

## **Swale Borough Council Local Plan Examination Statement**

### **Matter 6: Local Green Space designations**

This statement has been produced as part of the examination of the Swale Borough Local Plan: Bearing Fruits 2013 and its Proposed Main Modifications June 2016. It answers the Inspector's questions relating to Matter 6.

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## 1. Local Green Space designations

### **Matter 6 Is the designation of local green spaces through MM268 consistent with national planning policy and has the process to identify and designate sites been consistent, transparent and inclusive?**

#### **Introduction**

1. This statement should be read in conjunction with the Council's responses within SBC/PS/117f (MM268 Policy DM18) and SBC/PS/117h (MM339-MM427 modifications to the Proposals Map). It is considered that the designation of Local Green Spaces is consistent with national planning policy and that the process to identify and designate sites has been consistent, transparent and inclusive.
2. The Inspector's [Interim Findings](#) (Part 3) on Local Green Spaces are set out at paragraph 26 of that report. At that time it was concluded that the process through which Local Green Spaces were designated was undermined by the Council's proposed late addition of a green space at Holmside Avenue, Minster. Accordingly, at the Inspector's request, the allocation of Local Green Spaces has been reviewed to demonstrate that it has been consistent, transparent and inclusive.
3. Following the Inspector's Interim Findings the Council undertook a call for sites from 11 March - 22 April 2016. Invitations were sent to all Parish Councils across the Borough inviting them to submit sites, and a press release issued to local news media.
4. This call for sites resulted in excess of 100 submissions. These sites were assessed using a consistent methodology as set out in the NPPF/NPPG. The previous submissions were reconsidered. Delegated authority was given to the Head of Planning, in consultation with the Chair of the Local Development Framework Panel (LDF) at its meeting on 19 May 2016 to make revisions to Technical Paper No.2 (Local Green Spaces) and for the subsequent Main Modifications that would be made to the Local Plan.
5. This report (and minutes) can be found at [SBC/PS/108](#). The approach to Local Green Space designations is reported at paragraphs 3.224-3.227 (page 104), as supplemented by [tabled papers](#). The minutes for (renumbered) recommendation (xii) can be found at pages 117/118 and 119/120.
6. [Technical Paper No.2 \(Local Green Spaces\)](#) was updated in June 2016 (CD/086a-e) and the appropriate Main Modifications (MM) made to the Local Plan. Specifically, MM268 (Policy DM18) and MM339-MM427 (modifications to the Proposals Map).
7. The Local Green Spaces Technical Paper provides commentary on the methodology for assessing Local Green Spaces in the Borough – using the criteria for designation as set out at paragraph 76-77 of the NPPF. The Technical Paper notes that 120 submissions were received, which after duplicate sites were reconciled left 104 new sites to be considered - in addition to the original submissions from 2014 - which were re-assessed.

8. A series of appendices accompany the main report listing those sites to be allocated as Local Green Spaces; sites to be allocated (with amendments to site boundaries); amalgamated sites to be allocated and finally, sites not allocated. Each submission is accompanied by a site plan and a short commentary discussing the site in relation to the criteria set out at paragraphs 76-77 of the NPPF.
9. Following the LDF Panel in May 2016, landowners were contacted about the Council's proposals to designate their land as Local Green Space. This was in addition to the opportunity to comment in respect of all Main Modifications to the Local Plan. This concurrent consultation period ran from 16 June – 5 August 2016 (with the MM consultation running from 24 June – 8 August). Details of the landowner responses are reported as an Addendum to Technical Paper No.2 ([CD/086f](#)).
10. Local Green Spaces were considered at the EIP last year under Matter 7.7 [SBC/PS/074](#).

### **Representations**

11. Representations on Local Green Spaces fall into two types – those from landowners and other interested parties. The concerns from landowners relate to a number of issues: insufficient consultation; land not of special significance to the community; development aspirations; extent of land to be allocated, concerns about obligations regarding public access; and landowners seeking to protect their interests as householders.

### Consultation with landowners

12. Concern has been raised by landowners about the Council's consultation arrangements. Paragraph 019 (37-019-20140306) of the NPPG states that the local planning authority should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. This was undertaken, as set out at paragraph 9 above.
13. Unlike the first round of landowner consultation in May 2014 - when consultation took place as a standalone process prior to consultation on the Publication version of the Local Plan in December 2014 – consultation ran concurrently with that on the Main Modifications.
14. The Local Plan Examination remains formally open. The Plan has required Main Modifications to address the Interim Findings in relation to the Council's housing target and more wide-ranging topics (including Local Green Space). Landowner representations have been dealt with in accordance with the NPPG. That is, the Council has included in its submitted documents details of the representations made and a summary of the main issues raised. In accordance with the Council's Statement of Community Involvement, consultation did take place with landowners in the earlier round of call for Local Green Spaces in 2014, and then with others prior to the Local Plan being submitted for Examination. Now that the examination is in progress the procedure to be followed is as set out in the NPPG.

Special significance to the local community

15. Several landowners have commented that they are of the view that their sites are not of special significance to the local community – in particular, land at The Street/Hempstead Lane, Bapchild, Lynsted Meadow, Brielle Way, Queenborough, Highsted Quarry and Faversham Cricket Club. This special significance can be derived from a number of criteria including its beauty, history, recreation, tranquillity and wildlife. The fact that these nominations have come direct from the community is an indication of the significance that they hold.
16. Land at Bapchild has been designated as Local Green Space (MM344) in recognition of its connectivity, marked by a public footpath, between the built up edge of Bapchild and Tonge Country Park. The site shares the tranquillity of the country park and is essentially a transitional space to it. It's considered to be special in terms of the wildlife migrating from the country park and the adjacent stream – and is in the vicinity of UK BAP Priority Areas for young woodland, deciduous woodland and traditional orchard.
17. Notwithstanding the fact that Lynsted Meadow (MM390) is now no longer the venue for the village fete, it is considered to hold a particular local significance because of its beauty/historic significance. This site forms a small part of the wider Lynsted conservation area (designated 26 January 2000). The village has an open form of development giving it a green appearance, with the transition from village to countryside marked by two large house (Lynsted Court and Aymers) to the south. The proposed Local Green Space lies to the north of Lynsted Court, anchoring this building into the village.
18. Land at Brielle/Moat Way (MM397) is considered to be demonstrably special by reason of its designation as a Local Wildlife Site and Area of High Landscape Value. This landscape plays a special role in providing a setting to the Queenborough conservation area which includes the remains of Queenborough Castle (a Scheduled Ancient Monument).
19. Highsted Quarry (MM343) was not originally included in previous versions of the Local Plan. But having been subject of the re-assessment process it is now included (with the site boundary limited to that part of the quarry immediately adjoining the built up area boundary of Sittingbourne). This site is considered to have particular local significance because of its landscape and biodiversity value. The site is designated as a Site of Nature Conservation Interest and is a UK BAP habitat priority area for deciduous woodland. Its sense of remoteness provides a feeling of tranquillity at the edge of the town. The fact that the site has planning permission for development – for use of the site by the local rifle club is considered compatible with the reasons for designation.
20. It is considered that Faversham Cricket Club (MM191) is of special significance to the local community and holds a particular local significance because of its historic connection with Macknade Farm. The Cricket Club is a surrounded by mature trees, with views out to the countryside beyond. This area to the south of the A2 is

noted in the Turley report (SBC/PS/010) as retaining a strong sense of its historic character and traditional uses, including the fruit and hops growing.

#### Development aspirations

21. It is apparent from the landowner representations that they consider designation as Local Green Space will stifle their development aspirations.
22. The Local Plan, as proposed to be modified, is considered to be sound. The Council has allocated sufficient housing sites to meet its OAN. It is consistent with national policy as the sites allocated accord with both the strategy of the Plan and the NPPF itself – with development being allocated in accordance with the settlement strategy outlined at Policy ST3.
23. Notwithstanding this, the Council does not consider the sites at Bapchild, Lynsted, Brielle Way and Faversham Cricket Club to be suitable for allocation for the reasons set out in the SHLAA ([SBC/PS/110](#) and appendices). The Council considered these sites at its Local Development Framework Panel meeting on 19 May 2016 (SBC/PS/108).
24. With respect to the sites at Bapchild (SW/408) and Lynsted (SW/078) it was noted that these locations offer a lesser contribution to the Local Plan settlement strategy than others. Additionally, the Council has been able to meet its housing target in accordance with the settlement strategy agreed through the Inspector's Interim Findings. The Council does not need to go below Tier 4 (Rural Local Service Centres) in search for development sites. Bapchild and Lynsted are in Tier 5 and therefore are less sustainable locations for housing.
25. Brielle Way (SW/042) was discounted as a result of its flood risk. Land at Selling Road (SW/778) (including Faversham Cricket Club) was considered to be of a scale which would be contrary to the Council's endorsed settlement strategy. Designation as Local Green Space has not been used to block development on these sites – they have considered, and development discounted for other reasons.

#### Extent of land

26. Several landowners have noted that their sites amount to extensive tracts of land. In respect of the site at Brielle/Moat Way the landowner has flagged up the Inspector's report into the Backwell Neighbourhood Plan and two proposed Local Green Spaces at Farleigh Fields (19ha) and Moor Lane Fields (32ha), where it was concluded that these amounted to extensive tracts of land. These sites were excluded in the Referendum version of the Plan (February 2015) – with a commitment by Backwell Parish Council to seek to promote the allocation of appropriate areas of Local Green Space at Moor Lane and Farleigh Fields in the development plan. A site at Farleigh Fields has been allocated as Local Green Space on a reduced area of land and is now subject to a period of public consultation (7 November – 19 December 2016).
27. It is acknowledged that at 17.5ha the site at Queenborough is larger than many that are proposed to be designated. However, it is not as large as others that have

already been through EIP – such as the land at The Leas, Seathorpe Avenue, Windy Cliff, Roundhill and Minster Cliffs (78ha) and Barton’s Point coastal park (34.6ha). These larger sites meet the criteria for designation and are not being used to block development.

#### Public access

28. It is accepted that many of the sites to be designated are privately owned and that other than use of any footpaths public access to the land cannot be assumed. This is in accordance with paragraph 017 of the NPPG (37-017-20140306), which states that public access is not a pre-requisite of designation.

#### Curtilage of dwelling houses

29. Householders at Stonebridge Pond and Allotments (MM366) have queried whether a further designation is required bearing in mind that the site lies in a Conservation Area and the existing dwellings are Listed Buildings.
30. Stonebridge Pond and its environs are a well-recognised/defined feature of this part of Faversham – an area of openness that is historically significant in terms of the town’s gunpowder heritage. The three properties within the proposed Local Green Space are an intrinsic part of that historic interest. Subject to the criteria set out in Policy DM18, permission could be granted for the carrying out of works at these dwellings. Regard would also need to be had to policies relating to designated heritage assets.
31. It is understood that Historic England took the decision not to designate this site as a Schedule Ancient Monument. However, the tests applied for designation as a Schedule Ancient Monument (archaeological character) are different to those for designation as Local Green Space. The properties within the perimeter wall of the allotments are considered to play a key role in contributing towards the special significance to the local community, by virtue of their historic association with the site.
32. Different designations are intended to achieve different purposes. A Listed Building is designated in recognition of its special architectural and historic interest; a conservation area is designated as an area of special architectural and historic interest. The purpose of a Local Green Space is a way to provide special protection against development for green areas of particular importance to local communities.

#### Late submissions

33. Despite a number of opportunities for Local Green Space submission to be made, several sites have been submitted too late in the plan preparation process and have not been subject to any of the assessment processes that have been carried out by the Council. The Council does not propose to undertake assessment of these sites until a future review of the Local Plan.
34. On this point, the delegated authority given by LDF Panel on 19 May 2016 was to allow discussion on the merits of the recommendations for the respective

allocations/non allocations, and was not intended as an opportunity to submit brand new sites.

South west Sittingbourne

35. Residents of south west Sittingbourne have objected to the reduction in size of the proposed Local Green Space at Auckland Drive (MM340) and suggested that land at Grove Park Avenue at the junction of the A2/London Road also be reconsidered for allocation as Local Green Space (in addition to an application for Village Green status). In response to increasing the Borough's housing target to 776dpa to meet its OAN the Council has allocated land at south west Sittingbourne under Policy MUX1 (MM192).
36. Paragraph 7 (37-007-20140306) of the NPPG states that designation of land as Local Green Space should not be used to undermine or block a Council's ability to meet its identified development needs. The act of designating sites as Local Green Space is not intended to be a reactionary exercise to protect sites under threat from development. The area of Local Green Space is proposed to be allocated at south west Sittingbourne as part of the network of green spaces within and around this development. The allocation for the Local Green Space (as well as the development allocation) is not yet adopted, so in proposing Policy MUX1, and a modification to the extent of the Local Green Space, the Council is not actually impinging on a previously adopted Local Green Space.

**Conclusion**

37. For the reasons stated above it is considered that the Council's designation of Local Green Spaces through MM268 is consistent with national planning policy and the process to identify and designate sites has been consistent, transparent and inclusive.