

## **Bath & North East Somerset Placemaking Plan**

### **COUNCIL'S RESPONSE TO ID/3: MATTER 5 - BUILDING STRONG AND VIBRANT COMMUNITIES**

*Issue: Whether the relevant proposed policies in the Placemaking Plan are positively prepared, justified, effective and consistent with national policy in the context of the adopted CS.*

**Q4 – Is the approach to the designation of Local Green Spaces (policy LCR6A) sound and is there justification for those that are designated? In particular:**

#### Local Green Space Designation Methodology – An Overview

1. The Council considers that that the Local Green Space (LGS) Designation methodology is sound. Paragraph 77 of the NPPF makes clear that LGS designation will not be appropriate for most green areas or open space. The designation should only be used in the following circumstances:
  - Where the green area is in reasonably close proximity to the community it serves;
  - Where the green area is demonstrably special to a community and holds a particular local significance, for example because of its beauty, historical significance, recreational value, tranquillity or richness of its wildlife; and
  - Where the green area concerned is local in character and is not an extensive tract of land
  
2. National Policy makes clear that blanket designation of all green spaces is not appropriate. This is reflected in the Council's approach, in total 38% of the LGS nominated were proposed to be designated as Local Green Space, the remaining 62% were not. Proposed designations must be supported by evidence that the green area is special to the local community. However, there are a number of specific exceptions, where designating a local green space would not be likely to be appropriate (although each case was considered on its own merits):
  - Education sites – The NPPF places great weight (para 72) on the need for Schools and Colleges to expand/alter. Because of this, the Council considers that local green space designations within school grounds including playing fields are very unlikely to be suitable for designation.
  - Highway Land/Verges - Land adjoining the highway is subject to permitted development rights and may need to be utilised or reconfigured for highway works. Therefore green spaces that make up part of the highway are not considered suitable for designation.

- Sites with planning permission – A LGS within a site with extant planning permission (within the red line) cannot be designated until the development is complete (National Planning Practice Guidance para 008).
3. Land cannot be excluded solely because there is an existing planning designation, although national guidance recommends that the bar is higher for land within the Green Belt/AONB or with another national designation i.e. the added value of the designation needs to be demonstrated over and above the existing designation (National Planning Practice Guidance para 010 and 011). On this basis it is very unlikely that land within the Green Belt/AONB or within a nationally designated Historic Park & Garden would be suitable for designation.
  4. The Council's site assessment methodology is outlined in full in Core Documents:
    - CD/PMP/DM12/1 p1-4 (overview summary)
    - CD/PMP/DM12/2 p1-3 (Bath Sites)
    - CD/PMP/DM12/3 p3-5 (Keynsham Sites)
    - CD/PMP/DM12/4 p3-5 (Somerset Valley Sites)
    - CD/PMP/DM12/5 p4-6 (Rural Areas Sites)
  5. The Council's methodology is also summarised in Table 1 below which shows that it accords with the NPPF and guidance in the NPPG.

**Table 1: A Summary of the B&NES Local Green Space Designation Methodology**

<b>Stage</b>	<b>Date</b>	<b>B&amp;NES</b>	<b>National Guidance (NPPF/NPPG)</b>
Local Green Space Designation nominations sought from communities of B&NES	Nov 2014 - Jan 2015	LGS are designated for their community value; therefore the Council took the view that local communities should nominate potential LGS.	Paragraph 77 of the NPPF makes clear that LGS designation will not be appropriate for most green areas or open space, evidence that the space is demonstrably special to the community was sought in particular as this cannot be assessed via site visits or officer assessments alone.
		To assist the communities, the Council produced a LGS pro-forma which was based on NPPF paragraph 77.	
		Approximately 180 potential spaces were submitted form Town and Parish Councils and 5 from the communities of Bath.	
	Feb-May 2015	There was only a limited response from the Communities of Bath which have been recognised as hard to reach. Therefore there were additional efforts to seek community nominations in Bath. A guidance note and nomination form was sent to all Bath Ward Councillors, FoBRA <sup>1</sup> , Transition Bath and other known community groups. Maps of suggested nominations was compiled for each Bath Ward, these maps also identified existing planning designations (e.g. Green Belt, Playing fields, Sites of Nature Conservation interest etc.)	National Planning Practice Guidance Paragraph: 007
		Following the additional efforts, over 100 potential spaces were nominated by the Bath community for Council consideration.	
Stage 1-Review of the LGS nominations	April-July 2015	The Council reviewed the submitted evidence, and in addition also reviewed the following: <ul style="list-style-type: none"> <li>• B&amp;NES SHLAA and development allocations</li> <li>• Planning history for the site</li> <li>• Existing planning designations e.g. Green Belt,</li> </ul>	National Planning Practice Guidance Paragraph: 010-11

<sup>1</sup> FoBRA is the Federation of Bath Residents Association

		<p>Conservation Area, Area of Outstanding Natural Beauty etc</p> <p>From this initial assessment a view was taken as to whether a site met the criteria for Local Green Space designation as set out in the NPPF, while ensuring that designation was “consistent with the local planning of sustainable development”.</p> <p>The Council conducted site visits on each nomination. Each site was plotted in the Council’s GIS system.</p>	
	July 2015	The interim LGS recommendations were issued to the Local Development Framework Steering Group (LDF) (internal cross working party group) for discussion.	National Planning Policy Guidance Paragraph: 008 and 014
Stage 2- Finalising the nominations	Sept-Nov 2015	The LGS nominations were finalised and consideration was given to the comments of the LDF Steering Group across a number of meetings and resultant finalising of assessment process/reports and mapping to inform Cabinet’s consideration of Draft Placemaking Plan scheduled for December 2015.	
		<p>The Council sought to identify and notify all landowners of LGS nominations for designation (including formal notification to B&amp;NES Property Services/Parks) providing an opportunity for comment.</p> <p>There were a number of sites where landowners could not be found through a land registry search and after consultation with the Council’s legal team it was decided to put up site notices on and adjacent to these sites.</p>	
		The summary report was issued to the LDF Steering Group and discussions with the LDF Group took place in September and November 2015.	

## Specific Sites

### (a) Are the following allocations justified?

6. Each of the sites is considered below in turn, with reference to the evidence base and representations on the submission plan.

**Table 1:** Millers Walk, Bathampton

<b>Reasons for Proposed Local Green Space Designation</b>	Historic significance and landscape significance
<b>Links to Evidence Base and site assessment information</b>	p7 Rural Volume of the LGS Report CD/PMP/DM12/5
<b>Those in support of the designation</b>	Bathampton Parish Council A letter of support signed by around 100 residents was submitted as a part of the LGS submission.
<b>Those objecting to the designation</b>	The Landowner

**Table 2:** Adjacent to Bramble Cottage, Farmborough

<b>Reasons for Proposed Local Green Space Designation</b>	Character significance
<b>Links to Evidence Base and site assessment information</b>	p53 Rural Volume of the LGS Report CD/PMP/DM12/5
<b>Those in support of the designation</b>	Farmborough Parish Council A representation was received from a person who lives opposite the site
<b>Those objecting to the designation</b>	The landowner

**Table 3:** Parkers Mead, East Harptree

<b>Reasons for Proposed Local Green Space Designation</b>	Historic significance
<b>Links to Evidence Base and site assessment information</b>	p40 Rural Volume of the LGS Report CD/PMP/DM12/5
<b>Those in support of the designation</b>	East Harptree Parish Council
<b>Those objecting to the designation</b>	The Landowner

**Table 4:** Land south of Lower Road, Hinton Blewitt

<b>Reasons for Proposed Local Green Space Designation</b>	Historic significance and landscape significance
<b>Links to Evidence Base and site assessment information</b>	p73 Rural Volume of the LGS Report CD/PMP/DM12/5
<b>Those in support of the designation</b>	Hinton Blewett Parish Council
<b>Those objecting to the designation</b>	The Landowner

**Table 5:** Frederick Avenue/Albert Ave, Peasedown St John

<b>Reasons for Proposed Local Green Space Designation</b>	Community value significance
<b>Links to Evidence Base and site assessment information</b>	p82 Rural Volume of the LGS Report CD/PMP/DM12/
<b>Those in support of the designation</b>	Peasedown St John Parish Council
<b>Those objecting to the designation</b>	The Landowner

**(b) Is the exclusion of the following sites justified?**

7. Each of the other sites is considered below in turn, with reference to the evidence base and representations on the submission plan.

**Table 6:** Land behind Beechen Cliff in the City of Bath

<b>Reasons for Proposed Local Green Space non-Designation</b>	<p>This site was not proposed to be designated as a Local Green Space because:</p> <p>(i) National planning policy gives great weight to the need for schools to expand and develop – therefore it was considered that land within school grounds may not be considered suitable for local green space designation. This reflects national policy about schools (NPPF para 72) and about local green spaces, which states they should endure beyond the plan period (NPPF para 76). This site is located within the grounds of Beechen Cliff School in Bath, and the school had objected to the designation. The Council acknowledges that the site meets the three criteria in para</p>
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	<p>77 of the NPPF. However, the Council considers that designation of this site as a local green space would be contrary to the NPPF, when considered as a whole.</p> <p>Other considerations:</p> <p>(ii) It was considered that land adjoining a highway (i.e. part of the highway or highway verge) is also unlikely to be suitable as it may need to be utilised for works associated with the highway. A review of and amendment to the boundary of the nominated site to exclude any adopted highways land would be likely to resolve any issue in this regard.</p> <p>(iii) In relation to the NPPF para 77 criteria for local green space designation, the Council considers that the site meets these criteria as it is reasonably close to the community it serves, there is also significant evidence which shows that the site is demonstrably special to the community on the grounds of historic significance, landscape value. The site is well contained and is not an extensive tract of land.</p> <p>(iv) Public access to this area is ensured by the public rights of way, as outlined in National Planning Practice Guidance (para 018) and there is no need to designate linear corridors in order to protect public rights of way, they are protected by other legislation.</p>
	<p>The Council states clearly states the reason for non-designation is that this land part of a site in educational use and notes Beechen Cliff School's objection to the designation - see p8 and 28 of the <i>Summary Recommendations Report- December 2015: Local Green Space Designations (CD/PMP/DM12/1)</i>.</p> <p>Appendix 2 (p35) to the above Core Document summarises the School's objection. However, is noted that this summary paraphrases their objection, and that this summary is inaccurate. The original objection letter from Beechen Cliff School is now included as a new Core Document <b>CD/PMP/DM12/6</b>.</p> <p>The School in their letter of 21 October 2015 stated that <i>"Around 50% of the nominated area adjoins Greenway Lane and is therefore deemed unsuitable for designation, according to the criteria concerning land adjoining the highway set in your letter"</i>.</p> <p>Council's summary was follows <i>'Approximately 50 % of the site is also part of the highway'</i>.</p>

	<p>While it is acknowledged that this summary was inaccurate, this was not the reason as to why the land was not proposed for designation.</p> <p><i>The Evidence Report – Local Green Space Designations – Bath (CD/PMP/DM12/2)</i> outlines in more detail the assessment of this site on p69-70, which includes the Council's assessment that all of the NPPF para 77 policy criteria are met. However, it is exemption of school sites, as explained on p1 that is the reason for the site not being recommended to be designated as a Local Green Space (in line with NPPF para 76 and 72).</p>
<b>Those in support of the non-designation</b>	Beechen Cliff School (landowner)
<b>Those objecting to the non-designation</b>	There are a number of representations made objecting to the proposal to not designate this land as a local green space, many are local residents linked to the Greenway! Residents Forum.

**Table 7:** Land at Breaches Gate, East Keynsham

<b>Reasons for Proposed Local Green Space non-Designation</b>	The land known locally as Breaches Gate forms part of Core Strategy Policy KE3A, a strategic site allocation for between 220-250 dwellings. KE3A requires a comprehensive masterplan to be prepared through public consultation and agreed by the Council to ensure that the development is well integrated with neighbouring areas, and as a key requirement incorporates green infrastructure including public open space. As such, the consideration of designating Local Green Space in this locality needs to be undertaken within the context of the site allocation and requirements because, as the NPPG makes clear, Local Green Space designations need to be consistent with local planning for sustainable development in the area (Local Green Space designations should not be used in a way that undermines plan making).
<b>Links to Evidence Base and site assessment information</b>	Pg 71 of the LGS Keynsham Volume
<b>Those in support of the non-designation</b>	None noted
<b>Those objecting to the non-designation</b>	Friends of Breaches Gate group

**Table 8:** Extension of LGS18 (Land at Whitelands/Tynning, Radstock)

<b>Reasons for Proposed Local Green Space non-Designation</b>	The batches is proposed to be designated as a Local Green Space for its wildlife value to the local community. However the remaining site nominated by the Whitelands & Tynning Green Space Group is too large to be designated as it is not local in character and is an extensive tract of land.
<b>Links to Evidence Base and site assessment information</b>	Pg 97, Somer Valley LGS volume
<b>Those in support of the non-designation</b>	The landowners
<b>Those objecting to the non-designation</b>	Whitelands & Tynning Green Space Group

**Table 9:** Undeveloped Land on the northern part of University of Bath campus

<b>Reason for Proposed Local Green Space non-designation</b>	<p>This site was put forward via consultation on the pre-submission draft Plan so there is no previous assessment of the site’s suitability for designation.</p> <p>Following our methodology, the Council considers that this site does meet the NPPF para 77 criteria to be designated as a local green space. However, the Council would not support its designation - the Council’s assessment is as follows:</p> <p>(i) The site can be seen to meet the requirements of NPPF para 77, albeit the case that the site is demonstrably special to the community is not specific to this Local Green Space nomination – it relates to a planning application for development (at Appeal in Aug 2016) for a car park on the University campus at this location and it does refer to the use of this land by the community and there are a large number of objections. A site visit (July 2016) confirmed that the site appears well used for informal recreation, but suggested that the proposed LGS site boundary was not entirely logical and would need to be reviewed should designation be taken forward.</p> <p>(ii) Critically, the site is in educational ownership (it is</p>
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	<p>part of the Bath University Campus) and great weight should be given to the needs of education sites to expand and alter including beyond the plan period (NPPF para 72 and 76). As the University has not been consulted on the proposal, to designate without this would be contrary to National Guidance (National Planning Practice Guidance para 019).</p> <p>(iii) The site is already covered by national designations (Green Belt and AONB), and the additional benefits of designating the site are not demonstrated (National Planning Practice Guidance para 010 and 011).</p> <p>On this basis the Council would not support the designation of this site, particularly without input from the landowner the University of Bath or a review of the site boundary.</p>
<b>Links to Evidence Base and site assessment information</b>	Not applicable
<b>Those in support of the non-designation</b>	<p>None.</p> <p>However, the Council assumes that the landowner (the University of Bath) would not support the designation of this land as a local green space, however, to date they have not been given the opportunity to comment. Designation of this land without appropriate consultation with the landowner would be in breach of National Planning Practice Guidance (para 019).</p>
<b>Those objecting to the non-designation</b>	A single representation has been made from Mr Simon Barnes.