

South Gloucestershire Policies, Sites and Places Plan: Consultation on Local Green Space Designation

The following comments are submitted on behalf of Persimmon Homes Severn Valley on the South Gloucestershire Local Green Space consultation. They should be read in conjunction with previous comments submitted on the Policies, Sites and Places Plan Policy PSP4 on Local Green Space.

General Comments

Persimmon Homes Severn Valley (PHSV) have concerns about the consultation process relating to the Local Green Space Designation and the lack of clarity in the process and the impact this will have on the soundness of the DPD.

Firstly a list of Local Green Spaces was included in the Consultation Draft of the Policies, Sites and Places Plan in June 2004 but with no proper mapping. The proposed submission version of the Policies, Sites and Places Plan was published in March 2015, but again without plans and with no list of the proposed Local Green Spaces until the release of the current consultation in June 2015. Even so, it was not until the 13th of July 2015 that a landowner consultation was launched, despite the fact that we raised the issue of the lack of consultations with landowners in responding to the June 2014 consultation.

The result of this process is that it has completely ignored the guidance in National Planning Policy Guidance that 'the local planning authority (in the case of local plan making) . . . should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space' (37-019). Given the restrictive nature of the designation and the fact that 'management of the land designated as Local Green Space will remain the responsibility of its owner' and 'how it will be managed in the future is likely to be an important consideration' (NPPG 37-021), early involvement of landowners is a key consideration.

There is also an expectation in the NPPG that there would be involvement of the local community and interested organisations in future management of the land if it is designated. The action of the Council in not consulting landowners early is not likely to encourage corporation of landowners, if they feel a restrictive designation is being imposed on their land.

There are two other issues concerning the clarity of the consultation material. Firstly, it would have been clearer if the plan and the schedule for each piece of land had been presented together in a single document. At the very least, the plans should have been absolutely clear and specially identified those areas of land proposed to be designated as Local Green Space and those that the Council consider are not appropriate.

Secondly, the Local Green Space consultation note does not contain any reference to the emerging policy PSP4 in the Policies, Sites and Places Plan. This should have been set out for information in the policy context section of the note because there is no certainty that those responding to the Local Green Space Consultation have also referred to the Policies, Sites and Places Plan. Also in that respect the response form for the consultation should have been structured as the normal formal response form to a DPD with questions on the soundness of the plan and appearance at the Examination.

Consequently, as this consultation forms part of the formal consultation on the Policies, Sites and Places Plan, PHSV consider in respect of Policy PSP4 and the schedule of proposed Local Green Spaces, the Plan fails the tests of soundness set out in paragraph 182 of the NPPF because it has not been positively prepared and it is not consistent with national policy and guidance.

We note that the Consultation Document includes says the Council will be considered in September/October 2015 followed by a further round of consultation. This will result in a considerable delay to the Policies, Sites and Places Plan which was originally intended to be submitted in June 2015 and is to be regretted.

Interpretation of Extensive Tract of Land

Guidance is clear that the designation 'should only be used . . . where the green area concerned is local in character and is not an extensive tract of land' (NPPF paragraph 77, NPPG 37-015).

We note that the Consultation Document in Table 1, part 3, uses a benchmark figure of 19 hectares 'as a suitable measure' to define an extensive tract of land and that this is 'in accordance with a recent independent Examiner's decision relating to a Neighbourhood Plan'. This is a reference to the Examiners Report into the Backwell Neighbourhood Plan in response to an objection by PHSV on land at Farleigh Fields, Backwell, which the Neighbourhood Plan had proposed should be designated as Local Green Space. We consider it is inappropriate to apply this figure more generally. The Examiner's conclusions relate entirely to the specific circumstances of the land at Farleigh Fields which is in accordance with NPPG guidance that 'there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed' (NPPG 37-015, with our emphasis).

In the case of Backwell the Examiner did apply his own judgement to the local circumstances in relation to Farleigh Fields – 'in the case of Farleigh Fields, it is my view that 19 hectares also comprises an extensive tract of land.' Even so the size yard stick he used was entirely arbitrary because as PHSV made clear the area of land at Farleigh Fields is actually 21.04 hectares not 19 hectares.

Consequently there may be areas less than 19 hectares, which in the context of the local circumstances, would also be considered an extensive tract of land and inappropriate for designation as a Local Green Space.

General Comment on Chipping Sodbury

PHSV have a general comment relating to the following nominated areas of Local Green Space at Chipping Sodbury LGSD269; LGSD270, LGSD271, LGSD276, LGSD277, LGSD278, LGSD279, LGSD280 (but also see separate specific comments on this land and comments in response to the Policies, Sites and Places Plan policy PSP4), LGSD930, LGSD935 and LGSD936.

PHSV support the Council's assessment of each of these sites that they do not individually meet the criteria for designation as Local Green Space, principally because they are above 19 hectares in size and therefore are an extensive tract of land, or are protected by other designations (variously allotments, The Ridings, Chipping Sodbury Golf Course, local nature reserve or common land).

In addition, in combination, they would constitute an extensive tract of land and would be a blanket designation of open countryside immediately adjoining Yate and Chipping Sodbury. Effectively this would be a "backdoor" way to try to achieve what would amount to a new area of green belt by another name" (NPPG37) and contrary to NPPF paragraph 77.

Comments on LGS280

Firstly, applying national guidance, the starting point in the NPPF is that Local Green Space is an exceptional designation:

- NPPF76 refers to 'special protection'
- NPPF77 says it is not appropriate for most green spaces or open space
- NPPF78 says Local Green Space protection (once made) is equivalent to green belt where 'very special circumstances' would apply.
- NPPF77 sets out a three part test which re-emphasises the exclusivity of the designation where it should 'only be used'.
- NPPF77 in reading the first and third bullet points together it demonstrates Local Green Space must be physically limited/constrained (ie in close proximity to the community and local in character and not extensive).

Taken together the land at LGSD280 does not pass the above tests or meet all the criteria set out in table 1 of the consultation document.

For all the reasons set out in this response the land at LGSD280 is not appropriate for designation as a Local Green Space.

Secondly whilst the appropriateness of a particular piece of land for designation as Local Green Space is essentially a local decision related to the characteristics of each site, there are however wider considerations which have to be passed first. We comment on each below.

NPPF76 says 'identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the plan period' (our emphasis).

This is a two part test which means the Council has to satisfy itself that, firstly it has allocated sufficient land to meet needs and that any Local Green Space designation will last beyond the end of the plan period. We do not consider the land at LGSD280 passes this test. Firstly, the requirement to be consistent with local planning of sustainable development is not restricted to the end of the currently adopted plan period. Secondly that current plan, the Core Strategy, contains a commitment for it to be reviewed in 2018. Thirdly, that review process is already underway with the publication of the wider Bristol HMA Strategic Housing Market Assessment in June 2015 and the publication of the timetable for the preparation of a Joint Spatial Plan to cover the period 2016-2036. Fourthly, the land has been submitted in the ?? sites as part of this process and the local plan review process. In view of this plan review process and the potential role this land may have in meeting future needs there is no certainty that designation of the land as Local Green Space will endure beyond the end of the Policies, Sites and Places Plan period.

PHSV support the Council's assessment that LGSD280 is not suitable for designation as Local Green Space. We have the following comments on the various sections in the schedule as follows:

3c – PHSV agree that the space is an extensive tract of land which is not suitable for this designation.

4g – is there another reason for the space being significant? PHSV consider that views and vistas from the AONB and Cotswold National Trail are not a local consideration relevant to the identification of land as Local Green Space. In addition, Local Green Space is not a landscape designation which should be used to designate a buffer between settlements and in this respect it would also be contrary to NPPG 37-015 as it would be tantamount to establishing a new area of green belt.

4h – firstly, the visual significance of the land from the Cotswold AONB and Cotswold Way National Trail is equally not relevant to the designation of the land as Local Green Space. Secondly, due to the existing open space buffer and existing tree cover the visual impact

from St Johns Way is minimal. Comments on the buffer issue apply as above. Thirdly, whether or not the land is mediaeval parkland, on its own does not justify designating the land as Local Green Space, given that in assessing the planning balance other considerations demonstrate the land is not suitable for designation.

Conclusion

In conclusion PHSV confirms its objection to designation of LGSD280 as Local Green Space and considers that in respect of Policy PSP4 and the Schedule of Local Green Spaces subject to this consultation that the DPD fails to meet the tests of soundness set out in the NPPF.

Paul Davis

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