

Appraisal of proposals for Local Green Space by Backwell Residents Association

December 2012

Introduction

1. I am a chartered town planner and I have been engaged by the Backwell Residents' Association to appraise their proposed Local Green Space designation in the emerging Backwell Neighbourhood Plan. I have undertaken a review of the Consultation Draft Backwell Neighbourhood Plan (November 2012) and discussed the matter with the Chairman of the Residents' Association. I have not visited the land in question with specific reference to this project, but I am familiar with Backwell due to past work in the area.

Planning policy background

2. Section 8 of the National Planning Policy Framework (NPPF) is entitled 'Promoting Healthy Communities', and the introduction to this Section states that:

'Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.'

3. As part of this, the NPPF allows for local communities to identify for special protection green areas that are of particular importance. This is to be progressed through local and neighbourhood plans. Paragraph 76 says that

'By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore 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.'

4. This therefore sets out the first requirements for identifying Local Green Space (LGS):
 - Any LGS must be consistent with sustainable development objectives and not conflict with the objectives of securing homes, jobs and the provision of essential services.
 - Any LGS must only be prepared as part of a plan review or preparation.
 - Any LGS must be capable of enduring beyond the plan, ie they must be long term designations.
5. Paragraph 77 of the NPPF continues to say that 'most' green areas or open space will not be appropriate as LGS. This is a high test to pass, and further guidance is provided:

*' - where the green space is in reasonably close proximity to the community it serves;
- where the green area is 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
- where the green area concerned is local in character and is not an extensive tract of land.'*

6. Paragraphs 76 and 77 of the NPPF therefore provide the correct tests against which to appraise whether any proposals for LGS have been properly undertaken.

The Consultation Draft Plan

7. The Consultation Draft Backwell Neighbourhood Plan (NP) supports the principle of access to high quality open spaces (paragraph 11.2). To facilitate this, the NP puts forward two options for the identification of LGS. Option A is based on a recommendation from the Backwell Parish Council, whilst Option B is that proposed by the Backwell Residents' Association and Backwell Environment Trust; Option B can, in summary, be said to be a larger area of land to cover six fields comprising Farleigh Fields and 12 fields in the Moor Lane area.
8. The NP reports at paragraph 11.5 that initial advice from North Somerset Council (in January 2012, nb before the publication of the final NPPF) was *that 'to consider the whole area of Farleigh Fields as open green space [as it was then termed] may exceed the spirit of the draft NPPF, and similarly the size of the area being discussed west of Moor Lane'*. The Parish thus proceeded with Option A. Subsequent advice from North Somerset Council from 2 October 2012 was that *'as the incentive is to secure protection of these spaces in a similar way to Green Belts, that this could, or perhaps should apply to a wider range of spaces which are of particular importance to local communities'* (paragraph 11.49). The advice further did not rule out the whole of Farleigh Fields being so identified.
9. I concur with such revised advice. There is no requirement in the NPPF that a LGS should be of a particular size, save for the requirement that the land should be local in character and not an extensive tract of land. But this does not necessarily equate to a small area: the tests are those contained in paragraphs 76 and 77 where the local community must be able to demonstrate, *inter alia*, that the land is in reasonably close proximity and has particular local significance. Thus, provided the land is local and not 'extensive', it can be so designated.
10. It is therefore appropriate to appraise the Option B area of land to consider whether it satisfies the tests of the NPPF. I shall appraise the tests of **paragraph 77** first, since these are the more detailed tests first as to identifying the specific boundaries of any land.

The 'close proximity' test

11. The identified land is in close proximity to Backwell and the dwellings within the village. There are easy and convenient routes into and across the identified land, with public footpaths crossing the land. The fact that there not public access to all the land is not of significance: there is no requirement for that within the NPPF. What is more relevant in this case is that the local community will be able to access some of the land and see and experience adjoining land, ie that other inaccessible land is still in 'close proximity'.

The 'demonstrably special' test

12. To a large degree, satisfying this test is dependent on the local community; it is up to them to prove the proposed LGS holds a particular significance. The NP correctly addresses this point and reference is made to the Parish Council's LGS Questionnaire. If the local community express that the area shown by the Residents' Association is of particular significance then this test will be met.

The 'local in character' test

13. I consider the area of land identified in Option B to have been tightly defined to avoid extensive tracts of land. The larger area of land, compared to Option A, encompasses the further parcels of land upon which consultation was undertaken with the Parish Council Questionnaire of April 2012 (results summarised at paragraph 11.15 of the NP). It is therefore clear that tight terms of reference were identified at the outset as to considering only land local in character, and there was no intention to identify extensive tracts of land.
14. Provided the consultation on the NP reveals a response that the proposed area of land is demonstrably special to the local community, then my opinion is that the boundaries of the land shown in Option B would satisfy the tests of paragraph 77 of the NPPF. I now consider the more over-arching tests of **paragraph 76**.

The 'sustainable development' test

15. The NP states the larger area of Option B land has been drawn to provide a large enough area for one aspect that can be considered in this test, namely that the area would provide worthwhile wildlife habitats and corridors. There are further interrelated topics such as recreation, tranquillity and landscape quality that might be similarly dependent on having a large enough area. The evidence in the NP so far from the April 2012 survey also indicates the larger area is valued for recreational and landscape value; the current consultation will provide more evidence on these matters. These are matters that are part of sustainable development, as set out in paragraph 7 of the NPPF which defines the environmental role being one of the three dimensions of sustainable development.
16. This test also requires the designation of LGS to complement investment in homes, jobs and services. The NP provides policies for the amount and location of such development. It is not within my remit to comment on the appropriateness of such policies or proposals. However, I note the area of land shown in Option B does not overlap with any proposed designation in the NP for development land. Nor does the wording of the proposed policy for the LGS designation (at paragraph 11.41) seek to impose any control on land outside or adjoining the LGS area: such areas of land would remain free from any particular policy designation, such as Green Belt or the Nailsea-Backwell Strategic Gap.
17. I therefore see no evidence that suggests the area of land shown in Option B would prejudice the provision of homes, jobs and services in other areas. The land proposed as Option B would not impose restrictions on the currently envisaged areas of land to be designated in the NP for such development. Further, there would remain other land at Backwell free from any policy designations that might be also be considered for homes, jobs and services now or in the future. Indeed, the purpose of identifying land as LGS is to protect land that is demonstrably special to the local community and so, with the provision of homes, jobs and services, now or in the future, in the village, then the identified area of land would complement such investment.

The plan preparation and endurance tests

18. The identification of the LGS is clearly being undertaken within the preparation of a neighbourhood plan. The area of land identified in Option B appears to me to be land that is capable of enduring beyond the end of the plan period to 2026; I do not see any evidence to suggest that its designation could not endure beyond then.

Conclusions

19. Based on the evidence I have seen, my opinion is that the Option B area of land proposed as LGS satisfies the requirements for designation set out in the NPPF, subject to the caveat that the area of land is '*demonstrably special to a local community and holds a particular local significance*'. The current consultation on the NP and the Parish Council's LGS Questionnaire will provide evidence to answer this question and, if proven, also show that requirement has been satisfied.

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