

Tunbridge Wells Local Plan Examination

Gleeson Land response to the Inspector's Questions relating to Matter 9 Issue 2 – Local Green Space Designations

June 2024

gleesonland

Introduction

This response is made by Gleeson Land (Gleeson) in relation to its land interests at the south eastern edge of Tunbridge Wells at Sandown Park, on the northern side of Pembury Road (SHELAA site number 99) also referred in this response as Site 217 in relation to the proposed designation of the land as Local Green Space.

Matter 9, Issue 2 – Local Green Space Designations

Q1. At the Stage 2 hearing sessions, the Council confirmed that not all Local Green Space designations had been put forward by the local community. Are areas of Local Green Space justified where this is this case? Is it a requirement in order for Local Green Spaces to be found sound?

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out the requirements for the designation of Local Green Space (LGS). NPPF paragraph 105 sets out two important criteria for the designation of Local Green Spaces. Firstly that they are identified by a community and secondly that they should be of particular importance to them.

The NPPF Paragraph 105 (emphasis added) states: *"The designation of land as Local Green Space through local and neighbourhood plans **allows communities to identify and protect green areas of particular importance to them.** Designating land as Local Green Space should 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 updated, and be capable of enduring beyond the end of the plan period."*

The PPG also makes it clear that Local Green Spaces should be areas of land that are of particular importance to and demonstrably special to local communities.

*Paragraph: 005 Reference ID: 37-005-20140306 states (emphasis added) "Local Green Space designation is a way to provide special protection against development for green areas **of particular importance to local communities.**"*

*The same language is repeated again at Paragraph: 009 Reference ID: 37-009-20140306 which states (emphasis added) "Local Green Spaces may be designated where those spaces are **demonstrably special to the local community**, whether in a village or in a neighbourhood in a town or city."*

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) emphasise that local communities should identify green areas of particular importance to them. While the NPPF doesn't explicitly prohibit Local Planning Authorities from designating areas as Local Green Space, it doesn't assign this role to them either. Instead, the NPPF underscores that community members are best suited to recognise which areas hold special significance. Councils are not advised to independently identify green spaces on behalf of local communities.

Although Local Green Spaces don't necessarily require initial proposals from local communities, they must hold particular importance and be demonstrably special to the local community. However, when a Council suggests designating private land as Local Green Space through an 'in-office suggestion,' it goes against the intended national policy and is considered inappropriate.

Regardless of whether the Council can propose Local Green Spaces, the designation of those spaces must still adhere to the key criteria set out in the NPPF paragraph 102.

NPPF Paragraph 102 states:

"The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) 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*
- c) local in character and is not an extensive tract of land."*

The first sentence of Paragraph 102 emphasizes that Local Green Spaces should only be designated when all criteria are met. If some criteria are not satisfied, a Local Green Space designation would be inappropriate. The extent to which the proposed designation of Local Green Space site ref:217 meets these criteria is assessed under the following subheadings.

Criteria a) in reasonable proximity to the community it serves

The Council has failed to sufficiently identify the community the proposed LGS ref 217 would serve and therefore it is difficult to properly assess whether the land is in proximity to the community the Council believes it serves. The site, located on the edge of Tunbridge Wells, is privately owned and lacks any public access. The site's only function could be as a view from the A264 Pembury Road, which is filtered by the existing vegetation on the site boundary. The site is much like any other undeveloped land on the edge of a settlement and is already designated as Green Belt, affording it significant protection from unplanned development.

Criteria b) Demonstrable special to a local community and holds a particular local significance

The second criterion of NPPF Paragraph 102 stipulates that for land to be designated as Local Green Space, it must satisfy both the requirement of being demonstrably special to a local community and hold particular local significance. Meeting only one aspect of this criterion is insufficient; both conditions must be met. As set out in Gleeson's representations to the Council's Main Modifications Consultation in February 2024 the Council has failed to demonstrate that the land is 'demonstrably special' or that it 'holds a particular local significance'. The representations previously made by Gleeson are not repeated in full but are summarised below to assist the Inspector.

The Council's evaluation of sites considered for Local Green Space designation is brief and primarily relies on a checkbox approach. In their document titled 'Local Green Space Assessment,' updated in February 2021 as part of the Pre-Submission Local Plan, prospective

Local Green Space sites are assessed against five criteria. These criteria are marked either positively or negatively in a table. The criteria are:

1. No Planning Permission?
2. Not Allocated or Proposed?
3. Not an Extensive Tract?
4. Close Proximity to Local Community?
5. Demonstrably Special?

The assessment also includes a note on each site. The note for Site 217 states *“While it is acknowledged that this site is partly within a Conservation Area, it is considered that this site benefits from further Local Green Space protection because of its special value to the local community. This site is special to the local community as it is an area of natural beauty that provides an important green space ‘gap’ between the built development of Royal Tunbridge Wells and Pembury. This site therefore contributes to the character/setting and local visual amenity of the settlement.”*

The Council’s assertion that the site holds special value for the local community seems to be based solely on its role within a broader expanse of open space between Tunbridge Wells and Pembury, as well as its contribution to the character and setting of Tunbridge Wells. However, this conclusion lacks supporting evidence. Notably, no local community has come forward to demonstrate that the site is demonstrably special to them, as it was not initially identified by community members. Only after the Council itself designated the site as a potential Local Green Space did any third-party comments emerge regarding the site.

Of the three comments referred to in the Council’s Matter 13 Hearing Statement only one made specific reference to Site 217 (comment number DLP_357). The comment was made by a single resident who primarily supported the designation of the site as LGS because they do not want the land to be allocated for housing. They did not highlight any particular local significance associated with the site. The fact that only one comment has specifically referred to Site 217 shows there is no evidence of local community support for its designation.

Only two other comments were made that vaguely refer to the proposed LGS designation. Comment DLP_537 made only a general statement of support from a Councillor for open space to promote the discrete area of green fields between the settlements of Sherwood (Tunbridge Wells) and Pembury’. This comment does not demonstrate the site is special to the local community, it just sets out the Councillors view that open space is needed between these two settlements. This desire is already achieved through the sites designation as Green Belt. NPPF paragraph 143 sets out the five purposes of the Green Belt, including preventing towns from merging. Additional designations are unnecessary to achieve this goal.

The final comment from Royal Tunbridge Wells Town Forum at comment number DLP_1847 is even less specific. This comment only gives support for all eligible LGS sites across the Borough, with no specific sites mentioned at all.

In the Local Plan Examination Note for Inspector in response to Action Point 22 regarding Local Green Spaces The Council highlighted another comment from the Culverden Residents Association (Comment DLP_5228). However, this comment is also only a general expression of support for all sites identified for Local Green Space designation within the settlement of

Royal Tunbridge Wells. The Culverden Residents Association, founded in 2013, currently represents approximately 98 members residing in Culverden and St. John's Wards, covering areas along Culverden Park Road, Culverden Park, Culverden Avenue, Campbell Road, parts of Culverden Down, and Reynolds' Lane up to Caenwood Farm. Importantly, Culverden and St. John's Wards are located on the opposite side of Tunbridge Wells from Site 217, so the site does not fall within that local community area. Their reference to support for Local Green Spaces around Tunbridge Wells can only be regarded as very general and does not provide evidence that Site 217 is demonstrably special to a local community.

The site is also not considered to have any particular local significance that would warrant a Local Green Space designation. As set out in the Local Green Space Assessment document produced by EDP and previously submitted to the examination the site has the local character of the urban fringe. The site has an urban edge feel notably due to:

- The noise, light, and movement from the adjacent transport routes, and adjacent development, provide urbanising influences, notably across the western end of the site which diminishes to the east;
- The rough grassland, areas of scrub, and fallen trees within the woodland all create an air of neglect across the site; and
- The site is visually contained and physically detached from the wider agricultural and wooded landscape and therefore has less of a relationship with this wider landscape, and more of a relationship with the urban fringe of Tunbridge Wells further contributing to an urban edge feel.

Therefore the Council's conclusion that Site 217 *"is special to the local community as it is an area of natural beauty that provides an important green space 'gap' between the built development of Royal Tunbridge Wells and Pembury,"* is strongly contested.

In summary the Council has been unable to demonstrate that Site 217 is special to a local community, or that it holds any particular local significance. Moreover, the site is already protected from unplanned development due to its designation as Green Belt land.

Local in character and not an extensive tract of land

It is agreed that the Site 217 is not an extensive tract of land. However as set out above the character of the site is considered to be of urban fringe land, like much of the land immediately adjoining the settlement boundary.

Summary

Gleeson maintains that there is no justification for designating Land at Pembury Road, Tunbridge Wells, referred to as Site 217 (Green Space near Sandown Park) as Local Green Space.

The purpose of Local Green Space designation is not to protect larger open areas from development; that role is fulfilled by policies restricting development outside settlement boundaries and by Green Belt designations. Site 217 is already designated as Green Belt, and no additional protection would be gained by designating it as Local Green Space. The Council has not provided sufficient evidence that Site 217 meets the necessary criteria for Local Green Space designation as outlined in the National Planning Policy Framework. The

site's demonstrable specialness to the local community has not been established, rendering its designation as Local Green Space unjustified and unsound.