

Sedgeberrow Submitted Neighbourhood Plan Consultation

RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Sedgeberrow Parish Council has submitted its Neighbourhood Plan to Wychavon District Council. In accordance with Regulation 16, Wychavon District Council would like to invite comments from individuals and organisations on the submitted Neighbourhood Plan.

This consultation runs from Monday 18 July to 5pm on Monday 5 September 2022.

All comments will be made publicly available and identifiable by name and organisation (where applicable). The personal information you provide on this form will be held and processed in accordance with the requirements of Data Protection Legislation. More information on how we will hold your data can be found at:

<https://www.wychavon.gov.uk/privacy-policy>

Please fill in your details in the boxes below:

Full Name:

Natasha Blackmore da Silva on behalf of Jonathan Barclay and Alan Stow

Organisation (if applicable):

Sheldon Bosley Knight

Address (including postcode):

Lower Portway Farm, Winchcombe Road, Sedgeberrow, Evesham, WR11 7UB

Telephone number:

01789 387880

Email address:

planning@sheldonbosleyknight.co.uk

Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy SB2- Local Green Space

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please refer to attached representations for full details.
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Please use a separate form for each representation.

Please state whether you would like to be notified of the Council's decision on the Neighbourhood Plan proposal:

Yes No

Please email this form to policy.plans@wychavon.gov.uk or post it to Planning Policy, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT.

Lower Portway Farm
Winchcombe Road
Sedgeberrow
Evesham WR11 7UB

Sent via e-mail: August 2022

Dear Ms Roberts,

Re: Sedgeberrow Neighbourhood Development Plan Regulation 16 Submission Draft Consultation

Sheldon Bosley Knight write on behalf of our clients Jonathan Barclay and Alan Stow in response to the above in respect of our client's land interests within Sedgeberrow. We welcome the opportunity to comment on the Draft Neighbourhood Development Plan and having reviewed the document, provide the following comments.

With regards to the requirements of Neighbourhood Plans, Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004, sets out that only a Neighbourhood Plan that meets each of the basic conditions can be put forward to referendum and be made. Having considered the document and associated evidence base, we wish to raise objection to the specific issue of Local Green Spaces within the Plan on the basis that it is considered this fails to meet one of the basic conditions, in that it fails to have regard to national policies and advice contained in guidance issued by the Secretary of State.

Planning Context

Paragraph 101 of the NPPF (2021) states:

“The designation of land as Local Green Spaces (LGS) through local or neighbourhood plans allows communities to identify and protect green areas of particular importance to them”.
(Our emphasis)

Paragraph 102 continues:

“The Local Green Space designation should only be used where the green space is:
a) In reasonably close proximity to the community it serves;
b) 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), tranquillity or richness of its wildlife; and
c) Local in character and is not an extensive tract of land.
(Our emphasis)

Policy SB2 – Local Green Space Policy

We object to proposed Local Green Space draft allocations at Land to the rear of Church (*NP site ref GS3*), Land to the rear of Forge Cottage, Winchcombe Road (*NP site ref GS4*) and Site to the rear of school, Long Meadow (*NP site ref GS11*).

According to the justification for the Draft Policy green open spaces are an important part of the rural character, identify and setting of the village of Sedgeberrow. In addition, they *‘provide valuable and desirable biodiversity and habitats which contribute to the health and vitality of the local community through visual amenity, the provision of recreation and areas of tranquillity’*.

Reasoned justification

1. Green open spaces are an important part of the rural character, identity and setting of the village of Sedgeberrow. They provide valuable and desirable biodiversity and habitats which contribute to the health and vitality of the local community through visual amenity, the provision of recreation and areas of tranquillity. Uncontrolled change to important green spaces can permanently alter their special character and intrinsic value.
2. The NPPF enables the designation of ‘Local Green Space’ through Neighbourhood Plans and affords special protection to those areas that are of particular local importance. This rules out new development except in very special circumstances.
3. Local green space does not need to be publicly accessible. Although 4 (GS2, GS7, GS11 and GS15) out of the 10 areas designated either have public rights of way crossing them or are well used by the local community of a variety of purposes.
4. All ten areas are in or adjacent to the Village of Sedgeberrow, demonstrably special to the local community and local in character as demonstrated in the Local Green Space background paper.

The Local Green Space Background Paper provided a Local Green Spaces Site Assessment prepared by Brodie Planning Associates Ltd. The Assessment firstly provides a description of the sites, then outlines their Ecological Significance, Special Qualities and Local Significance, before concluding by summarising why they are suitable for designation as LGS.

In terms of criteria and reason for protection, the following considerations are made:

- ***Are their significant views from the local area into or across the site?*** – Sites GS3 & GS4 are completely screened by fencing, long-established agricultural buildings, other houses and/or mature hedging and there is no public visibility to GS3 & GS4. These sites can hardly be considered significant when there are not visible from the local area.

- **Does the site afford the public with significant views out into the wider countryside?** – Neither GS3 nor GS4 afford the public with significant views to the wider countryside, since they are neither accessible nor visible to the public.
- **Does the site have special historic significance or features?** – There are no listed structures on the sites and no archaeological information to support the idea that the sites are important historically. Additionally, the fact the land is rural does not in and of itself mean that it is special.
- **Does the site have recreational value?** – it is difficult to understand how these areas of land could be deemed so important to the local community in recreational or social terms when they are not accessible or public. Additionally, the idea that GS3 should be protected from development for potential future expansion of the cemetery is irrelevant. It is not currently cemetery land, there is no approved application to extend into this site and the land is privately owned, meaning that the likelihood of this expansion happening is incredibly low.
- **Is the site particularly tranquil?** – All three sites (GS3, GS4 & GS11) are not usable for recreational purposes and as they are agricultural, they are functional areas of land which generate noise and odour stopping them from being tranquil.
- **Does the site have ecological value, trees, wildlife or habitats?** - There are several established trees and hedgerow on the boundaries of the sites which may provide habitat for wildlife, however, these could be protected under other legislation or through appropriate conditions on planning applications and the whole of the site does not need to be designated LGS to achieve this. It is worth noting that none of the remaining trees within the former orchard are subject to TPOs.
- **Does the site form a significant green break within the settlement?** - Whilst the sites are existing green breaks within the settlement, no specific reasoning has been provided to suggest why this makes them materially significant to the landscape.
- **Is there evidence demonstrating that the site is special to local people?** - The presence of a bridleway and footpath in sites GS3 & GS11 has been used to demonstrate that the sites are 'special to local people'. However, the PPG states that "Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation." [Reference ID: 37-018-20140306]. These are the area which are considered to be special and important to the local community and they are already protected under other legislation, therefore the additional LGS designation is unnecessary.
- **Would the site provide the public with amenity value without public access?** – No, it has been made clear that the presence of the bridleway (GS3) and PROW (GS11) are the principle reasons these sites have been provisionally allocated as LGS, without public access to the sites the main reason for designation which has been proposed is immaterial.

In addition to the above, the Background Paper states that GS3, GS4 & GS11 are 'well used by the local community for a variety of purposes'. This is simply untrue, they are private land parcels and, whilst there is a bridle way to the south of GS3 and a public footpath on the southern boundary of GS11, the rest of the sites are not publicly accessible and neither GS3 or GS4 are visible to the public. We note the revised wording of Policy SB2 which now states that the land does not need to be publicly

accessible to be considered a local green space, however, GS3 & GS4 are not visible from public land. Due to topography and screening these sites are not accessible and there are no views of or through the sites.

Additional guidance of Local Green Space Designations is provided in Planning Practice Guidance. It is made clear in the guidance that “blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”. [Reference ID: 37-016-20140306].

We do not understand how these areas can be considered demonstrably special to the local community and are local in character. How can a site be considered ‘special’ when it cannot be seen, let alone accessed by the local community? It appears to us that they are being included solely because they are open spaces which happen to be green rather than because they actually contribute to the local community.

In terms of the LGS Assessment, I also note that the areas have been independently appraised; but the critical assessment should be against the criteria listed in the NPPF (paragraph 102), as further detailed in the Planning Practice Guidance. We believe that the independent appraisal by Brodie Planning Associates has lost sight of the NPPF requirement that the designation should only be used where an area is “**demonstrably special to a local community and holds a particular local significance**” [my emphases]. It is therefore not sufficient that an area is only demonstrably special or that it is demonstrably special to the local community but of no particular significance. Thus, it is not the expectation that all green space will be designated simply because it contributes to a sense of well-being or the natural environment; that may be said to be a general attribute of every green space.

The justification for the Policy states that green open spaces ‘*contribute to the health and vitality of the local community through visual amenity, the provision of recreation and areas of tranquillity*’. These parcels contribute to none of these three elements.

On the basis of our review of the LGS Assessment for the Draft Neighbourhood Plan and its accordance with the NPPF, we have concluded that insufficient justification against national policy for the designation of Local Green Spaces has been evidenced.

In the cases of GS3, GS4 & GS11, we are of the strong opinion that the assessment has failed to properly assess the sites and their importance. As such, we believe that the Plan fails to justify that these three sites are demonstrably special to a local community and hold a particular local significance equivalent to the special protection afforded to the Green Belt.

Conclusions

In light of the above, Sheldon Bosley Knight consider that the Draft Sedgeberrow Neighbourhood Plan fails to meet one of the basic conditions, in that it fails to have regard to national policies and advice contained in guidance issued by the Secretary of State. We therefore respectfully request that proposed Local Green Spaces GS3, GS4 & GS11 are deleted from the Neighbourhood Plan prior to submission.

Yours sincerely

Kind regards

N. Blackmore da Silva

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