

Representor Reference: 6434

Phoenix Land Solutions for David Webb Management Ltd

Matter 5 - Building Strong and Vibrant Communities

Question 4 Is the approach to designation of Local Green Spaces (Policy LCR6A) sound and is there justification for those that are designated?

(b) is the exclusion of Extension of LSG 18 (Land at Whitelands/Tyning Radstock) justified?

Background information

1. This statement has been prepared on behalf of David Webb Management Ltd the landowner in respect of land indicated as LGS18 in the Placemaking Plan.

2. A plan (blue line) shows the extent of my client's landownership is attached. The redline on the plan indicates an area subject to an outline planning permission. The outline proposals aim to regenerate the Whitelands area and seek to:

- Provide up to fifty five homes, 30% of which would be affordable homes.
- Introduce parking spaces for existing Whitelands residents.
- Introduce a community orchard.
- Widen the road to 5.5m along Tyning Hill, together with a pedestrian footway.
- Provide open space to include a local area of play on the south west part of the land fronting onto Tyning Hill.
- Provide a community space/cafe/shop facing out toward Tyning Hill which could also be used for educational uses.
- Introduce public sculpture.
- Introduce a local community bus-stop.
- Introduce an interpretation board to explain the local heritage and ecological interest in the area.
- Divert the existing footpath.
- Create new pedestrian routes outside the application site to the north and east and to the batches (the areas proposed by the Council under LSG18).
- Create and enhance wildlife habitats of value (approximately 3.9 hectares) to mitigate for any loss on the application site. This would lead to an overall biodiversity gain and arrest the decline of ecological interest (without proposed enhancement these areas will decline in value).

3. This new application follows an outline planning application (Planning Reference:

15/00855/OUT) submitted in March 2015. This application was withdrawn later that year to allow for outstanding issues to be addressed through supporting studies and an updated concept master plan and opportunities and constraints plan. These are provided in the Appendix to this statement. The planning portal number for the new application is PP-05385050.

4. LSG18 as proposed includes two batches that both fall within my client's ownership. Both these batches are private access only. Over the years the landowner has continually erected signs indicating the private nature of the land, however these continue to be removed by third parties.

The approach to the designation

5. The general approach to the designations seek to meet policy and guidance, however the process and assessment of sites in particular my clients site LSG18 is lacking. The result of this is that the nomination and the Council's LSG18 proposal has not been fully considered in light of existing designations and proposals for the land.

6. The process outlined by the Councils Recommendations Report - December 2015 Local Green Space Designations (document reference CD/PMP/DM12/) indicates that landowners would be notified of designations. It should be highlighted that the Council has made no contact throughout the process with my client (and Mr Paul Chivers who has an interest in the land and lives adjacent to the site. This approach reflects a missed opportunity with regard to assessing the nomination in light of existing designations on the site, the last and more recent outline planning proposals.

Justification of LSG18 (Area proposed by the Council)

7. The Councils assessment of LSG18 is outlined in document CD/PMP/DM12/ and CD/PMP/DM12/4. The former document outlines in brief the reasons for inclusion put forward by the nominee, (these are expanded upon within the second document). The second document considers reasons given and is then followed by an officer assessment and a recommendation. Officers reasons for its designation are contained on page 97 of CD/PMP/DM12/4 which states ***“Designate the batches as Local Green Space Designation for its wildlife value to the local community, however the remaining site is too large to be designated and is not local in character and is an extensive tract of land”***.

8. There is agreement with the Council that the total area proposed by the nominee is an extensive tract of land and this is dealt with in the following section. However, in respect of the Council proposed designation it is considered that the two batches proposed also represent an extensive tract of land and that there is no justification for the proposals as they already benefit from two designations providing a sufficient level of protection.

9. In terms of wildlife value it is recognised that the two batches have a RIGS designation. It is also noted that the two batches also fall within the Conversation Area for historical reasons. These two destinations provide a strong level of protection in terms of safeguarding the land from development.

10. It should also be noted that the nature of the batches are not considered to be land that could be developed to any material degree given the nature in which they were created as spoil tips. Therefore, from a purely practical point of view, developing on these batches would be very problematic. It is unsure if even a small amount of development (for example a cafe associated with tourism) could be supported.

11. The Council's and the nominees evidence base to support the designation does not outline in any level of detail whether any additional benefit and protection would be gained

by designation as Local Green Space.

13. For this reason it is considered that the designation of LSG18 as proposed is unjustified, without a supporting evidence base, and not in the spirit of policy and guidelines. The proposal should be removed as it would not provide any additional level of protection.

Justification to extend the LSG18 nomination

14. My client's land totals around 8ha's, and it is estimated that the land put forward for designation by the nominee extends to an area excess of 40ha. This is a substantial area of land made up of different types including agricultural land.

15. The proposals as already recognised by the Council does not meet policy requirements. This position is supported. Furthermore, all of the land proposed for designation falls outside the Housing Development Boundary and parts of it are also included within the Conservation Area with some areas subject to RIG's and other local destinations.

16. In terms of my client's land, approximately 2.2ha of land is subject to a planning application. These proposals represent a net gain in terms of public access to areas in LSG18 (extending to the wider area in my client's ownership) and access to nature. The proposals include open space to include a local area of play, a community orchard, public access to the two batches and in addition public access to 3.9ha of land. Proposals for the 3.9 ha of land comprise ecological enhancement as set out in the Ecological Enhancement Plan 2016 and provide for a net increase in ecological value which would otherwise decrease if left at present.

17. The designation of the LGS18 as a Local Green Space in effect preempts the planning application and benefits it seeks to provide to the local community and Radstock as whole.

18. For the reasons set out above extension to the LGS18 area is not considered to meet policy requirements and guidance and preempts a planning application that seeks to provide a substantial net benefit in terms of public access to open space and a substantial gain in terms of ecological value and access to nature.