

From: Tony Saffell [REDACTED]
Sent: 26 January 2017 17:17
To: CARMEL EDWARDS
Cc: 'Clerk'
Subject: RE: NWL Local Plan examination - Further guidance from the inspector 17 January 2017

Hi Carmel

I apologise for the delay but I have had to do a bit of digging to get the information together.

It is expected that this email is to be read in addition to the paperwork already submitted by Castle Donington Parish Council

I have looked at Document EX24 which is an agreed document between NWLDC and Historic England. I am very surprised at the section at Representation Number 16/8/He1 Part2. There is ample Case Law to say that if any there is Any Harm to a Heritage Asset as a result of a proposed development, then there should be an initial presumption in favour of Refusal. I have attached both EX24 for reference and also a Presentation by Grant Lock who is Senior Heritage Consultant of Nathaniel Litchfield and Partners. They were UK Planning Consultancy of the Year 4 years running from 2011 to 2014 by the RTPI. Their conclusion on slide 16 Page 6 is:-

[This means that where any harm, even 'less than substantial' harm, can be shown to occur to the settings of a listed building or conservation area, the default position should be a refusal by the Local Authority](#)

- [The onus is now clearly on the applicant to demonstrate sufficiently powerful material considerations exist and are relevant/necessary to justify harm](#)
- [This includes showing that alternative options have been explored and ruled out that would otherwise avoid the resulting harm to the asset\(s\)](#)
- [Application of ruling is widespread due to the definition of 'setting'](#)
- [Particularly crucial for urban areas too where there may be high concentrations of heritage assets](#)

[Where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal](#)

I have checked with Grant Lock and he confirms that even though this presentation is over 2 years old it is still relevant and recent decisions confirm their advice.

I have also attached a photograph of Donington Hall to show what a fine example of a late 18th Century Grade 1* Listed Country House it is, to support our request that it be included in the Local Plan as we believe it is far more important than either of the two mentioned and therefore better represents the best in North West Leicestershire.

Other issues we raised included the way development within Conservation Areas is considered. You will note that the Parish Council believes that where there are alterations and changes to a building, the effects on not only that building but others in the surrounding area should be taken into account. This is because in a Conservation Area it is the Street Scene which is most important and not just the effects on the main building as suggested in the Draft Local Plan. The District Councils

own guide to development in Conservation Areas it emphasises the importance of the Street Scene. So we can't understand the inconsistency in the Local Plan.

The other point which we are finding difficult to cope with is that there are currently no detailed Plans/Maps which show the exact extent of both the East Midlands Airport and Donington Park. As they both have specific Policies that apply to them, it is very important that we all know the extent of the land covered by these policies. We have been promised detailed plans when the Final Plan is published, but that will be too late to ask for corrections if we discover a problem.

Many thanks for your help in this.

Best regards

Tony Saffell

Ward Member of Castle Donington Parish Council

Ward Member of North West Leicestershire District Council

Castle Ward, Castle Donington.

