

**East Herts
Examination in Public**

**Hearing Statement
Matters and Issues
Part 2
Chapter 19 Leisure
and Recreation**

**Rachel Bryan
On Behalf of
Mr Terry Drake**



1.0 INTRODUCTION

- 1.1 This Hearing Statement considers Chapter 19 – Leisure and Recreation. This Hearing Statement is made on behalf of Mr Terry Drake who submitted Regulation 19 representations on these matters which relate to his land ownership, SLAA site 01/007.
- 1.2 Our comments relate specifically to the proposed designation of the “green wedge” to the north of Bishop’s Stortford town centre as “Local Green Space” under policy CFLR2.
- 1.3 **I confirm I wish to attend the hearing in regard to Chapter 19 – Leisure and Recreation.**

2.0 CHAPTER 19 – LEISURE AND RECREATION

QUESTION 12 CFLR2 – Local Green Space. Further guidance may be helpful on what constitutes very special circumstances. Are the designations justified?

- 2.1 The current wording of policy CFLR2 is not in accordance with the National Planning Policy Framework (NPPF) or National Planning Practice Guidance (NPPG) for Local Green Space which state that development can only proceed in very special circumstances **and** should be consistent with policy for Green Belts.
- 2.2 Furthermore, the choice of sites for allocation is in conflict with NPPF paragraph 77 which states that such designation will not be appropriate for most green areas or open space and sets out the circumstances in which it is appropriate.
- 2.3 Given the current status of the land proposed for designation as Local Green Space is Green Belt, unless the Council propose to release the green wedges from the Green Belt, the Local Green Space policy is wholly unnecessary.

Policy Analysis

- 2.4 The proposed policy wording is not in accordance with the NPPF. Whilst restricting development to very special circumstances is consistent with paragraph 77, paragraph



78 states that local policies should be consistent with policies for Green Belts. NPPF paragraphs 89 and 90 specify types of development which are not inappropriate in the Green Belt, in addition to very special circumstances. Policy CFLR2 does not link into paragraphs 89 and 90 with the result being a policy which is far more restrictive than Green Belt policy.

- 2.5 Given the Bishop's Stortford green wedges are also proposed to be retained in the Green Belt (and policy GBR1 I directs decisions to be made in accordance with the NPPF), it would not be clear to applicant or decision maker whether applications are to be determined in accordance with policy CFLR2 or Green Belt policy.
- 2.6 In order to be sound, policy CFLR2 would need to state that decision making would be in accordance with Green Belt policy.

Appropriateness of Allocation

- 2.7 NPPF paragraph 77 is clear that the Local Green Space designation will not be appropriate for most green areas and sets out the circumstances in which it is appropriate. The northern Bishop's Stortford green wedge (including Mr Drake's site, SLAA site 01/007) does not accord with the parameters of paragraph 77.
- 2.8 The second bullet point of paragraph 77 states that designated land must be demonstrably special to the local community or hold a particular local significance, due to beauty, historic significance, recreational value, tranquillity or richness of wildlife.
- 2.9 No evidence has been provided that the green wedge is "*demonstrably special*". The justification given in the Green Belt Topic Paper (TPA/003) is that they are "*integral to the character of the town and therefore not suitable for development.*" The Bishop's Stortford Settlement Appraisal (SSS/002) does not consider this green wedge at all.
- 2.10 Whilst the green wedge includes features which do fulfil some of these special functions (for example the Castle, Sworder's Field, the playing fields at Grange Paddocks and the Red, White and Blue Country Park), these areas have the additional designation of CFLR1 which protects them for their open space, sport and recreation value. The remainder of the green wedge does not serve these purposes.



- 2.11 Specifically, SLAA site 01/007 has no wildlife or historical significance, no public access for recreational use and is not beautiful or tranquil, being flanked by development and the railway line.
- 2.12 The third bullet point of paragraph 77 is clear that areas designated should be local in character and not be an “*extensive tract of land*”. The Bishop’s Stortford green wedges clearly fall foul of this requirement.
- 2.13 The northern green wedge is approximately 60 hectares. Whilst the NPPG contains no hard and fact rules about the maximum size for Local Green Space, it states at paragraph 015 Ref ID: 37-015-20140306 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 try to achieve what would amount to a new area of Green Belt by another name.*”
- 2.14 There is little doubt that 60 hectares is an extensive tract of land and the Council have presented no evidence to suggest otherwise.
- 2.15 SLAA site 01/007 extends to circa 1 hectare, which is still extensive, given this designation is typically used for green space within settlements. However, even if this were considered a suitable size for designation, the character and use of the site does not comply with the second bullet of NPPF paragraph 77.
- 2.16 For the reasons outlined above, the application of policy CFLR2 and the associated designation of the northern green wedge does not comply with the NPPF.

Justification

- 2.17 Regarding whether the designation is justified, we consider it is not. The use of a Local Green Space designation is not, “*...the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.*” If the Council’s approach of maintaining the openness of the green wedges at Bishops Stortford is considered sound, then the most appropriate strategy is to maintain the Green Belt designation.
- 2.18 NPPF paragraph 78 is clear that Local Policy for managing development within Local Green Space should be consistent with policy for Green Belt. NPPG paragraph 37-010 is clear that



where land is already protected by green belt, *“consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.”*

2.19 To be sound, policy CFLR2 would need to clearly state that decision making would be in accordance with green Belt Policy. Of course in doing so this would highlight that the policy is unnecessary where land is already within the Green Belt.

Landowner Consultation

2.20 Finally, the designation has been proposed with no consultation with the landowner. Mr Drake only found out about the proposal through the Regulation 19 consultation. Such an approach is contrary to the recommendations of the NPPG which is clear, at paragraph 37-019 that the local planning authority or qualifying body *“should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.”* This is clear that landowners should have been informed before their opportunity to comment via the Regulation 19 consultation.

2.21 Given Mr Drake was not contacted, we suspect that other landowners were similarly excluded from the designation process. The evidence base contains nothing to demonstrate otherwise.