



Report To: Planning Portfolio Holder

26 July 2017

Lead Officer: Joint Director for Planning and Economic Development

South Cambridgeshire Local Plan – Review of Local Green Space following the Inspectors’ interim findings

Purpose

1. To agree Proposed Modifications to the Submitted South Cambridgeshire Local Plan that relate to Local Green Spaces, responding to the Local Plan Inspectors’ Interim Findings of March 2017.
2. This is a key decision because proposed local green spaces have been included in the draft Local Plan and are found district-wide. It was first published in the June 2017 in the Forward Plan.

Recommendations

3. It is recommended that the Planning Portfolio Holder:
 - i) Agrees to submit to the Local Plan Examination Inspectors the ‘Further work on Policy NH/12: Local Green Space responding to the Inspectors’ Interim Findings’ document in **Appendix A** in response to their Interim Findings;
 - ii) Agrees the Proposed Modifications to the submitted South Cambridgeshire Local Plan that relate to sites identified as Local Green Space in the Submission Local Plan set out in **Appendix B** be submitted to the Inspectors examining the Local Plan;
 - iii) Agrees that delegated authority be given to the Joint Director of Planning and Economic Development to make any subsequent minor amendments and editing changes, in consultation with the Planning Portfolio Holder.

Reasons for Recommendations

4. To respond to the preliminary conclusions received from the Local Plan Inspectors regarding Local Green Space and consider the results of the review the Council has carried out at their request. Proposed Modifications are recommended, to change the designation of a number of sites to the alternative local designations of Protected Village Amenity Area or Important Countryside Frontage, and remove LGS status from a number of sites that do not meet the criteria for any of the designations.

Background

5. The National Planning Policy Framework (NPPF) (2012) introduced a new designation – Local Green Space (LGS), which would enable green areas of particular importance to local communities to be designated, and rule out development other than in very special circumstances, in a similar manner to Green Belt.

6. The Local Plan Issues and Options process prior to submission provided an opportunity for sites to be suggested for consideration. Some 270 sites were suggested, the majority by Parish Councils. These were reviewed by the Council, and subject to public consultation through the Proposed Submission Local Plan (2013) consultation. In total 172 sites were included in the Local Plan when it was Submitted in March 2014.
7. Also in March 2014, the Government published the National Planning Practice Guidance (NPPG) which included advice on LGS. This recommended specific consultation with landowners on potential LGS sites. With the Inspectors' endorsement the Council carried out a landowner consultation between October and December 2014. The results were considered by the Planning Portfolio Holder on 10 March 2015, resulting in proposed modifications being submitted relating to changes to 7 sites, including deletion of one site.
8. Objections to the Local Green Spaces were considered in the Local Plan Examination hearing into Matter SC4: Protecting and Enhancing the Natural and Historic Environment on 18 January 2017. The Council's statement to the hearing included additional submissions from a number of Parish Councils supporting the inclusion of sites. In most cases, where an objector was appeared at the hearing, the Council was supported by representative of the Parish Council to assist in presenting their case.
9. The Inspectors wrote to the Council in March 2017 with their interim findings on the Local Green Spaces (LGS) policy and the sites proposed to be designated. Their view is that the Council did not set the bar high enough when it carried out the assessment of this new type of national local space designation during the preparation of the submitted Local Plan. They particularly referred to the National Planning Policy Framework description of these areas, that they must be '*demonstrably special*', of '*particular local significance*', and the '*Local Green Space designation will not be appropriate for most green areas or open space*'. They gave a number of examples where they considered specific sites did not meet these tests.

Considerations

10. In response to the Inspectors' interim findings, officers have undertaken a review of the 172 sites identified in the submission Local Plan, to reassess each site against the national tests and taking close account of the findings of the Inspectors. This review entitled '*Further work on Policy NH/12: Local Green Space responding to the Inspectors' Interim Findings*', is included as Appendix A of this report.
11. The site assessment process has been reviewed, and a proforma developed around the criteria set out in national guidance, to consider whether each site warrants LGS status. This particularly focuses on the key tests highlighted by the Inspectors, and has sought to apply the 'high bar' for designation that they describe.
12. As indicated by the Inspectors, where it was concluded that a site does not warrant LGS status, further testing has been undertaken to consider whether a site should either return to, or become new Protected Village Amenity Areas (PVAA) or Important Countryside Frontages (ICF). These existing designations in the plan provide protection to suitable sites within village frameworks, but not to the level of Green Belt type protection which is the effect of LGS.

Results

13. The Council initially considered whether there were any extensive tracts of land which would fail against the NPPF criteria and other sites which warranted splitting into smaller parcels where the land had different purposes and/or uses which perform differently against the criteria. The results of this exercise mean that there are now 196 parcels of land being considered instead of 172 included in the submitted Plan.
14. The assessment criteria have been applied in a stringent manner, reflecting the high bar set by the NPPF, as requested in the Inspectors' letter. In carrying out the assessment, and drawing on the Inspectors' findings in relation to specific examples of different types of site where provided, a consistent approach has been taken for the following categories of sites:
 - **Village Greens** – These sites at the heart of the village make significant contributions to the beauty of many villages, and also often have historic connections. Evidence demonstrates that they meet the stringent criteria set out in the NPPF, and continue to warrant LGS status.
 - **Recreation Grounds** - These are typically of particular local significance providing the main recreation or open space resource to a village. The Inspectors' letter includes the example of NH/12-070 Foxton where they conclude that the recreational value provided by a recreation ground would meet the criteria. Evidence demonstrates that they meet the stringent criteria set out in the NPPF, and continue to warrant LGS status.
 - **Allotments** – As the Inspectors noted for site NH/12-057 Meadow Drift, Elsworth, allotments serve a purpose within villages. The Local Plan recognises that they are valued forms of green space. Provision is sought from new developments, and Policy SC/9 seeks to protect against the loss of sites unless specific criteria are met. The Inspectors did not find the Elsworth site demonstrably special in terms of the LGS criteria. Reflecting on this precedent, similar conclusions have been drawn with other allotment sites, and removal of the LGS designation is proposed. As most are outside development frameworks, they are also not suitable for PVAA designation.
 - **Informal recreation in housing areas** – A number of sites comprise amenity land within housing areas offering opportunities for informal play and recreation. Whilst providing amenity to a local area, it could not be concluded, in light of the Inspectors' conclusions for site NH/12-055 Duxford, that they were of particular local significance and demonstrably special. Some of these were already PVAA in the adopted plan, and the assessment has demonstrated that this designation should be reinstated, reflecting the Inspectors' views on NH/12-144 Butlers Green, Sawston. The majority of such areas that were not previously PVAA are considered to also merit PVAA status. Therefore the plan will still result in an overall increase in protection of this type of space.
 - **Woodland / plantations outside villages** – Several villages identified woodland areas outside villages that contributed to the amenity of their communities. However, applying the more stringent review, the proximity of some sites means that some are considered too far from the village to warrant LGS designation.
 - **Meadows / fields providing informal access or contributing to village character** – these were the most varied and complex types of site to review.

Usage of land varied greatly, from having access via a public right of way, to having no formal public access. Sites also contributed to village character in various ways. The Inspectors' letter addressed three sites of this type (at Bassingbourn, Little Abington, and Fulbourn), and concluded none met the criteria. In Over (sites NH/12-130 and 131), they determined that as area within the village was not demonstrably special, and could not be considered as a valuable landscape in any respect. Through the consultations, communities have expressed the value they place on these areas being open. However, in many cases, it cannot be concluded that the areas themselves are of particular local significance and demonstrably special. In most cases this type of site was outside the development framework, so not suitable for PVAA designation. Some sites however are within frameworks, and contribute to village character and amenity due to their openness or low development density. In such cases designation, or resignation as PVAA is proposed.

- **Cambourne** – Through identifying the areas surrounding Cambourne, with the support of the Parish Council, the Local Plan sought to recognise the integration of open space and countryside into the masterplan of this new settlement. At the Inspectors' request a supplement to the Council's Hearing Statement was submitted which, with the help of the Parish Council, provided further information on the role of different spaces in and around the village. The Inspectors' interim findings consider that the proposed sites would deliver large contiguous tracts of land that would virtually encircle the village. This would conflict with planning Practice Guidance by creating the blanket designation of countryside adjoining settlements, and could be considered a backdoor to creating a Green Belt by any other name. The Council has sought to review whether there are specific areas within Cambourne that warrant individual designation as LGS, and whether some areas would be more appropriately identified as PVAA.

15. The Report in Appendix A includes a summary list ordered by village showing how each individual site performed against the LGS criteria (see section 3) and whether it is proposed to remain LGS, change to PVAA or have no designation. The overall outcome of the reassessment is as follows:

RECOMMENDATION	NUMBER OF SITES	PROPORTION OF SITES
Retain as Local Green Space	82	42%
Return to PVAA	24	12%
New PVAA	43	22%
Return to ICF	4	2%
No longer subject to LGS (and not PVAA or ICF)	43	22%
Total	196	100%

16. Whilst the number of Local Green Space is proposed to be reduced compared with the Submission Local Plan, the overall level of protection to important spaces being provided by the plan in comparison with the previous plan is being increased.
17. Of the 22% of all sites reviewed that will no longer be designated, almost all of those sites lie outside of development frameworks, with only a few exceptions, where most forms of development are not normally permitted. Whilst development frameworks have had little weight in making decisions on planning applications while the Council has been unable to demonstrate a five-year housing land supply, and local

communities have faced a significant number of speculative planning applications and a number of developments have been permitted outside development frameworks, once a five-year supply can again be demonstrated the policy will have full weight.

18. In addition, there are still other avenues open to local communities to protect land in their villages, such as through Neighbourhood Plans or the Community Asset Register (further detail is provided in Chapter 4 of the report in Appendix A).
19. The review indicates that a number of Proposed Modifications are required to be made to the Local Plan in response to the clear steer provided by the Inspectors in their preliminary conclusions. These are included in the schedule in Appendix B.
20. Modifications to the Local Plan have typically been considered by both the Planning Portfolio Holder and full Council where the Council has undertaken further work and is making decisions on proposed changes to the Local Plan that it wishes to put forward to the Inspectors for their consideration. In the case of the LGS review, the Council is providing a technical response to an issue raised by the Inspectors where they have given a very clear steer to the Councils on the changes they consider necessary to make the Local Plans sound, which has been undertaken and is reflected in the Proposed Modifications included in this report. Under those circumstances the matter is being brought to the Planning Portfolio Holder only, although of course the usual call-in procedures apply.

Next Steps

21. If agreed by the Planning Portfolio Holder the Proposed Modifications and supporting evidence will be submitted to the Planning Inspectors on 31 July 2017 for their consideration.
22. It is likely that the Inspectors will recommend modifications needed to make the Local Plan sound. On the basis of their preliminary findings this will include Local Green Space. The Proposed Modifications will be subject to public consultation, anticipated to take place in the Autumn, allowing representations to be made to the Inspectors before they issue their final report.

Options

23. The Portfolio Holder could:
 - (a) Approve the recommendations regarding Proposed Modifications to the Submitted Local Green Space as set out, and submit to the Inspectors for consideration.
 - (b) Amend some or all of the Proposed Modifications regarding Local Green Spaces, and submit to the Inspectors for consideration.
 - (c) Agree the proposed modifications as at options (a) or (b) but consider that they should be referred to full Council for consideration, even though they respond to a specific request from the Inspectors and relate to a clear steer on the changes necessary; or
 - (d) Not agree the proposed modifications relating to Local Green Space, however the Inspectors provided preliminary findings expressing concerns and expecting the Council to carry out a review, and therefore a response must be provided to the Inspectors.

Implications

24. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Financial

25. There are no direct financial implications arising from this report. The cost of preparing the Local Plan has already been budgeted for.

Legal

26. There are no direct legal implications arising from this report. However, the Inspectors asked the Council to review the Local Green Space designation and this report identifies proposed modifications considered necessary for the Inspectors to find the Local Plan sound.

Staffing

27. There are no direct staffing implications arising from this report. The review required has already been undertaken within existing resources.

Risk Management

28. The Inspectors have indicated in their preliminary conclusions that they have serious concerns regarding how the Council has assessed all of the proposed LGS designations. They consider that the assessment has not been carried out with sufficient rigour nor focussed fully on the stringent criteria set out in the NPPF which sets a high bar given that LGS sites enjoy the same level of protection as Green Belt land and they have advised that they expect the Council to carry out a further more rigorous review. If the Council does not respond constructively to address these issues there is a risk that the Local Plan could be found unsound.

Consultation responses (including from the Youth Council)

29. This report is a technical assessment, but it has been informed by various stages of public consultation during the plan making process.

Effect on Strategic Aims

LIVING WELL - Support our communities to remain in good health whilst continuing to protect the natural and built environment

By including a policy in the Local Plan for LGS this will ensure that areas of the district that are valued for their particular local significance by the local community are protected from development, so far as is consistent with planning policy.

Appendices

Appendix A – Further work on Policy NH/12: Local Green Space responding to the Inspectors' Interim Findings

Appendix B - Proposed Modifications to the submitted South Cambridgeshire Local Plan that relate to sites identified as Local Green Space in the Submission Local Plan

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Proposed Submission Local Plan – Policies Map

<https://www.scambs.gov.uk/content/proposed-submission-policies-map>

Draft Final Sustainability Appraisal 2014 in Annex A, Appendix 5 – Evidence paper on LGS and PVAAs

<https://www.scambs.gov.uk/sites/www.scambs.gov.uk/files/documents/Appendix%205%20-%20Evidence%20paper%20for%20Local%20Green%20Spaces%20and%20Protected%20Village%20Amenity%20Areas.pdf>

Planning Portfolio Holder Meeting 10 March 2015

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=6527&Ver=4>

South Cambridgeshire Local Plan – Targeted Consultation with Landowners of Local Green Space (July 2016) (RD/NE/240):

https://www.scambs.gov.uk/sites/default/files/a_rd-ne-240_lgs_report.pdf.

South Cambridgeshire Local Plan Examination – Matter SC4: Protecting and Enhancing the Natural and Historic Environment – Council's Matter Statement:

<https://www.scambs.gov.uk/content/examination-written-statement-matter-sc4>

Letter from the Inspectors to South Cambridgeshire District Council regarding Interim Finding in Respect of Policy NH/12 Local Green Space (16 March 2017) (RD/GEN/420):

https://www.scambs.gov.uk/sites/default/files/letter_from_inspectors_re_interim_findings_policy_nh12_lgs_rd-gen-420.pdf

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