

Steering Group Request for advice on Green Space issues and HDC response.

The text of the Steering Group email is the black text in unboxed section, and the HDC response is the blue text in boxed sections.

Hannah Langler is the HDC planning policy officer assigned to support our Neighbourhood Plan, and Rob is the Green Space consultant used by HDC within the Local Plan process.

From: Hannah Langler
Sent: 10 September 2018 14:28
To: 'Rudby Parish Council'
Subject: RE: Steering Group Questions on Green Space Designation

Dear All,

Before responding I have been in touch with our greenspace consultant to try and ensure that the response is as robust as it can be. My/the consultants response are in blue below each question. If you have any further questions please do not hesitate to contact me.

Thank-you for your email on housing requirement to which we will respond after discussing it at our Steering Group meeting on Monday 3rd Sept.

In the meantime we would like to ask for your guidance on some issues related to Green Space designation to help us ensure we achieve consistency with HDC's overall approach before we complete this phase of work.

Over the last few months, the Steering Group have been assembling evidence, and reviewing and assessing potential Green Space designations within the Neighbourhood Plan area. We have reviewed all of the areas put forward through the HDC process and corrected a few errors in the assessment data, but we have also independently assessed a number of other areas using HDC's checklist / proforma. We have used HDC's assessments as precedents to guide our decision making.

We have illustrated the issues set out below with examples where appropriate, but we would like to make it clear that we are only asking for guidance on principles and any comments you have on our approach. We are not seeking endorsement of SG recommendations for or against particular sites.

1) Private vs Public Spaces

A number of areas put forward have no public access but are visible from public spaces and are thought to make a significant contribution to settlement character. Some of these areas are fields and others are gardens. The Steering Group view is that some, but not all, of these are suitable for designation.

The PPG is clear that public access is not a pre-requisite so we do not see a problem in principle unless there is a conflict with HDC's policies on Green Space.

It is not, however you do need to consider whether the space is capable of surviving beyond the plan period? If you can demonstrate that and that the site in question demonstrably meets the criteria set out in the NPPF and has community support then in principle you can consider seeking an LGS on land that does not have public access. Rob has responded to issues about specific types (gardens and fields) of land that may be private and views in these cases below.

Are any such areas preferred for designation elsewhere in HDC, and if not would designation within our Neighbourhood Plan give rise to a policy conflict.

We noted that HDC's boundaries for ALT/S.073/016/G excluded all garden spaces even where these had habitat significance as indicated by designation as an area of deciduous woodland. We wondered whether the exclusion of garden areas was a decision specific to the context of this particular site, or the application of a general principle.

This is Robs response ... (a) an agricultural field does not possess beauty in itself - its 'openness' may enable a beautiful view over it, but it does not have intrinsic beauty of itself.

(b) gardens - these can have beauty, but are they capable of surviving beyond the plan period? What if an owner decides to grub up all the plants to create more car parking? It is also likely that trees may be one of the key factors in a recommendation for beauty - in this case, a TPO is a more suitable method to protect the amenity of the space.

ALT/S.073/016/G - boundary put forward did not include garden spaces. I would not recommend including any garden areas on the basis of the argument above.

2) Impact of extant Planning Permission

Our understanding is that the general principle is that where there is planning permission there will not usually be a case for designation.

However, one area put forward to us is the "flagpole field" which has an extant planning permission (16/01771/FUL), and it might be an exception to the general rule. The flagpole field is an open area within the village giving views to Cleveland Hills and noted as important within the Village Design Statement. The planning permission splits the site into two parts - a part approved for a single house development, and a part designated as a Landscape Character Protection Area (LCPA).

If there was no planning permission the only issue with this site would be the private vs public space issue already raised. However, we would like some guidance in relation to the planning permission.

If the site otherwise meets the designation criteria would it be permissible to

a) designate the LCPA part even although this is within the redline of the planning permission or

b) conditionally designate the other part such that if the planning permission lapsed it would become Green Space,

You would need to consider paragraph 99 of the National Planning Policy Framework. – would the designation be consistent with local planning of sustainable development and complement investment in delivering sufficient homes. There are cases where you can designate if there is a permission for development but this is an exception and only where the development is compatible with the reasons for designation or where the permission is not capable of being implemented. With this particular site you would also want to consider the weight of the landscape character protection area, I would need to check how this is actually designated, would the Local Green Space provide additional protection? There is potential that the proposed local greenspace designation is consistent in this case, there would be a need however to look at the details in terms of the boundaries on the permission, and the LGS and information on criteria for LGS that are met by the element of the site proposed for designation as green space.

With regards to part b, the planning practice guidance is clear that the exception is when the permission is no longer capable of being implemented. Conditional designations would not be appropriate. They would not meet the criteria that the site is capable of being an LGS beyond the plan period.

3) Wildlife / Wildlife Corridors / Watercourses

We have some proposals for designation of narrow strips around watercourses with a view to protecting habitat and providing wildlife corridors. These are supported by non-expert / anecdotal evidence of use by otters and presence of Great Crested Newts.

In cases where the sole justification for designation would be habitat/wildlife what quality of evidence would HDC require to support a designation?

Rob has indicated that for objective consistency I have used 'Priority Habitat Inventory' information. I think we need to be careful with anecdotal evidence...HL - for other aspects of the local plan we have used the data centre (based in York) to obtain information on biodiversity, and North Yorkshire County Council services for ecologists.

4) Recreational Areas

Sites reviewed by HDC and preferred for designation include the cricket ground (ALT/S/073/014/G) and the Station Lane recreation area (part of ALT/S/019/G).

We note that these proposed designations include parking and clubhouse facilities as part of the proposed Green Space. Our view is that this is appropriate as these are integral to the function of the recreational area, but would like confirmation of this principle as we are considering designating the facilities around the village hall (bowling green, tennis courts and play area) on the same basis (i.e. including the clubhouses and parking).

With regards to this, where we gave proposed this we have written to the clubs to indicate that this is our intention. This is an extract of the letters we have written. In order to ensure consistency in the approach across the district and to recognise the integral relationship between the green space submitted and the associated facilities which are key to sustaining the long term recreational value and functionality of the green space, the district council considers that where the site meets the criteria for local green space designation as set out in the NPPF, that it is appropriate to include within the boundary of the designation both the green space and the ancillary facilities. It is important to note that designation as outlined above will not preclude development which is key to sustaining the recreational value of the area of green space and this will be recognised in policies within the Local Plan which will be consulted on at Publication stage. The nature of the policy will be similar to green belt policy consistent with paragraph 101 of the national planning policy framework.

I would advise that you contact the relevant clubs to indicate your intentions to allow them to get engaged with the process.

5) Designation of Large Areas

We have had several proposals within the Leven Valley which we have considered individually - most of which we think meet the Green Space criteria, and which collectively cover a substantial proportion of the undeveloped area in the valley.

However, we are also considering putting forward a larger designation covering all the undeveloped parts of the Leven Valley within the village area essentially on the basis that the "whole is more than the sum of the parts" in terms of contribution to settlement character, and that it would act as a barrier to coalescence between Rudby and Hutton Rudby. In total this would come close to the 20 ha maximum size but would include some sub-areas which would not meet the Green Space criteria on an individual basis.

Have HDC given preferred status to any other areas of similar scale, and what is HDC's opinion on whether including the weaker sub areas is appropriate/justifiable.

Firstly I would note that whilst there are no hard and fast rules about how big a Local Green Space can be, however I would draw your attention to paragraph 015 ID 37-015-20140306 of the planning practice guidance which is clear 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 achieve what would amount to a new area of Green Belt by another way".

Rob has indicated the following designation of large areas - the 20 ha seems to be standard and is based on the Accessible Natural Greenspace standard. Sites must be special of themselves in terms of beauty, richness of wildlife etc - prevention of coalescence is not relevant to LGS.

In terms of large areas we did look at a fairly significant area of land Sowerby Flatts (Thirsk and Sowerby). We did split up Sowerby Flatts area, but this was because parts of the site were suitable for designation, the parts have been designated separately depending on the reasoning for their designation in this case as there were distinctive parts.

If parts of the area referred to are suitable in terms of the LGS criteria, it may be possible to designate parts of this larger area and would advise against designated sub areas that do not meet the greenspace criteria.

I hope that this is of use.

Kind Regards,
Hannah