

# North Somerset Site Allocations Examination Hearings

Participant: Nailsea Action Group

Day 3, Thursday 18 May

## MATTER 5: Local Green Space and Strategic Gaps

### Examiner Question:

**5.2 Has the Council been consistent in its approach to the designation of LGS? Are there other sites which meet the criteria which should be included in the Plan?**

**Nailsea Action Group (NAG) Statement in response:** The Council approach to LGS was flawed, inconsistent and prejudicial to existing & future residents and taxpayers. The Site 'Land South of The Uplands' should be included in the Plan as Local Green Space (LGS)

### Supporting Points and Documents

- The Land South of The Uplands (LSTU from hereon) was referred to as "Public Open Space" in 2000 and had been so since 1976. No evidence of a change in its status has been forthcoming despite written requests to clarify the current status. However,
- **Documents LGS/ RT/1-16 and Documents LGS/ AL/5 & 7**
- **21/04/2016: In a telephone conversation with a Nailsea Resident**, Nathalie Richards of the Planning & Policy Team of North Somerset Council confirmed: " LSTU is definitely owned by North Somerset Council, **currently being used as Public Open Space**". She agreed it was strange LSTU had not been considered as LGS - the new designation after 2012 and suggested it could be put forward for consideration in comments for the SAP consultation. This was done. Information was also given during this call, that at the NSC Executive Meeting on 02/02/16 it was decided to put the land forward for disposal and that the Asset & Property Manager had been asked to do this.
- LSTU was not included in the SAP of March 2016, even though it had been designated as Public Open Space and used for "informal recreation" - the justification for LGS designation for 13 of the 17 sites in the SAP. This shows NSC **approach was not consistent**.  
**Documents LGS/AL/1 and LGS/AL/6**
- An Open Space Assessment\* was commissioned by Nailsea Town Council when considering the Engine Lane site for recreation. The assessment map includes LSTU as 'Neighbourhood Open Space' together with other sites which **have** now been designated LGS, making their **approach inconsistent**.  
**Documents LGS/AL/3**
- LSTU was only considered by North Somerset Council as LGS after respondents to the Site Allocations Plan of March suggested it. In the updated Assessment Table of SAP October 2016, LGS designation appears refused only on the basis that it had already been selected for housing development in the March 2016 Draft Plan. This selection was an abuse of process.  
**Document LGS/AL/17**

## Matter 5: NAG Statement Continued:

- NPPF Guidance on LGS Para 3.8 plus Para 007 of the LGS section in the National Planning Practice Guidance, indicate that LGS designation should not be used as a means to prevent development. This is understood. However, proper procedures should not be circumvented by a Council in order to fulfil development criteria at the expense of residents' lifestyle. LGS refusal in this case, conflicts with SAP aims: 4.53-4.56 under Policy SA10

Reference: North Somerset Council, Site Allocations Plan (2006-2026)

- The Open Space Assessment mentioned above\*, states that "there is a sufficient supply of Neighbourhood Open Space in Nailsea". However, calculations include a large community park which is in Wraxall, NOT within the Nailsea boundary. No projection has been put forward within this report, to show whether LGS provision would be sufficient if all SAP proposed sites, plus another site Youngwood Lane (Planning Application already submitted, but for some reason not included in the SAP?) – are developed. This scenario would increase population particularly in the SW & W of Nailsea **and** take away LGS from the same area. This assessment is therefore regarded as flawed and should not, in the absence of proper audit by NSC, be used to substantiate refusal of LGS designation for LSTU site. Nor should it be used to suggest LSTU is surplus to requirement as Open Space under any designation.

Documents LGS/AL/2

- National Planning and Policy framework indicates that an audit should be undertaken before public land and facilities can be put forward for building. There is no evidence that this has taken place. Therefore, NSC have taken a course of action prejudicial to the interests of residents and taxpayers.

Documents LGS/AL/4

- Evidence of a Public Open Space designation has been arbitrarily swept aside by North Somerset Council and with no objection from Nailsea Town Council. It appears this has been done for political aim - to satisfy Government call for new housing, and for financial gain:
  - LSTU value was reduced due to Refusal for Residential Development in 1976
  - Woodspring District Council were then able to purchase the land in 1977 at this reduced value, substantiated by the statement that it could never be built upon therefore would become Public Open Space. It was then designated as such.
  - North Somerset have, by putting the land forward in the SAP for future development and refusal to grant LGS, significantly increased said value, without proper process and consideration of residents' interests.

Documents LGS/RT/1-16

## **Matter 5: NAG Statement Continued:**

### **Summary**

The Land South of The Uplands should be designated as Local Green Space, in order to ensure that IF and when it is put forward for consideration for development, this is done giving recognition of its current role in the community – that of a green area, freely accessible to all residents of Nailsea, for their recreational purposes and enjoyment of tranquillity and richness of wildlife.

If LGS is not designated, then the situation is that the land is currently and has been demonstrably so since 1977, classed as “Public Open Space”. As such it is subject to rigorous and transparent procedures before changing classification and purpose. With “rights” come “responsibilities” – to the taxpayer. See:

[Document re ‘Local Government Ombudsman ruling: LGS/AL/13](#)