



SHERINGTON NEIGHBOURHOOD PLAN (SNP)

EXAMINER'S HEARING INTO POLICY NP2 - Proposed designation of land to the east of High Street, Sherington adjacent to Knoll Close as Local Green Space (LGS)

12 April 2017

HEARING STATEMENT

1.0 Introduction

1.1 This Hearing Statement has been prepared by Duncan Chadwick, BSc, MSc, MRTPI, Partner at David Lock Associates on behalf of My Roy Mason, part owner of land east of the High Street, Sherington, the subject of Policy NP2.

2.0 Is it appropriate for the parcel of land concerned to be designated as a LGS in the submitted Plan?

2.1 No, as it does not meet the basic conditions.

2.2 The National Planning Policy Framework (NPPF) sets out clear criteria (Paragraph 77) for such spaces. They should only be designated in exceptional circumstances, which do not apply in this case. We believe that rather than being designated for its demonstrably special qualities the key driver is to restrict any future residential development on the site, which is not the purpose of the 'LGS' designation. This clearly conflicts with advice in *Planning Practice Guidance (PPG)* that states that 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 (Paragraph: 015 Reference ID: 37-015-20140306).

2.3 The land is already covered by an Article 4 Direction relating to agricultural buildings and lies partly within the designated Conservation Area. The PPG states that if land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as LGS (Paragraph: 011 Reference ID: 37-011-20140306).

2.4 The land is not allocated in the SNP for residential development and is shown as being outside the settlement boundary. Any future development proposals would need to be assessed against relevant policies in the development plan and other material considerations. Therefore, the need for the community to protect the land from development by designating it as LGS is not justified.

2.5 Paragraph 76 of the NPPF states that designating any LGS will need to be consistent with local planning for sustainable development in the area. The land is in a sustainable location and is suitable and available for future



- development needs (in the Milton Keynes area). The PPG states that the LGS designation should not be used in a way that undermines this aim of plan making (Paragraph: 007 Reference ID: 37-007-20140306).
- 2.6 The land is simply inappropriate for designation as a LGS. Evidence to support this can be found in the PPG, which states that, for example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis (Paragraph: 013 Reference ID: 37-013-20140306). The land is none of these types of space.
- 2.7 Indeed, national policy in the NPPF (Paragraph 77) is that designation **will not** be appropriate for most green areas or open space, which is a high benchmark. This stern test has not been passed in the case of our client's land. We have seen no compelling evidence to demonstrate that this proposed allocation meets national policy so to avoid failing a 'basic condition' this land should be deleted from Policy NP2.
- 2.8 This strict test for a highly restrictive policy is reflected in the decisions of a number of Examiners of NPs where LGS policies and sites have been deleted from plans because of a failure to meet NPPF and PPG tests and fulfil 'basic conditions'. Examples include:
- Freshford & Limpley Stoke (January 2015)
 - Backwell (October 2014)
 - Faringdon (October 2014)
 - Alrewas (August 2015)
 - Ripley (December 2014)
 - Norley (August 2015)
 - Bentley (January 2016)
- 2.9 The wording of Policy NP2 also fails to have appropriate regard to the NPPF in rehearsing the circumstances in which such sites could be developed. The intention of the designation is that these LGSs would carry the highest level of protection akin to the Green Belt.
- 2.10 However, there is no reference to this in the wording of the policy, which also fails to refer to the need for 'very special circumstances' to justify development. In addition, the NPPF does not say anything about development which supports public recreational use or that may be required by a statutory undertaker (which may well be "permitted development") for infrastructure purposes being acceptable and therefore the SNP should not rehearse possibilities in this respect.
- 2.11 Finally, whilst the PPG states that a LGS does not need to be in public ownership it does state that the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Some councils (e.g. Buckingham Town Council) state that given the council's obligations as a public body, under the Human Rights Acts 1998, 'it would be strongly advisable to consult the land-owners prior to final designation, given the significant constraint on the development rights of the land'. Regrettably this



did not occur and adds further support to our serious concerns about the policy and designation.

3.0 Is the parcel of land demonstrably special to the local community and does it hold a particular local significance?

Demonstrably special to the local community?

- 3.1 This is primarily one for the Parish Council to answer and demonstrate. However, we have seen little, if any, evidence that the land is demonstrably special to the local community (e.g. through support for Policy NP2, support for LGS designation of our client's land, reasons cited for such designation, etc.). This is unlike other NPs (e.g. Sedlescombe Final Local Green Space Report, 2016 - attached).
- 3.2 This is perhaps not surprising as the LGS was not mentioned in the Draft Consultative Status (October 2015) version of the SNP, which appeared after the results of consultation with the community (August 2015) were published.
- 3.3 The Consultation Draft Version of the SNP (July 2016) – Policy NP7 – referred to four important green spaces at Figure 9, including our client's site within a large tract of land to the north of the village. However, in the Submission Version (December 2016) this had been reduced to a single LGS including our client's site within a much smaller tract of land. No justification was provided for this shift in policy or the community's support or otherwise for this position.
- 3.4 Indeed, our client's own survey [original copies available] in August 2016 shows that out of 175 questionnaires received, 114 of respondents were in favour of the site being developed for housing with 61 against. This represents about a 46% response rate and shows an almost two to one majority of the community being in favour of the development of the site, which runs counter to its allocation as a LGS.

Particular local significance?

- 3.5 The NPPF, second bullet point of Paragraph 77, gives a number of examples of 'local significance'.

Beauty

- 3.6 The site comprises semi-improved grassland, which has been improved to some degree historically and modified through grazing but more recently has been left unmanaged. It is like many other fields in the area and has no particular qualities that combine to 'delight the senses and mind' (Collins English Dictionary & Thesaurus definition of 'beauty').
- 3.7 Furthermore, the lack of visibility of the site from the High Street, with its enclosure by a frontage hedgerow limits the potential for the site to be appreciated by those other than pedestrians walking on the public footpath across the site (see image below).



Historic significance

- 3.8 Under s69 of the *Planning (Listed Buildings and Conservation Areas) Act, 1990* local planning authorities are obliged to designate as conservation areas any parts of their area that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The Sherington Conservation Area was designated in 1973 and includes a small sliver of the site at Mason's Field.
- 3.9 If the site was 'demonstrably special' then we contend it would have been designated as part of the Conservation Area in 1973. However, it was not deemed important enough after an assessment of important views and other features. The SNP refers to the historical context of the land being shown in previous village plans and assessments but this fails to recognise that the site was not included in the Conservation Area presumably on the basis that it did not possess the necessary special architectural or historic interest. In 44 years since this time the Area has not been reviewed, appraised or re-assessed by Milton Keynes Council. Hence, we consider there is no justification for claiming that the site is of historic significance.

Recreational value

- 3.10 The land is a privately-owned field and not a playing field (see NPPF) or other 'public' space (see 2.7 above). A public footpath crosses the site from the High Street towards St. Laud's Church. This is the only legitimate public access on the land. Whilst the owners have occasionally let the field be used for village events (e.g. parking for funerals at the Church) the whole of the site cannot be claimed to have been used by dog-walkers for at least 20 years.
- 3.11 In this respect, around 2010 our client made a deposit under section 31(6) of the Highways Act, 1980 to the Council through Sue Rumfitt Associates.
- 3.12 We therefore do not accept that it has an established recreational value save for the enjoyment of users of the footpath, which will remain irrespective of the outcome of the LGS allocation.

Tranquillity

- 3.13 The site is typical of many such spaces on the edge of a village and save for traffic noise on the High Street would generally be a quiet or tranquil area. However, this would apply to many such fields around Sherington and is not 'demonstrably special' or 'of particular local significance'.



Richness of its wildlife

- 3.14 We are not aware that the Council has commissioned any ecological report on the site to establish the richness of wildlife.
- 3.15 Our client commissioned a desktop ecology study and extended phase 1 habitat survey in October 2014 by TEP. The survey concluded that there was nothing on site that would indicate that the site had a 'rich wildlife' or was of specific ecological merit. A copy of the report is attached as evidence for the Examiner.

Conclusion

- 3.16 In conclusion our client's land has not been properly assessed, considered or justified as part of the SNP-making process as required by the NPPF and PPG and fails a 'basic condition'.