

Landowner/leaseholder - Local Green Space Consultation – June 2015 Response Form

Your name / organisation:

[Redacted]

Address and contact details (please include phone number & email address):

[Redacted]

In order to be able to proceed with the protection of the green spaces that have been put forward for designation as Local Green Spaces we **must** have for each space:

- details of the ownership of the land (if at all possible)
- a map of the boundaries
- an explanation of how it meets the criteria for designation and
- specific justification for why it is demonstrably special to the local community

Therefore please **first** check the List of Nominated Local Green Spaces and maps which can be viewed at: www.southglos.gov.uk/lgsd15 which identifies where further information on any of the above is still needed and then provide us with the additional information, where necessary, using this form:

If you are the landowner and wish to support or object to any of the spaces being nominated, please use this form to tell us how the space does or does not meet the criteria, by completing the questions below.

PLEASE USE A SEPARATE FORM FOR EACH GREEN SPACE

Name and code of nominated space:

Please clearly reference the individual Local Green Space's code provided in both the List of nominated Local Green Spaces and the maps, available from www.southglos.gov.uk/lgsd15

LGSD533 - "Amenity" Land at the Deer Park, Old Down in the parish of Olveston.

A) Ownership of Local Green Space

Please indicate if you or your organisation are the landowner/leaseholder:

Freehold landowner

As the land owner / leaseholder, are you aware of the proposal to designate your land?

We are aware of the proposals following receipt of South Gloucestershire Council's correspondence dated 13th July 2015 received on 22nd July 2015.

Are you in support of or objecting to the proposals to designate this land?

Strongly objecting to the proposals

If you are objecting to the proposals to designate your land, what are your reasons? (Please refer to criteria in sections C and D below in particular)

We object to the proposal to designate this agricultural land in private ownership on the basis that the space does not meet the criteria required for Local Green Space designation.

Under the National Planning Policy Framework clause 77 states that the presumption is that such designation will not be appropriate for most green areas or open spaces unless the specific criteria required for LGS designation are demonstrated and proven.

The application submitted by Olveston Parish Council was a vexatious submission made without our knowledge or support and includes misleading statements and a total lack of "evidence". For the avoidance of doubt we can confirm:-

1. The application submission incorrectly refers to the land as "amenity land". The correct terminology is "privately owned land with agricultural use". There are three PROW located primarily to the perimeter of the land, and there is no "as of right" access to the main area.
2. The application submission makes reference to "recreational use". The land is covered by a "landowner statement" which was registered with South Gloucestershire Council under Section 31/6 of the highways act and Section 15A(1). The statement formalises that there is no recreational use "as of right". The statement was logged over 12 months ago with South Gloucestershire Council and there have not been any claims against the statement. The statement merely formalised the access by permission put in place by the previous owner [REDACTED]
3. The site identification plan submitted to support LGSD533 is incorrect in various respects in relation to both title boundaries and uses. The plan also includes space which is subject to existing planning consents and as such cannot be designated as LGS.

Please also refer to Section D of this form where we have responded to the very weak "evidence" submitted with the LGS application, and where we have demonstrated that none of the specific criteria required for such designation have been sufficiently verified to enable an LGS designation.

We also note that the land proposed is already subject to Green Belt planning policy, so no additional local benefit would be gained by designation as Local Green Space, in fact if such designation is continued to be sort by South Gloucestershire Council we shall have no option but to follow our solicitor's advice which would result in a detrimental outcome for the community, including but not limited to:-

- 1) Closure of all permissive ROW and formally restrict access to just the PROW.
- 2) Closure of all access points not covered by the formal PROW.
- 3) Fencing off the main lower field to physically restrict any public access.

The outcome of such designation would therefore be detrimental to the community and not to the benefit of the community as intended by this specific piece of legislation. Such designation will result in the loss of public access to the land by permission, other than over corridors that would be formed by fencing off the PROWs.

The LGS legislation is intended to identify specific spaces with outstanding character that warrants additional planning control to protect such character. LGSD533 is not one of these, and any intention to continue to promote this designation will be strongly contested through both planning and Human Rights legislation.

B) Map of proposed Local Green Space

PLEASE PROVIDE A MAP WHICH SHOWS THE BOUNDARIES OF THE PROPOSED LOCAL GREEN SPACE

If not previously provided. Please see List of Nominated Local Green Spaces and Mapped, nominated Local Green Spaces to check if this is required. www.southglos.gov.uk/lgsd15

IF YOU ARE THE LANDOWNER PLEASE PROVIDE A MAP OF YOUR OWNERSHIP

This is particularly important if this differs from the area proposed for designation e.g. if you own only part of the proposed Local Green Space, see the mapped, nominated Local Green Spaces: www.southglos.gov.uk/lgsd15

C) Does the space meet the national criteria for designation as a Local Green Space?

Please provide a response to each of the following 5 criteria - where information has not already been provided or is incorrect in the List of nominated Local Green Spaces. (Table 1 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details of the criteria and guidance on what sort of information you may wish to submit):

1. Is the proposed space subject to a planning permission for development? (See Criteria 1 in the guidance note)

Yes - parts of the land proposed have already been granted planning permissions for development - and as such LGS designation cannot be applied.

2. Is the proposed space the subject of an allocation, or proposal to allocate, for development in the Local Plan? (See Criteria 2 in the guidance note)

No - but within Green Belt.

3. Is the proposed space an extensive tract of land and is it local in character? (See Criteria 3 in the guidance note)

The land is not specifically "local in character", and this vexatious application constitutes a "blanket designation of open countryside" which is specifically not appropriate for this legislation.

4. Is the space within close proximity to the community it serves? (See Criteria 4 in the guidance note)

The space does not "serve the community".

5. Is the specific space demonstrably special to the local community? e.g. not a blanket designation (see Criteria 5 in the guidance note)

As noted above this application is a "blanket designation", and fails to meet any of the specific criteria required under sections 6 to 11 of the South Glos LGS guidance notes, as detailed in Part D below.

D) Why is the space of particular local significance?

Please use the following response box to provide specific evidence as to how at least one of the following criteria is relevant:

Please state which criterion, 6-11, are relevant to the nominated space. Table 2 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details on the criteria and guidance on what sort of information you may wish to submit to justify how the space is of particular local significance and demonstrably special to the community that use it:

6. The proposed space is of particular local significance because of its beauty
7. The proposed space is of particular local significance because of its historic significance
8. The proposed space is of particular local significance because of its recreational value
9. The proposed space is of particular local significance because of its tranquillity
10. The proposed space is of particular local significance because of its richness of wildlife
11. The proposed space is of particular local significance because of another reason not covered by criteria 6-10.

The information submitted as part of the application comprises misleading generic statements with weak comments / observations devoid of any specific fact or "evidence". The observations are not sufficient to enable South Glos to deem that "evidence" has been submitted in support of the application, and they would not withstand closer examination or scrutiny at any appeal or court action which will result if this attempt of LGS designation is progressed further.

In response to the specific criteria required for LGS designation we note:-

Criteria 6 - No "evidence" has been submitted with the application to support "local significance because of its beauty". It is a semi rural location with views towards the M48 and Avonmouth - but is not sufficiently different to many other local fields on a hill to justify compliance with this specific criteria.

Criteria 7 - No evidence has been submitted with the application to support "local significance because of its historic significance". The application refers to features of "historic interest" but fails to actually state what these are. There are none - it is a field with agricultural use that used to form part of a larger estate - like much of the surrounding land. There is no historic significance to justify compliance with this specific criteria.

Criteria 8 - The "evidence" submitted to support its "recreational value" is incorrect on the basis that, as evidenced by the landowner statement (and the fact that it was not challenged) there is no right for recreational use against which this criteria could be applied. In any event if LGS designation was progressed further the main field will be fenced off to prevent all access by the public.

The application also makes reference to a "circular footpath route". This route relies on various permissive rights of way which will be withdrawn and closed if this designation is progressed further.

The "well used footpaths" are PROW and therefore do not require any further designation - and are no different to many "well used footpaths" in the surrounding area.

Criteria 9 - No evidence has been submitted with the application to support "local significance because of its tranquillity". It is a semi rural location which overlooks the M48 - whose rumble can be heard at all times of the day. The term "tranquil" is therefore not applicable.

The suggestion that the land offers a "real feeling of rurality and relative isolation" is obscure bearing in mind the views towards Avonmouth, the M48 and the outskirts of Bristol. The land is not in the depths of the Cotswolds and is not sufficiently different to many other local fields with PROWs to justify compliance with this criteria.

Criteria 10- No evidence by way of reports or surveys has been submitted with the application to support "local significance because of its richness of wildlife". We are not aware of the land being recorded as an SNCI. In fact when the land was sprayed to control ragwort a couple of years ago the Parish Council claimed that all plant diversity had been eradicated.

The land is no longer part of the Defra Countryside Stewardship Agreement, and was not deemed of sufficient interest by Natural England to offer any continued support or funding .

Like many of the surrounding fields the land has a range of flora and fauna - however this is not uncommon in the area and is not sufficient to warrant the special significance that is required to fulfil this criteria.

Criteria 11- No evidence has been submitted to substantiate additional matters of particular local significance because of another reason not covered by criteria 6-10.

If you are objecting to the nominated space, please provide details of how the space might not meet these criteria.

Please return completed forms by close of business on 21st August 2015

If you are a Parish or Town Council landowner/leaseholder, please reply by the 30th July 2015:

By e-mail: PlanningLDF@southglos.gov.uk

By post:

Strategic Planning Policy and Specialist Advice Team

South Gloucestershire Council

Environment and Community Services Department

PO Box 299

Civic Centre

High Street

Kingswood

Bristol

BS15 0DR

Viewing documents

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The consultation documents are also available to view online at:

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 - Yate, Kennedy Way, BS37 4DQ (access via West Walk)
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Data protection

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**Landowner/leaseholder - Local Green Space Consultation – June 2015
Response Form**

Your name / organisation:

[Redacted]

Address and contact details (please include phone number & email address):

[Redacted]

In order to be able to proceed with the protection of the green spaces that have been put forward for designation as Local Green Spaces we must have for each space:

- details of the ownership of the land (if at all possible)
- a map of the boundaries
- an explanation of how it meets the criteria for designation and
- specific justification for why it is demonstrably special to the local community

Therefore please first check the List of Nominated Local Green Spaces and maps which can be viewed at: www.southglos.gov.uk/lgsd15 which identifies where further information on any of the above is still needed and then provide us with the additional information, where necessary, using this form:

If you are the landowner and wish to support or object to any of the spaces being nominated, please use this form to tell us how the space does or does not meet the criteria, by completing the questions below.

PLEASE USE A SEPARATE FORM FOR EACH GREEN SPACE

Name and code of nominated space:

Please clearly reference the individual Local Green Space's code provided in both the List of nominated Local Green Spaces and the maps, available from www.southglos.gov.uk/lgsd15

LGSD533 - "Amenity" Land at the Deer Park, Old Down in the parish of Olveston.

A) Ownership of Local Green Space

Please indicate if you or your organisation are the landowner/leaseholder:

Freehold landowner

As the land owner / leaseholder, are you aware of the proposal to designate your land?

We are aware of the proposals following receipt of South Gloucestershire Council's correspondence dated 13th July 2015 received on 22nd July 2015.

Are you in support of or objecting to the proposals to designate this land?

Strongly objecting to the proposals

If you are objecting to the proposals to designate your land, what are your reasons? (Please refer to criteria in sections C and D below in particular)

We object to the proposal to designate this agricultural land in private ownership on the basis that the space does not meet the criteria required for Local Green Space designation.

Under the National Planning Policy Framework clause 77 states that the presumption is that such designation will not be appropriate for most green areas or open spaces unless the specific criteria required for LGS designation are demonstrated and proven.

The application submitted by Olveston Parish Council was a vexatious submission made without our knowledge or support and includes misleading statements and a total lack of "evidence". For the avoidance of doubt we can confirm:-

1. The application submission incorrectly refers to the land as "amenity land". The correct terminology is "privately owned land with agricultural use". There are three PROW located primarily to the perimeter of the land, and there is no "as of right" access to the main area.
2. The application submission makes reference to "recreational use". The land is covered by a "landowner statement" which was registered with South Gloucestershire Council under Section 31/6 of the highways act and Section 15A(1). The statement formalises that there is no recreational use "as of right". The statement was logged over 12 months ago with South Gloucestershire Council and there have not been any claims against the statement. The statement merely formalised the access by permission put in place by the previous owner [REDACTED]
3. The site identification plan submitted to support LGSD533 is incorrect in various respects in relation to both title boundaries and uses. The plan also includes space which is subject to existing planning consents and as such cannot be designated as LGS.

Please also refer to Section D of this form where we have responded to the very weak "evidence" submitted with the LGS application, and where we have demonstrated that none of the specific criteria required for such designation have been sufficiently verified to enable an LGS designation.

We also note that the land proposed is already subject to Green Belt planning policy, so no additional local benefit would be gained by designation as Local Green Space, in fact if such designation is continued to be sort by South Gloucestershire Council we shall have no option but to follow our solicitor's advice which would result in a detrimental outcome for the community, including but not limited to:-

- 1) Closure of all permissive ROW and formally restrict access to just the PROW.
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The outcome of such designation would therefore be detrimental to the community and not to the benefit of the community as intended by this specific piece of legislation. Such designation will result in the loss of public access to the land by permission, other than over corridors that would be formed by fencing off the PROWs.

The LGS legislation is intended to identify specific spaces with outstanding character that warrants additional planning control to protect such character. LGSD533 is not one of these, and any intention to continue to promote this designation will be strongly contested through both planning and Human Rights legislation.

B) Map of proposed Local Green Space

PLEASE PROVIDE A MAP WHICH SHOWS THE BOUNDARIES OF THE PROPOSED LOCAL GREEN SPACE

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IF YOU ARE THE LANDOWNER PLEASE PROVIDE A MAP OF YOUR OWNERSHIP

This is particularly important if this differs from the area proposed for designation e.g. if you own only part of the proposed Local Green Space, see the mapped, nominated Local Green Spaces: www.southglos.gov.uk/lgsd15

C) Does the space meet the national criteria for designation as a Local Green Space?

Please provide a response to each of the following 5 criteria - where information has not already been provided or is incorrect in the List of nominated Local Green Spaces. (Table 1 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details of the criteria and guidance on what sort of information you may wish to submit):

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No - but within Green Belt.

3. Is the proposed space an extensive tract of land and is it local in character? (See Criteria 3 in the guidance note)

The land is not specifically "local in character", and this vexatious application constitutes a "blanket designation of open countryside" which is specifically not appropriate for this legislation.

4. Is the space within close proximity to the community it serves? (See Criteria 4 in the guidance note)

The space does not "serve the community".

5. Is the specific space demonstrably special to the local community? e.g. not a blanket designation (see Criteria 5 in the guidance note)

As noted above this application is a "blanket designation", and fails to meet any of the specific criteria required under sections 6 to 11 of the South Glos LGS guidance notes, as detailed in Part D below.

D) Why is the space of particular local significance?

Please use the following response box to provide specific evidence as to how at least one of the following criteria is relevant:

Please state which criterion, 6-11, are relevant to the nominated space. Table 2 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details on the criteria and guidance on what sort of information you may wish to submit to justify how the space is of particular local significance and demonstrably special to the community that use it:

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11. The proposed space is of particular local significance because of another reason not covered by criteria 6-10.

The information submitted as part of the application comprises misleading generic statements with weak comments / observations devoid of any specific fact or "evidence". The observations are not sufficient to enable South Glos to deem that "evidence" has been submitted in support of the application, and they would not withstand closer examination or scrutiny at any appeal or court action which will result if this attempt of LGS designation is progressed further.

In response to the specific criteria required for LGS designation we note:-

Criteria 6 - No "evidence" has been submitted with the application to support "local significance because of its beauty". It is a semi rural location with views towards the M48 and Avonmouth - but is not sufficiently different to many other local fields on a hill to justify compliance with this specific criteria.

Criteria 7 - No evidence has been submitted with the application to support "local significance because of its historic significance". The application refers to features of "historic interest" but fails to actually state what these are. There are none - it is a field with agricultural use that used to form part of a larger estate - like much of the surrounding land. There is no historic significance to justify compliance with this specific criteria.

Criteria 8 - The "evidence" submitted to support its "recreational value" is incorrect on the basis that, as evidenced by the landowner statement (and the fact that it was not challenged) there is no right for recreational use against which this criteria could be applied. In any event if LGS designation was progressed further the main field will be fenced off to prevent all access by the public.

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Criteria 10- No evidence by way of reports or surveys has been submitted with the application to support "local significance because of its richness of wildlife". We are not aware of the land being recorded as an SNCI. In fact when the land was sprayed to control ragwort a couple of years ago the Parish Council claimed that all plant diversity had been eradicated.

The land is no longer part of the Defra Countryside Stewardship Agreement, and was not deemed of sufficient interest by Natural England to offer any continued support or funding .

Like many of the surrounding fields the land has a range of flora and fauna - however this is not uncommon in the area and is not sufficient to warrant the special significance that is required to fulfil this criteria.

Criteria 11- No evidence has been submitted to substantiate additional matters of particular local significance because of another reason not covered by criteria 6-10.

If you are objecting to the nominated space, please provide details of how the space might not meet these criteria.

Please return completed forms by close of business on 21st August 2015

If you are a Parish or Town Council landowner/leaseholder, please reply by the 30th July 2015:

By e-mail: PlanningLDF@southglos.gov.uk
By post:
Strategic Planning Policy and Specialist Advice Team
South Gloucestershire Council
Environment and Community Services Department
PO Box 299
Civic Centre
High Street
Kingswood
Bristol
BS15 0DR

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Your name / organisation:

Olveston Parish Council

Address and contact details (please include phone number & email address):



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LGSD 533

Amenity Land at the Dear Park Old Down

A) Ownership of Local Green Space

Please indicate if you or your organisation are the landowner:

No

If you are not the landowner can you provide their name and contact details?



Is the land owner aware of the proposal to designate their land?

Unknown

(If you are not the landowner please now continue to Section B)

If you are the landowner, are you in support of or objecting to the proposals to designate this land?

If you are objecting to the proposals to designate your land, what are your reasons? (please refer to criteria in sections C and D below in particular)

B) Map of proposed Local Green Space

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D) Why is the space of particular local significance?

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