

Response to Clarification Document issued by Examiner of Modified Castlethorpe Neighbourhood Plan

Examiners Questions in Blue, Parish Council Response in black and amended wording in red.

Clarification matters for the Parish Council

Policy CAS2/paragraph 4.2.3

The modified text draws attention to the adjacent Paddock Close scheme. I saw on the visit that it would provide an appropriate design inspiration for the allocated site.

However, is the language used in the modified text too prescriptive? In particular might it serve to prevent the development of an equally-attractive scheme?

The parish council would be happy with alternative wording such as *'The recent housing scheme at Paddock Close is regarded as a successfully designed scheme and this should act as a clear cue for the design of this scheme. Paddock Close, which has an Edwardian style reflecting the growth of Castlethorpe following the advent of the railway, includes bay windows, sash windows, stone window lintels and recessed front porches.'*

Policy CAS8

Based on the representation received from Keynes Investments Limited would I be correct to assume that the organisation of the CCTV survey was not discussed and agreed with the landowner?

That is correct. Actually, the CCTV survey wasn't organised by the parish council but it was given access to the data by an interested resident. A member of the Neighbourhood Plan Steering Group reviewed the video footage and accuracy of the Excel descriptions of events recorded.

To what extent does the Parish Council consider that the level of recorded activity is materially different to that which would take place in relation to other similar parcels of land on the edge the village or of a similarly-sized rural settlement which include a public footpath?

Activity in Gobbey is considerably higher than in other 'parcels of land' on the edge of the village mainly because (1) it goes somewhere (eg down to the river) and also is the only connection to the other footpaths if one wants walk a circular route around that side of the village (2) because it is a wide flat piece of land (unlike, say, Castle Field) and well suited to playing ball, flying kites and the other activities beyond simply using the footpath to transit the field. As a field, it is left to grazing and is reasonably flat. We can't comment on comparisons to other settlements.

What are the respective sizes of the Castle Field and the Recreation Ground local green spaces in the 'made' Plan?

Castle Field is approximately 4 hectares and the recreation ground is approximately 3 hectares.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

We note that responses were received from Natural England, National Grid, the Canal & River Trust and Network Rail, all of whom had no comment.

Anglian Water made a suggested addition: ‘**For the purposes of policy CAS8, the very special circumstances would include development required by a utility company to fulfil their statutory obligations to their customers.**’ The parish council has no objection to this addition.

Three residents took the trouble to comment, all in support, for which the parish council thanks them given that they had previously been able to comment in the Reg 14 consultation and at the Open Day run during Reg 14.

The Kirkby Diamond Response.

The premise seems to be *“There has been no consultation or consideration of the need for additional housing and we consider that the scope of public consultation has been deficient.”*

On the need for additional housing, the Parish Council noted that there is existing or presumptive planning permission for 41 houses in the village, being 9 low cost dwellings in Station Yard, 31 dwellings with a mix agreed by the Parish Council in ‘Maltings 2’ plus one further dwelling. The current number of houses in Castlethorpe is 470. MKC further advised that the Indicative Housing Requirement for the parish is one dwelling and that therefore no further allocation of land was necessary in this Modification.

It is probably also worth noting that no respondent, other than two landowners who put forward land, at either Reg 14 or Reg 16 suggested that further provision for housing above that already permitted was necessary.

On the statement that the consultation has been deficient, this appears to be an assertion without evidence and the Parish Council would refer to the Consultation Statement which shows that consultation met or exceeded the statutory requirement.

The question of putting this land forward was first raised at the Parish Council Meeting of 2nd March 2020 by Mrs Markham’s son, Martin, in the Open Forum. Martin was advised that, in line with MKC advice, the Parish Council had previously decided not to allocate further land but this would be discussed again later that evening in the Council Meeting. However, the Chair advised Martin that, if a decision was made to allocate land, the process was to undertake a ‘call for sites’ and then undertake a site comparison exercise as was done in the original NP. The Markhams’ land could not be placed directly into the Modified NP.

It should also be noted that Martin’s brother, Ian, sits as a parish councillor and was therefore party to all the decisions made on the Neighbourhood Plan including the previous

decision not to allocate further land and the arrangements for public consultation. On 2nd March, the Clerk advised Ian that he would need to declare a pecuniary interest and Ian did not therefore take part in any NP agenda items at this or subsequent meetings. Given that Ian farms the land proposed by his mother, their complaint of deficient consultation does not seem credible.

Allocation of further land was considered along with other proposals from landowners at Agenda Item 7.4 on 2nd March and the Parish Council confirmed its previous decision not to allocate further land. The Reg 14 consultation ended on 11th March and the Neighbourhood Plan was submitted to MKC. Ian didn't raise that his proposal should have been put to the village until the meeting of 4th May by which time the Plan belonged to MKC. Minutes are available on the Parish Council website www.castlethorpe-pc.gov.uk

[Does the Parish Council wish to comment on the representation about the proposed designation of Gobbey's Field as a local green space by Keynes Investments Limited in particular?](#)

The Phillips Planning Services response takes selected elements of previous reports out of context to refute the case for designation as an LGS.

The essential point is that Gobbey's has been used for recreational activities for decades and this goes far beyond the use of the Public Footpath to transit the field. Activities include drone flying, ball games and exercising dogs.

Gobbey's is the only field in or near to the village suitable for this and especially for residents in the southern part of the village. Other fields are less accessible or are used for arable farming. Gobbey's is reasonably flat and accessible from the Fishponds play area, the pedestrian footbridge and from the Maltings Fields footpath. Less formally, residents hop over the fence from Prospect Place and the two Shepperton Close gates and, although the owners have removed an informal stile access from Shepperton, there certainly exists a right of access by prescription for many villagers who have used the informal accesses for over twenty years. Before 2016, the owners never made any attempt to deter access via Prospect Place and the two Shepperton Close gates, and then only by placing a notice on one gate. The grazing tenants have never made any attempt to deter recreational use of the full field.

Other fields, such as to the west of Station Rd or to the east of Prospect Place, which also have footpath access, simply aren't used recreationally beyond walking the footpath.

Castle Field was gifted to the village some years ago but is a Norman castle, a SAM, and is used for dog exercising when sheep are not present but its uneven terrain makes it unsuitable for most recreational activities except sledging in snow.

The recreation ground is leased to the Sports Association. It can be used by the public but only when games are not in progress which excludes many week-ends. Dogs are not permitted in the recreation ground.

Turning to the previous examinations, the NP was examined by Mr Peter Biggers and we are very grateful for the huge amount of work that he did to make the NP a coherent document. However, Mr Biggers felt that the Parish Council had made a number of statements about use of the field without evidence and he gave them 'no weight' and determined that Gobbey's did not meet the requirements of the NPPF.

The Parish Council felt chastised by this and quickly organised a survey of use of the field by residents and received 136 responses (from 470 households) showing widespread use and therefore the Parish Council asked MKC to have this aspect only of the NP re-examined.

The re-examination was done by Mrs Rosemary Kidd. Unfortunately, she dismissed the survey as 'anecdotal' and felt that the field was 'an extensive tract of land'. We subsequently found she is an outlier on field size designation for LGS, having in a previous examination designated a two hectare field as 'an extensive tract of land'. However, the Parish Council felt it had to accept this decision and moved on to a successful referendum.

When the Parish Council decided to modify the NP, residents again asked for Gobbey's to be considered for LGS designation. During the preparation of the Modified NP, a resident came forward with video evidence showing use of the lower part of the field. Given previous experience of lack of evidence by Mr Biggers and the 'anecdotal' nature ascribed by Mrs Kidd, the Parish Council felt that this would be objective, empirical evidence for the Modified NP.

Data Protection law was examined and the ICO were contacted to ensure no breach was being made. The ICO's decision was that the data was incidental to the primary purpose of the camera, was therefore private to the camera owner, not subject to GDPR, and that descriptive matter of the data could be used provided that individuals were not identified. The video evidence from the owner was examined and verified by a member of the NP Steering Group as were the descriptive tables of use he produced. These were incorporated into the NP Annex B with the raw descriptive data included in the LGS Evidence Report. The original video evidence is extremely lengthy but is available if the Examiner wishes to check its source validity.

Phillips comment that there are significant flaws in the process of collection of the video data and its analysis and that it is vague and ambiguous. The data was collected randomly in an unbiased way on 19 days over 6 months. It therefore satisfies the accepted definition of random sampling. The security camera was high definition and facing the width of the field, the videos are clear and, as the width of that section of Gobbey's field surveyed is only about 200 metres, so it is very easy to see what activities happened and whether people were using the right of way path. The Observations Summary shows many detailed comments e.g. girl practising on bike, playing with a ball, drone flyer, family playing football. It is also silly to say that, because faces can't be identified, one cannot see what the person is doing which is nonsense for anyone who watches football on television.

There is a reasonable point that the LGS Evidence Base was accidentally omitted initially. However, the summary is in the Annex which was published. The Evidence Base is just a long list of usage to validate the summary. One either accepts it or not and any doubts can be

removed by the Examiner having access to the source video recordings. In any case, the Annex was available 10 days before the end of the consultation period and MKC would almost certainly have granted an extension if requested. It would appear that Phillips are attacking the video evidence admissibility because it clearly contradicts their argument.

There are a number of miscellaneous comments with which the Parish Council would disagree.

- Negative comments about the SAM. The SAM is about 10% of the area of Gobbey. It is a small part but should not be dismissed. The important Norman heritage of the village has strong local sentiment.
- Negative comments about ecological significance. The copse bordering Gobbey to the east is the only substantial woodland in the village and is home to a wide variety of birds and bats which, for practical reasons, are active and are seen mostly in Gobbey and its immediately surrounding area.
- Comments are made referring to previous Examiners views on validity of the Parish Councils evidence of recreational value of the field. These are out of context as those Examiners did not have access to the video evidence now available.
- The comment that the two previous Examiners found that it failed the criteria of not being an extensive piece of land. This isn't correct. Mrs Kidd found this but Mr Biggers merely said that 'it is a large field'.

The Parish Council has presented evidence for each of the three requirements of NPPF paragraph 100 (on NP page 30) for designation as an LGS and the Phillips response does not alter that evidence.