



**Matter 5 – Local Green Space and Strategic Gaps**

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**NORTH SOMERSET  
SITE ALLOCATIONS PLAN  
EXAMINATION**

## North Somerset Matter 5

### Local Green Space and Strategic Gaps

#### 5.1 Do the sites allocated for Local Green Space comply with the criteria in paragraphs 76 and 77 of the NPPF?

1. We set out comments in representation 3361153//14 regarding the test in NPPF which demonstrate LGS is a designation which is only justified in exceptional circumstances. The comments also identified 8 proposed LGS sites in paragraph 10 of the representations which are within the Green Belt and 7 sites which are within Strategic Gaps identified in Policy SA9. NPPG makes it clear that additional designation of GB sites as LGS is unnecessary (ID ref 37-010) and as SGs perform a similar function to GB the same considerations would apply. Also where land is protected by other designations (NP, AONB, SSSI, Scheduled Ancient Monument or Conservation Area) additional benefits of LGS designation should be considered. (ID ref 37-011). In addition, the SAP adopts an inconsistent approach because playing fields, sports clubs, sports centres, schools and colleges are not considered normally appropriate for LGS designation because *'they are already covered by other protective policies'* (SD12 para 2.8).
2. We also presented more detailed comments on the proposed LGS at Farleigh Fields, Backwell. This is now subject to the receipt of the decision on a planning appeal on planning application 15/P/0315/O for 220 dwellings at Farleigh Fields which would retain the areas proposed as LGS as open space together with the remainder of Farleigh Fields amounting to a total of 12.88 hectares or 60% of the total area of the planning application site. In addition to that we have a number of other comments.
3. Whilst background document SD12 includes an assessment of all proposed and rejected LGS against a number of criteria, these really only assess one of the NPPF tests, that is where the area holds a particular local significance which is assessed against its beauty, historical significance, recreational value and richness of wildlife in addition to its tranquillity. This is fine as far as goes but other factors are only discussed generally and very briefly in sections 2 and 3 of SD12. Local character and whether or not it is an extensive tract of land are discussed in paragraphs 2.18 to 2.21, reasonably close proximity to the community it serves in paragraph 3.5 and demonstrably special to a local community in 3.6 and 3.7. A comprehensive assessment would have been to assess each proposed LGS against these tests too, in order to justify the overall exceptional test.
4. However as none of these factors are assessed on a site by site basis, it is not clear whether specific allocated LGS comply with NPPF tests related to extensive tracts or close proximity or demonstrably special. In addition there is no assessment of other planning designations or planning permissions/history of each proposed site to help assess whether the land is otherwise adequately protected, for example the sites already identified as green belt or Strategic Gaps as set out above. SD12 also considers other issues including green areas, private land and public access, small areas and landscaping and agricultural land and orchards, but none of which relate directly to the NPPF criteria.

5. As we have demonstrated the tests in NPPF76 and 77 demonstrate LGS is a very high level restrictive designation requiring high tests. However, of the 131 areas proposed in document SD12, 25 meet only one of the designation criteria, which in 16 cases is recreation value. In addition, another 58 meet only two criteria. We also note that SD12 (para 2.16) says the Council would not normally designate LGS on the basis of tranquillity alone. There is no justification for why this distinction is made for tranquillity but not for other criteria, particularly where there are other examples where only one of the other factors are used to justify designation. Again this suggests the assessment treats LGS as just another protection policy rather the high level designation only applicable in exceptional circumstances which is the proper test.
6. There are other inconsistencies. SD12 rejects including sports pitches as LGS because *'they are already covered by other restrictive policies.'* As we showed in our original comments there are other sites covered by other far more restrictive policies including multiple policies. There is a further inconsistency between the general guidance and the position at Farleigh Fields, Backwell. Farleigh Fields is in active agricultural use and paragraph 3.4 of SD12 says *'LGS would not normally include agricultural land or orchards. Only exceptionally would this be included, in particular, special circumstances where there is particularly strong justification.'* However, table 2 identifies only one criteria, beauty, which on its own does not demonstrate exceptionality.

**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?**

No comments.

### **5.3 Is Policy SA8 relating to undesignated green space justified?**

1. We commented previously in representation 3361153//16. In addition we have the following comments.
2. Firstly the policy is unclear as no areas are identified. It could therefore be applied to all areas of undesignated open space in settlements and to areas that may have potential for development, including brown field sites. In that respect alone it is unjustified.
3. Secondly the policy will be applied retrospectively in response to planning applications. In that respect it is contrary to Section 38, contrary to the presumption in favour of development and contrary to NPPF154, which says *'local plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.'* Therefore on this basis the plan is unsound because it is not consistent with national policy.
4. The policy is not based on any evidence which would support such a blanket restrictive approach nor is it a criteria-based policy setting out a framework for assessing land. However, if such a policy was proposed it would need to be supported by evidence and be subject to SA.
5. In addition the policy is unnecessary because any areas of Local Green Space that are of value or contribute to townscape, character, setting or visual attractiveness of a settlement should have been identified under Policy SA7 and identified in schedule 4. This already identifies an extensive number of green spaces and as set out in response to matter 5.1 there are doubts that many of these fail to meet the exceptional test for LGS designation, which would effectively make them other areas of green space. In addition sports, cultural and community spaces are already protected by policies CS27 and DM68.
6. For all the above reasons we consider the policy is unsound and should be deleted.

**5.4 Has the identification of Strategic Gaps (SG) been the subject of SA? Have the proposed boundaries been tested? How would the SG perform in terms of tests for sustainability?**

1. In our view it is not clear whether and how the identification of the Strategic Gaps has been subject of SA. SA objective 4 is to '*maintain and improve environmental quality and assets*'. Sub objective 4.3 is to '*minimise impact on and where appropriate enhance valued landscapes*' (our emphasis, see paragraph 3 below).
2. However the assessment of reasonable alternatives in relation to the various site allocation types (paragraph 4.6 of the main report) looked at residential sites, employment allocations and Local Green Space but not Strategic Gaps. On the basis that both Local Green Space and Strategic Gaps are allocations which restrict the development of land in similar ways, but for different areas, both should have been covered in a consistent manner.
3. The other issue is that the SA sub objective refers to '*valued landscape*'. The term valued landscapes is specifically referred to in paragraph 109 of the NPPF and only applies to those areas which satisfy the criteria to be specifically identified as valued landscapes. The Landscape Institute Guidelines for Landscape and Visual Assessment (GLVIA3) includes particular characteristics for assessing whether a landscape is valued or not. These are as follows:
  - Landscape condition
  - Scenic quality
  - Rarity
  - Representative
  - Conservation
  - Recreation value
  - Perceptual aspects
  - Associations
4. Clearly assessment of whether landscape is valued or not is a particular requirement which would not normally be associated with the assessment of whether a particular area should be identified as a Strategic Gap.
5. The other sustainability appraisal framework sub objectives under objective 4 do not provide any assistance in assessing Strategic Gaps. These relate to minimising impact on historic environment, protecting biodiversity and geodiversity, promoting the conservation and wise use of land, minimising loss of productive land, minimising vulnerability to flooding, and minimising impacts on air quality. Therefore there is no specific EA objective which assesses the impact of designating Strategic Gaps.
6. We accept that there is no national planning policy, guidance or definition of Strategic Gaps other than a consideration of the part they play in protecting the countryside. However the principle of Strategic Gaps in North Somerset is established by Core Strategy Policy CS19. That sets out the purposes of Strategic Gaps in North Somerset which are to separate firstly identity, secondly character and thirdly landscape setting of settlements and parts of settlements. This makes it clear that in policy terms Strategic Gaps are identified as part of the landscape protection

policies of the plan where it is considered that reliance on countryside policies alone is insufficient to protect the countryside around settlements. Therefore the issue for the SAP is to define specific areas. On the basis that the definition of a Strategic Gap results in a restrictive policy used to prevent development, it is important that any SA assessment goes beyond looking at the protection of the landscape and also the impacts the gaps will have on creating a sustainable pattern of development within North Somerset.

**5.5 Do the SG listed at paragraph 4.52 of the SAP, and shown on the policies map deliver CS Policy CS19?**

1. Our previous comments (3361153//17) pointed out the fact that the word 'only' has been inserted into the policy wording, which introduces a negative construction to the policy, contrary to the presumption in favour of development. This is also considerably different to Policy CS19 which is based around a positive objective of protecting the landscape character around settlements. So, in principle SA9 does not deliver in the way CS19 is set out.
2. In addition there are doubts about the evidence base. Background paper SD13 tests the policy wording in the previous consultation draft based on a positive construction of the policy (paragraph 1.1 of SD13). The background paper then identifies twelve criteria for consideration in defining/reviewing Strategic Gaps largely based on the Eastleigh Local Plan Inspector's Report and work by Kent County Council. This results in a more comprehensive assessment but is largely based on a general discussion of each factor and with no overall conclusion in relation to the specific requirements of Policy CS19 to retain separate identity, character and landscape setting of settlements. For example, in considering landscape character/type, each assessment describes the landscape character taken from the Council's landscape character assessment SPD but provides no justification for why the particular landscape within the Strategic Gap requires a different level of protection to that outside the proposed Strategic Gap. In addition no structured landscape assessment or LVIA has been undertaken to justify what is overtly a landscape protection policy.

**(i) Are the SG between Locking and Weston-super-Mare and Nailsea and Backwell justified?**

1. In respect of the Western-super-Mare SG we now have the benefit of a recent appeal decision on land north of Oldmixon Road (Ref APP/D0121/W/16/3150985, LPA ref 16/P/0150/O, Decision date 10 April 2017). The Council extended the original extent of the SG from the Consultation Draft to the Publication Vision to include the Appeal site. Whilst in the context of the appeal the Inspector found CS19 was a policy which restricts housing in the context of his findings that the Council could not demonstrate a 5 year housing land supply, he also commented on the impact of the site on the SG at IR81 – *'Overall having taken account of the future pattern of settlement arising from the development of the Weston Villages, I have reached the conclusion that the appeal proposal would not result in a material effect on the Strategic Gap and it would not erode the separate identities of Weston-super-Mare and Hutton.'*
2. This decision demonstrates the importance of ensuring the SG boundaries are properly tested on landscape and SA terms to justify their designation in the SAP, because the first serious test to a SG, through the more rigorous interrogation of a S78 appeal, has found the SAP to be inadequate.