

Appendix 4 – Extracts from EXAM 19 and EXAM 19b

EXAM 19

Policy NEH4 - Proposed designation of allotments in Thorpe Malsor

42. At the hearings we discussed the proposed allocation of land at Thorpe Malsor as open space under Policy NEH4 (allotments at Short Lane Reference 478). Previously proposed MM50 (now at page 147 of EXAM 18c as a change to the policies maps) seeks to reduce the size of an identified area of open space to the north east of the village. This change was put forward by the Council in response to Reps 71/72 from the landowner, Thorpe Malsor Estate, who sought the deletion of the entire site from the open space designation.
43. At the hearings we discussed the smaller area incorporating the seven allotments which the Council seeks to retain for allocation as open space. These are owned by the Thorpe Malsor Estate who object to their designation since they are private allotments. Paragraph 2.2 of the Open Space Audit and Needs Assessment (March 2020) indicates that in auditing local provision (supply) of open spaces (including allotments) only sites publicly accessible are included (ie. private sites or land, which people cannot access, are not included). Part 3 of the audit identifies 23 accessible allotment sites including Short Lane.
44. The Thorpe Malsor Estate indicates that the allotments are privately owned and managed with no public access. Access to them is restricted to those who lease an allotment from them. There is no evidence to the contrary from the Council. The Site Specific Proposals Local Development Document Background Paper: Open Space and Allotments February 2012 considers allotment provision at section 8. The table on Page 19 indicates that the ownership of the allotments at Short Lane (ID5) are unknown/to be checked. It is not evident to me that this check has been subsequently undertaken or what it revealed. I have seen no detailed site assessment for the site through any subsequent work and the Thorpe Malsor Estate indicates that it has provided no input as landowner to the 2020 audit.
45. The Council's response to Rep 71 advises that private allotments are included in the open space audit because they make an important contribution to meeting need for allotment provision. However, this stance is at odds with the audit methodology set out above which specifically excludes private sites or land which people cannot access. The Council indicated at the hearings that it considered the allotments at Short Lane to be publicly available. However, that is not the same as publicly accessible (which is what the audit's methodology requires of spaces for inclusion). On this basis, unless there is additional evidence on this matter that I have not seen, I consider that the site's designation as allotments is unjustified and should be deleted.

EXAM 19b

4. In terms of Policy NEH4, I acknowledge the comments at paragraph 9 of your letter and understand that access requirements for allotments are different to other types of open space. However, I am unable to find anything in the Open Space Audit and Needs Assessment (March 2020) which refers to this intended alternative approach to allotments. The methodology for that assessment is set out at paragraph 2.2 and indicates that private sites or land, which people cannot access, are not included. There is no additional/supplementary methodology or context for allotments set out in that document. This being so, I cannot find that the Thorpe Malsor allotments (which are privately owned and managed with no public access) meet the terms of the audit and are justified for allocation. Although I have not been made aware of any other directly comparable allotment sites to the one at Thorpe Malsor, I confirm that any such sites which do not meet the methodology in the audit should not be included in the Plan.