I wish to strongly object to the Appeal and add to and expand on my original objections.

Green Wedge: The site is clearly identified in the Rothley Brook Meadow designated Green Wedge in the Borough Council's adopted Core Strategy and no review as proposed by the now abolished RSS has taken place.

Affordable Housing: Though fully aware of the Borough Council's Affordable Homes policy in the Council's adopted Core Strategy, having been consulted since 2006 and having had every opportunity to put their views forward to the Inspector at the proposed Core Strategy examination, the Appellant has insisted on providing less than half the required numbers of Affordable Homes despite clear evidence of the acute need for Affordable Homes in both Ratby and Groby and there being no evidence being provided of any further local need for open market housing.

Flood Risk: The site has a history of flooding development of the site would almost certainly add to the problem and increase the flood risk to the adjacent low lying area which is a valuable and well used local amenity and recreation area provided by Groby Parish Council.

Location of the Site: The site though situated in the Parish of Ratby and the electoral division of Ratby is in fact remote to the village of Ratby, physically separated by the M1 motorway and actually immediately adjacent to the settlement boundary of Groby.

Sustainability: Being in the Parish of Ratby any developer contributions for improvement to infrastructure and services will naturally be for the benefit of Ratby when in reality occupants of the site would consider themselves to be residents of Groby and will want to use the facilities and services provided for Groby which are already stretched to breaking point. The Appellant has made a number of "bogus" claims as to accessibility from the site to local services such as walking distances to junior schools, shops and employment etc. all based on use of a route that they have separately accepted will not have any access from the site due to land ownership and physical access barriers (i.e. a 5 metre difference in levels).

In conclusion, I would respectfully ask the Inspector to not allow this Appeal for the reasons above along with others that will almost certainly be put forward by the Local Planning Authority, Ratby and Groby Parish Councils and other local residents.

Should this Appeal be allowed, there would be a huge negative impact on both Ratby and Groby, significantly increasing the number of commuters moving to the area adding to the already well documents local infrastructure deficiencies.

Please remember to send your letter in Triplicate

Yours faithfully,



Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 1PN

Date: 26/07/2010

8 Wesley Close
Ratby
Leicester
LE6 0NL

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Dear Sirs,

Town and Country Planning Act 1990 – Planning Appeal – J.S. Bloor (Measham) Limited (Land off Groby Road, Ratby, Leicestershire (your ref: APP/K2420/A/10/2130103/NWF).

In view of the changes to planning policies and guidelines being introduced by the current Coalition Government and the relevance of the abolition of the Regional Spatial Strategy (RSS) with the clear intent to encourage a commitment to "Localism" and the protection wherever possible of Green Belt and Green Wedges by ensuring that housing delivery is more closely linked to "local need", I wish to make further representations to add to my earlier objections to planning application number **09/00798/FUL**

Furthermore, I wish to respond to the reasons for Appeal put forward by J.S. Bloor Limited, some which on close scrutiny appears to be deliberately misleading or simply fail to adequately address the reasons for refusal given by the Local Planning Authority.

Firstly, I would like to suggest that emerging changes by the Government to planning policy and guidelines are very much focused on "Localism" to ensure whilst new housing continues to be delivered it will be delivered in the right places based on evidence of local need in suitable locations and that a greater importance is placed on the protection and preservation of Green Belt and in particular Green Wedge.

The application by J.S. Bloor not only clearly fails to meet the Green Belt, Green Wedge criteria but fails to provide any evidence of local need, relying instead on "parachuted" targets imposed by the now abolished RSS and therefore as proposals for site allocations driven by the RSS have not yet been subjected to Public Examination, should any weight or presumption be given to emerging DPD's that are legally still in the consultation stage?

Referring directly to the "Reasons for Appeal" document submitted by J.S. Bloor Limited, I would like to respond as follows:

Affordable Housing: The actual number of affordable houses built in Ratby and Groby to the end of the Local Plan published in 2001 falls well short of the numbers identified to meet the local need. Bloor Homes have so far refused to provide the 40% affordable housing target set by the Borough Council's adopted Core Strategy, despite having a historical ownership of the site controlling its' value.

Flood Risk: The site has a history of flooding and developing this site would only add to the problem and spread this to the adjacent land which is currently a Groby Parish Council leisure and amenity area for local residents.

Development of the Site: The Appellant confirmed in writing when originally submitting a planning application that they accepted it to be a stand alone application for Ratby and that the application should be considered within the provisions of the current Local Plan policies. In the HBBC Local plan 2001-2006 the site that is now the subject of this Appeal was not an allocated site but located in designated Green Wedge. Furthermore, the Appellant has failed to demonstrate any local need for open market housing and has instead relied on unsupported proposals contained in the Council's emerging LDF that are still the subject of public consultation and have yet to be subjected to Public Examination.

Green Wedge: The Appellant claims that it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing. With respect this argument should carry no weight as this is no more than one of many initial proposals contained in the Borough Council's emerging Preferred Site Allocations DPD which is still at the consultation stage and eventually the finalized DPD must be subjected to Public Examination, this should be negated by presumption on the part of the Appellant. It should be further noted that the site is currently included in the designated Green Wedge identified by the Council's adopted Core Strategy and whilst a review of the Green Wedges may be undertaken this is now unlikely in the light of the abolished RSS, any proposals would still have to be subjected to Public Consultation and Public Examination. Therefore, with respect the Appellant's argument should carry no weight over and above due democratic process, particularly in light of the emerging Government Planning Policy and guidelines in respect of the protection and preservation of Green Belt and Green Wedge.

Site Allocation: The Appellant again seeks to mislead the Appeal by claiming that the Borough Council proposes to allocate this site for housing when in fact it is only one of many suggestions contained in the emerging Preferred Site Options DPD that is still at the consultation stage and subject to over 13,000 objections. Once all the objections have been evaluated the Borough Council will consider any amendments before adopting any proposals that will be put out to a further 6 weeks of public consultation. Therefore, the Appellant is totally wrong, as no such proposal had yet been adopted by the Borough Council to form part of its; final Preferred Site Allocations DPD which would then still have to be subjected to Public Examination before the Inspector.

May I respectfully suggest that the findings of the Inspector in respect of this valuable strategic area of Green Wedge at the 1996 Public Examination of the 2001 HBBC Local Plan should not be disregarded as circumstances at the time were remarkably similar when dismissing almost identical arguments from Bloor Homes, concluding that any shortage of housing in the Borough did not outweigh the need to protect this valuable and strategic area of Green Wedge, giving detailed reasons why development would not be in keeping with the landscape etc.

At this point, I would also like to draw to the attention of the Inspector that this was an application for development in Ratby not adjacent to the settlement boundary but actually remote from the village of Ratby and physically separated from Ratby by the M1 motorway; no further distance from Ratby could be achieved.

However, being in the Parish of Ratby any contributions for infrastructure or services would naturally go to Ratby, as legally occupants of the site would be Ratby residents and Ratby electors, even though they would consider themselves to be Groby residents and almost certainly wish to use Groby facilities and amenities which are already stretched beyond breaking point.

Finally, I respectfully ask that the Inspector rejects this speculative application for the reasons above, the lack of sustainability of the proposed development and the fact that there is no evidence of any need for any additional open market housing in either Ratby or Groby, the two communities only evidenced need is for affordable housing on which Bloors refuse to meet the Local Planning Authority's policy requirements.

If this Appeal were to be allowed its' impact would significantly increase the number of commuters moving to the area and the number of commuter journeys, as there are in fact very few local employment opportunities, the only employer of note in the area is a specialist aerospace company with the majority of the skilled workforce employed on short term renewable contracts.

In conclusion, it is my firm belief and that of many hundreds of Ratby and Groby residents that this is no more than a speculative Appeal that fails to illustrate sustainability, which does not relate to any proven local need, which would destroy a valuable and strategic area of designated Green Wedge and as such should not be allowed.

As required I enclosed this document in triplicate

Yours faithfully,

(Signed): 

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 1PN

14, Lockley Close,
Ratby
Leicester. Leics.
LE6 0HP

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Date: 24 July 2010

Dear Sirs,

Town and Country Planning Act 1990 – Planning Appeal – J.S. Bloor (Measham) Limited (Land off Groby Road, Ratby, Leicestershire (your ref: APP/K2420/A/10/2130103/NWF).

In view of the changes to planning policies and guidelines being introduced by the current Coalition Government and the relevance of the abolition of the Regional Spatial Strategy (RSS) with the clear intent to encourage a commitment to "Localism" and the protection wherever possible of Green Belt and Green Wedges by ensuring that housing delivery is more closely linked to "local need", I wish to make further representations to add to my earlier objections to planning application number **09/00798/FUL**

Furthermore, I wish to respond to the reasons for Appeal put forward by J.S. Bloor Limited, some which on close scrutiny appears to be deliberately misleading or simply fail to adequately address the reasons for refusal given by the Local Planning Authority.

Firstly, I would like to suggest that emerging changes by the Government to planning policy and guidelines are very much focused on "Localism" to ensure whilst new housing continues to be delivered it will be delivered in the right places based on evidence of local need in suitable locations and that a greater importance is placed on the protection and preservation of Green Belt and in particular Green Wedge.

The application by J.S. Bloor not only clearly fails to meet the Green Belt, Green Wedge criteria but fails to provide any evidence of local need, relying instead on "parachuted" targets imposed by the now abolished RSS and therefore as proposals for site allocations driven by the RSS have not yet been subjected to Public Examination, should any weight or presumption be given to emerging DPD's that are legally still in the consultation stage?

Referring directly to the "Reasons for Appeal" document submitted by J.S. Bloor Limited, I would like to respond as follows:

Affordable Housing: The actual number of affordable houses built in Ratby and Groby to the end of the Local Plan published in 2001 falls well short of the numbers identified to meet the local need. Bloor Homes have so far refused to provide the 40% affordable housing target set by the Borough Council's adopted Core Strategy, despite having a historical ownership of the site controlling its' value.

Flood Risk: The site has a history of flooding and developing this site would only add to the problem and spread this to the adjacent land which is currently a Groby Parish Council leisure and amenity area for local residents.

Development of the Site: The Appellant confirmed in writing when originally submitting a planning application that they accepted it to be a stand alone application for Ratby and that the application should be considered within the provisions of the current Local Plan policies. In the HBBC Local plan 2001-2006 the site that is now the subject of this Appeal was not an allocated site but located in designated Green Wedge. Furthermore, the Appellant has failed to demonstrate any local need for open market housing and has instead relied on unsupported proposals contained in the Council's emerging LDF that are still the subject of public consultation and have yet to be subjected to Public Examination.

Green Wedge: The Appellant claims that it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing. With respect this argument should carry no weight as this is no more than one of many initial proposals contained in the Borough Council's emerging Preferred Site Allocations DPD which is still at the consultation stage and eventually the finalized DPD must be subjected to Public Examination, this should be negated by presumption on the part of the Appellant. It should be further noted that the site is currently included in the designated Green Wedge identified by the Council's adopted Core Strategy and whilst a review of the Green Wedges may be undertaken this is now unlikely in the light of the abolished RSS, any proposals would still have to be subjected to Public Consultation and Public Examination. Therefore, with respect the Appellant's argument should carry no weight over and above due democratic process, particularly in light of the emerging Government Planning Policy and guidelines in respect of the protection and preservation of Green Belt and Green Wedge.

Site Allocation: The Appellant again seeks to mislead the Appeal by claiming that the Borough Council proposes to allocate this site for housing when in fact it is only one of many suggestions contained in the emerging Preferred Site Options DPD that is still at the consultation stage and subject to over 13,000 objections. Once all the objections have been evaluated the Borough Council will consider any amendments before adopting any proposals that will be put out to a further 6 weeks of public consultation. Therefore, the Appellant is totally wrong, as no such proposal had yet been adopted by the Borough Council to form part of its; final Preferred Site Allocations DPD which would then still have to be subjected to Public Examination before the Inspector.

May I respectfully suggest that the findings of the Inspector in respect of this valuable strategic area of Green Wedge at the 1996 Public Examination of the 2001 HBBC Local Plan should not be disregarded as circumstances at the time were remarkably similar when dismissing almost identical arguments from Bloor Homes, concluding that any shortage of housing in the Borough did not outweigh the need to protect this valuable and strategic area of Green Wedge, giving detailed reasons why development would not be in keeping with the landscape etc.

At this point, I would also like to draw to the attention of the Inspector that this was an application for development in Ratby not adjacent to the settlement boundary but actually remote from the village of Ratby and physically separated from Ratby by the M1 motorway; no further distance from Ratby could be achieved.

However, being in the Parish of Ratby any contributions for infrastructure or services would naturally go to Ratby, as legally occupants of the site would be Ratby residents and Ratby electors, even though they would consider themselves to be Groby residents and almost certainly wish to use Groby facilities and amenities which are already stretched beyond breaking point.

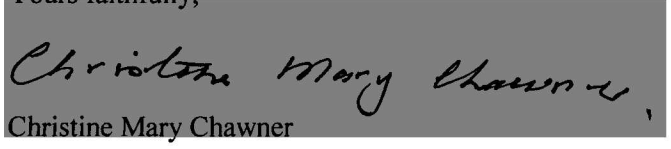
Finally, I respectfully ask that the Inspector rejects this speculative application for the reasons above, the lack of sustainability of the proposed development and the fact that there is no evidence of any need for any additional open market housing in either Ratby or Groby, the two communities only evidenced need is for affordable housing on which Bloors refuse to meet the Local Planning Authority's policy requirements.

If this Appeal were to be allowed its' impact would significantly increase the number of commuters moving to the area and the number of commuter journeys, as there are in fact very few local employment opportunities, the only employer of note in the area is a specialist aerospace company with the majority of the skilled workforce employed on short term renewable contracts.

In conclusion, it is my firm belief and that of many hundreds of Ratby and Groby residents that this is no more than a speculative Appeal that fails to illustrate sustainability, which does not relate to any proven local need, which would destroy a valuable and strategic area of designated Green Wedge and as such should not be allowed.

N.B. As required I enclosed this document in triplicate

Yours faithfully,



Christine Mary Chawner

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 1PN

Date: 24 July 2010

DEVELOPMENT SERVICES

24 AUG 2010

RECEIVED

14, Lockley Close,
Ratby
Leicester. Leics.
LE6 0HP

Dear Sirs,

Town and Country Planning Act 1990 – Planning Appeal – J.S. Bloor (Measham) Limited (Land off Groby Road, Ratby, Leicestershire (your ref: APP/K2420/A/10/2130103/NWF).

In view of the changes to planning policies and guidelines being introduced by the current Coalition Government and the relevance of the abolition of the Regional Spatial Strategy (RSS) with the clear intent to encourage a commitment to "Localism" and the protection wherever possible of Green Belt and Green Wedges by ensuring that housing delivery is more closely linked to "local need", I wish to make further representations to add to my earlier objections to planning application number **09/00798/FUL**

Furthermore, I wish to respond to the reasons for Appeal put forward by J.S. Bloor Limited, some which on close scrutiny appears to be deliberately misleading or simply fail to adequately address the reasons for refusal given by the Local Planning Authority.

Firstly, I would like to suggest that emerging changes by the Government to planning policy and guidelines are very much focused on "Localism" to ensure whilst new housing continues to be delivered it will be delivered in the right places based on evidence of local need in suitable locations and that a greater importance is placed on the protection and preservation of Green Belt and in particular Green Wedge.

The application by J.S. Bloor not only clearly fails to meet the Green Belt, Green Wedge criteria but fails to provide any evidence of local need, relying instead on "parachuted" targets imposed by the now abolished RSS and therefore as proposals for site allocations driven by the RSS have not yet been subjected to Public Examination, should any weight or presumption be given to emerging DPD's that are legally still in the consultation stage?

Referring directly to the "Reasons for Appeal" document submitted by J.S. Bloor Limited, I would like to respond as follows:

Affordable Housing: The actual number of affordable houses built in Ratby and Groby to the end of the Local Plan published in 2001 falls well short of the numbers identified to meet the local need. Bloor Homes have so far refused to provide the 40% affordable housing target set by the Borough Council's adopted Core Strategy, despite having a historical ownership of the site controlling its' value.

Flood Risk: The site has a history of flooding and developing this site would only add to the problem and spread this to the adjacent land which is currently a Groby Parish Council leisure and amenity area for local residents.

Development of the Site: The Appellant confirmed in writing when originally submitting a planning application that they accepted it to be a stand alone application for Ratby and that the application should be considered within the provisions of the current Local Plan policies. In the HBBC Local plan 2001-2006 the site that is now the subject of this Appeal was not an allocated site but located in designated Green Wedge. Furthermore, the Appellant has failed to demonstrate any local need for open market housing and has instead relied on unsupported proposals contained in the Council's emerging LDF that are still the subject of public consultation and have yet to be subjected to Public Examination.

Green Wedge: The Appellant claims that it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing. With respect this argument should carry no weight as this is no more than one of many initial proposals contained in the Borough Council's emerging Preferred Site Allocations DPD which is still at the consultation stage and eventually the finalized DPD must be subjected to Public Examination, this should be negated by presumption on the part of the Appellant. It should be further noted that the site is currently included in the designated Green Wedge identified by the Council's adopted Core Strategy and whilst a review of the Green Wedges may be undertaken this is now unlikely in the light of the abolished RSS, any proposals would still have to be subjected to Public Consultation and Public Examination. Therefore, with respect the Appellant's argument should carry no weight over and above due democratic process, particularly in light of the emerging Government Planning Policy and guidelines in respect of the protection and preservation of Green Belt and Green Wedge.

Site Allocation: The Appellant again seeks to mislead the Appeal by claiming that the Borough Council proposes to allocate this site for housing when in fact it is only one of many suggestions contained in the emerging Preferred Site Options DPD that is still at the consultation stage and subject to over 13,000 objections. Once all the objections have been evaluated the Borough Council will consider any amendments before adopting any proposals that will be put out to a further 6 weeks of public consultation. Therefore, the Appellant is totally wrong, as no such proposal had yet been adopted by the Borough Council to form part of its; final Preferred Site Allocations DPD which would then still have to be subjected to Public Examination before the Inspector.

May I respectfully suggest that the findings of the Inspector in respect of this valuable strategic area of Green Wedge at the 1996 Public Examination of the 2001 HBBC Local Plan should not be disregarded as circumstances at the time were remarkably similar when dismissing almost identical arguments from Bloor Homes, concluding that any shortage of housing in the Borough did not outweigh the need to protect this valuable and strategic area of Green Wedge, giving detailed reasons why development would not be in keeping with the landscape etc.

At this point, I would also like to draw to the attention of the Inspector that this was an application for development in Ratby not adjacent to the settlement boundary but actually remote from the village of Ratby and physically separated from Ratby by the M1 motorway; no further distance from Ratby could be achieved.

However, being in the Parish of Ratby any contributions for infrastructure or services would naturally go to Ratby, as legally occupants of the site would be Ratby residents and Ratby electors, even though they would consider themselves to be Groby residents and almost certainly wish to use Groby facilities and amenities which are already stretched beyond breaking point.

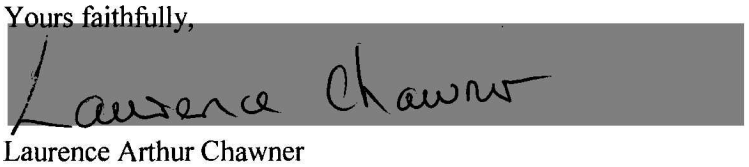
Finally, I respectfully ask that the Inspector rejects this speculative application for the reasons above, the lack of sustainability of the proposed development and the fact that there is no evidence of any need for any additional open market housing in either Ratby or Groby, the two communities only evidenced need is for affordable housing on which Bloors refuse to meet the Local Planning Authority's policy requirements.

If this Appeal were to be allowed its' impact would significantly increase the number of commuters moving to the area and the number of commuter journeys, as there are in fact very few local employment opportunities, the only employer of note in the area is a specialist aerospace company with the majority of the skilled workforce employed on short term renewable contracts.

In conclusion, it is my firm belief and that of many hundreds of Ratby and Groby residents that this is no more than a speculative Appeal that fails to illustrate sustainability, which does not relate to any proven local need, which would destroy a valuable and strategic area of designated Green Wedge and as such should not be allowed.

N.B. As required I enclosed this document in triplicate

Yours faithfully,



Laurence Arthur Chawner

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 1PN

5 Butler Close
Ratby
Leicester
LE6 0GD

Date: 27 July 2010

Dear Sirs,

Town and Country Planning Act 1990 – Planning Appeal – J.S. Bloor (Measham) Limited (Land off Groby Road, Ratby, Leicestershire (your ref: APP/K2420/A/10/2130103/NWF).

In view of the changes to planning policies and guidelines being introduced by the current Coalition Government and the relevance of the abolition of the Regional Spatial Strategy (RSS) with the clear intent to encourage a commitment to "Localism" and the protection wherever possible of Green Belt and Green Wedges by ensuring that housing delivery is more closely linked to "local need", I wish to make further representations to add to my earlier objections to planning application number **09/00798/FUL**

Furthermore, I wish to respond to the reasons for Appeal put forward by J.S. Bloor Limited, some which on close scrutiny appears to be deliberately misleading or simply fail to adequately address the reasons for refusal given by the Local Planning Authority.

Firstly, I would like to suggest that emerging changes by the Government to planning policy and guidelines are very much focused on "Localism" to ensure whilst new housing continues to be delivered it will be delivered in the right places based on evidence of local need in suitable locations and that a greater importance is placed on the protection and preservation of Green Belt and in particular Green Wedge.

The application by J.S. Bloor not only clearly fails to meet the Green Belt, Green Wedge criteria but fails to provide any evidence of local need, relying instead on "parachuted" targets imposed by the now abolished RSS and therefore as proposals for site allocations driven by the RSS have not yet been subjected to Public Examination, should any weight or presumption be given to emerging DPD's that are legally still in the consultation stage?

Referring directly to the "Reasons for Appeal" document submitted by J.S. Bloor Limited, I would like to respond as follows:

Affordable Housing: The actual number of affordable houses built in Ratby and Groby to the end of the Local Plan published in 2001 falls well short of the numbers identified to meet the local need. Bloor Homes have so far refused to provide the 40% affordable housing target set by the Borough Council's adopted Core Strategy, despite having a historical ownership of the site controlling its' value.

Flood Risk: The site has a history of flooding and developing this site would only add to the problem and spread this to the adjacent land which is currently a Groby Parish Council leisure and amenity area for local residents.

Development of the Site: The Appellant confirmed in writing when originally submitting a planning application that they accepted it to be a stand alone application for Ratby and that the application should be considered within the provisions of the current Local Plan policies. In the HBBC Local plan 2001-2006 the site that is now the subject of this Appeal was not an allocated site but located in designated Green Wedge. Furthermore, the Appellant has failed to demonstrate any local need for open market housing and has instead relied on unsupported proposals contained in the Council's emerging LDF that are still the subject of public consultation and have yet to be subjected to Public Examination.

Green Wedge: The Appellant claims that it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing. With respect this argument should carry no weight as this is no more than one of many initial proposals contained in the Borough Council's emerging Preferred Site Allocations DPD which is still at the consultation stage and eventually the finalized DPD must be subjected to Public Examination, this should be negated by presumption on the part of the Appellant. It should be further noted that the site is currently included in the designated Green Wedge identified by the Council's adopted Core Strategy and whilst a review of the Green Wedges may be undertaken this is now unlikely in the light of the abolished RSS, any proposals would still have to be subjected to Public Consultation and Public Examination. Therefore, with respect the Appellant's argument should carry no weight over and above due democratic process, particularly in light of the emerging Government Planning Policy and guidelines in respect of the protection and preservation of Green Belt and Green Wedge.

Site Allocation: The Appellant again seeks to mislead the Appeal by claiming that the Borough Council proposes to allocate this site for housing when in fact it is only one of many suggestions contained in the emerging Preferred Site Options DPD that is still at the consultation stage and subject to over 13,000 objections. Once all the objections have been evaluated the Borough Council will consider any amendments before adopting any proposals that will be put out to a further 6 weeks of public consultation. Therefore, the Appellant is totally wrong, as no such proposal had yet been adopted by the Borough Council to form part of its; final Preferred Site Allocations DPD which would then still have to be subjected to Public Examination before the Inspector.

May I respectfully suggest that the findings of the Inspector in respect of this valuable strategic area of Green Wedge at the 1996 Public Examination of the 2001 HBBC Local Plan should not be disregarded as circumstances at the time were remarkably similar when dismissing almost identical arguments from Bloor Homes, concluding that any shortage of housing in the Borough did not outweigh the need to protect this valuable and strategic area of Green Wedge, giving detailed reasons why development would not be in keeping with the landscape etc.

At this point, I would also like to draw to the attention of the Inspector that this was an application for development in Ratby not adjacent to the settlement boundary but actually remote from the village of Ratby and physically separated from Ratby by the M1 motorway; no further distance from Ratby could be achieved.

However, being in the Parish of Ratby any contributions for infrastructure or services would naturally go to Ratby, as legally occupants of the site would be Ratby residents and Ratby electors, even though they would consider themselves to be Groby residents and almost certainly wish to use Groby facilities and amenities which are already stretched beyond breaking point.

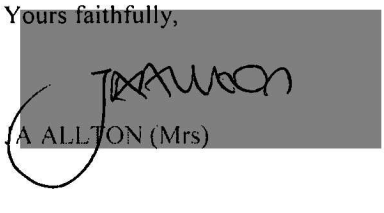
Finally, I respectfully ask that the Inspector rejects this speculative application for the reasons above, the lack of sustainability of the proposed development and the fact that there is no evidence of any need for any additional open market housing in either Ratby or Groby, the two communities only evidenced need is for affordable housing on which Bloors refuse to meet the Local Planning Authority's policy requirements.

If this Appeal were to be allowed its' impact would significantly increase the number of commuters moving to the area and the number of commuter journeys, as there are in fact very few local employment opportunities, the only employer of note in the area is a specialist aerospace company with the majority of the skilled workforce employed on short term renewable contracts.

In conclusion, it is my firm belief and that of many hundreds of Ratby and Groby residents that this is no more than a speculative Appeal that fails to illustrate sustainability, which does not relate to any proven local need, which would destroy a valuable and strategic area of designated Green Wedge and as such should not be allowed.

As required I enclosed this document in triplicate

Yours faithfully,



A ALLTON (Mrs)

28,Greys Drive

GROBY

Leicestershire

LE6 0YW

DEVELOPMENT SERVICES

24 Aug 2010

RECEIVED

27.7.2010

Dear Sirs

Re Planning Application 09/00469/FUL – Land next to Groby cemetery

Once again I find it necessary to raise my objections to the above planning application,now subject to appeal I understand by Bloors Builders.

Firstly this land is actually in Ratby Parish but much closer to Groby andl undoubtedly any householders would look to Groby for facilities/amenities and not to Ratby.

Groby is already 'over capacity'. Our road infrastructure is severely overloaded at peak times and access to / from the village at these times is slow and difficult. The site entrance for this development is dangerous being located exactly opposite the entrance to two large schools where a pupil has already died as a result of a road traffic accident.

Furthermore Groby has no available Doctor or Dentist places for current residents let alone potential new residents.

Add to this our almost complete lack of recreational facilities,very poor parking availability and virtually no provision of any other facilities during the last 30 years – I might add as have been promised by previous developers.

On all the above points and many others – for example destruction of wildlife habitat, disturbance of a badger sett, noise and pollution for the adjacent cemetery currently a haven of tranquility, I wish to object to the above planning application.

Yours faithfully



Graham A Jepson

DEVELOPMENT
SERVICES

24 AUG 2010

RECEIVED

K J Walder
2 Elsalene Drive
Groby
Leicester
LE6 0FG

25 July 2010

Planning Inspectorate
Room 3/22 Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir, Ref; APP/K2420/A/10/2130103/NWF

ERECTION OF 133 No. DWELLINGS WITH GARAGES AND CAR PARKING AND CONSTRUCTION OF ROADS AND SEWERS, LAND EAST OF GROBY VILLAGE CEMETERY GROBY ROAD RATBY

I wish to object to the proposed housing development on the following grounds:-

1) The close proximity of the development to the Groby Parish Council Cemetery. This is presently an idyllic place of reverence giving peace and tranquillity, enabling the bereaved to meditate in remembrance of departed loved ones.

2) The proposed road of entry/exit point for traffic being at the same roundabout currently used by Brookvale Community College is completely unacceptable inevitably causing too much congestion and danger to children.

3) The effect of the infrastructure upon Groby village, which has its difficulties in coping with the current amount of traffic along with inadequate parking facilities. The extra number of cars 133 new houses would bring to the area would simply cause chaos.

I trust my objections will be duly noted.

Yours faithfully

K J Walder (Mr)

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

66 Park Road
Ratby
Leicester
LE6 0JJ

Date: 26 July 2010

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire.

Having previously objected to the original planning application 09/00798/FUL (which was unanimously rejected by the Hinckley & Bosworth Borough Council's planning committee) and now having been made aware of Bloor's tenuous "Ground of Appeal", I wish to strongly object to the Appeal and expand on my original objections. This is particularly relevant in the context of the much publicized Government changes to planning policy and guidelines that now promote a "Localism" agenda.

Green Wedge: The site is clearly identified in the Rothley Brook Meadow designated Green Wedge in the Borough Council's adopted Core Strategy and no review as proposed by the now abolished RSS has taken place.

Affordable Housing: The Appellant has insisted on providing less than half the required numbers of Affordable Homes despite clear evidence of the acute need for Affordable Homes in both Ratby and Groby. The Appellant is fully aware of the Borough Council's Affordable Homes policy in the Council's adopted Core Strategy, having been consulted since 2006 and having had every opportunity to put their views forward to the Inspector at the proposed Core Strategy examination,

Flood Risk: The site has a history of flooding. Development of the site would almost certainly add to the problem and increase the flood risk to the adjacent low lying area which is a valuable and well used local amenity and recreation area provided by Groby Parish Council.

Location of the Site: The site though situated in the Parish of Ratby and the electoral division of Ratby is in fact remote to the village of Ratby, physically separated by the M1 motorway and actually immediately adjacent to the settlement boundary of Groby.

Sustainability: Being in the Parish of Ratby any developer contributions for improvement to infrastructure and services will naturally be for the benefit of Ratby, when in reality occupants of the site would consider themselves to be residents of Groby and will want to use the facilities and services provided for Groby which are already stretched to breaking point. The Appellant has made a number of "bogus" claims as to accessibility from the site to local services such as walking distances to junior schools, shops and employment etc. all based on use of a route that they have separately accepted will not have any access from the site due to land ownership and physical access barriers (i.e. a 5 metre difference in levels).

In conclusion, I would respectfully ask the Inspector to not allow this Appeal for the reasons above along with others that will almost certainly be put forward by the Local Planning Authority, Ratby and Groby Parish Councils and other local residents.

Should this Appeal be allowed, there would be a huge negative impact on both Ratby and Groby, significantly increasing the number of commuters, increasing road danger and deteriorating local facilities. This will add to the already well documented local infrastructure deficiencies.

Yours faithfully,



Naomi Orme

(3)

Mr D W BOWN.
Mrs M BOWN
21 GROBY ROAD
RATBY
LEICESTER
LE6 0LJ
25 July, 2010

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire.

Having previously objected to the original planning application 09/00798/FUL which was unanimously rejected by the Hinckley & Bosworth Borough Council's planning committee but now having been made aware of Bloor's tenuous "Ground of Appeal" in the context of the much publicized Government changes to planning policy and guidelines that now promote a "Localism" agenda, I wish to strongly object to the Appeal and add to and expand on my original objections.

Green Wedge: The site is clearly identified in the Rothley Brook Meadow designated Green Wedge in the Borough Council's adopted Core Strategy and no review as proposed by the now abolished RSS has taken place.

Affordable Housing: Though fully aware of the Borough Council's Affordable Homes policy in the Council's adopted Core Strategy, having been consulted since 2006 and having had every opportunity to put their views forward to the Inspector at the proposed Core Strategy examination, the Appellant has insisted on providing less than half the required numbers of Affordable Homes despite clear evidence of the acute need for Affordable Homes in both Ratby and Groby and there being no evidence being provided of any further local need for open market housing.

Flood Risk: The site has a history of flooding development of the site would almost certainly add to the problem and increase the flood risk to the adjacent low lying area which is a valuable and well used local amenity and recreation area provided by Groby Parish Council.

Location of the Site: The site though situated in the Parish of Ratby and the electoral division of Ratby is in fact remote to the village of Ratby, physically separated by the M1 motorway and actually immediately adjacent to the settlement boundary of Groby.

Sustainability: Being in the Parish of Ratby any developer contributions for improvement to infrastructure and services will naturally be for the benefit of Ratby when in reality occupants of the site would consider themselves to be residents of Groby and will want to use the facilities and services provided for Groby which are already stretched to breaking point. The Appellant has made a number of "bogus" claims as to accessibility from the site to local services such as walking distances to junior schools, shops and employment etc. all based on use of a route that they have separately accepted will not have any access from the site due to land ownership and physical access barriers (i.e. a 5 metre difference in levels).

In conclusion, I would respectfully ask the Inspector to not allow this Appeal for the reasons above along with others that will almost certainly be put forward by the Local Planning Authority, Ratby and Groby Parish Councils and other local residents.

Should this Appeal be allowed, there would be a huge negative impact on both Ratby and Groby, significantly increasing the number of commuters moving to the area adding to the already well documents local infrastructure deficiencies.

Yours faithfully,

D W BOWN

M BOWN

Mark Cowling
9 Field Court Road
Groby
Leicester
LE6 0DG

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

By Recorded Delivery Mail

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 1PN

Date: 16 July 2010

Dear Sir/Madam

Town and Country Planning Act 1990-Planning Appeal- JS Bloor (Measham) Limited - Land Off Groby Road, Ratby Leicestershire - Further representation (your ref: APP/K2420/A/10/2130103/NWF)

I refer to the section 78 appeal submitted on behalf JS Bloor (Measham) Limited ("Bloors") against the refusal by Hinckley and Bosworth Borough Council ("HBBC") of Planning Application 09/00798/FUL ("Application").

I oppose the Application and refer the Inspectorate to my comments made in relation to the Application at the application stage.

In my view, there are planning considerations which point towards refusal of the Application. I wish to make the following further representations in relation to the Appeal and the grounds for refusing the Application given in HBBC's refusal notice.

Reason 1

In their grounds of appeal, Bloors admit they are having further discussions around the levels of affordable housing. From my own personal experience, this issue is critical as even a small 3 bedroom house on one of the less attractive roads in Groby is fetching in the region of £160,000. Too little affordable housing will force out local people and impact adversely on sustainability.

Reason 2

Bloors admit that flood risk assessment carried out at the application stage needs to be resubmitted. It seems to me critical that it can be established with complete certainty that no flooding will occur on the site subject to the Application given continuing weather change as a result of climate change. The site is on a significant slope and in my view it is a matter of common sense that houses at the bottom of a slope covered in tarmac, concrete etc must be at risk of flooding.

Reason 3

In their grounds of appeal, Bloors admit that an alternate means of access is being discussed. My personal view is that any other access route would raise safety issues. This is because such access would inevitably be from Groby Road or Sacheverell Way, both of which I am told have significant history of road safety issues and road traffic accidents. A development of the magnitude proposed in the Application can only adversely affect the safety situation on these roads and add to the already significant congestion in Groby. From my personal experience of commuting out of Groby in the direction of Leicester along the top of Sacheverell Way between 2006-2008, there was usually a 10-20 minute delay with traffic backing up along Sacheverell Way itself and down Leicester Road. In my view, there can be no safe access to the location proposed in the Application, nor can the congestion issues with the consequent effects on health be avoided.

DEVELOPMENT
SERVICES

2 4 AUG 2010

RECEIVED

Reason 4

Bloors admit that further discussion on play and open space, education, library health care and civic amenity facilities is required. HBBC webiste indicates the local Police force is also seeking a contribution to the additional policing costs and from an inspection of HBBC's web site I do not seem to be able to find a resolution currently. I would like to stress that these aspects are so broad as to mean a large part of the Application will have to be changed. I have highlighted in my representation at the application stage that Groby's amenities and services are stretched to breaking point in a way that is unsustainable, particularly if there are to be another 133 homes added to current population.

Reason 5

I accept Bloors Homes view that overall the Borough of Hinckley and Bosworth does not have a 5 year supply of housing land. I do not accept it follows that this means Bloor Homes must be allowed to proceed with the Application by building 133 homes in the green wedge.

Government policy in respect of planning authorities in this position in PPS3 paragraph 71 advises them to "consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69". Paragraph 69 requires local planning authorities, in deciding planning applications, to have regard to the suitability of the site for housing including its environmental suitability. It follows that building in areas protected by HBBC's green wedge policy would be contrary to the guidance issued by Government to local planning authorities that do not have a 5 year land supply, because such development would be environmentally unsuitable.

There is also a wider planning issue for the Borough which the Inspectorate should take into account. This is a "test case" for the Borough. If Bloors Homes are allowed to build in the green wedge, it is likely that this will open the door to further developments across the Borough in the green wedge, thereby making the entire green wedge policy of HBBC unworkable.

Reason 6

Bloors concede the Application falls within the current Green Wedge protected in HBBC's current core strategy.

Bloors state that the current HBBC have an intention to remove the site of the Application from the Green Wedge and allocate it for housing. This is said to be in order to meet the HBBC Local Development Strategy requirements.

However, as I understand it the Local Development Framework to which Bloors refers is still at early stage. I understand that 10,000 submissions were received by HBBC in relation to the Local Development Framework and that the next stage for the strategy is a public inquiry by one the Inspectorate's planning inspectors.

The ability of that planning inspector to make an unfettered decision should not be compromised by a decision in this appeal based on an alleged intention on the part of HBBC to remove the site in the Application from the protected Green Wedge, if such intention exists.

The Local Development Framework is a strategy very likely to change and at present does not form part of the planning rules on which the Application must be decided.

Further, I believe adding an additional 133 homes into the Green Wedge land between Groby and Ratby must inevitably lessen the distinction and separation between Groby and Ratby. How can it not do so when the site of the Application is in the green wedge dividing Groby and Ratby?

Number and frequency of amendments required to the Application

Without prejudice to my objections above, my view is that detail of the above Application requires by Bloors own admissions substantial amendment to the extent that what is being proposed constitutes a different application to the Application. If this view is correct, Bloors should be required to submit a new application. If the many changes to the Application should be treated as a new application, a decision to reverse the refusal of the Application would be a wrong one.

Director of Planning –HBBC

Bloors state in their grounds of appeal that the original recommendation of the Director of Community and Planning Services recommended for approval. This seems somewhat surprising given the 8 planning policy reasons for refusing the appeal in the Refusal of Planning Notice issued by Trevor Prowse on behalf of HBBC.

The application stage

Whilst I appreciate the appeal must be decided on planning matters, I do think it is relevant that 1869 objections from local people were received by HBBC to the Application. Additionally, elected councillors on HBBC's planning committee voted by a majority of 13-1 to refuse the Application.

This Appeal-procedural unfairness

I draw the Inspectorate's intention to the procedural unfairness that interested persons have suffered during this appeal process. HBBC did not release the grounds of appeal to the public until 12 July, a long time after the 6 week period for submitting representations for interested persons had started. The start date for this period was set as 21 June. HBBC have written to me to advise that there was a "technical error", which prevented users of their web site from accessing the grounds of appeal, although apparently it was possible to access the other 76 pages of documents because I did so prior to 12 July. This has prejudiced my ability and the ability of the other 1868 interested persons ability to submit full and reasoned further representations within the deadline. The council's letter to the 1869 interested persons did not advise when and where the grounds of appeal could be found.

Please feel free to contact me if you have any queries. I would be grateful for a copy of the Planning Inspectorate's decision in relation to the Bloors Homes appeal against refusal of the Application when available.

Yours faithfully



Mark Cowling

Ratby Village Society

11 Berrys Lane, Ratby, Leicestershire LE6 0JA

14th July 2010

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

The Planning Inspectorate
Room3/22 Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Sir,

REFERENCE: APP/K2420/A/10/2130103/NWF
PLANNING APPLICATION 09/00798/FUL (Hinckley & Bosworth Borough Council) PROPOSED ERECTION OF 133 NO. DWELLING HOUSES LAND EAST OF GROBY VILLAGE CEMETERY, GROBY ROAD, RATBY, LEICESTERSHIRE.

We write on behalf of one of the residents groups in Ratby to urge you to uphold the decision of the local planning committee to refuse the application outlined above,

As you will be aware, a lot of residents and residents groups from this village and from the neighbouring village of Groby submitted their objections to this development; our own was amongst them.

We take this opportunity to highlight to you the following particular areas of concern:

- The proposed site falls way outside the **settlement boundary** of Ratby where such development is not permitted.
- The proposed site is a significant part of the **green wedge** between two disparate settlements and the construction of 133 dwellings is contrary to the objectives stated in the Rothley meadows green wedge strategy
- A 10% increase in dwelling units in a single year is more than a small village like Ratby can absorb; the Ratby/Groby services cannot sustain an influx of some 400/500 people.
- The vehicular traffic from the proposed development.
    - The single egress is a few yards from the entrance to a major school campus and almost opposite the **recently constructed safe route** to school
    - It is likely that a sizeable proportion of the predicted 1032 extra vehicle movements will be through Ratby village on totally unsuitable roads
    - *HBBC local plan* and *Leicestershire, Leicester & Rutland Structure Plan* state "avoid allocating development where traffic will, in combination with existing and proposed development, cause the existing road capacity to be exceeded or significantly impair safety of the road system".
- **Ratby and Groby are very distinct and different communities. It is our belief that the proposed development would undermine this valuable aspect of community life.**

Yours faithfully

J E Wann

Hon Secretary

Chair

DEVELOPMENT SERVICES

24 AUG 2010

RECEIVED

1 Cottage Close
Ratby
Leics
LE6 0XY

25th July 2010

The Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sirs

Ref: APP/K2420/A/10/2130103/NWF

I wish to put my objections in writing to Bloor Homes proposal of building 133 dwellings and garages.

There is already adequate housing in Ratby, both old and new of different sizes to meet the needs of all – in fact if anything needs to be built in Ratby it should be more shops and a dentist. These new properties are not likely to be affordable homes to help youngsters on the housing ladder, more likely large houses with garage/space for at least two cars each.

The main road leading from Ratby is always busy and extra cars from these new houses will only add to the congestion especially in the mornings. Accidents are likely to happen. Do you not think that the roads are not busy and noisy enough?

There is not enough countryside. We should be doing all we can to preserve it NOT destroy it.

I am very much against this proposal.

Yours faithfully

J M Cookson

J M Cookson (Mrs)

10 Cufflin Close
Ratby
Leicestershire
LE6 0NP

26/07/2010

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire.

Having previously objected to the original planning application 09/00798/FUL which was unanimously rejected by the Hinckley & Bosworth Borough Council's planning committee but now having been made aware of Bloor's tenuous "Ground of Appeal" in the context of the much publicized Government changes to planning policy and guidelines that now promote a "Localism" agenda, I wish to strongly object to the Appeal and add to and expand on my original objections.

Green Wedge: The site is clearly identified in the Rothley Brook Meadow designated Green Wedge in the Borough Council's adopted Core Strategy and no review as proposed by the now abolished RSS has taken place.

Affordable Housing: Though fully aware of the Borough Council's Affordable Homes policy in the Council's adopted Core Strategy, having been consulted since 2006 and having had every opportunity to put their views forward to the Inspector at the proposed Core Strategy examination, the Appellant has insisted on providing less than half the required numbers of Affordable Homes despite clear evidence of the acute need for Affordable Homes in both Ratby and Groby and there being no evidence being provided of any further local need for open market housing.

Flood Risk: The site has a history of flooding development of the site would almost certainly add to the problem and increase the flood risk to the adjacent low lying area which is a valuable and well used local amenity and recreation area provided by Groby Parish Council.

Location of the Site: The site though situated in the Parish of Ratby and the electoral division of Ratby is in fact remote to the village of Ratby, physically separated by the M1 motorway and actually immediately adjacent to the settlement boundary of Groby.

Sustainability: Being in the Parish of Ratby any developer contributions for improvement to infrastructure and services will naturally be for the benefit of Ratby when in reality occupants of the site would consider themselves to be residents of Groby and will want to use the facilities and services provided for Groby which are already stretched to breaking point. The Appellant has made a number of "bogus" claims as to accessibility from the site to local services such as walking distances to junior schools, shops and employment etc. all based on use of a route that they have separately accepted will not have any access from the site due to land ownership and physical access barriers (i.e. a 5 metre difference in levels).

In conclusion, I would respectfully ask the Inspector to not allow this Appeal for the reasons above along with others that will almost certainly be put forward by the Local Planning Authority, Ratby and Groby Parish Councils and other local residents.

Should this Appeal be allowed, there would be a huge negative impact on both Ratby and Groby, significantly increasing the number of commuters moving to the area adding to the already well documents local infrastructure deficiencies.

Yours faithfully,



Mrs Susan Finnigan.

Alfred James Managment Services

Proprietor: Ken Hunnybun,
Dip. Youth Work, Dip. Applied Social Studies, Hons. Degree Social Science

Business Address:
Bitter End,
4 Spring Close,
Ratby,
Leicester,
LE6 0XD

25 July 2010



Planning Inspectorate
Room 3/22
Temple Quay House
Bristol
BS1 1PN

Dear Sir,

Planning Appeal – APP/K2420/A/10/2130103/NWF - J.S. Bloor (Measham) Limited - Land off Groby Road, Ratby, Leicestershire

Although we did not send in my objections to the original planning application 09/000798/FUL, we were in complete agreement and supported those who did through our positions as Ratby Parish Councillors. We now feel strongly that our objections should be personally registered having seen the reasons for the Appeal and in particular the statement about the Green Wedge. This development if allowed, will permanently damage the effect that the established Green Wedge has, of maintaining the discrete communities of Ratby, Groby and Glenfield. In addition to this, as Parish Councillors we were most concerned when the Developer initially regarded the development as being in Groby (and still does in some documents), when in fact it is within the Ratby Parish but outside of the village envelope.

The application by J.S. Bloor (Measham) Limited not only clearly failed to meet Hinckley & Bosworth Borough Council's Green Wedge policy contained in the Hinckley & Bosworth Local Plan 2001 -2006 and the Hinckley & Bosworth Core Strategy adopted in 2009 but also directly conflicts with new Government planning policies and guidelines encouraging Local Authorities to protect Green Wedge.

The Appellant wrongly claims that *"it is the intention of the Borough Council to seek to remove the site from the Rothley Brook Meadow Green Wedge and allocate it for housing"*. We are given to understand by our local Borough Councillors that the Borough Council has made no such decision. The

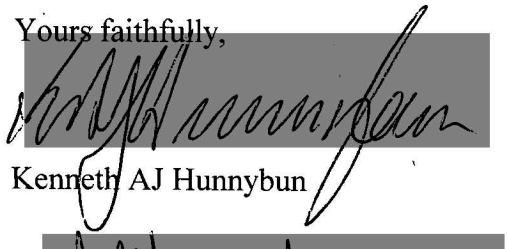
fact is that rather than "intention", Borough Council officers have merely put forward an initial proposal driven by the now abolished RSS guidelines to review areas of Green Wedge.

Therefore any presumption on the part of the Appellant is inappropriate as the site area is currently still clearly included in the designated Green Wedge identified by the Council's adopted Core Strategy and following the abolition of the RSS, the Borough Council is no longer compelled to carry a review of the Green Wedges and encouraged by new planning policy and guidelines may well choose not to do so.

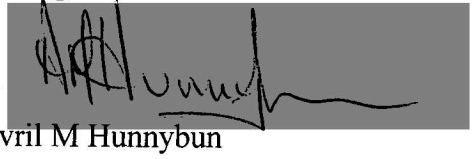
In conclusion, it is our firm belief and that of a considerable number of Ratby and Groby residents that this Appeal is in direct conflict with both local and national strategic planning policy and guidelines, fails to illustrate sustainability, and does not relate to any proven local need.

We strongly urge the Inspector to take into account our concerns and those of the residents of Ratby and Groby in considering this Appeal.

Yours faithfully,



Kenneth AJ Hunnybun



Avril M Hunnybun

RECEIVED
15 JUL 2010
PINS AA PEP

Mark Cowling
9 Field court Road
Groby
Leicester
LE6 0DG

Date 12 July 2010

Simon Wood
Head of Planning
Hinckley & Bosworth Borough Council
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Dear Sirs

Erection 133 No. Dwellings with garages and car parking and construction of roads and sewers – Land East of Groby Village Cemetery Groby Road, Ratby (Your Ref: 09/00798/FUL)

I refer to my letter dated 5 July 2010 and note that I have not yet received a response from you (copy enclosed for your ease of reference).

I have today searched the web site and note that a document setting out the grounds of appeal on which Bloor Homes will rely has been added.

Your letter advises that there is a 6 week deadline which runs from 21 June 2010 for further representations on the above application.

I am mindful Bloor Homes will have spent some months with consultants, lawyers compiling their appeal. Equally, interested persons locally need sufficient time to seek advice on the detailed appeal filed by Bloor Homes. Given the grounds of appeal have only just become available, it is fair and reasonable for the timeframe for interested person to make representations to run from today. I would be grateful if you could confirm by return that I have six weeks to make further representations.

Thank you in advance for considering and responding to this letter.

I look forward to hearing from you.

Yours faithfully

Mark Cowling

CC Planning Inspectorate
CC Secretary of State for Local Government and Communities

Contact: Wayne Worsdale
Telephone: 0116 2222222 (extension 5945)
E Mail: wayne.worsdale@leicestershire.pnn.police.uk
Our Ref: **WW060710/264/09 - Appeal**
Your Ref: 09/00798/FUL

Leicestershire Constabulary

ARCHITECTURAL LIAISON
Community Safety Bureau
Keyham Lane Police Station
Colin Grundy Drive
Keyham Lane
Leicester
LE5 1FY

Sarah Fryer
Hinckley & Bosworth Borough Council
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

6th July 2010

For the attention of Sarah Fryer

RE: ERECTION OF 133 DWELLINGS WITH GARAGES AND CAR APRKING AND CONSTRUCTION OF ROADS AND SEWERS, LAND EAST OF GROBY VILLAGE CEMETERY, GROBY ROAD, RATBY.
PLANNING APPLICATION REF: 09/00798/FUL
PLANNING APPEAL REF: APP/K2420/A/10/2130103/NWF

Thank you for notifying me of the above appeal.

Following the planning consultation we identified that Leicestershire Police had not been included within the S106 heads of terms. During my letter dated 5th November 2009 ref: WW051109/264/09, I identified that Bloor Homes had made comments in relation to failure to meet the tests set out in C05/05 and asked that Bloor Homes justify why this was the case in order that I could provide more details. I had no further correspondence, requests or indeed was kept informed to justify our proposals during this application and therefore outline our requests for such contributions to be pursued as follows.

The Force adopted a policy for developer contributions in October 2007 and Hinckley and Bosworth Borough Council have used this successfully with developers in this area. Leicestershire Police have already advised HBBC on the wider impacts on demand for services in growth proposed in your Core Strategy work. If policing is to be maintained rather than spread too thinly it is essential that growth proposed in developments, like the one under consideration, provide for the infrastructure need that they generate. Our policy provides metrics demonstrating the distribution of resources at that time. We apply these to major new developments in order to demonstrate the resources necessary for the service to be maintained at current levels. Using these metrics I expect that across the Force this development would generate a need for an additional 1.27 members of staff.

Policing in Hinckley operates from two locations. The main Policing Unit, from which the main patrol functions operate, is on the edge of Hinckley town. There is also a very small satellite station based in Market Bosworth centre of which local beat officers use all providing services to the residents who live in Market Bosworth, Burbage, Earl Shilton, Barwell, East of Hinckley, Hinckley Town Centre, Ratby, Groby, Markfield, Stanton, West of Hinckley, Tywcross, Stoke Golding, Barlestone, Desford, Botcheston and Kirkby Mallory. Both buildings are at capacity delivering the existing service and cannot accommodate further staff.

Generally new development brings a revenue resource through local rates which the police use to pay for staff however this is insufficient to allow borrowing to fund premises and equipment to accommodate those staff. This revenue resource is delayed because of the nature of development and there is usually a three year gap in policing as a result. Leicestershire Police do not seek S106 funds for either short or long term revenue and, where a developer contribution is secured towards capital facilities and equipment, will provide staff to ensure that new residents receive cover.

The Police service are unable to access capital funds and use all available revenue funds to pay for staff necessary to deliver the front line service. I attach a short paper which is an extract from Association of Chief Police Officers advice on the subject and which describes the difficulty here more fully. The matter was recently considered by Consultants employed by all Leicestershire Authorities to consider the infrastructure implications of growth. They concluded, in relation to Policing, that it is sensible to assume that most of the capital requirements incurred by growth will not be covered by existing mainstream and local funding.

Using our metrics we are looking for a contribution of **£80,598.00** assuming 133 units are to be built here. This will be directly used in the Local Police Units to :-

- Address the accumulative effects of numbers of housing and commercial developments over a geographic area
- Provide new or supplementary buildings to house resources, or to facilitate community participation and engagement
- Extend communication infrastructures
- Provide additional vehicles (both motor vehicles and/or cycles) and other resources (for example, associated clothing and equipment and IT or mobile data costs) associated with the above efficiencies
- Enhance crime reduction measures through Secured By Design principles
- Provide (where appropriate) CCTV cameras, some of which may require enabling for ANPR (Automatic Number Plate Recognition) purposes
- Increase efficiencies associated with patrol, detection and prevention of crime.

With this in mind, without a commitment to development timescale, and bearing in mind the need to pool contributions to extend premises and acquire equipment we do seek an extended implementation period for contributions of 10 years minimum. We are happy to covenant to account for the capital expenditure necessitated by this development over this timescale.

We are regularly applying the tests from Circular 5/05 and now CIL Regs to new development and contributions. Leicestershire Police are firmly of the view that a reasonable and justified case is made to warrant a contribution in this case. The delivery of infrastructure to accompany growth, achieving sustainable development, is a primary responsibility of planning enshrined in PPS 1, 3 and 12. The development would be unacceptable without infrastructure including Policing. The contribution would be directly related to the proposed development and secured in this by suggested clauses in the agreement. The contribution is fairly and reasonably related to the scale and type of development and in this regard is in scale with other contributions made in the Police district.

At this juncture I believe it is relevant to refer to two recent cases in the Police district where Inspectors have applied these tests at appeal and found policing contributions to be both reasonable and necessary. APP/F2415/A/2114425 relates to a development at Glebe Road Harborough and APP/T2405/A/09/2118414 relates to a development at Leicester Road Countesthorpe.

In terms of figures, we have worked out all capital costs required for all Local Authority areas and share with you our proposals. The first paragraph identifies the number of dwellings identified in the HBBC adopted Core Strategy and our figures required to accommodate this growth. The second paragraph identifies the proportionate figures that would be generated as a result of this development in order to identify the impact with our services.

In the Hinckley and Bosworth Borough area, we have identified that 6550 new homes are identified within the core strategy (please do advise me if this figure is incorrect and I will revise any figures accordingly). These 6550 new homes will generate 62.52 new members of staff (police officers, police staff, specialist officers i.e. firearms, dogs etc). To accommodate this staff we will require 918.92m2 of general floorspace and 82.08m2 of custody accommodation, which will require capital funding of £3,585,563.60 with £383,736.40 of capital start up costs i.e. equipment and vehicles. The total S106 contributions for the HBBC area to 2026 will therefore need to be **£3,969,300.00**.

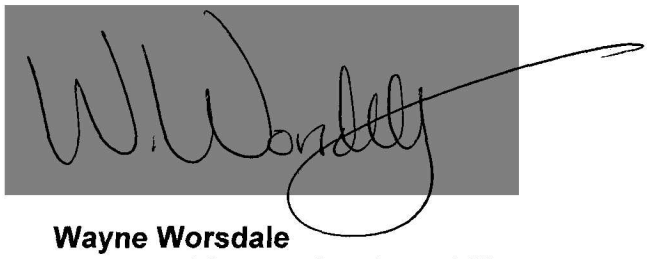
In relation to this development, a Section 106 contribution would be proportionate to the development proposed in order to achieve the target outlined above to capture the deficiency that our organisation will experience. We would also account for any monies spent in relation to this development. Based upon 133 dwellings we would require 1.27 members of staff, 18.66m2 of general accommodation floorspace, 1.67m2 of custody space giving a total of £72,806.10 accommodation costs and £7,791.90 capital start up costs giving a total contribution required of **£80,598.00**.

The contribution for this development will be used to expand the Hinckley Station in order to accommodate this growth. Obviously we are reliant upon other Section 106 agreements in the area to over time to enable pooled contributions to "kick start" the major works that would be required to capture the whole of the Hinckley & Bosworth housing numbers. We do ask for at least a 10 year clause to spend the funds in order to have relevant funds to commence work. As I have mentioned previously, monies utilised will be directly accounted for and evidence supported for each development presented.

In conclusion the above justification meets all of the CIL tests in making the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. We are more than happy to represent the force at the appeal hearing and would be grateful if you could let me know if this will be required.

I trust that a contribution will be pursued for this development following this appeal and I would be grateful if you would be kind enough to keep me informed. I have sent a copy of this letter to the Planning Inspectorate for information purposes. In the meantime should you require any further information or any further clarification on the points raised them please do not hesitate to contact me.

Yours sincerely,



Wayne Worsdale
Force Architectural Liaison Officer

Copy for information – The Planning Inspectorate

The funding of the Police is divided into two broad streams: revenue and capital funding. The revenue funding stream relates broadly to the day-to-day running costs of the Force, that is the payment and management of staff, the ongoing costs relating to running and maintaining buildings and equipment and repayment of loans used to fund capital projects. The capital funding stream relates to the provision of additional buildings, information technology, vehicles, equipment and other infrastructure items required to both sustain existing policing services and address increased pressures and requirements placed on the Force as a consequence of growth in demand in services.

Funding received by the Police via the Council Tax precept is used primarily for revenue purposes and is not generally directed towards capital projects/programmes on the basis that directing funds towards such projects would diminish that available for delivery of the policing service. It is part of the remit of the Police Authority to allocate funding as considered appropriate to achieve the objective of providing an efficient and effective Police service. However, the pressure on revenue funding is such that it is extremely unlikely it could be made available to finance capital projects of any significance: in practical terms the revenue budget is insufficient to fund infrastructure projects. In terms of proportional contributions an average of 25% of revenue funding is derived from Council Taxes, with the balance of revenue funding coming from the Revenue Support Grant, Police Grant and the National Non Domestic Rates (NNDR) pool.

It should also be noted that even with revenue raised from the Council Tax precept there has been a recognised funding gap created by inflation and a continuing expansion of the role of the Police service and the demands placed upon it. While there has been investment from central Government, this is often ring-fenced for particular initiatives and has not kept up with the demand for services. This means that Police Authorities need an increase of over 5% annually from the Council Tax precept simply to "stand still" in terms of service provision. Given the current economic climate it is likely the cap on Council Tax will be lowered. Therefore the funding gap is likely to increase, with less money for revenue spending, let alone for capital projects.

Mr N. Hughes
46 Fernleaf Drive
Ratby Leicester
LE6 0LH.

7-July 2010.

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN.

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Dear Sirs Reference APP/K2420/A/10/2130103/NWF

Regarding erection of 133 Dwellings on land East of Groby Village Cemetary Groby Road Ratby.
I agree with Councils decision to refuse Planning permission for this Development.
Existing Road infrastructure is inadequate for any further Development.
The Main Road through Ratby is already congested and reduced to single line traffic many parts of the day.
There is no off Road parking facilities in Ratby Village
The main Road from Ratby to Groby is also reduced to single line Traffic in many parts.
The only other exit from the new proposed Development is towards a close Double Roundabout to the main A50 and Newark Bypass. This gets very congested particularly at the busy periods of the day when heavy queues form and becomes a hazard The existing primary school in Ratby is already at its Maximum with no further room for expansion

N. Hughes

46, Ferndale Drive,
Ratby. Leics LE6 0NH.

July 7th 2010.

DEVELOPMENT SERVICES
Ref. APP/K2420/A10/2130103/NWF
27 AUG 2010
RECEIVED

Dear Sir,

I am deeply concerned about the implications of your letter advising us of the planning application to erect one hundred and thirty three houses, with all that that complies on land east of Ratby village cemetary on Groby Road, Ratby.

My worry is the extra traffic that we will obviously get coming through an already heavily congested village. Another concern is the loss of the ever dwindling green belt around us. We've already lost so much because of the large building projects we've had to endure here.

The large college

complex opposite this site too, has a problem when the pupils arrive in the morning and also when they leave. Because of the long catchment area of this complex there are numerous buses and cars arriving.

I feel sure that this is "green belt" land between Rothy and Groby and should not be encroached upon by these extra homes, people, cars and animals. Dogs in particular wanting to find areas to foul. There could be any to exercise them in or more importantly children to play safely.

More homes in this area is madness. The whole area is too heavily congested already.

Yours faithfully.

C. Hughes.

46, Ferndale Drive,
Ratby. Leics LE6 0AH

July 7th. 2010.

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

K2420/A10/2130103/NWF

Dear Sir,

I am deeply concerned about the implications of your letter advising us of the planning application to erect one hundred and thirty three houses, with all that that complies on land east of Groby village cemetary on Groby Road, Ratby.

My worry is the extra traffic that we will obviously get coming through an already heavily congested village. Another concern is the loss of the ever dwindling green belt around us. We've already lost so much because of the large building projects we've had to endure here.

The large college

complex opposite this site too, has a problem when the pupils arrive in the morning and also when they leave. Because of the long catchment area of this complex there are numerous buses and cars arriving.

I feel sure that this is "green belt" land between Rothley and Groby and should not be encroached upon by these extra homes, people, cars and animals. Dogs in particular wanting to find areas to foul. There could be any to exercise them in or more importantly children to play safely.

More homes in this area is madness. The whole area is too heavily congested already.

Yours faithfully

[redacted]
C. Hughes.

Howland, Jenny

From: Alison White [Alison.White@hinckley-bosworth.gov.uk]
Sent: 09 July 2010 15:31
To: Team P2
Cc: Sarah Fryer
Subject: 2130103 - Groby Road, Ratby

<<90BB68868B5C11DF96370019BBDB5C40.tif>> F <<IndexData.txt>> or the attention of Jenny Howland

Please find attached a letter we have received from a 3rd party resident relating to the above appeal.

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Alison White
Administration Manager
Development Services
Hinckley & Bosworth Borough Council
Council Offices, Argents Mead
Hinckley, Leicestershire LE10 1BZ
Tel 01455 238141 Ext 5777
Fax 01455 619897
We now receive 76.2% of planning applications online via the Planning Portal.
To submit an online application, or to find out more about the Planning Portal, please follow the link below: http://www.planningportal.gov.uk/ Any opinions expressed in this message are those of the sender and do not necessarily express the views of the Borough Council. The information contained in this message, and any attachments, is intended solely for the use of the individual or organisation to whom this message is sent, and should be treated as private and confidential. If you have received this e-mail in error, please notify Hinckley and Bosworth Borough Council (ICT Services) Tel +44 (01455) 238141.

DEVELOPMENT SERVICES
9 JUL 2010
RECEIVED

DEVELOPMENT SERVICES
09 JUL 2010
RECEIVED

177 Station Road
Ratby
Leicester LE6 0JR
Tel. 0116/2393567

6/7/2010

09/00798/FUL

Steve Wilkinson, Susan Wood.
B.C.

Re Erection of 133 dwellings & Car Parking.

This is the third letter I am writing to protest against the above proposal. It is time the company concerned should have realised that houses in the area are against the wishes of the Parish Council, the Borough Council and Ratby and Groby residents.

I have sat upstairs several times of late watching the traffic passing by, in Station Rd, and I have counted the cars travelling towards Kirby Corner, one morning 48, another over 50, in fifteen minutes!! Probably as many in the other direction. And most drivers only. Going to catch a bus one morning I had to wait five minutes for a break in the traffic to cross Station Rd to the bus stop. Another 133 house with possibly not one but two cars, will make for more traffic problems for Ratby and Groby. It is possible that had the Arriva bus company run a more frequent and RELIABLE service, more people would be using PUBLIC TRANSPORT. Arriva stopped the X1 service proceeding along Station Rd Ratby to Braunstone X roads and Leicester, and at the same time reduced the intervals of the 27 - so much for Government's appeal for "Travel by Public Transport"

PLEASE, PLEASE once more turn down

the application for 133 houses, for the final time.
Allow us all to have some green areas
and individuality between the villages of Ratby
and Groby.

Yours sincerely,

(Mrs) M. N. Smith

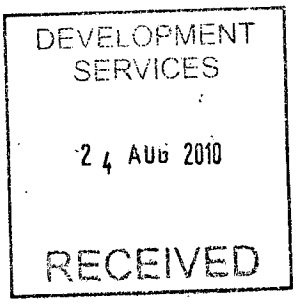
tmp

Planning App Ref: 09/00798/FUL
Mr Lee Griffin

14 Charter Point Way

Ashby de la Zouch
Leicestershire
LE65 1NF

Site Ref: 010090026383



Groby Village Cemetery Groby Road

Ratby
Leicestershire

Howland, Jenny

From: Ratby Parish Council [ratbypcouncil@btconnect.com]
Sent: 09 July 2010 10:34
To: Team P2
Cc: Alison.White@hinckley-bosworth.gov.uk
Subject: Appeal Ref: APP/K2420/A/10/2130103/NWF
Follow Up Flag: Follow up
Flag Status: Blue

For the attention of Jennifer Howland, Case Officer

Dear Madam

ERECTION OF 133 NO. DWELLINGS WITH GARAGES AND CAR PARKING AND CONSTRUCTION OF ROADS AND SEWERS
Location: Land East of Groby Village Cemetery, Groby Road, RATBY

With regard to the forthcoming Appeal in respect of the above development, Ratby Parish Council request to register under Rule 6 as an interested party as this land is in the Parish of Ratby.

Yours faithfully

Linda Fogg (Mrs.)
Clerk to Ratby Parish Council

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Planning Appeals

Wildlife Briefings

LEGISLATION BRIEFING FOR BATS



1. Bats are protected species under Schedule 5 of the Wildlife and Countryside Act 1981, and the EC Habitats Directive 1992, which is implemented in Great Britain by the Conservation (Natural Habitats &c.) Regulations 1994. This makes it an offence to intentionally kill or injure bats, or to damage, destroy or obstruct access to their roosts. As from 31 January 2001, the Wildlife and Countryside Act 1981 was amended by the Countryside and Rights of Way Act 2000. The amendment makes it an offence to recklessly disturb bats or recklessly damage or obstruct access to any structure or place that bats use for shelter or protection.

2. It should also be noted that Great Britain is a Party to the Convention on Conservation of Migratory Species of Wild Animals (Bonn 1980), including its Agreement on the Conservation of Bats in Europe (EUROBATS). Under the Agreement, Parties are obliged to identify areas which are important to the conservation of bats, including for shelter, protection or feeding, and protect such sites from damage or disturbance.

3. Developments affecting European Protected Species such as bats will require a licence from Defra to derogate from the protection afforded to these species under the provisions of the 1994 Regulations. Before a licence can be granted, three tests specified in regulation 44 of the 1994 Regulations, must be satisfied:

- That there is "no satisfactory alternative";
- That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";
- That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

4. Regulation 3(4) of the 1994 Regulations places a duty on "every competent authority in the exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".

5. I draw your attention to the first and third of these requirements. In order to determine whether a development meets these criteria, the Department will need information from the body, which granted planning permission on how these tests were addressed. In cases where this is the local planning authority, the specific information which the Department would require is the relevant report to the Planning Committee on a planning application and the minutes of the meeting at which the application was decided (or equivalent documentation).

6. The inspector's attention is drawn to:

- Numbers 39, 40 and 44 of the 1994 Regulations.
- Sections 9, 10, and 24 of the 1981 Act.
- Planning Policy Statement 9 on Biodiversity and Geological Conservation (PPS9).
- Section 5(a), Schedule 12, Countryside and Rights of Way Act 2000.

Page Author: Bridget Loney
Last Updated: 25 May 2007
Page Owner: Webteam

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Planning Appeals

Wildlife Briefings



LEGISLATION BRIEFING FOR BIRDS

1. The Wildlife and Countryside Act 1981 provides statutory protection to all wild birds. This fulfils Great Britain's obligations under the EC Wild Birds Directive.

2. Under Section 1 it is an offence to intentionally kill, injure or take any wild bird, take damage or destroy the nest of any wild bird while that nest is in use or being built, or take or destroy an egg of any wild bird.

3. Under Section 1(5), It is an offence if any person intentionally or recklessly disturbs any wild bird or disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young or disturbs dependent young of such a bird. Both the Dartford Warbler and the Woodlark are listed in Schedule 1.

4. The Inspector's attention is drawn to:

- The Wildlife and Countryside Act 1981, in particular section 1.
- The Countryside and Rights of Way Act 2000, Section 5(a), Schedule 12.
- Planning Policy Statement 9 on Biodiversity and Geological Conservation (PPS9).

Page Author: Bridget Loney
Last Updated: 25 May 2007
Page Owner: Webteam

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Planning Appeals

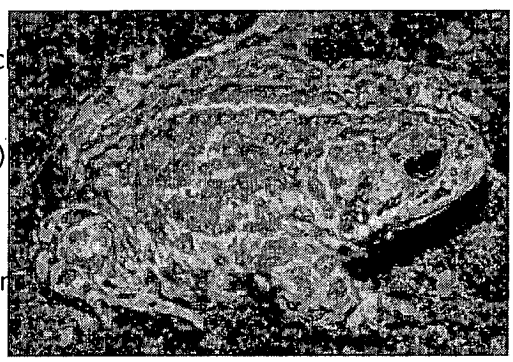
Wildlife Briefings



Briefing on the Protected Frogs and Toads

The Common Toad (Bufo bufo) and Common Frog (Rana temporaria) are afforded protection under Section 9(5) of the Wildlife and Countryside Act 1981 against 'sale'. The Department issues a general licence to allow tadpoles from both species to be sold at certain times of the year (licence number WLF 100105).





The Natterjack Toad (Bufo calamita) is afforded full protection under the Wildlife and Countryside Act 1981 and is also a protected species under the EC Habitats Directive 1992 which is implemented in the UK by the Conservation (Natural Habitats &c.) Regulations 1994.

Activities, including development and sale, affecting European Protected Species, such as Natterjack Toads, will require a licence from Defra to derogate from the protection afforded to these species under the provisions of the 1994 Regulations. Before a licence can be granted, three tests specified in regulation 44 of the 1994 Regulations, must be satisfied:

- That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- That there is "no satisfactory alternative";
- That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

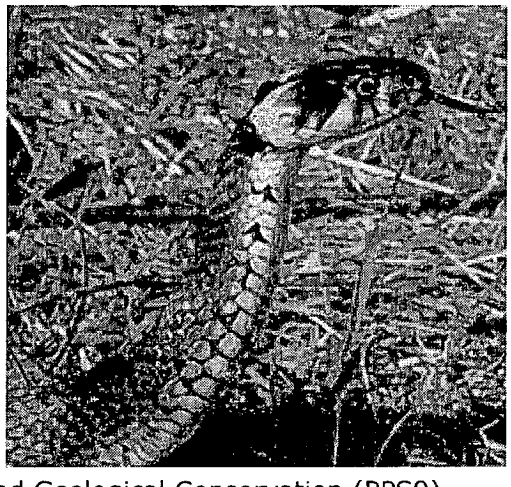
Page Author: Bridget Loney
Last Updated: 25 May 2007
Page Owner: Webteam

LEVELOPMENT
SERVICES
2 4 AUG 2010
RECEIVED

Planning Appeals

Wildlife Briefings

LEGISLATION BRIEFING FOR GRASS SNAKE



1. The Grass Snake (Natrix natrix) is given protection under the Wildlife and Countryside Act 1981 against S. 9(1) 'killing and injuring' and S. 9(5) 'sale'.

2. The Inspector's attention is drawn to: -

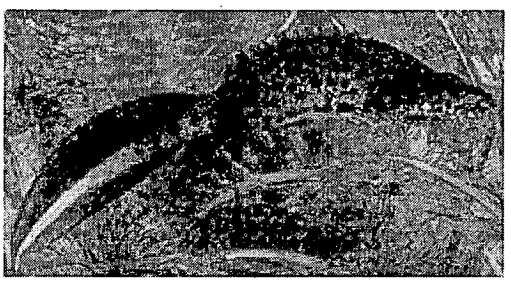
- The Wildlife and Countryside Act 1981, in particular sections 9(1) and 9(5)
- Planning Policy Statement 9 on Biodiversity and Geological Conservation (PPS9).

Page Author: Bridget Loney
Last Updated: 25 May 2007
Page Owner: Webteam

DEVELOPMENT SERVICES
24 Aug 2010
RECEIVED

Planning Appeals

Wildlife Briefings



LEGISLATION BRIEFING FOR GREAT CRESTED NEWTS

1. Great crested newts, Triturus cristatus, are a protected species under Schedule 5 of the Wildlife and Countryside Act 1981, and the EC Habitats Directive 1992, which is implemented in Great Britain by the Conservation (Natural Habitats &c.) Regulations 1994. Great crested newts are listed on Annex IV of the Directive. This makes it an offence to intentionally kill or injure great crested newts, or to damage, destroy or obstruct access to their places of shelter. As from 31 January 2001, under the Countryside and Rights of Way Act 2000, it is an offence to recklessly disturb newts or recklessly damage or obstruct access to any structure or place which great crested newts use for shelter or protection.

2. Developments affecting European Protected Species such as great crested newts will require a licence from Defra to derogate from the protection afforded to these species under the provisions of the 1994 Regulations. Before a licence can be granted, three tests specified in regulation 44 of the 1994 Regulations, must be satisfied:

- That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- That there is "no satisfactory alternative";
- That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

3. Regulation 3(4) of the 1994 Regulations places a duty on "every competent authority in the exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".

4. I draw your attention to the first and third of these requirements. In order to determine whether a development meets these criteria, the Department will need information from the body, which granted planning permission on how these tests were addressed. In cases where this is the local planning authority, the specific information which the Department would require is the relevant report to the Planning Committee on a planning application and the minutes of the meeting at which the application was decided (or equivalent documentation).

5. The inspector's attention is drawn to:

- Numbers 39, 40 and 44 of the 1994 Regulations.
- Sections 9, 10, and 24 of the 1981 Act.
- Planning Policy Statement 9 on Biodiversity and Geological Conservation (PPS9).

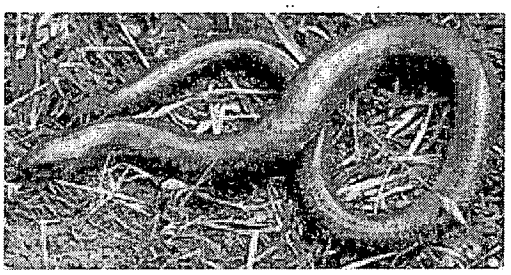
- Section 5(a), Schedule 12, Countryside and Rights of Way Act 2000.

Page Author: Bridget Loney
Last Updated: 25 May 2007
Page Owner: Webteam

DEVELOPMENT SERVICES
24 AUG 2010
RECEIVED

Planning Appeals

Wildlife Briefings



LEGISLATION BRIEFING FOR SLOW WORM

1. The Slow Worm (Anguis fragilis) is given protection under the Wildlife and Countryside Act 1981 against S. 9(1) 'intentionally killing and injuring' and S. 9(5) 'sale, transport or trade'.

2. The Inspector's attention is drawn to: -

- The Wildlife and Countryside Act 1981, in particular sections 9(1) and 9(5)
- Planning Policy Statement 9 on Biodiversity and Geological Conservation (PPS9) 244KB

Page Author: Bridget Loney
Last Updated: 17 September 2008
Page Owner: Webteam