

Tunbridge Wells Borough



Tunbridge Wells Borough Council

Local Green Space Designation Methodology

for Pre-Submission Local Plan

February 2021



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1.0 Introduction

- 1.1 Tunbridge Wells Borough Council (the Council) recognises the benefits that green and open spaces have for the physical and mental health and wellbeing of people in the borough and the value communities place upon them. This is to be reflected in the Council's new Local Plan, which is to guide development from 2020 to 2038.
- 1.2 Under the 2006 Local Plan, the Council designated various types of green space under policies for nature conservation and landscape/townscape character or amenity reasons. Since 2012, local planning authorities, as part of Plan-making, have been able to designate green areas and open spaces as Local Green Space (LGS) in order to afford them a higher level of protection provided they are of particular importance to local communities.
- 1.3 LGS designation was introduced in the National Planning Policy Framework (NPPF) in March 2012. This designation can only be made in Local Plans or Neighbourhood Development Plans (NDP) and, once designated, LGSs receive protection broadly consistent with national Green Belt policy thereby only permitting development in exceptional circumstances.
- 1.4 This document sets out the Council's intended approach to identifying, assessing and designating sites as LGSs across the borough of Tunbridge Wells as part of the evidence base informing the new Local Plan. It outlines the national and local policy position for LGSs and sets out the criteria and step-by-step process for LGS designation. All the evidence base studies and topic papers can be found on the Pre-Submission Local Plan [Supporting Documents](#) web page.

Revisions:

- 1.5 **This revised version of the document has been produced to reflect the current stage in the Local Plan process (i.e. Pre-Submission Local Plan (Regulation 19)) and therefore in some places will differ from previous draft versions. This version has therefore considered comments received during the Draft Local Plan's Regulation 18 public consultation and has consequently been updated where necessary.**
- 1.6 **Following the Regulation 18 public consultation, the Council has also undertaken a comprehensive review of the designation methodology. An overview of the changes to the methodology can be found in Appendix 2 of this document.**

2.0 Policy Context

National policy

2.1 Paragraph 99 of the NPPF states the following with regard to the role and purpose of LGS:

‘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’

2.2 Paragraph 100 of the NPPF outlines that LGS designation should only be used where the green space is:

- *‘in reasonably close proximity to the community it serves;*
- *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*
- *local in character and is not an extensive tract of land’*

2.3 Furthermore, paragraph 101 of the NPPF states that *‘Policies for managing development within a Local Green Space should be consistent with those for Green Belts’*.

2.4 The Planning Practice Guidance (PPG), published by the Government in March 2014 ([see PPG Guidance on LGS Designation](#)), provides further guidance on LGS designation. It is particularly important to note that the guidance clarifies that, although some areas considered for LGS designation can have no public access, *‘designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected’* (paragraph 017 Reference ID: 37-017-20140306). The proposed designation of a site as LGS therefore does not require a landowner to provide public access over and above any that already exists and consequently nor should it encourage the public use of private land.

2.5 With regard to areas already protected by an existing designation, the PPG also states that *‘different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space’* (paragraph 011 Reference ID: 37-011-20140306).

2.6 Consequently, it has been considered by the Council that sites with the following existing protections are to generally be considered sufficiently protected in managing development and therefore reduces the need for further designation as a LGS; however, there may be exceptions where these protections only protect a small proportion of the site or owing to site-specific circumstances:

- Common Land;
- Village/Town Greens;
- Ancient Woodland;
- Local Nature Reserves;
- Sites of Special Scientific Interest (SSSI);
- National Trust, Woodland Trust, and Forestry Commission owned sites;
- Designated/Non-Designated Heritage Assets (as per paragraphs 184-202 of the NPPF), including:
 - Grade I & II Listed Buildings, as well as/or including churches and/or churchyards/cemeteries (where they or their setting incorporates the majority of the site);
 - Registered Historic Parks and Gardens;
 - Updated list of Kent Compendium's List of Historic Parks and Gardens;
 - World Heritage Sites (note: none of these sites are located within the borough);
 - Protected Wreck Sites (note: none of these sites are located within the borough);
 - Registered Battlefields (note: none of these sites are located within the borough);
 - Scheduled Monuments; and
 - Within Conservation Areas.

2.7 Although the NPPF describes protection as similar to that of Green Belt, the Council has treated sites considered for LGS designation within the Green Belt the same as those outside of the Green Belt for the following reasons:

1. There are some differences with Green Belt policy; and
2. It is important for local communities within the Green Belt to identify areas that are special to them.

2.8 Furthermore, the Green Belt, as well as AONB, protection relates to the majority of the borough and so while considering the high level of housing and other needs within the borough, the Council has decided to not exclude considered LGS sites from possible

designation (subject to the Council's designation methodology) already protected by these designations.

- 2.9 It is also noted that many sites may be designated under other Policies in the Local Plan, such as relating to recreational open space, important open space, or areas of landscape importance. While these designations are important, these designations serve different purposes to the LGS designation.
- 2.10 Applying the above guidance, it may be the case that each settlement has a number of sites that are worthy of consideration. Following the criteria-based assessment process detailed in this document, however, not all would likely qualify for formal designation as a LGS.

Local policy

- 2.11 The Council is currently producing a new Local Plan which will guide development in the borough from 2020 to 2038. This version of the Designation Methodology document has been prepared in advance of the Regulation 19 public consultation on the Pre-Submission Local Plan.
- 2.12 As part of this new Local Plan process, green and open spaces in the borough have been proposed for LGS designation. The step-by-step process for LGS designation can be found in Section 4 of this document.
- 2.13 In summary, the designation process began by identifying green and open spaces across the borough through a variety of sources before being assessed against the designation criteria found in Section 3 of this document. The full assessment of all sites considered for LGS designation is included within the updated **Local Green Space Assessment** document. Alongside this, a LGS Development Management (DM) Policy has been written in the Local Plan alongside mapping of the sites proposed for designation that can be found on the Local Plan's published Policy Maps, as well as on the [Local Green Space Interactive Map](#) which also includes those sites not proposed for LGS designation. Both topic papers and interactive map can be found on the Pre-Submission Local Plan [Supporting Documents](#) web page.
- 2.14 Prior to the Regulation 18 public consultation on the Draft Local Plan, landowners of those sites proposed for LGS designation were contacted in order to make them aware of the proposals while informing them of the opportunity to comment during the consultation period. As above in Section 1, the comments received from the Regulation 18 public consultation have been considered, with consequent amendments made to the LGS methodology and proposals. Since this consultation, there has been continued dialogue with Parish and Town Councils and NDP Groups including a further consultation in December 2020 on both this revised methodology document as well as the revised proposals to ensure as much agreement as possible. The Council subsequently also undertook a further consultation with landowners of any new sites proposed for LGS designation.

3.0 Criteria for Assessing Local Green Space

- 3.1 To qualify as a LGS, a site should fall within the criteria set out in the NPPF and further detailed in the PPG. These criteria provide guidance, which should then be interpreted at a local level. These five criteria are detailed below and were used to create a site assessment form as shown in **Appendix 1** of this document. Successfully satisfying all five criteria does not, however, guarantee LGS designation as the site may already be sufficiently protected by existing designations as aforementioned.

Criterion 1: Land is not subject of a planning permission for development

- 3.2 In line with the PPG, '*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented*' (paragraph 008 Reference ID: 37-008-20140306).

Criterion 2: The space is not allocated or proposed for development in the Local Plan

- 3.3 Paragraph 99 of the NPPF, and guidance in the PPG, states that LGS designation '*should be consistent with the local planning of sustainable development in the area and complement investment in sufficient homes, jobs and other essential services*'. In particular, Plans must identify sufficient land in suitable locations to meet identified development needs, and therefore the LGS designation should not be used in a way that undermines this aim of Plan making. Consequently, sites allocated or proposed for development in the Council's Regulation 19 Pre-Submission Local Plan will generally be excluded from LGS designation. Similarly to sites with existing planning permission, the only exception is if it can be shown that the LGS could be incorporated within, or already forms a part of, the allocated or proposed development (e.g. forms part of an allocated or proposed site's open space and landscape buffer). The NPPF further details that the space should be capable of enduring beyond the Plan period.

Criterion 3: The space is not an extensive tract of land and is local in character

- 3.4 The PPG outlines that LGS designation should only be used where the green area is not an extensive tract of land. Blanket designation of open countryside adjacent to settlements will not be appropriate (paragraph 015 Reference ID: 37-015-20140306).
- 3.5 All sites will be judged on their merits, but as a guide, and in reference to Natural England's Accessible Natural Green Space Standards (ANGSt) ([view the Accessible Natural Green Space Standards](#)), a site of over 20 ha (50 acres) is likely to be considered an extensive tract of land and therefore not suitable for designation as a LGS.
- 3.6 Consideration will be given to the contribution the site makes to the local visual amenity and the physical form and layout of the settlement. It is considered that to warrant designation, a site will be largely self-contained with clearly defined edges.

Criterion 4: The space is within close proximity of the community it serves

- 3.7 Guidance in the PPG states that the '*proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonable close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served*' (paragraph 014 Reference ID: 37-014-20140306).
- 3.8 As a guide, the Council will use Natural England's ANGSt as detailed above when assessing the locality of a site considered for LGS designation. This means that a LGS less than 20ha should normally be located within 2km (1.25 miles) of the community it serves, and smaller sites of 2ha (5 acres) or less should normally be located within 300m (325 yards) of the community it serves.

Criterion 5: The space is demonstrably special to the local community and holds particular local significance

- 3.9 In accordance with the PPG, '*Local Green Spaces may be designated where those spaces are considered demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city*' (paragraph 009 Reference ID: 37-009-20140306).

- 3.10 The Council will assess this first on the basis of any evidence provided by the local community where it has been submitted and secondly where this evidence has been provided against the sub-criteria below (taken from NPPF, para 100 (b) 2019). Underneath each sub-criterion, examples are given, as guidance, of the factors that may be taken into account when considering how a site considered for LGS designation may potentially satisfy the sub-criteria for designation as a LGS.
- 3.11 Ultimately, the Council will consider any evidence submitted against the sub-criteria and come to a judgement as to whether or not to propose a site as LGS giving clear reasons as to why.

i) The proposed space is of particular local significance because of its beauty

- Does the space contribute to the visual attractiveness of the townscape or character/setting of the settlement?
- Is the site specifically mentioned in any relevant landscape character assessments as a particular point of interest or does it contain features that are characteristic of the area?
- Does the site contribute to the setting of a historic building/place or other special feature?
- Is the site highlighted in literature or art (e.g. the site is mentioned in a well-known poem or shown in a famous painting)?
- Are there valued views of the site or does it afford particular views?

ii) The proposed space is of particular local historic significance

- Are there any historic buildings or heritage assets on the site (e.g. listed buildings; scheduled ancient monuments; registered parks and gardens; ancient routeways)?
- Are there any important historic landscape features on the site (e.g. old hedgerows; historic ponds or historic garden features)?
- Did the site play an important role in the historic development of the village or town?
- Did any important historic events take place on the site?
- Do any historic rituals take place on the site (e.g. maypole dancing)?

iii) The proposed space is of particular local significance because of its recreational value

- Is the site used for playing sport?
- Is the site used by the local community for formal and/or informal recreation? If the site is a school's private playing field, then is the site either publicly accessible or visually prominent?

- Is there any restricted public access that might reduce the site's recreational value and/or the community's recreational benefit where recreational value is the most valued characteristic of the site?

iv) The proposed space is of particular local significance because of its tranquillity

- Do you consider the site to be tranquil (e.g. there are no roads or busy areas close by)?
- Is the site within a recognised tranquil area (e.g. within the Campaign to Protect Rural England's tranquillity maps)?

v) The proposed space is of particular local significance because of its richness of wildlife

- Is the site formally designated for its wildlife value (e.g. a Local Wildlife Site)?
- Does the site contain notable biodiversity interest or value and in particular are there notable species or habitats present (e.g. the site may be an important wildlife corridor or provide a buffer to other higher value areas)?
- Is the site part of a long-term study of wildlife by members of the local community?

4.0 Local Green Space Designation Process

4.1 This section outlines the step-by-step process undertaken for identifying and ultimately designating sites as a LGS in the Council's new Local Plan. The Government has not set out a standard methodology or template for the process of designating sites as LGS and therefore the designation methodology below has been prepared by the Council after reviewing other local authority examples and in accordance with the latest NPPF and PPG.

Step 1: Identifying possible sites for Local Green Space designation

4.2 The first step was to identify a list of sites to assess as potential LGSs. There were a variety of sources of information that were used in this process:

- Tunbridge Wells Borough Landscape Character Assessment;
- The Council's Green Infrastructure Plan;
- Review of adopted Proposals Maps (from either the 2006 Local Plan and/or 2016 Site Allocations Development Plan Document) showing formally designated sites, such as Sites of Local Nature Conservation Value, Local Wildlife Sites, Roadside Nature Reserves, etc.;
- Conservation Area Management Plans, parish Plans or town and village Design Statements;
- Consultations with stakeholder groups as part of the Local Plan process; and,
- Local knowledge.

4.3 Identifying and proposing sites for LGS designation in the new Local Plan has been undertaken on a parish-by-parish basis. A site assessment form (found in **Appendix 1**) as part of a draft version of this methodology document was produced and circulated to Parish and Town Councils in March 2017 to aid the assessment process by seeking proposals for and information on sites. The site assessment form is structured as follows:

- Table 1 seeks to clarify site details, including the name of the site and the area to which it relates. Some areas of land will have well defined names understood by the community, but other areas will not and in these circumstances the name adopted is descriptive of the locality. The site area may be well defined but again there may be occasions when the boundaries are not clear and in these circumstances a site visit has helped to form a clear understanding. In formal

policy terms, the site area will be clearly defined on a map, as designations will have a planning weight once the Local Plan is adopted after examination.

- Table 2 sets out the criteria listed in the NPPF that areas should be assessed against in order to be considered suitable for designation as a LGS. It seeks to draw out what the applicant considers makes the space '*demonstrably special to a local community*' using the identified sub-criteria. A LGS should satisfy at least one of these sub-criteria, although some spaces may satisfy more than one. All sites will be further reviewed and assessed in step 2 by the Council.

Step 2: Assessing the identified sites

- 4.4 Once a list of potential sites was collated from a variety of sources, their suitability for designation as a LGS was assessed against the criteria set out in Section 3 of this document. The full assessment of all sites considered for LGS designation is included within the updated **Local Green Space Assessment** document (see [Supporting Documents](#) on the Council's Local Plan web page). The Council has reviewed the evidence provided through the site assessment forms (if available) and has evaluated whether each site is suitable for designation as a LGS or whether any additional evidence is required. If the evidence was found sufficiently robust and the site satisfies all the criteria necessary for designation, provided the site is not already sufficiently protected by other designations, then the site has been proposed for LGS designation in the above Assessment document.

Step 3: Local Plan: Local Green Space Development Management Policy, Policy Maps, and Interactive Map

- 4.5 Alongside the assessment work, a new LGS DM Policy has been included within the Local Plan, underpinned by the methodology detailed within this document as well as the NPPF and PPG, and which will apply to all LGSs included in the adopted Local Plan. This policy links to an Appendix in the Local Plan (Appendix 2: Schedule of Designated Local Green Space Sites within Tunbridge Wells Borough) which, resulting from the conclusion of step 2, includes a definitive schedule of all sites recommended for designation. This schedule will not include any adopted LGSs made through Neighbourhood Development Plans (NDP) as these will already be designated.
- 4.6 Mapping of the sites proposed for designation can be found on the Local Plan's published Policy Maps, as well as on the **Local Green Space Interactive Map** which also includes those sites not proposed for LGS.

Step 4: Consult with councils, landowners, and other organisations

- 4.7 The PPG clarifies that a LGS does not need to be in public ownership. However, the guidance also states how the Local Planning Authority '*should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space*' but also that '*landowners will have opportunities to make representations in respect of proposals in a draft plan*' (paragraph 019 Reference ID: 37-019-20140306). The Council has at least twice, prior to Regulation 18, had informal consultations with Parish and Town Councils in the borough to seek views and information on proposed LGSs including landownership. The Council has also engaged with NDP groups in the request for this information. Following the national guidance, the Council contacted landowners prior to the Regulation 18 public consultation on 29 July 2019 (when the first Draft Local Plan was published ahead of the consultation). This helped to ensure that landowners of sites proposed for designation were made aware that their site or sites are being proposed and also provided details on how to sign up to the Local Plan consultation portal if they wished to comment on the proposal in support or objection.
- 4.8 The Council also received constructive advice from Intelligent Plans and Examinations Ltd. who were commissioned by the Planning Advice Service (PAS) to undertake a review of, and to offer advice on, the Council's evidence base being gathered for the Draft Local Plan. Included within this advice were some comments and recommendations on the **Local Green Space Designation Methodology** (this document). Having reviewed the advice and recommendations, subsequent amendments were made to this methodology document as well as to the explanations provided for each site that supported the justification behind whether or not they were proposed for designation in the **Local Green Space Assessment** document to ensure that they were clear and robust. These amendments are reflected in the July 2019, Regulation 18 version of the documents.

Step 5: Consult the community on proposed designations (Regulation 18 and 19 public consultations)

- 4.9 The recommended LGS designations have been tested through public consultation as part of the Local Plan process. Anybody can object to or support policies or sites in a Plan during the consultation process and these consultation responses must be considered. The first public consultation on the new Local Plan (Regulation 18) took place from 20 September to 15 November 2019.
- 4.10 Since this consultation, there has been continued dialogue with Parish and Town Councils and NDP Groups including a further consultation in December 2020 on both this revised methodology document as well as the revised proposals to ensure as

much agreement as possible. The Council subsequently also undertook a further consultation with landowners of any new sites proposed for LGS designation.

- 4.11 There will now be a further public consultation on the Pre-Submission Local Plan (Regulation 19) before submission of the Plan to the Planning Inspector for examination.

Step 6: Examination and adoption

- 4.12 All consultation responses received during the Regulation 18 consultation have been considered and sites have been reassessed accordingly with the policy wording and mapping amended as required prior to the Regulation 19 consultation. Further amendments have also been made since Regulation 18 due to ongoing dialogue with Parish and Town Councils and NDP Groups as noted above. A schedule listing those sites proposed for LGS designation is attached as an Appendix to the Regulation 19 Pre-Submission Local Plan (Appendix 2: Schedule of Designated Local Green Space Sites within Tunbridge Wells Borough), but excludes omitted sites (including those sites that were proposed for designation at Regulation 18 but which as a result of the consultation have now been omitted).
- 4.13 The schedule also includes any new sites submitted in response to the Regulation 18 consultation that were deemed (through application of the methodology) to be suitable for LGS designation. An updated **Local Green Space Assessment** document lists all sites considered for LGS designation (i.e. both proposed and not proposed for designation), noting where applicable sites proposed for designation at Regulation 18 which are now omitted. As mentioned above, mapping of the sites proposed for designation can be found on the Local Plan's published Policy Maps, as well as on the **Local Green Space Interactive Map** which also includes those sites not proposed for LGS designation.

Appendices

Appendix 1: Site Assessment Form

Table 1: Assessment Form - Site Details

Site Details	Response
Description of site	
Address of site (Please attach location plan on an Ordnance Survey base clearly showing site boundaries, access to the site and area that the site will serve.)	
Site area (ha)	
Current use of the land	
Owner of the site	
Is the owner aware of this application? (If yes, are they in favour of this application?)	

Table 2: Assessment Form - Criteria

Criteria	Response
<u>Land is not subject of a planning permission for development</u> Does the proposed space have planning permission?	
<u>Space is not allocated or proposed for development in the Local or Neighbourhood Plan</u> Is the proposed space a Local Plan or Neighbourhood Plan allocation or proposed site?	
<u>The space is not an extensive tract of land and is local in character</u> Does the proposed space have clearly defined edges and is under 20ha in size?	

Criteria	Response
<p><u>Does the space feel local in character and scale?</u></p> <p>The space is within close proximity of the community it serves</p> <p>How close is the space to the community it serves?</p>	
<p><u>The space is demonstrably special to the local community and holds particular local significance</u></p> <p>What evidence is there to demonstrate that the space has a particular local significance with respect to at least one of the following aspects:</p>	
<ul style="list-style-type: none"> • Its beauty 	
<ul style="list-style-type: none"> • Historic significance 	
<ul style="list-style-type: none"> • Recreational value 	
<ul style="list-style-type: none"> • Tranquillity 	
<ul style="list-style-type: none"> • Richness of its wildlife 	

Appendix 2: Review of Methodology

Overview

1. This **Appendix** has been prepared following the Local Plan's Regulation 18 public consultation whereby a number of representations were made on LGS, including both site-specific comments as well as those on the Council's general designation methodology.
2. Having reviewed the representations made during the consultation, the Council has undertaken a comprehensive review of the designation methodology as well as the comments submitted in relation to individual sites. This **Appendix** covers the main issues that were raised in relation to the general designation methodology and any changes that the Council has subsequently made. Site-specific comments have been addressed separately following the review of this general designation methodology.
3. All changes to the designation methodology, as well as any identified site-specific issues that required addressing, have been taken into account in the Council's revised **Local Green Space Assessment** document.

Review of designation methodology against national policy

4. The NPPF is clear under paragraphs 35 and 99 that Local Plans should be '*positively prepared*', and provide '*a strategy which, as a minimum, seeks to meet the area's objectively assessed needs*' and enables '*the delivery of sustainable development*'. In particular, for LGSs, '*designating should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*' and should '*be capable of enduring beyond the end of the plan period*'. It is therefore important that LGS designations proposed in the Council's Local Plan support, and do not restrict, the delivery of sustainable development and meeting the borough's objectively assessed needs.
5. Consequently, as per paragraph 3.3, sites allocated or proposed for development in the Council's Regulation 19 Pre-Submission Local Plan will generally be excluded from LGS designation. Similarly to sites with existing planning permission, the only exception is if it can be shown that the LGS could be incorporated within, or already forms a part of, the site as part of the allocated or proposed development (e.g. forms part of an allocated or proposed site's open space and landscape buffer). The Council has also reviewed all sites that could be suitable for windfall development (i.e. sites which are not to be allocated in the Local Plan) as assessed in the Strategic Housing and Economic Land Availability

Assessment (SHELAA); however no sites proposed for LGS designation are also identified as potential suitable windfalls.

6. Moreover, the Council has re-screened all LGS sites against extant planning permissions for residential development to ensure that no sites with consent for residential development are being proposed for LGS designation unless the LGS site could reasonably be accommodated within the proposal.
7. Paragraph 100 of the NPPF lists three main criteria for proposing sites as LGS. These criteria have in-turn been addressed and discussed, as follows, in light of the representations received during the Regulation 18 public consultation on the Local Plan.
 - a) The green space is '*in reasonable close proximity to the community it serves*':
 - It is considered that the Council's methodology as per paragraphs 3.7 and 3.8 is appropriate having considered the explanation in the PPG (paragraph 014 Reference ID: 37-014-20140306) which states that '*the proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonable close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served*'. As such, having used Natural England's ANGSt standards as a guide, the Council has reviewed all sites considered for LGS designation in relation to proximity and made a decision on a case-by-case basis both in terms of distance and in terms of ease of access, etc..
 - b) The green space is '*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*':
 - Representations during the Regulation 18 consultation suggested that justifications for designating certain sites (based on the extent to which they are considered to be demonstrably special) were insufficient. The Council has, having taken these comments into account, extensively reviewed all proposals to ensure that they satisfy the necessary criteria within the methodology including all evidence and explanations justifying and supporting why particular sites are considered to be demonstrably special to the local community. All sites on the revised proposed list of LGSs are considered to have satisfied this requirement.
 - Due to concerns raised at Regulation 18, the Council has decided to, where appropriate, amend references to public accessibility as public accessibility is not a criterion for designation nor does designation require that sites are made accessible to the public as clarified by the PPG (paragraph 017 Reference ID: 37-017-20140306). Instead, consideration has been given to whether there is any restricted public access that might reduce the site's recreational value and/or the

community's recreational benefit where recreational value is the most valued characteristic of the site. Moreover, where appropriate, reference to any incidental activities that could be considered commonplace on any green or open space, such as walking/dog walking, has also been removed. Such justifications have therefore been amended to provide an explanation of how such green spaces proposed for designation are more special to the local community than any other green and open space. Where no such difference has been identified (either due to lack of supporting information or further review indicating that the site is merely an incidental green space (e.g. a green road-side verge)), then the site has been withdrawn from the schedule of proposed LGSs.

- Additionally for private land forming part of the curtilage of a residential and/or commercial property, these sites have generally no longer been proposed for LGS designation where the landowner has objected to its designation during the Plan's consultation or landowner consultation and clearly stated why the site is not demonstrably special to the local community (however are considered on a site-by-site basis).
- Where objections from landowners have been received and it is not curtilage to a private property, a review of the extent to which the site is demonstrably special to the local community has also been undertaken and a decision on possible designation as LGS has been made, particularly if there are any comments in support which have also been taken into account.
- Where landowners have stated that they potentially wish to develop on the site, consideration has first been given to whether the site has planning permission or is proposed or allocated for development, before considering whether the remainder of the site (if applicable) could be designated as LGS (to ensure that the site is capable of enduring beyond the Plan period) without losing the character and importance to the local community. If neither is the case, and the site is not already sufficiently protected (as below), then designation will continue to be proposed (unless the landowner has clearly stated why the site is not demonstrably special to the local community, as above).
- Additionally, where 'in-office suggestions' (i.e. sites put forward to the local community for consideration during the Plan's consultation) received significant objections, these sites have been reviewed and generally removed from proposed LGS designation unless they also received comments in support, which has required further consideration.

c) The green space is '*local in character and is not an extensive tract of land*':

- It is considered that the Council's existing methodology as per paragraphs 3.4, 3.5 and 3.6 of this document remains appropriate having considered the explanation in the PPG (paragraph 015 Reference ID: 37-015-20140306) which states that '*there are no hard and fast rules*

about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed. Therefore, having used Natural England's ANGSt standards as a guide, the Council has reviewed all sites considered for LGS designation in relation to size and made a decision on a case-by-case basis both in terms of size in hectares and in terms of its size in relation to the settlement in which it serves.

8. The NPPF, under paragraph 101, also states that '*policies for managing development within a Local Green Space should be consistent with those for Green Belts*'. The Council has not made any amendments having reviewed this paragraph as it is considered that the Local Plan policy reflects this appropriately, allowing development on a designated LGS only in very special circumstances.

Review of existing levels of protection

9. A number of representations received during the Plan's Regulation 18 consultation argued that several proposed designations are already sufficiently protected under existing local/national designations or national policy (as per the NPPF). Consequently, the Council has undertaken a review of all existing levels of protection to ensure that sites already sufficiently protected are not proposed for designation unless there are particular circumstances where LGS designation is considered to be beneficial. As per the methodology used for the proposed designations during the Plan's Regulation 18 consultation, the Council generally considered the following protections to be sufficient and therefore not in need of further LGS designation (unless they protected only a small proportion of the site or if site-specific circumstances justify an exception):
 - Common Land;
 - Village/Town Greens;
 - Ancient Woodland;
 - Local Nature Reserves;
 - Sites of Special Scientific Interest (SSSI);
 - National Trust, Woodland Trust, and Forestry Commission owned sites; and
 - Key Council-owned or Common Land sites considered to be well known and sufficiently protected (including Tunbridge Wells and Rusthall Common, Southborough Common, The Grove, Grosvenor and Hilbert Park; Dunorlan Park; and Calverley Grounds).
10. The Council considers that, with the exception of 'key Council-owned or Common Land sites considered to be well known and sufficiently protected', the protections above remain of a sufficient level of protection, meaning that sites protected by

these designations generally do not need further LGS protection. Many comments during Regulation 18 objected to the Council's previous approach to omit sites based on being 'key Council-owned or Common Land sites considered to be well known and therefore sufficiently protected'. Consequently, the Council has removed reference to this and for consistency assessed these sites against the other criteria in accordance with the updated methodology. Having further reviewed existing local/national policies in consideration of the representations made to the Council during the Plan's consultation, the Council now also considers, in addition to the above, the following protections to generally be of a sufficient level of protection therefore not requiring further LGS designation (unless they also protect only a small proportion of the site or if site-specific circumstances justify an exception):

- Designated/Non-Designated Heritage Assets (as per paragraphs 184-202 of the NPPF), including:
 - Grade I & II Listed Buildings, as well as/or including churches and/or churchyards/cemeteries (where they or their setting incorporates the majority of the site);
 - Registered Historic Parks and Gardens;
 - World Heritage Sites (note: none of these sites are located within the borough);
 - Protected Wreck Sites (note: none of these sites are located within the borough);
 - Registered Battlefields (note: none of these sites are located within the borough);
 - Scheduled Monuments; and
 - Within Conservation Areas.

11. With regard to land already protected by designations such as National Parks, Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Scheduled Monuments or Conservation Areas, the PPG (paragraph 011 Reference ID: 37-011-20140306) states that '*different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space*'. Consequently, the Council has had regard to this when proposing LGS sites for designation, although acknowledge that the AONB protection relates to the majority of the borough and so while considering the high level of housing and other needs within the borough, the Council has decided to not exclude sites considered for LGS from possible designation (subject to the Council's designation methodology) already protected by the AONB.

12. However, as above, the Council considers sites protected under SSSI designation to be sufficiently protected, and have only in particular circumstances (determined

on a case-by-case basis) considered designation on sites which include a Scheduled Monument or are located within a Conservation Area as these designations are protected already to a large extent under national policy.

13. It is also noted that, with regard to Green Belt (GB), as per the PPG (paragraph 010 Reference ID: 37-010-20140306), the Council has given consideration 'to whether any additional local benefit would be gained by designation as Local Green Space' if already protected under the GB protection, with one potential benefit being that, 'in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community'. This is particularly relevant to the Tunbridge Wells borough, where a significant proportion of the borough is covered the GB protection. Consequently, likewise to the AONB, the Council has decided not to exclude sites considered for LGS from possible designation (subject to the Council's designation methodology) already protected by the GB.
14. Moreover, representations were also received which argued that some sites that had been omitted on the basis that they were already sufficiently protected should be revisited as it was considered that the current protection is inadequate. The Council has, as a result, reviewed all sites on a case-by-case basis, having also taken the above additional protections into account, and made a decision on whether the level of protection is sufficient while also having regard to any parts of a site which is not protected. Where a site has a sufficient level of protection that covers the majority (or the main characteristic features) of a site, it is generally not considered appropriate to, for example, designate only the remaining small proportion of the site that is not protected.

Neighbourhood development plans

15. With the increase in preparation of NDPs across the borough, and with many making good progress prior to the Council's Regulation 19 Pre-Submission Local Plan, it is considered appropriate that designation of LGS (supported by the Council's methodology) is best done through the NDP wherever possible. Consequently, the Council will consider whether it is most appropriate for the Borough Council or the Parish/Town Council and associated NDP Group to take forward LGS proposals respectively in either the upcoming Local Plan or the relevant NDP dependent upon the stages at which both Plans are at.
16. However, it should be noted that there is no guarantee of either the Local Plan or any NDP reaching adoption and so whether LGS is included within an NDP or the Local Plan will be a matter for discussion between the Council and Parish/Town Council and hopefully agreement with each will be reached as plans progress.
17. To clarify, the proposed LGS sites will be retained in those Parishes/unparished areas which are not undertaking NDPs or who are not at a sufficiently advanced stage in the development of their NDP to be certain of achieving the designation.

The Council will in any event continue to work with Parish/Town Councils and associated NDP Groups to agree wherever possible the list of LGSs in their areas.

18. Any LGSs already adopted within an NDP will not be proposed for designation a second time within the new Local Plan as this would cause unnecessary duplication.

New site submissions

19. Since the last full schedule of LGS proposals was published ahead of the Regulation 18 version of the Council's Local Plan, there have been five further new sites submitted for consideration (three submitted during the consultation, with one submitted after the consultation had ended, and one additional site proposed in Cranbrook and Sissinghurst's NDP). These sites have been added to the Council's assessment document and reviewed in line with the updated methodology in this document.
20. Including the additional five sites, the total number of sites considered for possible LGS designation is now 389.

**If you require this document in another format,
please contact:**

Planning Policy

Planning Services

Tunbridge Wells Borough Council

Town Hall

Royal Tunbridge Wells

Kent TN1 1RS

Telephone: 01892 5 5 4 0 5 6