



**SUBMISSION DRAFT (REG 16)
HARVINGTON NEIGHBOURHOOD PLAN**

**REPRESENTATIONS ON BEHALF OF
MRS P EVERALL, MR J ROBBINS,
AND MRS J STOCKLEY**

Our Ref: KW/K/8613

November 2018

(Amended 26/11/18)

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1. INTRODUCTION

- 1.1 These representations relate to the Submission Draft of the Harvington Neighbourhood Plan, specifically the proposal contained therein to designate the field to the south of the playing field (Policy EH2 - GS8) as a Local Green Space. The representations are made on behalf of the owners of the land Mrs P Overall; Mr J Robbins; and Mrs J Stockley.
- 1.2 Representations were made to the Pre-Submission Draft of the Neighbourhood Plan but, other than a change to the name of the land, no amendments have been made to the proposed designation. Moreover, the proposed designation has not been omitted for the Submission Draft and therefore the owners of the land must maintain their objections.
- 1.3 The land is in private ownership and the only lawful access to any part of the land is along a public right of way (506(C)) which runs close to the northern boundary of the land. The landowners dispute the degree of public use of the land as alleged in the evidence base to the Plan. Furthermore, the landowners are surprised and disappointed that the Parish Council by their proposals in the Draft Neighbourhood Plan would be seeming to try and ratify deliberate trespass by dog walkers who have no entitlement to use the land in the first place.
- 1.4 It should be noted that there are signs on the land advising **'Private Property. Please keep out'** and fencing erected to discourage users of the public right of way straying on to other parts of the land. Regrettably there have been instances of these signs and the fencing being pushed over, and/or removed, and/or damaged by persons unknown.
- 1.5 The proposal in the draft Neighbourhood Plan to identify the land as a Local Green Space seeks to rely on paragraphs 99 to 101 of the National Planning Policy Framework (July 2018). The landowners submit however that the proposed designation fails to meet the criteria set down in the NPPF, and those in the accompanying National Planning Practice Guidance. In reaching this conclusion regard has been had to the submitted Basic Conditions Statement, Consultation Statement, and Evidence, Reasoning and Justification Statement.

2. PLANNING POLICY CONTEXT

National Planning Policy Framework

2.1 The National Planning Policy Framework (NPPF) states:

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

“100. 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.*

“101 Policies for managing development within a Local Green Space should be consistent with those of Green Belts.”

National Planning Practice Guidance

2.2 Further advice on the designation of Local Green Spaces is contained in the National Planning Practice Guidance (NPPG).

2.3 Paragraph: 007 Reference ID: 37-007-20140306, states that the designation of any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

- 2.4 Paragraph: 009 Reference ID: 37-009-20140306, states Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.
- 2.5 Paragraph: 014 Reference ID: 37-014-20140306, notes the proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.
- 2.6 Paragraph: 015 Reference ID: 37-015-20140306, makes it clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of landblanket 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.
- 2.7 Paragraph: 017 Reference ID: 37-017-20140306 notes some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).
- 2.8 Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

3. **ASSESSMENT OF PROPOSED IDENTIFICATION AS LOCAL GREEN SPACE**

- 3.1 The NPPF, and NPPG, both state designation of a Local Green Space should only be used where land is demonstrably special to a local community AND holds a particular local significance AND is local in character. The proposed designation in the Submission draft Harvington Neighbourhood Plan fails to meet any of these requirements, and therefore there is no justification for its inclusion in the Plan.

- 3.2 The Submission draft Neighbourhood Plan fails to bring forward any compelling evidence that the land is of 'particular importance' to the local community. The justification for the proposed identification rests on the alleged fact that members of the local community use the land to walk their dogs. This activity is, in itself, unlawful with the exception of those using the public right of way which runs close to the northern boundary of the land. Furthermore, the existence of the public right of way does not justify the identification of the land as Local Green Space.
- 3.3 The assessment of the land undertaken in the evidence base to the Plan does not suggest the land is used for recreational purposes, other than walking dogs and giving an opportunity for people to talk to one another. This is not a justification for identification of the land as Local Green Space, and does not show that it is of 'particular importance' to the local community.
- 3.4 Moreover the draft Plan fails to show that the land is 'demonstrably special' to the local community and 'holds a particular local significance'. The assessment in the evidence base to the Plan claims the 'site is special to the dog-walking community' and, although the activity of dog-walking may well offer an opportunity for social interaction it does not go anywhere near far enough to show that the land identified is demonstrably special and holds a particular local significance.
- 3.5 The assessment of the site in the evidence base to the Plan brings forward nothing to suggest the land is of especial beauty. The site is of limited visual amenity and does not positively contribute to the character and appearance of the settlement or its setting. The site is visually contained by its topography, existing boundary features, including a mature line of conifer trees along the northern boundary, and other features. The site does not offer important or significant public views over it. It is noted that the land is not a 'valued landscape' under Policy EH5 of the draft Plan.
- 3.6 There is no evidence to indicate that the land is of historic significance, and it does not contribute to the setting of a heritage asset.
- 3.7 The assessment of the site in the evidence base does not show the land to be of particular or demonstrable recreational value. As already stated the land is not lawfully accessible to the public other than along the public right of way along the northern boundary of the land, and no recreational use of the land has been identified

other than dog-walking and the opportunity for people to talk to one another. This is not enough to justify identification of the land as Local Green Space. The site has no role as a public amenity or recreational asset, except for providing a direct, linear public right of way across the northern extremity of the site. Local Green Space designation would make no difference to the level of public access between Village Street and from Crest Hill, or to the frequency of use of this footpath.

- 3.8 The land lies on the edge of the settlement, close to a recreation ground and in proximity to dwellings and roads. The site is not within an area recorded for its particular tranquillity.
- 3.9 There is no evidence that the site is of particular ecological significance making it demonstrably special to the local community, and warranting its identification as a Local Green Space. None of the land is subject to a national or local ecological or habitat designation.
- 3.10 The land measures 1.84 hectares and constitutes a large area of open countryside; it is *'an extensive tract of land'* and should not be designated as a Local Green Space for this reason alone.
- 3.11 There is no justification for the identification of the land as Local Green Space, especially having regard to the effect of such a designation as set down in paragraph 101 of the NPPF, that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. Further Policy EH2 of the draft Neighbourhood Plan states proposals for *"Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be supported unless there are very special circumstances which outweigh the harm to the Local Green Space."* As outlined the particular characteristics of the land identified as GS8 do not merit such a level of control.
- 3.12 In fact Policy EH2 of the draft Neighbourhood Plan goes even further than Green Belt policy by restricting any type of development, including types that are appropriate in Green Belt, namely agricultural and forestry buildings, replacement buildings, sport and recreation buildings and engineering operations. This high level of restriction sought by Policy EH2 is unacceptable, outside the purpose of Local Green Space

designation and will result in a “*back door’ way to try to achieve what would amount to a new area of Green Belt by another name*” (PPG Reference ID: 37-015-201403).

- 3.13 It would appear that designation of the land as Local Green Space and the consequential effect of Policy EH2 is simply being used as a tool to prevent development. However, existing policies in the South Worcestershire Development Plan (SWDP 21, SWDP 22 and SWDP 25) relate to environmental enhancement and protection matters so would defend against development that ‘would harm the openness or special character’ of the landscape. Additional protection is neither necessary nor desirable.

4. CONCLUSIONS

- 4.1 The Submission Draft of Harvington Neighbourhood Plan fails to demonstrate that the land at GS8 is demonstrably special to a local community and holds a particular local significance and is local in character. It is evident that under the policies of the NPPF’s and NPPGs that the site notated as GS8 does not qualify as a Local Green Space.
- 4.2 The site notated as GS8 should be removed as a Local Green Space designation from the Submission draft Neighbourhood Development Plan.

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