

Email Statements from Roy Clarke on behalf of the landowner Ms B Ford
Objections relating to Policy 5 – identification of Local Green Space at Shepherds Mead

Received on 30th April, 2nd May and 3rd May 2021 (after consultation deadline)

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In view of the timeframe of a required response "soonest", no precise date mentioned on your part, I am proposing to send you a series of statements by way of email and a comprehensive document including relevant enclosures will follow soonest, the format being also appropriate for consideration further by our Solicitor and Counsel. They are well-versed already.

Naturally, and having already been through the Village Green Inquiry (VGI) process convened by SCC, one would hope some "common ground" may be found here for the benefit of all.

As you may know already ([ref: 2021/0637/FUL](#)) I have endeavoured to explore all manner of "Alternatives to Local Green Space Designations" and have followed, if not invented, the guideline published by the neighbouring BANES Authority viz:
it may be possible for local communities to reach either formal or informal agreements with the owner of the site to ensure access to the site for local people. This may be an appropriate option where the site owner has a long term connection with the local area, it may be possible for the land-owner to dedicate the site as "open access land". I have not offered "Community Purchase", I have offered the land for free, initially 100% and now 65%, but yes, subject to conditions which seemingly the Parish Council feel they cannot accept. As you know the VGI was convened by SCC on behalf of the Parish and it is a matter of record, which presumably you will also know, that the purpose was "to stop development of an approved site already passed by Mendip District Council following due democratic process."

Firstly, may I establish that my comprehensive Formal Response document sent to yourselves on 18 March 2019 was received please.

Would you then also please confirm the content was digested as at no stage have I received any questions thereto.

I enclosed reference to the Appeal Decisions during the period by Jonathan Manning BSc (Hons MA MRTPI and Simon Hand MA with all manner of considerations to wildlife, the lack of significant historic links, no view of the land from the other side of the village etc. etc.....development has of course been extended further down the site, the current development is merely an extension into the site..

I see costs were also awarded at that time to the Developer "the local planning authority behaved unreasonably", Robert Parker BSc (Hons) Dip TP MRTPI. You may say "not particularly relevant to the matter now before you" which I agree, however it does reinforce that there has been a driving force to thwart the due planning process.

It is not lost on anyone that Mrs Oliver during the period has been at the same time County Cllr with SCC, District Cllr with MDC, Chair and Member of the Parish Council/Resident nearby to the land in question and to my knowledge in all the meetings she has attended there has been but one ever declaration of interest where she was represented by another

Cllr. Mrs Oliver conceded to the Objector's Cross Examination that "she also sat on the Group dealing with the LGS application was misleading".

It is a matter of Parish Council Record " I am submitting an LGS application in case the VG Application fails", the writers words.... the criteria for one being invariably at total odds with the other, organised football and cricket matches on an ancient wildflower meadow etc which on the other part is " tranquil". One assumes had a Unitary Authority been involved someone would have said " you can try one or the other but not both!".

So, a third and final question at this stage please, are you familiar and have copies of the VG Judgement and have they been referred to?

The reason i ask is that the NSP NP/Referendum Version/03/09/2019 suggests over 100 people at 2 meetings in 2015 supported the application and the justification is reaffirmed in the VG Inspector report of March 2018 " He (the Inspector) said he was impressed with a very vivid description (para 666) of views over the meadow".

P666 read " I was impressed with Mr P's recollection of what he could see including Mr P providing a very vivid description of how he would wake up every morning and look over the meadow." This is private property of course. what he could see were people activities.

END Page 1 REF: BFORD/Landowner/03/05.

Page 2 Response.....

Recap, the LGS Application was a "backstop" in case the VG Application failed.

The VG Application did not fail insofar as a modicum of land was awarded Village Green status in accordance with the findings at the 2017 Inquiry.

The VG Application did fail insofar as the object was to stop development at the other end of the site.

However pursuit of the LGS status has now continued on the remainder land clearly to stop future development.

LGS designation cannot be applied to create a new " Green Belt " by the backdoor.

Putting this LGS Application to the test, Designation needs to be consistent with local plan policy within the area, together with NPPF criteria i.e where the space is:

a) close proximity.....A GIVEN.

b) special to the local community, NONE of these features apply, the Parish Council have pursued and been unable to secure independent support for matters such as wildlife etc. often quite the contrary has been advised. Other claims are contrary to the VGI submissions, tranquillity etc, various Inspectors have dismissed the historic importance, if any. The boundary of the VG has removed many of the surrounding buildings from the LGS.

c) an extensive tract of land. MDC appear not to have evolved a preferred approach to identify LGS threshold standards (i.e. maximum appropriate LGS site area).

Looking at the NSP Settlement area plan it would appear that the Parish Council have applied for about 40% of the land both within and outside of the Settlement area to be LGS. It is clear that relatively compared to others there are " extensive tracks of Land" of the 10 nominated.

The VGI decision has catered also for the matter of view to the Southern Ridge and further the landowner has provided an additional footpath along the North boundary. If I may respectfully draw your attention to Mr Oliver's objection letter dated 11/04/21, ref: 2021/0673/FUL, you will find a full explanation of how the landowner has provided additional footpaths at the suggestion of the VG Inspector. These will be contained on the land now claimed as LGS!

The Parish Council in turn have failed to inform the Public that LGS outside the Settlement area provide exemptions, clearly subject to planning approval for agricultural buildings, the land is very much agricultural registered. Sheep are continually grazed each Season. In fact the Parish have been so advised " LGS/VG will prevent further development in perpetuity"..

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A freedom of information request please.

I am aware of the Harrison Grant letter of 19/10/2020 to the Chief Exec. of MDC.

It is interesting that one of the conclusions is similar to my own viz. "seeks to exclude virtually all development" amongst others.

Also I see amongst many other scenarios that MDC are compelled to consult with all those people who responded to the Reg.17 consultation, one presumes that means landowners too.

One of my prior observations had been lack of MDC contact here.

Over the past few years the Parish Council in turn have organised an inordinate number of secret meetings in relation to LGS/VG matters.

So, in any event presumably there has been on-going correspondence with Harrison Grant, may I see it please.

I also mentioned the "last Friday closure date" for NSP PC to respond with Modifications, does that mean MDC are in a position to progress LGS despite all, including HM Inspector's recom. that all LGS should cease and be reconsidered at a later date?

I understand also that other landowners have complained about the lack of consultation.

There is even a PC Minute on the past VG application that the landowner would not be informed by the Parish Council of the submission!

So where does this all leave us:

1. appropriate responses please including the timeframe and schedule you are working to.
2. please establish once and for all how the PC LGS Application is made in content and what MDC supports as true and correct.
3. this land in question was previously designated by MDC " most suitable for development IF development was needed". The circumstances for the withdrawal by MDC of this Designation are dubious to say the least and of course MDC are now considering a substantial development also outside of the Settlement boundary. The land here on the "North" side of the Village is near to all the North, East and South exit routes including the A36 for Bath/Trowbridge/Frome without affecting in the

main the Village High Street and Bell Hill with the issues of traffic/parking/ school etc. and also the commercial aspect of the Village is nearest to our Land. Clearly if 29 houses or whatever are needed, in addition to the current infill proposals, there is every reason why some could have been built here without affecting the roads and infrastructure whatsoever.....no precious landscape either!!!!!!

4. clearly there is a potential loss to the landowner in preventing some "volume development" and thus far the decision making process cannot stand any test whatsoever. We will be seeking substantive compensation for sure.
5. I remain open to the Parish for discussion in relation to some of the Land in the interim but that timeframe is closing soon.

You will know MDC endorsed a comprehensive appraisal on NSP on 17/10/2007 in accordance with an English Heritage publication 08/2005. As you will see the guidance extends beyond the immediate Conservation Area. You will see an area of "landscape value" was determined which you will see fits in pretty well with the existing footpath network on the land, interestingly it does not even identify the allocated VG space as " of landscape value". There are no qualifying key features either other than one " unlisted positive building but that now backs onto the VG anyway.

No mention of the land is mentioned in the " character analysis either".

Mention of the "views of interest" are covered in 8.3.

A planning inspector more recently commented that this land in question cannot be seen from the far side of the Village.

It is for all these reasons and many more that building continues on the land in question. What has happened here is quite clear, the PC have taken the criteria for LGS and indeed the VGI an engineered the evidence to fit the case. That was patently clear under cross examination at the VGI. My research thus far on the LGS " false claims of meetings/ use of intellectual property by respected organisations, SWT to name but one incl. the distribution of false documents to the planning board, I cannot even establish one test under LGS which satisfies the criteria other than " close proximity".

I submit that if MDC continue to support the Parish then clearly you will be jointly held to account.

Everything I have said and have to say is in public record.

END.

ROY CLARKE

Address redacted

