

WCO/DW/BRS.4464

18 August 2015

South Gloucestershire Council
Strategic Planning Policy & Specialist Advice Team
PO Box 299
Civic Centre
High Street
Kingswood
Bristol
BS15 0DR

By email only: PlanningLDF@southglos.gov.uk

Dear Sir / Madam

South Gloucestershire Policies, Sites and Places Plan (PSP Plan): Local Green Space Designation (Green Space Code: LGSD1174)

1. Introduction

Pegasus Group has been instructed by our client, Woodstock Homes, to submit a representation to the production of the PSP Plan in respect of the nomination of a Local Green Space. The nominated space is named in Appendix 2 of the PSP Plan as "Land at Wellington Road, near to Cambrian Drive" (Green Space Code: LGSD1174). The plan is attached to this letter at **Appendix 1**.

Pegasus Group have already made a representation to the Pre-Submission Consultation of the PSP Plan and this is attached for convenience at **Appendix 2**. To summarise, this representation asserts:

- i) Given the lack of an up-to-date SHMA which independently assesses the full objectively assessed housing need, concern is raised as to whether the PSP DPD is likely to be found sound by an Inspector;
- ii) We are concerned about the number (approx. 560) of proposed Local Green Spaces designations. Paragraph 77 of the NPPF clearly states that "*the Local Green Space designation will not be appropriate for most green areas or open space*" (our emphasis);
- iii) Of particular concern to us is the designation of Local Green Spaces *within settlement boundaries*, where the principle of development of housing is supported under (saved) policy H4 of the South Gloucestershire Local Plan 2006 and policy PSP5 of the emerging PSP DPD, especially given that South Gloucestershire needs a boost in housing numbers to meet unmet need (as confirmed by the Charfield appeal Inspector).

2. The Policy Context

Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. The NPPF at Paras. 76, 77 and 78 provides the following guidance on Local Green Space designations:

76 Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. 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. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

77 The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

78 Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

The proposed designation of spaces must be based on evidence to demonstrate why the green area is demonstrably special to a local community and holds a particular local significance. A potential Local Green Space should meet the criteria set out in the National Planning Policy Framework and the National Planning Practice Guidance.

3. Assessment: Site LGSD1174

The site is privately owned by our client and is currently adjacent to an area of wider open space. Site LGSD1174 is located in the Yate urban area and is well contained, surrounded by built development on three sides. There is a large area of public open space to the north, owned by South Gloucestershire Council, which is also nominated to be designated as a Local Green Space (LGSD483). The Council's site is managed and maintained by Yate Town Council and contains children's play equipment.

Our client's site is poorly maintained scrubland of which there is little evidence of use by local residents. An aerial photograph from 2015 is attached at **Appendix 3**. Due to the condition of the site it has little in the way of recreational value and nor is it of historic significance. As discussed further in section 4 of this letter, recent ecological assessment in support of planning application PK15/2330/F confirm that the site is not rich in wildlife.

It is also not considered that the site could be considered one of “beauty” as per the test in para 77 of the NPPF and designation would not be appropriate on landscape or historic character grounds.

It is our view that site LGSD1174 is not locally significant and does not meet the tests of the NPPF and NPPG. Furthermore, the Council have not provided evidence to date on why the green area is demonstrably special to the local community and how it holds particular local significance.

It should be noted that the PPG at para. 015 (Reference ID: 37-015-20140306) firmly states that a LGS should not be used to provide a blanket protection from development. It is clear that this is the intention behind a number of the proposed designations which is evidently inappropriate.

In addition my client would like to point out that this land was formally designated as part of the Local Centre for commercial uses under the Rectory Farm development. The residential and commercial scheme that was encompassed under this scheme was covered by a section 52 agreement which imposed requirements for POS which were met and indeed exceeded. As such there is already a good amount of POS available locally.

4. Planning Application PK15/2330/E

Pegasus Group, on behalf of Woodstock Homes, submitted a planning application at site LGSD1174 for 18no. dwellings with associated works, access, parking and amenity space on 1st June 2015. This submission is still within the application process. An ecology assessment was submitted with this application which confirms the site is not rich in wildlife. The Council’s landscape officer also states in his consultation response dated 9 July 2015 to the proposal that “...because currently the southern boundary is not vegetated, with views to the backs of houses, it is felt that the visual amenity of the site would not be negatively affected. The proposed front elevations of the row of the houses facing the open space could be interpreted as a visual improvement with the added benefit of natural surveillance of the public open space.” The Officer goes on to state that “While the potential loss of open space is regrettable it is felt that it is not serious enough to significantly affect the physical amenity of the land”. Given this assessment it is difficult to envisage how such a site can be considered special to the local community or hold particularly local significance given the Council’s own assessment of the site.

It is also noted that the Council’s Planning Policy Officer has confirmed the weight that can be afforded to designate the application site as a Local Green Space at this time is limited due to the stage of production this element of the PSP Plan has reached.

5. Conclusion

We consider site LGSD1174 does not satisfy the criteria for designation of a Local Green Space as set out in paras. 76 and 77 of the NPPF.

We are concerned that the designation of this Local Green Space within the defined settlement boundary of Yate, where the principle of development of housing is supported



under (saved) policy H4 of the South Gloucestershire Local Plan 2006 and policy PSP5 of the emerging PSP DPD, and more generally within the NPPF, is not acceptable given the Council's need to significantly boost housing numbers.

Insufficient evidence has been provided by the Council to demonstrate the site is 'demonstrably special to a local community and holds a particular local significance' (NPPF, para 77). Indeed, on the Council's own evidence in the form of consultation responses to extant application PK15/2330/F the site is assessed and not being beautiful, historically significant, high in recreational value, tranquil, or rich in wildlife. There is also a good amount of POS directly to the north of the site. As such, the site should not be designated as a Local Green Space under the guidance contained within the NPPF and NPPG.

Beyond concern in relation to our client's site, a general concern is raised in relation to the Council's approach to LGS. We have already highlighted the lack of evidence to support the designation of LGSD1174 and this failure is replicated across the 560no. proposed designations. The test in the NPPF for LGS is "demonstrably special" (Para. 77) which is a high threshold to apply. The lack of justification for proposed designations renders the test failed.

This representation made against the proposed nomination of site LGSD1174 as a Local Green Space has been made in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

I trust that the above representations will be taken into account when progressing the PSP DPD, but should you have any queries, please do not hesitate to contact me.

Yours faithfully



Daniel Weaver
Director

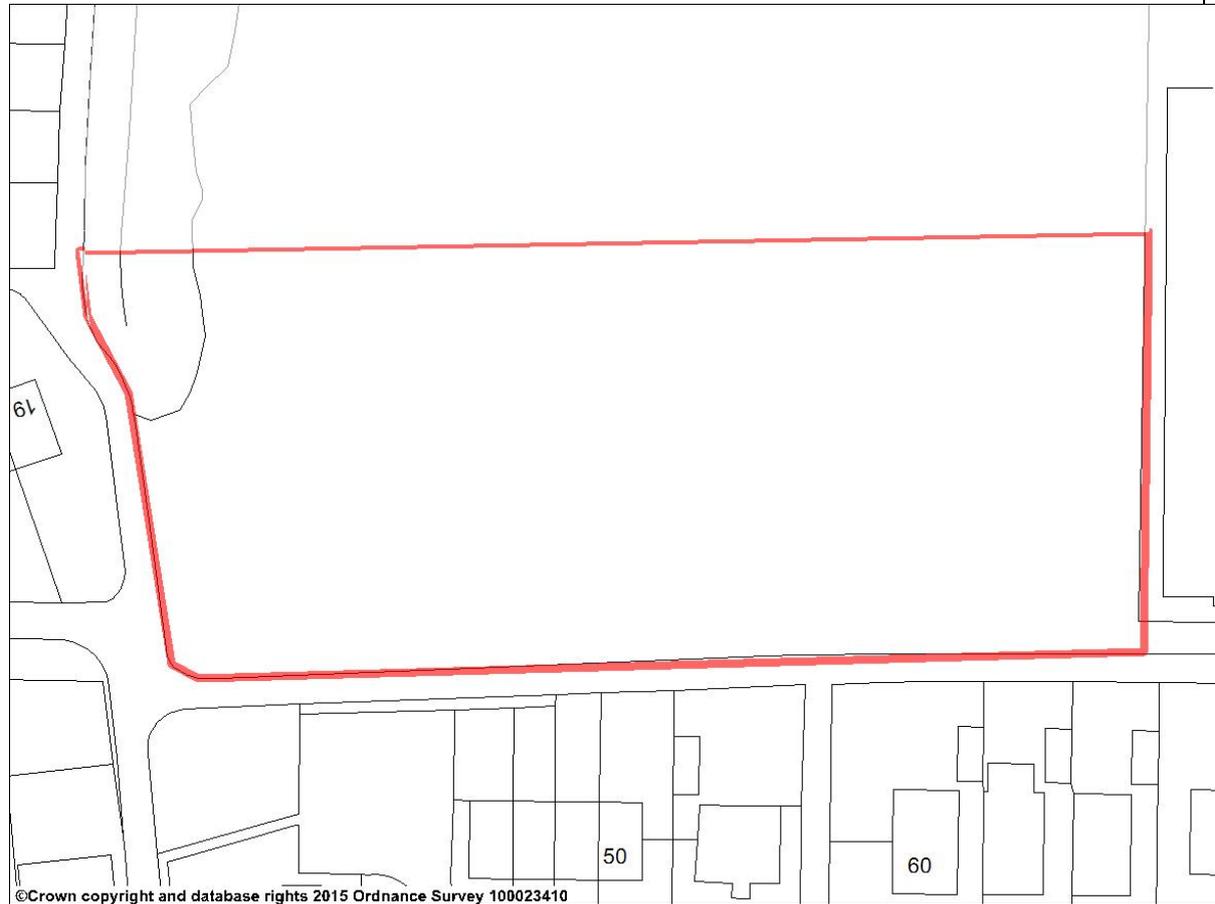


APPENDIX 1

LAND AT WELLINGTON ROAD, NR CAMBRIAN DRIVE LOCAL GREEN SPACE DESIGNATION CONSULTATION EXTRACT

Yate Parish

Green Space Code	Name of Nominated Space	Ward
LGSD1174	Land at Wellington Road, near to Cambrian Drive	Yate North Ward



APPENDIX 2

LETTER SENT 01/07/2015 RELATING TO PRE-SUBMISSION CONSULTATION

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01 July 2015

South Gloucestershire Council
Strategic Planning Policy & Specialist Advice Team
PO Box 299
Civic Centre
High Street
Kingswood
Bristol
BS15 0DR

By email only: PlanningLDF@southglos.gov.uk

Dear Sir / Madam

South Gloucestershire Council Policies, Sites and Places DPD Pre-Submission Consultation

Pegasus Group has been instructed by our client, Woodstock Homes, to submit a representation to this proposed submission version of the PSP Plan.

Soundness Requirements

A DPD is a Local Plan for the purposes of paragraph 182 of the National Planning Policy Framework (NPPF), and as such it must be found sound, in that it must be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

It has been demonstrated that this remains the case where a DPD is brought forward after an adopted Core Strategy, with Doncaster's LDF Sites and Policies DPD found unsound in June 2014:

"neither the Core Strategy nor this DPD is supported by an up-to-date SHMA which independently assesses the whole housing need. Although the Core Strategy was adopted only 2 years ago, the evidence base which informed the RS housing requirement was collected in 2004 and the national housing market has changed significantly during this period of recession".

Paragraph 16, Interim Inspector's Report (dated 03/06/2014)

This reflects the situation in South Gloucestershire closely, with the Core Strategy's (adopted December 2013) housing requirement not being based on an NPPF compliant SHMA as confirmed in paragraph 28 of the recent Charfield appeal decision ref: P0119/A/14/2220291. Notably, this decision also concluded in paragraphs 146-147 that South Gloucestershire does not have a 5 year housing land supply. Given, the lack of an up-to-date SHMA which independently assesses the whole housing need concern is raised as to whether the PSP DPD is likely to be found sound by an Inspector.

PSP4 – Designated Local Green Spaces

Firstly, we are concerned about the number of proposed Designated Local Green Spaces. Paragraph 77 of the NPPF clearly states that "the Local Green Space designation will not be appropriate for most green areas or open space" (our emphasis). Approximately 560 green spaces are listed in Appendix 2 of the Draft DPD and we raise concern that not all of these spaces are able to comply with the strict criteria outlined in paragraphs 76 and

77 of the NPPF. Until further work is carried out by the Council it is not possible to come to a conclusion on this matter.

Our second point concerns paragraph 76 of the NPPF which states “Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes (our emphasis), jobs and other essential services”. As concluded by the Charfield appeal Inspector South Gloucestershire is currently not delivering enough homes. It therefore seems folly to be designating approximately 560 green spaces across the district, where development of housing will be precluded. Of particular concern to us is the designation of Local Green Spaces *within settlement boundaries*, where the principle of development of housing is supported under (saved) policy H4 of the South Gloucestershire Local Plan 2006 and policy PSP5 of the emerging PSP DPD, especially given that South Gloucestershire needs a boost in housing numbers to meet unmet need.

Conclusion

For the South Gloucestershire Policies, Sites & Places DPD to be found sound under the four tests of soundness as defined by paragraph 182 of the NPPF, the Plan must be positively prepared, justified, effective and compliant with national policy. Unfortunately there are concerns about the soundness of the PSP DPD with particular reference to the lack of an up-to-date SHMA and Policy PSP4, as outlined above. Therefore the DPD has not been positively prepared and properly justified and as such it is inconsistent with national policy.

For information, we will be submitting further representations on the list of spaces nominated for designation as Local Green Space in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

I trust that the above representations will be taken into account when progressing the PSP DPD, but should you have any queries, please do not hesitate to contact me.

Yours faithfully



Daniel Weaver
Director



APPENDIX 3

AERIAL VIEW 2015

