

**Tunbridge Wells Borough Local Plan Examination
Matters, Issues and Questions for Stage 2**

Response on behalf of Mr Henley the owner of the site known as Five Fields (site 102) in Goudhurst.

This Statement directly responds to Matters, Issues and Questions raised in respect of allocation of Local Green Spaces in Tunbridge Wells Borough. The following documents are appended to the Statement:

- Appendix 1: Inspector's report for Goudhurst Neighbourhood Plan (September 2021);
- Appendix 2: Lochailort Investments Ltd v Mendip DC [2020] EWCA Civ 1259
- Appendix 3: Goudhurst NDP Regulation 14 Consultation response prepared by Bloomfields
- Appendix 4: Goudhurst NDP Regulation 15 Consultation response prepared by The Rural Planning Practice
- Appendix 5: Pre-submission version TWBC Local Plan Regulation 19 Consultation response prepared by The Rural Planning Practice (Comment ID PSLP_1931)
- Appendix 6: Correspondence with TWBC regarding amendments to the referendum version of Goudhurst Neighbourhood Plan
- Appendix 7: Screenshot of TWBC's website with an explanatory note relating to the referendum version of Goudhurst Neighbourhood Plan
- Appendix 8: Providing Accessible Natural Greenspace in Towns and Cities; A practical guide to assessing the resource and implementing local standards provision by English Nature;



Matter 13 - Landscape, Local Green Space and Open Space, Sport and Recreation

Issue 5 - Local Green Space

Q1. The PPG advises that if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. Which sites designated as Local Green Spaces in the Plan are also within the Green Belt? For those sites, what consideration has been given to the additional local benefit of their designation?

1. It is primarily a matter for the Council to respond to this question with evidence that the sites already located in the Green Belt would also benefit from additional protection as a Local Green Space ('LGS').
2. The published Local Green Space Designation Methodology document provides a poor explanation of how LGS designation interacts with that of the Green Belt designation. A robust assessment of how both policy layers would work in practice is absent altogether.
3. The shortcomings of the Council's methodology were highlighted in our representations in July 2021.¹
4. Paragraph 103 of the NPPF states that "*policies for managing development within a Local Green Space should be consistent with those for Green Belts*". However, paragraph 2.7 of the Methodology document states that "*the NPPF describes protection as similar to that of Green Belt*".
5. To be consistent with the national Green Belt policies is very different to 'being similar' to them. Consistency requires the decision-maker to make decisions capable of being a material consideration in a subsequent similar or related decision and thus must be in line with the adopted local and national policy as well as with the relevant precedents and planning practice guidance. The Court of Appeal decision in *Lochailort Investments Ltd v Mendip DC*² provides useful pointers on the designation of local green spaces and the policy relationship with areas designated as Green Belts³
6. '*Being similar to*' is not wording that provides clarity to the decision-maker and thus should not be used in the context of site selection, or in the setting of the development management policies as this could lead to a disjointed approach to decision making.
7. Consequently, wrong messages are conveyed to local communities which see the allocation of local green spaces as a potential route to prevent development. Whilst it is understood that local communities within Green Belt should be given opportunities to identify areas that are special to them, it also must be made clear

¹ See paragraphs 3.1 – 3.7 and 3.12 – 3.14 of Regulation 19 representations (Appendix 5)

² See paragraphs 10 – 13 of *Lochailort Investments Ltd, R (On the Application Of) v Mendip District Council* [2020] EWCA Civ 1259 (02 October 2020) full judgement included as Appendix 2

³ See paragraphs 28 – 34 of *Lochailort Investments Ltd v Mendip District Council* [2020] (Appendix 2)

that such allocation would not prevent development that is considered to be appropriate in Green Belt areas.

8. The wording of the draft policy EN15 restricts all types of development in LGS except those which comply with the three criteria listed by the policy itself. None of the criteria refers to development which is deemed to be appropriate form of development in Green Belt Areas by paragraphs 149 and 150 of the NPPF. No explanation or justification of such an approach is provided by the Council.
9. Any departure from the consistency with the national policy must be robustly justified, based on credible evidence, and be clearly explained. This is not provided within the Methodology document or in the explanatory notes of the emerging Local Plan.

Q2. Paragraph 101 of the Framework states that the designation of land as Local Green Space through local plans allows communities to identify and protect green areas of particular importance to them. Have all the designations been put forward by local communities? If not, which ones have been identified by the Council?

10. The Council will be able to provide details of all proposed local green spaces in the Borough. We note that the individual site assessment table in the Local Green Spaces Assessment (dated July 2019) includes a column “*submitted by*” which states how the site came to the attention of the Council.⁴
11. In respect of sites in the Goudhurst Neighbourhood Plan area, the document indicates the following:
 - sites 96, 97, 104 and 105 were brought forward due to the review of Landscape Designations;
 - sites 98, 99, 100, 101, 102, 103, 106 and 107 were brought forward through an ‘*in-office suggestion*’
 - sites AS1 – AS3 and sites AS16 to AS24 were brought forward by the Parish Council proposed local green spaces were brought forward following a public consultation.
12. The Rural Planning Practice challenged the allocation of the local green space designation of the site known as Five Fields (Site no 102). Representations were submitted to all public consultations on both the draft Goudhurst Neighbourhood Plan⁵ and the pre-submission Local Plan (our comments are logged under ID PSLP_1931).⁶ These representations challenged site selection methodologies of both plans, as well as the compliance with the site selection criteria which are listed in paragraph 100 of the NPPF.

⁴ TWBC LP Examination submission document 3.41 – Local Green Space Assessment 2019

⁵ See appendices 3 and 4 for full details

⁶ See appendix 5 for full document (excluding some of its own appendices to avoid duplication)

13. The examiner of the Goudhurst Neighbourhood Plan carefully considered proposed LGS sites in Goudhurst in his report (paragraphs 7.39 - 7.66)⁷ and concluded that three sites did not comply with the site selection criteria thus should be deleted from the Neighbourhood Plan.
14. The Examiner's Report was published in early September 2021, however, the TWBC did not implement these changes in full, despite acknowledging the report's existence elsewhere in the submission version of the TWBC Local Plan. Paragraph 5.543 states:

“Local policies are being prepared through the Goudhurst Neighbourhood Plan (GNP). The neighbourhood plan has been subject to an independent examination, and the examiner's report was issued on 2 September 2021. The examination concluded that the GNP should proceed to referendum, subject to it being amended in line with the examiner's recommended modifications, which are required to ensure the plan meets the basic conditions. The Neighbourhood Plan includes a number of specific goals and refers to a list of projects that indicates how developer contributions could potentially be used.”
(our underlining).
15. The site known as 'Five Fields' (site no. 102) remains designated as a local green space in the TWBC Local Plan against the specific recommendations to be removed due to its failure to satisfy the selection criteria of Paragraph 100 of the NPPF.
16. Sites AS2 and AS20 were removed from the submission version of the TWBC Local Plan as per Examiner's recommendations.
17. No explanation or justification of such an approach is presented.
18. It is of note that The Rural Planning Practice had to, on numerous occasions, engage with the TWBC and Goudhurst NDP Steering Group to assure that amendments to the referendum version of the Goudhurst Neighbourhood Plan were made because all the sites recommended for removal remained included in the referendum version of the NDP.⁸

Q3. What is the justification for designating site 217? How is it demonstrably special to the local community?

19. This is a matter of Council to respond with evidence. We note that Gleeson Strategic Land has submitted its representations to previous public consultations. As such we would expect Council to supply evidence that the designated site is demonstrably special to the local community.

⁷ Full report included as Appendix 1

⁸ Correspondence regarding the amendments to Goudhurst NDP included as Appendix 6

Q4. What is the justification for designating site 20? How is it demonstrably special to the local community, and does it represent an extensive tract of land?

20. Providing a detailed justification for the LGS designation of site 20 is a matter for the Council.
21. However, in our previous representations, we highlighted that the Council's LGS methodology is flawed. It is based on '*Accessible Natural Green Space Standards in Towns and Cities (2003)*' - a document in which recommendations are made by Natural England to assure that people in **urban areas** have opportunities to experience nature and that such areas are within accessible distance to the urban population.⁹
22. TWBC is predominantly rural in character and as such basing the assessment of sites on methodology for urban areas is not appropriate. Consequently, this raises issues of unnecessary policy layers, particularly in areas already protected by Green Belt, AONB and Conservation Area designations.¹⁰
23. Boroughwide, the LGS allocations are neither appropriate nor proportionate in small rural villages that are surrounded by open green spaces.
24. In the context of Matfield, the allocation of 4.3ha of Local LGS on a singular site appears to be disproportionate. Our observation would suggest that as a matter of fact and degree site 20 (known as Woodland to the north of Wish Court) represents an extensive tract of land when compared with the overall size of the development boundary of Matfield.

Q5. What is the justification for the proposed Local Green Space designations at Cranbrook School (including the playing fields)?

25. This will be a matter for Council to respond to.

Q6. Site 45 (New Pond Corner) is situated within a conservation area. What is the justification for its further designation as Local Green Space?

26. This will be a matter for Council to respond to.

Q7. What is the justification for the proposed Local Green Space designations around Goudhurst, having particular regard to the location of the village in the High Weald AONB?

27. Goudhurst NDP Steering Group prepared the '*Green Spaces – Assessment and Allocation*' document notes that the initial list of sites was prepared by Goudhurst Parish Council in support of the Borough LGS activity, and the list was later

⁹ See Appendix 8 for the original document

¹⁰ See paragraphs 3.8 – 3.14 of Appendix 5

expanded during the public workshops and by personal recommendations from residents. However, the TWBC's document from 2019 indicates that many sites were identified during the landscape designation review or through 'in-office recommendations'.¹¹

28. The Council have not provided a clear justification for allocating LGSs within the High Weald AONB, nor has it explained how the potential conflict between the individual policy layers should be approached by the decision-makers in practice.
29. In the case of sites in Goudhurst, all proposed LGS allocations are located within the High Weald AONB, and some are also located in a Goudhurst Conservation Area. Both of these designations provide significant policy protection in their own right. The need for a further layer of policy protection has not been clearly demonstrated or justified.
30. The site selection and assessment methodology for LGS site selection in Goudhurst was altered as a result of consultation responses to the first public consultation on the Goudhurst NDP.¹² However, as highlighted in the later representations¹³, the site selection methodology remained flawed and highly subjective.
31. There is no evidence that an assessment of existing levels of protection afforded by the settlement's location within the High Weald AONB was undertaken by either the Goudhurst NDP Steering Group or by the TWBC.
32. It follows that neither the TWBC nor the Goudhurst NDP Steering Group can robustly justify that the additional protection in form of the LGS designation is necessary. In our representations¹⁴, we argued that national and local AONB policies offer a higher level of protection to those afforded by the LGS designation.
33. Site assessment by both planning authorities is inconsistent. In Goudhurst Parish, the Neighbourhood Plan makes allocations that TWBC does not make in the submission version of the Local Plan and vice versa:
 - The site known as Cemeteries south of St Mary's (site no.100) was removed from the TWBC emerging Local Plan because it was considered by the TWBC to be sufficiently protected under other local and/or national designation and policies because of its location within the High Weald and the Goudhurst Conservation Area).¹⁵ And yet, the site remains firmly allocated as an LGS in the made Goudhurst NP.¹⁶
 - The site known as Five Fields (site 102), which also benefits from policy protection arising from its location within the High Weald AONB and the Goudhurst Conservation area is shown as an LGS in the submitted version of

¹¹ TWBC LP Examination submission document 3.41 – Local Green Space Assessment 2019

¹² See Appendix 3 - Regulation 14 Consultation Representations on behalf of Mr Henley by Bloomfields Ltd

¹³ See paragraphs 1.1 – 1.6 of Regulation 15 consultation (Appendix 4)

¹⁴ See paragraphs 3.15 – 3.22 of Appendix 5, and paragraph 4.2 of Appendix 4

¹⁵ see paragraph 7.44 of Examiner's Report (Appendix 1)

¹⁶ See figure 7 (Goudhurst Local Green Spaces Map) Referendum Version of the Goudhurst NP available at <https://tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/goudhurst>

the TWBC LP, despite being specifically excluded by the Examiner¹⁷, because the site does not meet the criteria in paragraph 100 of the NPPF.

34. All sites specifically excluded by the Examiner remained on the allocation map in the referendum version of the Goudhurst NDP until mid-January 2022. The document was only amended after The Rural Planning Practice notify the TWBC of its intention to initiate a Judicial Review of the referendum document.
35. As seen from the correspondence between the agent, the TWBC and Goudhurst NDP Steering Group¹⁸, some corrections were made and the public was informed accordingly.¹⁹
36. The above also highlights inconsistencies in the evidence base, and in a lack of attention to detail when strategic and non-strategic plans need to be correctly cross-referenced in order to remain compliant with each other.
37. While it is acknowledged that the TWBC has a final say on implementing Examiner's recommendations²⁰, it is wholly unacceptable to do so without supplying robust justification for doing so.

Q8. Have any Local Green Spaces been identified in Neighbourhood Plans which have either been through examination or formally made since submission of the Local Plan?

38. Yes. Goudhurst Neighbourhood Plan underwent formal examination during the summer of 2021 and the Examiner's Report was published in September 2021²¹ with a clear conclusion regarding several LGS allocations that needed to be removed from the NDP to meet the 'basic conditions' as required by the NPPF.
39. On 3 February 2022, the Goudhurst NP referendum was held. As more than 50 per cent of those that voted chose 'Yes', the Plan was "made" (adopted) by the decision of the Full Council on 23 February 2022. As such, the NP now forms part of the statutory development plan for the area.
40. The TWBC Local Plan submission in early November 2021 acknowledged the examiner's report and the submission version of the Local Plan no longer proposes an LGS allocation of the site known as 'Green Space adjacent to Lurkins Rise' (site AS_20) and site AS2 in Curtis Green.
41. It is therefore very disappointing to see Five Fields (site 102) proposed as an LGS in the submission TWBC Local Plan. As no explanation or justification was made, we

¹⁷ see paragraphs 7.48 to 7.54 of Examiner's Report (Appendix 1)

¹⁸ See appendix 6 for details

¹⁹ See appendix 7 for screenshot of TWBC website

²⁰ As per paragraphs 4 – 6 of *Lochailort Investments Ltd v Mendip District Council* [2020] (Appendix 2)

²¹ See paragraphs 7.39 – 7.66 of the Examiner's report (Appendix 1)

respectfully request that our case be heard during the relevant hearing session in May. We will provide a written hearing statement on this matter.

42. It is a matter for the Council to identify other recently examined, or 'made' Neighbourhood Plans.

APPENDIX 1

Goudhurst Neighbourhood Development Plan
2013-2033

A report to Tunbridge Wells Borough Council on the Goudhurst Neighbourhood Development Plan

Andrew Ashcroft

Independent Examiner

BA (Hons) MA, DMS, MRTPI

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Tunbridge Wells Borough Council in May 2021 to carry out the independent examination of the Goudhurst Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 26 May 2021.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive rural character. It includes a series of environmental and community policies, and designates a series of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Goudhurst Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
2 September 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Goudhurst Neighbourhood Development Plan 2013-2033 ('the Plan').
- 1.2 The Plan has been submitted to Tunbridge Wells Borough Council (TWBC) by Goudhurst Parish Council (GPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in 2018, 2019 and 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes a series of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by TWBC, with the consent of GPC, to conduct the examination of the Plan and to prepare this report. I am independent of both TWBC and GPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Consultation Statement addendum
- the HRA screening report.
- the Sustainability Analysis.
- the Local Character Assessment.
- the Views Assessment.
- the Local Green Spaces.
- the representations made to the Plan.
- the Parish Council's responses to the clarification note
- the saved elements of the Tunbridge Wells Borough Local Plan 2006
- the Tunbridge Wells Core Strategy Development Plan Document
- the Tunbridge Wells Site Allocations Local Plan.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 26 May 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised TWBC of this decision once I had received the responses to the questions in the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from November 2018 to January 2109. It is a particularly good example of a Consultation Statement. It is attractively arranged and follows the graphic style of the Plan itself and the Basic Conditions Statement.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Section 2 provides details about the engagement with the statutory bodies and the public consultation events in the area. Specific engagement processes highlighted include:
- the various community events;
 - the questionnaires to households and businesses;
 - the four workshops to develop objectives for the Plan; and
 - the photographic competition
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular.
- 4.5 Sections 4/5/6 of the Statement set out details of the responses received to the consultation process on the pre-submission version of the Plan. They also set out how the Plan responded to the representations. The summary of the policy changes is a very effective way of addressing and presenting this matter. The wider exercise has been undertaken in a very thorough fashion. It helps to describe how the Plan has evolved over time.
- 4.6 From all the evidence available to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. TWBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by the Borough Council for a six-week period that ended on 22 February 2021. This exercise generated comments from the following statutory and local organisations:

- Southern Water
- Horsmonden Parish Council
- Environment Agency
- Bethany School
- Natural England
- High Weald AONB Unit
- Ministry of Justice
- SGN
- National Trust
- Mr J Henley (via the Rural Planning Practice)
- Tunbridge Wells Borough Council
- Kent County Council
- Historic England
- Highways England

4.8 A representation was also received from a local resident.

4.9 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer specifically to certain representations on a policy-by-policy basis in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Goudhurst. In 2011 it had a population of 3327 persons living in 1255 households. It was designated as a neighbourhood area on 7 November 2016.
- 5.2 The neighbourhood area sits in attractive open countryside between Royal Tunbridge Wells to the west and Sissinghurst to the east. It is irregular in shape. The principal settlements are Goudhurst village, Kilndown and Curtisden Green. They are sited on sandstone ridges. The neighbourhood area displays a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. Medieval patterns of small pasture fields enclosed by thick hedgerows and shaws (narrow woodlands) remain prominent in the character of the landscape. The majority of the parish lies within the High Weald AONB.
- 5.3 Goudhurst is the principal settlement in the neighbourhood area. It is strategically-placed at the junction of the A262 and the B2079. It is dominated by St Mary the Virgin Church in its hill top location. The Church is located in a broader area of green and open spaces that separate the two distinct parts of the village. The village has an extensive conservation area and several important listed buildings constructed from vernacular materials.

Development Plan Context

- 5.4 The Tunbridge Wells Borough Core Strategy 2011-2036 was adopted in June 2010. It covers the period up to 2026. The Core Strategy sets out policies for the use and development of land across the Borough. Core Policy 1 and Boxes 3 (Spatial Strategy) and 4 (Settlement Hierarchy) set out an approach which has an urban focus for development in order to optimise the vitality of the Borough's town centres and to protect the distinctive character of the rural environment. In this context the majority of new development is focussed at Royal Tunbridge Wells and Southborough. The Core Strategy also identifies development at Cranbrook, Hawkhurst and Paddock Wood to support and strengthen them as local service centres for the Borough's rural area. Elsewhere the approach is to protect the character of the Borough's villages by limiting new development to be within the existing limits to built development unless it is specifically required to meet local needs.
- 5.5 Within this approach Goudhurst is classified as one of a series of villages. Core Policy 4 of the Core Strategy sets out a comprehensive approach for development in rural areas which incorporates the following matters:

- the delivery of approximately 360 net additional dwellings in the villages and rural areas;
- new development will generally be restricted to sites within the limits to built development (LBD) of the villages;
- outside the LBD of the villages, affordable housing to meet an identified local need in perpetuity may be allowed;
- village centres will be enhanced to provide a focus for communities. The loss of local services will be resisted and the development of facilities, including community facilities, to meet local needs will be encouraged;
- designated buildings and areas of historic or environmental importance will be conserved and enhanced to ensure the special character of the villages is maintained;
- the countryside will be protected for its own sake;
- the interrelationship between the natural and built features of the landscape will be preserved, enhanced and, where necessary, restored; and
- non-motorised modes of transport between the rural settlements and within the rural areas will be encouraged by ensuring that the existing network of public footpaths and bridleways are protected, maintained and improved.

The Core Strategy has a range of other policies including:

Core Policy 4 Environment

Core Policy 5 Sustainable Design and Construction

Core Policy 8 Retail, Leisure and Community Facilities Provision

- 5.6 Key elements of the 2006 Local Plan remain as saved policies whilst the Core Strategy review is taking place. They include:

Policy EN5 Development within a conservation area

Policy EN20 Telecommunications

Policy CR13 Retention of community facilities in neighbourhood centres or villages

Policy H5 Residential development inside limits to built development

Policy R1 Retention of existing recreation open space

Policy TP5 Vehicle Parking Standards

Policy TP27 Retention of Public Car Parks in villages.

- 5.7 The submitted Plan has been prepared within the context provided by the various elements of the development plan. In doing so it has relied on up-to-date information and research. This is good practice and reflects key elements included in Planning Practice Guidance on this matter.
- 5.8 TWBC has made good progress in its review of the Core Strategy. It will guide new development in the Borough up to 2038. Consultation on the pre-submission Plan took place between March and June 2021. Policy PSTR/GO1 of that Plan sets out a spatial strategy for Goudhurst based on the following key principles:

- setting limits to built development for Goudhurst village, as defined on the Policies Map (Inset Map 25) as a framework for new development over the plan period;
- delivering approximately 26 new dwellings (40 percent as affordable housing) through the allocation of housing sites at land east of Balcombes Hill (Policy AL/G01) and Triggs Farm, Cranbrook Road (AL/G02);
- retaining the Balcombes Hill public car park; and
- seeking developer contributions, either in kind and/ or financial, from residential developments to an identified range of facilities.

Whilst the basic conditions assessment of the neighbourhood plan is against the adopted development plan, I have sought to ensure that the submitted Plan has an appropriate relationship with the emerging Core Strategy Review. This reflects national policy as set out in paragraph ID: 41-009-20190509 of Planning Practice Guidance. It also reflects the approach taken by GPC in assessing the policies in the submitted Plan both against the policies in the adopted development plan and those in the emerging Core Strategy Review.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 26 May 2021. I was fortunate in selecting a dry and pleasantly warm day after a wet start to the month. I observed the social distancing measures that were in place at that time. I travelled to the parish along the A21 from the north. This highlighted the way in which the parish was positioned in the wider countryside in general, and within the High Weald AONB in particular.
- 5.10 I looked initially at Kilndown. I saw its isolated position in the AONB and the way in which it featured several green spaces in the heart of the village. I saw the Millennium Green by the Village Hall and the fascinating Quarry Pond. I looked at the Christ Church Churchyard. I saw the very ornate Beresford tomb and gravestone and the more modest Commonwealth Graves for members of the Home Guard.
- 5.11 I then drove to Goudhurst. I looked initially at the series of proposed Local Green Spaces (LGSS) off Lurkins Rise. I saw the significance of LGS AS19 and the extensive views over the wider countryside to the south of the village. I then walked into the village centre. In doing so I appreciated the nature of the village's location on a hill top and the implications of parked cars on the free flow of the A262. I sat for a while by the pond in the village centre and enjoyed its setting and sense of calm.
- 5.12 I then looked at the range of retail, commercial and community buildings in the village centre. I saw the way in which the various uses were accommodated in a range of interesting vernacular buildings of different ages and sizes. I also saw the significance of the Church in the wider village. I took some time to appreciate its setting and to take in the views of buildings to the north of Church Road and across the countryside to the south. I looked inside the Church and saw its lovely ceiling. I

saw the list of historic benefactors in the entrance porch and the Millennium mosaic. The Church was operating an exemplary procedure for hand-sanitising.

- 5.13 I then walked to the eastern part of the village based on Beresford Road. I saw the scale and significance of the School. I took the opportunity to look at several of the proposed LGSs in the village. I walked into the Lower Glebe Field and saw its network of footpaths and the garden area in its north-western corner. I appreciated the extensive views to the south of the village. I then walked along Church Road to the concentration of LGSs between the two limits to built development. I walked along the footpath to the north of Five Fields into the Old Cricket Pitch. I saw the way in which it was naturally revegetating.
- 5.14 I then walked back into the main village and into North Road. I followed the footpath down into the fields to the west of the village. I saw their interesting structure, trees and field pattern.
- 5.15 I then drove to Curtisden Green. I saw the open character of the village and its relationship with the Bethany School. I looked at the three proposed LGSs. I saw how Firs Pitch created interesting levels within the wider village environment. I then drove to the former Blantyre Prison
- 5.16 I left the neighbourhood area along the B2079 towards Marden.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The approach in the submitted Basic Conditions Statement is based on the 2019 version of the NPPF which was in force when the Plan was submitted. Where necessary I make specific comments in Section 7 of the report where there are differences between the two versions of the NPPF.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Goudhurst Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan, the saved policies in the Local Plan, the policies in the Core Strategy and the policies in the Site Allocations Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;

- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes policies to stimulate rural employment and diversification and to safeguard the natural environment of the parish. It also proposes the designation of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies to stimulate rural employment and diversification (Policies B1-B3). In the social role, it includes policies on community facilities (Policies C1-C4), local green spaces (Policy L9) and on housing types and sizes (Policies H1 and H4). In the environmental

dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy D1) and on a series of landscape and environmental matters (Policies L1-L10). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Tunbridge Wells Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations – SEA

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement GPC published a sustainability analysis. The report comments that the Plan has been developed in parallel with the new Tunbridge Wells Local Plan. In this context TWBC issued two Calls for Sites (in 2016 and 2017) that identified 26 sites in the parish. The Parish Council considered a process of site selection and decided to defer allocations to the Borough Council. The analysis comments that as sites are not allocated within the submitted Plan the overall sustainability analysis process is simplified.
- 6.16 The sustainability analysis is thorough and well-constructed. It assesses the policies against the Plan's objectives and the environmental implications of the policies themselves. Section 7 sets out a Policy Assessment where the Plan's policies are assessed using the scoring matrix identified in the Sustainability Analysis Scoping Document. The process recognises that there are inherent conflicts between objectives for example business growth is incompatible with climate change and energy and to simplify the overall process, where these conflicts exist, an assessment measure has not been taken. The associated table provides a detailed assessment of each relevant policy by objective. Scores are shown as positive or negative in a range of +3 to -3.

European Legislation – Habitats Regulations Assessment

- 6.17 In order to comply with legislative requirements TWBC published a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Ashdown Forest SPA and SAC site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.18 The screening report includes the response received from Natural England as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights Act

- 6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of non-land use Parish Actions which are separately listed in Section 13.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The community aspirations are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

General Comments

- 7.8 The Plan has been prepared in a very effective fashion. It is helpfully supported by figures and maps. The distinction between the supporting text and policies is very clear. In addition, the vision and the objectives of the Plan provide a very helpful context for the subsequent policies.
- 7.9 The presentation of the Plan is very impressive. It makes good use of colour, design and layout. It would comfortably sit as part of the wider development plan in the event that it was 'made'.

The initial sections of the Plan (Sections 1-5)

- 7.10 These elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the neighbourhood area and the Plan's policies.

- 7.11 The 'Reading this Document' section is particularly helpful and informative. It identifies that each policy is described with the background and reasons for including it, the policy itself and a summary of its intent. The table on page 4 summarises these arrangements in a very clear fashion.
- 7.12 Section 1 (Purpose) identifies how the Plan has responded to the neighbourhood plan agenda both nationally and in the Borough. It identifies the neighbourhood area and the Plan period.
- 7.13 Section 2 describes the way in which the Plan was prepared and refined after the pre-submission consultation. It overlaps with the submitted Consultation Statement.
- 7.14 Section 3 comments about the history of the parish. It is interesting both in its own right and in how it underpins the approach in some of the policies. Indeed, as paragraph 37 of the Plan comments 'the Parish still has many of the characteristics of its earlier times. Medieval properties, particularly in Goudhurst High Street, have changed little and the countryside is renowned for its medieval field patterns. The Church of St Mary the Virgin remains standing firm at the highest point of the Parish and from the top of its tower the Parish unfolds'
- 7.15 Section 4 sets out the Vision, Goals and objectives for the Plan. The table in paragraph 44 helpfully sets out the way in which the objectives deliver the various goals
- 7.16 Section 5 summarises the policies and the associated policy intent.
- 7.17 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy L1 Development within the AONB

- 7.18 This policy comments about proposed development within the High Weald Area of Outstanding Natural Beauty (AONB). It requires that development proposes meet the objectives of the AONB Management Plan.
- 7.19 The incorporation of significant elements of the parish within the AONB reflects its natural setting in the High Weald. It is an important component of the local environment
- 7.20 The approach in the policy is generally appropriate. However, its focus is on compliance with the High Weald AOMB Management Plan. The Management Plan is an excellent document. However, it is not part of the development plan. On this basis I recommend that the policy takes on a more general nature and that the reference to the AONB Management Plan is repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will play a major part in delivering the environmental dimension of sustainable development.

Replace the policy with:

‘Development proposals in the High Weald AONB should, where appropriate, make a positive contribution towards the conservation and enhancement the natural beauty of the designated landscape’

At the end of paragraph 58 add: ‘Policy L1 comments generally about development proposals in the AONB. Where appropriate development proposals should demonstrate the way in which they would deliver key elements of the High Weald AONB Management Plan’

Policy L2 Development Outside the AONB

- 7.21 This policy continues the theme of Policy L1. In this case it requires that development outside the AONB does not detract from the character or setting of the AONB.
- 7.22 The policy has an unusual structure which takes a negative approach to this issue. I recommend that the policy is recast so that it sets out the positive expectations of the Plan and sets out the implications of not doing so.

Replace the policy with:

‘Development proposals outside the AONB should be designed to safeguard the environment, character and landscape setting of the AONB.

Development proposals which would harm or detract from the environment, character and landscape setting of the AONB will not be supported’

Policy L3 Retain the Profile of our Hilltop Villages

- 7.23 This policy sets out to safeguard the profile and setting of the three hilltop villages in the parish. It overlaps with the more general approach of Policy L1.
- 7.24 The policy meets the basic conditions

Policy L4 Conserve Landscape and Heritage Assets

- 7.25 This policy comments that development proposals must conserve the historic landscape of the Parish and the settings of its heritage assets
- 7.26 Paragraphs 73 and 74 of the Plan identify the range of heritage assets in the parish.
- 7.27 The policy takes an appropriate approach towards this important matter. Whilst it adds little to national and local policies, heritage assets are an important part of the character of the parish. In this context the Plan wishes to reflect this part of the character of the parish. I recommend a modification to the policy to ensure that it has regard to the contents of Section 16 of the NPPF. Otherwise, it meets the basic conditions and will do much to deliver the environmental dimension of sustainable development.

Replace the policy with: ‘Development proposals should preserve and enhance the historic landscape of the Parish, and its heritage assets and their settings in a manner appropriate to their significance’

Policy L5 Gap between Goudhurst Limits to Built Development

- 7.28 This policy comments that development proposals must maintain the separate identity and character of the two Goudhurst settlements and avoid their coalescence or the erosion of the undeveloped gap.
- 7.29 I looked at the proposed Gap carefully during the visit. I saw that it clearly defines the character and appearance of the built-up part of the village. As the Plan describes the characters of Goudhurst village and the Chequers area are distinct. Goudhurst village is defined by its medieval High Street whereas the Chequers area consists of primarily Victorian and later houses. The gap separating them is made up of a large triangle of land to the south and an open field, crossed by two footpaths to the north, which afford views to the Greensand Ridge some 25 miles to the north. The gap, with its winding road, provides road users with a strong sense of transition as they pass through the area.
- 7.30 I am satisfied that the policy serves a clear purpose in the wider context of the parish. It reflects the layout and form of the two separate settlements. In terms of its details the effect of the policy is generally clear. However, it requires that developments avoid the coalescence of the two Goudhurst settlements or the erosion of the undeveloped gap. In this context the first element is unnecessary given that such an outcome would be well beyond that required in the second element that any development should not erode the undeveloped Gap. I recommend a modification to the policy to this effect. Nonetheless I recommend that the issue of the coalescence of the two settlements is incorporated in the supporting text. Given the importance of this matter I also recommend that the map of the Gap to the left of the text to paragraph 85 is replaced by one of a scale similar to Maps 7.13-7.15 which show the proposed Local Green Spaces
- 7.31 The proposed designation of the Gap overlaps with the proposed designation of Local Green Spaces in Policy L9 of the Plan. I address this matter later in this report.

Replace the policy with: ‘Development proposals should maintain the separate identity and character of the two Goudhurst settlements and avoid the erosion of the undeveloped gap’

At the end of paragraph 86 add: ‘This approach would particularly apply to proposals which would lead to the coalescence of the two settlements. This outcome would significantly and unacceptably affect the character and appearance of the two settlements’

Replace the map of the Gap to the left of the text to paragraph 85 by one of a scale similar to Maps 7.13-7.15 which show the proposed Local Green Spaces

Policy L6 Biodiversity

- 7.32 This policy sets out an ambitious approach towards securing a biodiversity net gain from new developments. The supporting text sets out details about existing biodiversity in the parish.
- 7.33 In general terms the policy meets the basic conditions. I recommend detailed modifications to ensure that it meets the basic conditions and brings the clarity required by the NPPF.

In the first sentence replace ‘must’ with ‘should’

In the second sentence replace ‘considered’ with ‘supported’

Policy L7 Trees

- 7.34 This policy seeks to celebrate the importance of trees in the parish. Its approach is that development that undermines the future health of, or results in the loss of, ancient woodland, protected trees and veteran trees will not be permitted.
- 7.35 The approach taken in the policy has regard to national policy and reflects the sylvan character of the parish. I recommend that the first sentence of the policy is recast so that it explains the approach in a more positive fashion. Its effect however remains unchanged. I also recommend that the second sentence is repositioned into the supporting text as it addresses process requirements (a tree survey) rather than setting out a policy requirement.

Replace the policy with: ‘Development proposals should safeguard the future health and retention of ancient woodland, protected trees and veteran trees. Development proposals which would unacceptably impact on the future health and retention of ancient woodland, protected trees and veteran trees will not be supported’

After the second sentence of paragraph 101 add: ‘Development proposals should be accompanied by a tree survey that establishes the health and expected longevity of any affected trees’

Policy L8 Protect dark Skies ‘Nightscape’ and minimise Light Pollution

- 7.36 This policy seeks to safeguard the dark skies environment of the parish. It includes detailed elements on external lighting, light spill and the justification for the lighting sought.
- 7.37 The neighbourhood area benefits from dark skies and GPC has consistently supported a dark skies policy to protect the natural beauty of the night sky. GPC also aims promote the appreciation of the quality of the rural ‘nightscape’ and encourage the removal of unnecessary and/or inappropriate lighting or, where warranted, a suitable replacement. The intent of the policy is to ensure that the night-time character of the Parish is not diminished.

- 7.38 The policy sets out a positive approach to this matter. Nevertheless, its first part is supporting text (about the assessment process) rather than policy. I recommend its deletion and repositioning in the supporting text. I recommend detailed modifications to the remainder of the policy to bring the clarity required by the NPPF. This includes a reordering of the elements of the policy so that they have a natural flow. Otherwise, it meets the basic conditions.

Delete the first paragraph of the policy.

Reverse the order of the three remaining paragraphs so that the fourth (as submitted) becomes the first.

Replace the first sentence of the second part of the policy (as submitted) with: 'Where it can be demonstrated as meeting an essential purpose, external lighting (including temporary lighting and lighting of sports facilities) should be of a sensitive and proportionate nature'

Policy L9 Local Green Spaces

- 7.39 This policy proposes the designation of a series of local green spaces (LGSs). The proposed LGSs have been measured against the criteria set out in the NPPF and Planning Practice Guidance (PPG) on this matter.
- 7.40 Further detailed information about the proposed LGSs is contained Local Green Spaces Assessment and Allocation document. It includes details of the overall assessment process, the criteria for acceptance or rejection at both stages of the analysis and the rationale for the inclusion of each LGS.
- 7.41 The policy approach sets out to safeguard the identified LGSs and largely follows the equivalent approach in the NPPF. I looked at the proposed LGS very carefully during my visit. I paid particular attention to the proposed LGSs which attracted representations.
- 7.42 The representations raise three related matters. The first is the relationship between the proposed LGSs in the submitted neighbourhood plan and the proposed LGSs identified in the emerging Tunbridge Wells Local Plan 2038. The second and third are detailed objections to the designation of LGS 102 (by Mr Henley) and to LGS AS1 and AS2 (by Bethany School). I address these matters in turn below

Relationship between LGSs in the submitted neighbourhood plan and in the emerging Local Plan

- 7.43 The neighbourhood plan and the emerging Local Plan have been prepared at largely the same time. There has been commendable collaboration between TWBC and GPC on this matter. Indeed, as GPC comments in its response to the clarification note 'our identification of green spaces in the community and the creation of our list was a joint enterprise with TWBC. Each site was visited and discussed together. Our methodology is broadly similar although there has been some divergence in a small number of identified sites since our last meeting with TWBC was in September 2020.

At that meeting TWBC noted they were reviewing the designation of churchyards as they considered they already have protection under the NPPF'

- 7.44 TWBC published its emerging Local Plan in March 2021. It was underpinned by the LGS Assessment (February 2021). It includes a very similar package of proposed LGSs in Goudhurst parish to those in the submitted neighbourhood plan. Nevertheless, it does not include the following four LGSs as included in the neighbourhood plan (and for the following reasons)

LGS100 Goudhurst Cemetery – considered to be sufficiently protected under other local and/or national designations and Policies

AS20 Green Space adjacent to Lurkins Rise, Goudhurst – considered that there is insufficient evidence that this site meets the designation criterion of 'demonstrably special'

LGS105 Kilndown Churchyard – considered that there sufficiently protected under other local and/or national designations and Policies

AS2 Field to the south of Firs Pitch, Curtisden Green -considered that there is insufficient evidence that this site meets the designation criterion of 'demonstrably special'

- 7.45 In terms of the proposed LGS100 and LGS105 I am satisfied that the two sites meet the criteria for LGS designation and for the reasons set out in the LGS Assessment produced by GPC. In relation to LGS 100 the proposed green space contains historical graves as well as the land allocated for new graves. The site is local in character and is well-maintained by GPC. Local residents visit their family graves regularly. This site is demonstrably special to the local community for its historic significance and as a beautiful and tranquil environment. In relation to LGS105 the green space is significant in that it protects the setting of the listed building and allows views of the church from all sides and views from it through the Conservation Area. The site also includes the old village burial ground. This site is demonstrably special to the local community for its historic significance and as a tranquil environment.
- 7.46 The proposed designation of LGS AS20 raises a different set of issues. It is a small area of incidental open space within the Lurkins Rise development in Goudhurst and is dominated by a mature oak tree. Whilst it is a pleasant open space it is little different in character and appearance from other incidental open spaces in residential areas in the parish. In these circumstances I am not satisfied that it is 'demonstrably special' and as such meets the high tests for LGS designation in the NPPF. I recommend its deletion from the Plan.
- 7.47 I address proposed LGS AS2 later in this report given that it has attracted a specific representation from the owner concerned.

LGS102

- 7.48 This parcel of land is located to the immediate east of Goudhurst. I looked at it carefully during my visit. In addition, I have carefully considered the representation made by Mr Henley on this matter. The representation comments that the parcel of land does not satisfy criteria outlined in national policy and therefore should not be designated as a LGS. Furthermore, it contends that the site is already protected from inappropriate development by national and local policies regarding development in open countryside and that the potential for development is further restricted by the site's location within the High Weald AONB and the Goudhurst Conservation Area.
- 7.49 The site is a parcel of grassland located between the two parts of Goudhurst and to the immediate north of Church Road. It is 1.05 hectares in size. The northern boundary of the proposed LGS is formed by the footpath running in a west to east direction. The proposed LGS is one of a series of fields.
- 7.50 The LGS Assessment comments that the land has been proposed for LGS designation for three principal reasons. The first is that it is considered to be a visually important undeveloped space in the Goudhurst Conservation Area. For those heading west, this is the first indication of Goudhurst's prominent ridge top position. The second is that it is an open space which it is used daily by residents who use the footpath which crosses the site and provides a northern boundary and provides a tranquil contrast to the A262. The site permits medium and long-distance views to the north downs. The third is that it is important to residents who identified the field as an important area which contributes to their sense of place.
- 7.51 I have considered all the information very carefully. I am satisfied that the area of land is in reasonably close proximity to the community it serves and is local in character.
- 7.52 On the 'demonstrably special' criterion in the NPPF the parcel of land is attractive in its own rights and sits within its wider landscape between the two separate parts of Goudhurst. It plays an important element in maintaining the separation of the two settlements (and as addressed in Policy L5 of this Plan). It is also within the Goudhurst Conservation Area. In this context the site concerned already has a degree of protection afforded by the existing conservation area designation and Policy L5 provides a further degree of protection in relation to the separation of two settlements. Different types of designations are intended to achieve different purposes. PPG paragraph 37-011-20140306 comments that if land is already protected by designation (such as a conservation area), then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. There is no evidence that such an assessment has been undertaken in relation to the Goudhurst Conservation Area.
- 7.53 In addition there is little to distinguish the parcel of land from adjacent parcels of agricultural land to its north. In particular it is part of a wider area of green space

rather than a self-contained parcel of land. In this context its importance is as part of the gap between the two Goudhurst settlements rather than as a free-standing LGS.

- 7.54 Taking account of all the information available I have concluded that it is not demonstrably special to the local community and holds a particular significance. In the round it fails to meet the high standards expected of proposed LGSs in national legislation. In these circumstances I recommend that it is removed from the schedule of LGSs in the Plan

LGS AS1 and AS2

- 7.55 These two proposed LGSs are located in Curtisden Green. I looked at them carefully during my visit. In addition, I have carefully considered the representation made by Bethany School.
- 7.56 The proposed LGSAS1 is the Firs Playing Field. It is owned and used by the adjacent Bethany School. It is 2.1 hectares in size. As the LGS assessment comments it was significantly overhauled in the 1970s and cleared/levelled to create the current playing field. Based on all the information available to me I am satisfied that the playing field meets the criteria in paragraph 100 of the NPPF. It is in reasonably close proximity to the community it serves and in which it is centrally-located. It is demonstrably special and holds a particular significance. The area is an important central open space that makes a positive and significant contribution both to the local landscape character and to the setting and the layout of the settlement. It is also local in character and not an extensive tract of land.
- 7.57 The proposed LGSAS2 is located to the south of LGSAS1 to the immediate south of Jarvis Lane. It is 1.5 hectares in size and is an agricultural parcel of land. I am satisfied that it is in reasonably close proximity to the community it serves and is local in character.
- 7.58 The Plan contends that the 'area is of local significance because it affords long reaching views over the AONB to the south. This area is also used by the adjacent Bethany School for occasional hockey games as well as regularly by the community as a recreational walking area and for flying kites, playing with children and exercising dogs, etc. It also has public access via two access points through the hedge boundaries'
- 7.59 I looked at the proposed LGS very carefully during the visit. The parcel of land is attractive in its own rights, sits within its wider landscape and affords long-ranging views to the south and east. Nevertheless, there is little to distinguish it from adjacent parcels of agricultural land. As such I have concluded that it is not demonstrably special to the local community and holds a particular significance. In the round it fails to meet the high standards expected of proposed LGSs in national legislation. In these circumstances I recommend that it is removed from the schedule of LGSs.

Relationship between proposed LGSs and Policy L5

- 7.60 Policy L5 sets a policy context for the retention of a Gap between the two separate elements of Goudhurst village. At the same time four LGSs are proposed within the Gap (LGS99/100/102/AS22). In general terms I am satisfied that open areas within the Gap can also be identified as LGSs where the proposed LGS meets the criteria for such a designation.

LGS summary

- 7.61 On the basis of all the information available to me, including my own observations, I am satisfied that with the exception of proposed LGSs 102, AS2 and AS20 the proposed LGSs comfortably complies with the three tests in the NPPF and therefore meets the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. Lower Glebe Field Goudhurst (LGAS22) and Millennium Green, Kilndown (LGS106) are particularly good examples of informal and formal LGSs respectively.
- 7.62 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. There are no proposed residential developments which would conflict with the proposed LGSs in the emerging Tunbridge Well Borough Local Plan (2038). Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.63 The policy itself sets out the implications for LGS designation. It seeks to follow the approach as set out in paragraph 101 of the NPPF. However, it uses a different language to that in the NPPF and does not explain what it means by the 'degradation' of a LGS. At the same time, it does not directly link its approach to the LGSs as detailed in the supporting text and on the three settlement area maps.
- 7.64 In order to remedy these issues I recommend modifications so that the policy directly relates to the identified LGSs and takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.65 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by TWBC. In particular the Borough Council will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special

circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

- 7.66 TWBC helpfully points out that three proposed LGSs (97 St Mary's Churchyard, AS17 Land between Bankfield Way and High Ridge and AS23 Playground) are identified as meeting the criteria for LGS designation in the Assessment but are not included in the Plan in general, and the relevant policy maps in particular. In this context I have examined the Plan as submitted. Whilst the Assessment has helpfully underpinned the Plan it is an evidence document and not part of the Plan itself.

Replace the policy with:

'The Plan designates local green spaces as shown on Maps 7.13, 7.14 and 7.15.

'Development proposals within the designated local green spaces will only be supported in very special circumstances'

Delete LGS 102, AS2 and AS20 from the relevant Maps.

At the end of paragraph 9.3 add: 'Policy L9 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the Borough Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy L10 Views

- 7.67 This policy comments that development should conserve important views into, out of, and between the settlements from any area to which the public has access. It identifies 18 key views which are categorised into exceptional/important/character views. I looked at a selection of the key views during the visit.
- 7.68 The policy is underpinned and supported by the Views Assessment document. It is a hugely-impressive piece of work which follows the same format of the Plan itself.
- 7.69 Notwithstanding the excellent underpinning work the policy adopts a very general approach rather than one which highlights the specific importance of the key views. I recommend modifications to remedy this issue.

Replace the policy with: 'Development proposals should be designed and arranged to conserve important views into, out of, and between the settlements from any area to which the public has access. In particular development proposals should respect, safeguard and be designed to take account of the Key Views as described in table [insert number] and the Views Classification in paragraph 7.18 of the Plan'

Include a table number for the Views information as shown on pages 38-41 of the Plan (to provide a context for the modified policy)

Policy C1 Community Facilities

- 7.70 This policy offers support for the development of new or improved community facilities. It takes an appropriate and non-prescriptive approach.
- 7.71 The wording of the policy includes the words 'in general'. However, the circumstances where a different approach would be taken are not specified. On this basis I recommend the removal of this part of the policy.

Remove 'in general' from the policy

Policy C2 Accessibility

- 7.72 This policy offers support to developments proposals which would create or improve accessibility to facilities within the Parish. The second part of the policy comments that proposals which detract from access to community facilities will be rejected. Whilst the intention of the second part of the policy is entirely appropriate, I recommend that the wording used is modified so that it has the clarity required by the NPPF and relates to the development management process. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**Replace the second sentence with a separate part of the policy to read:
'Development proposals which would unacceptably detract from accessibility to community facilities, will not be supported'**

Policy C3 Developer Contribution

- 7.73 The policy comments that the Parish Council will maintain a list of costed and documented projects that may be fully or partly funded by developer contributions (Section 106 agreements).
- 7.74 The intention of the policy is clear. However, it is not directly a policy and is effectively the description of a process. In any event the broader issue of the potential use of developer contributions is already captured in P5 of the Parish Action Plan (in Section 13 of the Plan). In these circumstances I recommend the deletion of the policy.
- 7.75 Given that the supporting text in general, and as paragraph 166 in particular draws attention to the Parish Action Plan, I am satisfied that it should remain in the Plan following the deletion of the policy.

Delete the policy

Policy C4 Assets of Value within the Community

- 7.76 This policy celebrates the importance of community facilities to the well-being of the parish. It comments that development proposals that will result in the total or partial loss of an actively-used asset or amenity that is of value to our community will not be supported. The policy identified ten such assets in the parish.
- 7.77 I am satisfied that both the approach taken and the community assets identified are appropriate. Nevertheless, I recommend that the description of the assets included in the policy is modified to avoid any confusion within the Plan period. This is particularly important as paragraph 170 identifies that GPC has no intentions of designating any Assets of Community Value (in a specific legal fashion). However, the title of the policy which includes 'Assets of Value' is not sufficiently distinct from 'Assets of Community Value'. GPC commented helpfully on this matter in its response to the clarification note. It suggested the alternative title of 'Important Community Resources'. I recommend accordingly.

Replace 'asset or amenity.....our community' with 'an important community resource'

Before the list of ten facilities replace 'The following are considered important assets of the community' with 'The Plan identifies the following facilities as Important Community Resources'

Replace the policy title with: 'Important Community Resources'

Policy C5 Broadband and Mobile Infrastructure

- 7.78 This policy acknowledges the importance of good broadband and mobile infrastructure to the well-being and economy of the parish. It comments that development proposals that seek to expand electronic communication networks and high-speed broadband that benefit the parish will be supported.
- 7.79 The policy takes an appropriate and positive approach to this matter. Many such installations benefit from permitted development rights or are processed via prior approval methods. As such I recommend that the policy is modified so that it applies only to proposals which require planning permission. Otherwise, it meets the basic conditions.

At the beginning of the policy add: 'Insofar as planning permission is required'

Policy C6 Protecting & improving Public Rights of Way

- 7.80 This policy recognises the importance of the public right of way (PROW) network in the parish. It comments that new development should protect and, where possible, enhance the existing PROW network and its setting.
- 7.81 The policy has been carefully considered. It meets the basic conditions.

Policy H1 Housing Mix

- 7.82 This policy sets out to deliver a range of house sizes to support sustainable communities and to reflect current and future local housing needs. Its approach is underpinned by published local information.
- 7.83 The policy comments that all housing developments of more than one unit should provide a mix of dwellings that falls within the following range – a minimum of 40% to be a mix of 1 and 2 bed dwellings and a maximum of 15% to be 4+ bed dwellings. The policy recognises that viability issues may not always make this approach practicable.
- 7.84 I sought the GPC’s comments on the appropriateness of the threshold of two homes in the clarification note. In its response it advised that:
- ‘The challenge in Goudhurst is our location. Sites, when they come forward, are generally always small and do not meet the national or local thresholds seen in larger locations. Goudhurst has a need for smaller properties demonstrated by our and TWBC’s housing needs surveys. The intent of the policy is to ensure development proposals focus on the needs of our community. We do not believe that the policy is rigid as the viability element allows for a level of compromise. Our objective is to ensure that any planning approvals can be conditioned based on this policy such that any future applications for changes to approvals do not weaken the objectives of our NDP’.*
- 7.85 I am satisfied that there is compelling evidence for the delivery of smaller homes in the parish. I also acknowledge that many developments which come forward in the parish will be limited in scale and that the adoption of a higher figure would filter out many schemes from the implications of the policy. In this context the challenge is crafting a policy which marries up the two issues given that, as submitted, the policy is mathematically-based and would apply more effectively to larger schemes.
- 7.86 I recommend modifications to remedy this issue. Their effects are three-fold. The first brings the clarity to the policy wording provided by the NPPF. The second expands the supporting text to explain the operation of the policy. The third includes an element in the supporting text on the extent to which the mathematical approach in the policy would be applied to smaller developments (of two to five dwellings).

Replace the policy with:

‘Subject to viability issues, housing developments of two or more dwellings should provide a mix of dwellings which incorporates a minimum of 40% of 1 and 2 bed dwellings and a maximum of 15% of 4+ bed dwellings.

An alternative mix of housing sizes will be supported where a robust justification is provided that the scheme would reflect the most up-to-date housing needs evidence available’

At the end of paragraph 186 add: 'Policy H1 addresses this important matter. It acknowledges that the majority of development sites which come forward in the neighbourhood area will be small in nature. As such the threshold for the application of the policy is two homes. The second part of the policy recognises that housing needs may change in the plan period and that alternative mixes of housing sizes have the ability to be supported where they are evidence-based. Plainly the mathematical nature of the first part of the policy will be easier to apply to larger schemes. As such proposals for two to five homes should demonstrate the way in which they have sought to comply with the details of the policy and the way in which the proposed house sizes directly meet the most up-to-date housing needs in the part of the parish concerned.'

Policy H2 Affordable Housing

- 7.87 The policy seeks to ensure that appropriate levels of affordable housing are delivered through the development of private housing. A housing needs survey was completed for GPC by Action for Communities in Rural Kent in 2017 and underpins the policy approach.
- 7.88 The policy comments that proposals for development should reflect local housing need and that 25% of all dwellings must be provided as affordable homes in all developments delivering 4 to 8 dwellings.
- 7.89 I sought advice from GPC about the significance of the 4-8 homes thresholds in the policy. I was advised that:
- '(for similar reasons for Policy 1) developments in Goudhurst do not meet the 9-dwelling (TWBC) threshold. Without some level of affordable housing provision in the Parish the proportion of affordable homes in the Parish will continue to fall. Developments over nine dwellings will be captured under the TWBC policy. We recognise this will differ from the Local plan but, as above, our objective is not to put rigid controls in place but to frame a discussion and to condition approvals'*
- 7.90 I have considered this matter very carefully given the importance of the matter to the local community. I have also taken account of the representation from TWBC that Local Plan Policy H3 Affordable Housing applies to developments with a net increase of more than nine dwellings. The representation also advises that sites in the AONB delivering six to nine are expected to provide a financial contribution to affordable housing. In these circumstances I am not satisfied that the proposed policy adds any distinctive value to the existing policy context in general terms. In particular the difference between its threshold of four dwellings and the existing threshold of six dwellings for sites in the AONB is marginal in nature. As such I recommend the deletion of both the policy and the supporting text.

Delete the policy

Delete paragraphs 192-197

Policy H3 Allocating Affordable Housing

7.91 This policy comments about the allocation of affordable housing. Its approach is that the allocation of affordable housing should be subject to a strong local connection requirement and an agreement which will ensure that it remains as affordable housing for people with a strong local connection in perpetuity. Paragraph 200 identifies a series of requirements and requires that applicant should meet at least two of the criteria.

7.92 I sought GPC's views on the extent to which the policy is a land use policy or an expression of how TWBC will apply its powers under the Housing Acts to allocate any affordable housing which may come forward in the parish. I was advised that:

'Our intention has been to create a community land trust (CLT) which would be the vehicle, in conjunction with a housing supplier, to manage affordable housing allocations. This is a significant effort for a small community with limited growth and we are working to engage with other local parishes to share the burden of development and management of a CLT.'

7.93 Plainly the development of a CLT would be a very positive step for GPC. However, such an approach would not be a land use matter. In a similar way whilst the delivery of affordable housing is a land use matter its eventual allocation is not a land use matter. In these circumstances I recommend that the policy and the supporting text are deleted.

Delete the policy

Delete paragraphs 198-201

Policy H4 Rural Exception Sites

7.94 This policy comments that proposals for the development of affordable housing schemes on appropriately-located rural exception sites will be supported.

7.95 In its response to the clarification note GPC acknowledged that the policy adds little to national and local planning policies. Nevertheless, it expressed its view that the inclusion of the policy reinforces the importance of this matter and offered a degree of local support for and ownership of the matter.

7.96 On balance, I am satisfied that the policy serves a particular purpose in the Plan given its nature and identified housing needs in the parish. However, I recommend that the policy wording is modified to bring the clarity required by the NPPF. I also recommend modifications to the wording of the supporting text to take account of the recommended modifications to Policy H3.

Delete 'in general'

In paragraph 203 replace the final sentence with: 'Homes delivered on rural exception sites will be retained in perpetuity as affordable housing and will be allocated according to the Borough Council's most up-to-date approach'

Policy H5 Replacing or combining Existing Dwellings

- 7.97 This policy acknowledges that proposals can come forward for replacement dwellings outside the defined limits of built development. It comments that in such locations the replacement of an existing dwelling by another dwelling within the same residential curtilage will be permitted where the scale, form, height, massing, including relationship with the site boundaries, of the replacement dwelling is compatible with its rural location and the surrounding form of development.
- 7.98 I am satisfied that the policy takes an appropriate and balanced approach to this matter. Subject to a detailed modification it meets the basic conditions.

Replace 'permitted' with 'supported'

Policy H6 Conversion of Existing Buildings

- 7.99 This policy recognises that the use of buildings can change on a regular basis and are required to ensure the longer-term use and viability of the building concerned. Its approach is that development proposals for the conversion of existing buildings to alternative uses will generally be supported where the proposed conversion will not materially or adversely affect the character and amenities of the surrounding area or the building itself and it does not result in the loss of a village amenity.
- 7.100 The policy takes a positive approach to this matter which has regard to national policy in general, and to paragraphs 79c and 119 of the NPPF in particular.
- 7.101 The policy has attracted a detailed representation from the Ministry of Justice about Blantyre House (the former Blantyre Prison). It suggests changes both to the description of the site (as set out in paragraph 214 of the Plan) and a broadening of the policy approach to address appropriate and sensitive development/redevelopment within the existing developed footprint of existing brownfield sites that may come forward during the Plan period.
- 7.102 I sought GPC's opinion on this representation. It commented as follows:
- 'The intention of including Blantyre was not to pre-judge the outcome. We do not believe that (the policy) requires any modification as it specifically deals with the conversion of buildings. Expanding it to cover broader development on larger sites would be complex and potentially conflict with TWBC policies in this area'*
- 7.103 I have considered this matter carefully. As highlighted in paragraph 1.4 of this report my role is limited to examining the submitted Plan. As such it would be inappropriate for any recommended modifications to introduce significant new elements or potential development opportunities into the Plan. Whilst GPC has identified Blantyre House as one of two brownfield sites with the potential for redevelopment within the Plan

period it has not provided any details on the sites concerned. Plainly it will be for the Ministry of Justice to pursue any potential development opportunities with TWBC as it sees fit within the context of the current and the emerging development plan. Nevertheless, I recommend that paragraph 214 is modified to take account of the updates provided by the Ministry of Justice. The recommended modification takes a neutral approach towards future development opportunities on this site

- 7.104 I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF. The modifications include the repositioning of an element of the submitted policy to the supporting text. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic dimension of sustainable development.

Replace the policy with:

‘Development proposals for the conversion of existing buildings to alternative uses will be supported where:

- **the proposed conversion will not materially or adversely affect the character and amenities of the surrounding area or the building itself; and**
- **the proposal would not result in the loss of a village amenity’**

At the end of paragraph 211 add: ‘Policy H6 has general effect. In all cases proposals for the conversion of buildings to other use will need to be compatible with other relevant development plan policies and the above criteria’

Replace paragraph 214 with: ‘The second brownfield site is Blantyre Prison. In recent years it has been used as a training centre by the Ministry of Justice and as a Category C/D Semi-Open Resettlement Prison. The prison closed in 2019. The site is the original Fegan Society home, which was built in the nineteenth century. Some of the original buildings remain and exist alongside a range of other buildings and infrastructure that have been developed over time through the site’s use as a detention centre for young offenders and as a prison. There is also row of houses in private ownership on the site along with some housing, originally for prison staff, and offender accommodation. The site is surrounded by a high metal fence and the buildings are surrounded by grassland. This site is remote from all other development, with very limited road and other infrastructure’

Policy B1 New Business Space

- 7.105 This policy recognises that there are a range of issues which drive the demand for new business space. It also acknowledges that tourism is invaluable to the parish and allows retail businesses to thrive. The policy acknowledges that the parish has a high, and increasing, number of people working from home and new services will be needed to support this growth.

- 7.106 The policy comments that planning permission for new business space and tourism facilities will be supported where it relates to one of three types of development. The first is changes of use of rural buildings to business or tourist use. The second is proposals for new building for business or tourist uses. The third is for proportionate extensions to existing buildings for business or tourist use that are on a scale appropriate to the settlement concerned or the open countryside.
- 7.107 The policy has regard to national policy and sets out a positive approach to the types of development which relate to the character of the parish. I recommend that the opening element of the policy is modified so that it provides a clearer context to the policy. I also recommend that the third element of business types to be supported is modified to take on the suggested changes from TWBC. Otherwise, it meets the basic conditions and will assist significantly in delivering the economic dimension of sustainable development.

Replace the opening element of the policy with: ‘Development proposals which would deliver the following elements of business development will be supported:’

Replace the third category of business development with: ‘A proportionate extension to an existing building for business or tourist use that is on a scale appropriate to the needs and functioning of the business and which should not be visually harmful to the appearance and setting of the existing building, the settlement or the open countryside’

Policy B2 Retention of Business Premises

- 7.108 As paragraph 230 of the Plan comments, the objective of the policy is to retain retail premises within the different communities and to retain other business premises which provide local employment and/or local services. The policy has three related elements. The first seeks to retain shops. The second offers support to new or extended business premises. The third seeks to resist proposals which would involve the loss of retail, commercial and hotel/B&B accommodation.
- 7.109 The thrust of the policy is entirely appropriate. Nevertheless, the references to use classes as included in the policy have now been overtaken by the updates to the Use Classes Order in 2020. In particular that Order introduced a new Class E (Commercial Business and Service) which encompasses the following former use classes:
- A1 Shops;
 - A2 Financial and Professional Services;
 - A3 Food and Drink;
 - B1 Business;
 - D1 Non-residential institutions; and
 - D2 Assembly and leisure.

- 7.110 In these circumstances I recommend that the policy is recast to take account of this new national legislation. It incorporates a reference to the new Class E use class. It also includes a reference to the new use class F2 which embraces community halls, outdoor sport or recreation not involving motorised vehicles or firearms, indoor or outdoor swimming pools or skating rinks, shop of less than 280sqm selling essential goods and at least 1km from a similar shop. This approach may assist in safeguarding any small shops which may become established within the Plan period.
- 7.111 The recommended modifications to the policy make no reference to Use Classes A4 (Pub and drinking establishment) and A5 (hot food take away) uses. In the 2020 Use Classes Order these uses become sui generis uses and the transitional arrangements for permitted changes of use expired on 31 July 2021.
- 7.112 Given that retail units (formerly Class A1) are now incorporated within the new Class E I recommend the deletion of the first part of the policy as its intended application is no longer practicable.
- 7.113 The supporting text in the submitted Plan is of a general nature. As such no consequential changes are required.

Replace the policy with:

‘Development proposals for the change of use of buildings to employment, commercial or business uses, and/ or the extension of, buildings in employment, commercial or business uses will be supported.

Development proposals which would result in the loss of Commercial Business and Services (Class E), Local Community Uses (Class F2), or hotel/bed and breakfast (Class C1) uses will not be supported unless it can be demonstrated that the premises concerned cannot be sold or let on any basis for either reoccupation or redevelopment for employment-generating uses’

Policy B3 Adaptation for Live/Work

- 7.114 This policy takes a positive approach towards flexible accommodation for living and working. It also comments about proposals for office or light industrial units. This element of the policy is also affected by the 2020 Use Classes Order as identified in paragraph 7.109 of this report.
- 7.115 The policy takes an approach which supports new employment development and which overlaps with national and local policies. Nevertheless, to bring the clarity required by the NPPF I recommend the following package of related modifications:
- to separate the live/work part of the policy from that on office/light industrial units;

- to reconfigure the second part of the policy so that the detailed factors become criteria associated with that part of the policy on office and light industrial units; and
- to take account of the updates to the Use Classes Order in 2020.

Replace the policy with:

‘Development proposals for the conversion of properties for live/work will be supported.

Proposals for Commercial Business and Services (Class E) that involve the use of part of a building, small-scale free-standing buildings within the curtilage of a building, extensions to a building, or the conversion of outbuildings will be supported subject to the following criteria:

- **all activities are undertaken predominantly the occupants of the dwelling;**
- **additional buildings, extensions or conversions should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction;**
- **the employment element does not adversely impact upon road safety or substantially increase traffic volume; and**
- **appropriate car parking is provided within the site’**

Policy D1 Design Considerations

- 7.116 This policy sets out a very positive response to the nationally-important design agenda. It comments that proposals for development must achieve a high quality of design and demonstrate how they complement local vernacular, distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the High Weald AONB. The policy includes a series of locally-distinctive design criteria. Paragraph 247 draws attention to the High Weald AONB colour palette and which is recommended for use in the parish.
- 7.117 The principal changes between the 2019 and 2021 versions of the NPPF relate to design matters. Given that the detailed contents of this policy and the way in which it includes locally-distinctive design criteria and provides clear guidance for developers I am satisfied that the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the 2021 version of the NPPF. I also recommend that footnote 47 (as highlighted in paragraph 239 of the Plan) is updated to take account of the 2021 version of the NPPF.
- 7.118 The policy has been very well-developed. For the purposes of clarity, I recommend that the design criteria are applied in a proportionate way based on the scale and nature of the development proposal concerned. Plainly several of the design principles may not be directly applicable to smaller and/or domestic proposals.

In the opening part of the policy insert a full stop after ‘AONB’. Thereafter replace ‘in particular by’ with ‘As appropriate to their scale and location development proposals should respond positively to the following design principles:’

At the end of paragraph 253 add: ‘This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable’

Update footnote 47 to take account of the 2021 version of the NPPF.

Policy D2 Boundary Treatments

- 7.119 This policy highlights the importance of boundaries in the parish. In Goudhurst native hedges and, low-key wooden fences and gates are typical features of the local environment.
- 7.120 The policy comments that new development should include the use of appropriate boundary treatments of hedges of native species. Paragraph 260 comments that ‘hedgerows have been an important feature in defining our landscape and are important to maintaining our landscape for future generations. Hedges will be preferred over fencing or other boundary treatments. Outside the settlements hedges make the most appropriate boundary’
- 7.121 I recommend that the policy is modified so that it adopts a more rounded approach. As submitted, it defaults to the provision of hedges. Whilst this may be appropriate in some rural locations it will not necessarily be the case in the villages.

Replace the policy with: ‘Development proposals should incorporate boundary treatments of an appropriate design, height and material to their location. Proposals which include native hedgerows, native tree planting, post-and-rail fencing, low wooden fencing and green hedging will be particularly supported’

Policy D3 Climate Change

- 7.122 This policy seeks to respond to climate change issues and the need for new developments to be more sustainable. It comments that all new development should seek to achieve high standards of sustainability and, in particular, demonstrate in proposals how design, construction and operation will meet a range of environmental performance issues. It sets out five specific sustainability principles with which proposals should comply.
- 7.123 The policy is both realistic and ambitious at the same time. I recommend a modification to the first principle to reflect the representation made by TWBC. Otherwise, the policy meets the basic conditions.

Replace the first design principle with: ‘Reduce the use of fossil fuels in line with expectation for net zero emissions by 2030’

Policy D4 Inside the Conservation Areas

- 7.124 This policy addresses development proposals in the designated conservation areas in Goudhurst and Kilndown.
- 7.125 It comments that proposals for development should conserve or enhance the special character of the area and be designed to respond to existing scale, height, form and massing, respecting the traditional pattern of frontages, vertical or horizontal emphasis of the immediate area. The policy also has separate elements on redevelopment proposals and process requirements for a heritage assessment.
- 7.126 The policy takes an appropriate approach to this important matter and which has regard to national policy. I recommend three modifications to bring the clarity required by the NPPF. The first simplifies the wording of the first part of the policy. The second relates the second part of the policy to buildings which contribute positively to the character or appearance of the conservation area concerned. The third repositions the third part of the policy into the supporting text as it is a process requirement rather than an expression of policy. In doing so I recommend modifications to its wording so that it would apply on a proportionate basis to development proposals. I also recommend a detailed modification to the wording of the supporting text to avoid any potential conflict between the policy and the language used in the text. I also recommend that the policy is underpinned with maps of the two conservation areas at an appropriate scale to bring the clarity required by the NPPF.

In the first part of the policy replace ‘In addition.....a conservation area’ with ‘Development proposals in conservation areas’

In the second part of the policy replace ‘Redevelopment which involves the demolition of an existing building (or part thereof) within a conservation area will be permitted only where the alternative development preserves or enhances’ with ‘Development proposals for the full or partial demolition of a building within a conservation area which contribute positively to its character or appearance will only be supported where the proposed development conserves or enhances’

Delete the third part of the policy.

In paragraph 266 replace ‘to sustain and protect our conservation areas’ with ‘to oversee development within the conservation areas’. At the end of the paragraph add: ‘The two conservation areas are shown on Maps [insert numbers]’

At the end of paragraph 267 add: ‘As appropriate to their scale and nature development proposals within conservation areas should be accompanied by a

Heritage Assessment, and a Design and Access statement (where required) showing how the proposal complies with the requirements of Policy D4'

Include a map of each conservation area at an appropriate scale for development management purposes

Policy D5 Outside the Conservation Areas

7.127 Paragraph 268 of the Plan sets the scene for this policy. It comments that '(b)eyond the conservation areas, where more specific protections may not be available, it remains a key priority for residents of the Parish that development should be sympathetic with the historical and traditional landscape, should not change the profile of the hilltop settlements and should maintain views from those settlements (see Policy L10 and Views Assessment document). The policy below further enhances the general requirements set out in policies D1 to D3'

7.128 GPC's approach to these matters is commendable. Nevertheless, the policy raises two fundamental issues. The first is that it covers the vast majority of the parish and does not provide the granular level of detail required for such a wide area. The second is that the issues which it seeks to address are already adequately captured in other development plan policies, including some policies in the submitted plan itself. In these circumstances I recommend the deletion of both the policy and the supporting text.

Delete the policy

Delete paragraph 268

Policy D6 Extensions

7.129 This policy comments that extensions must complement the character of the main dwelling and of the surrounding area. It sets out four criteria with which proposals should comply.

7.130 The policy takes an appropriate approach to this matter. However, it makes a statement rather than establishes a policy. I recommend a modification to remedy this issue. I also recommend that the commentary about the cumulative element of the policy is repositioned into the supporting text.

Replace the opening part of the policy with: 'Development proposals for extensions to buildings will be supported where they meet the following criteria:'

At the beginning of each of the four criteria add 'they'

At the end of paragraph 269 add: 'Policy D6 applies both to individual planning applications and to any potential cumulative effects'

Policy T1 Parking in New Development

- 7.131 Paragraph 284 of the Plan provides a very succinct context for this policy. It comments that Goudhurst is a successful village and that the number of cars parking in the village has increased not least because of the success of venues such as the Parish Hall where there is limited parking available. Goudhurst has a car park on Balcombes Hill for sixteen vehicles. This car park is regularly full during daytime and cars are, therefore, parked on-road in Balcombes Hill, West Road, Back Lane, North Road and the High Street which contributes to traffic congestion and safety issues.
- 7.132 This policy seeks to ensure that new housing development does not add to parking issues in the village centre and provides appropriate parking standards. It comments that development proposals for new homes in or adjoining the village and the Goudhurst conservation area and for 200m along B2079 from the village centre, must provide for one off-street parking space within the development site for each bedroom.
- 7.133 I sought GPC's views on the potential risk that a rigid application of the policy could result in development which does not respect its setting in general, and the character of the conservation area in particular. It commented that:
- 'There are a very limited number of potential development sites in this very small area of the Parish. In this area, the biggest challenge for the community would be the subdivision of a large commercial building into smaller units. The need and type of parking required may change over time. This policy was intended to address the impact of parking in the village centre over the life of this plan. Approval of development without addressing the need for parking in this area of the could itself impact the setting and character of our village centre'*
- 7.134 I have considered this matter very carefully. On balance, I am satisfied that the policy addresses an important local issue and, subject to a very detailed modification, meets the basic conditions. I saw the parking issues in Goudhurst village centre and its effects on the free and safe flow of traffic. Nevertheless, I recommend that the supporting text acknowledges that TWBC has a statutory duty to address listed building and conservation area issues in the village centre.

Replace 'must' with 'should'

At the end of paragraph 287 add: 'Policy T1 addresses important car parking capacity issues in Goudhurst village centre. The village centre is a designated conservation area and contains a number of listed buildings. In applying this policy, the Borough Council will also have to give appropriate weight to heritage-related policies both in this Plan and in the wider development plan. In some cases, the issues may pull in different directions and a balanced decision may be required'

Policy T2 Safe Access and Sustainable Transport

- 7.135 This policy seeks to ensure that local residents have safe access in the parish and that transport can be delivered in a sustainable way. Its approach is underpinned by the supporting text commentary that Goudhurst Parish is a dispersed rural community with a higher-than-average ownership of two or more cars per household and that access to bus stops often requires the use of a private car.
- 7.136 The policy sets out a series of requirements for housing proposals. It also sets out to safeguard existing footpaths and footways.
- 7.137 The approach taken is both appropriate and distinctive to the parish. However as submitted the first part of the policy takes a universal approach. In some cases, the criteria will directly relate to new developments. In other cases, this will not be the case. I recommend a modification to ensure that the first part of the policy can be applied in a proportionate way. The second part of the policy meets the basic conditions.

Replace the opening element of the first part of the policy with: ‘As appropriate to their scale, nature and location proposals for housing development should:’

Policy T3 Traffic Mitigation

- 7.138 This policy addresses the existing volumes of traffic on the A262. It forms the principal east-west axis in the neighbourhood area. The policy approach is underpinned by comprehensive supporting text (in paragraphs 299-311). The policy requires that any developments which would impact adversely on road safety will only be supported where mitigation measures can be put in place. I saw some of the issues highlighted in the Plan first-hand during the visit.
- 7.139 Given the very specific issues experienced in the neighbourhood area, and in Goudhurst in particular, I am satisfied that the policy plays a particular role and adds value to national and local planning policies. However, I recommend that the policy is recast so that it more explicitly relates to the capacity of the local road network. The recommended modification follows the approach in Section 9 (and paragraph 108 in particular) of the NPPF.
- 7.140 I also recommend that the second and third parts of the policy are repositioned into the supporting text. They describe how the policy should be applied rather than setting out policy in their own right.

Replace the first part of the policy with:

‘Development proposals should be able to be accommodated within the capacity of the local highways network. In particular as appropriate to their scale, nature and location they should ensure that:

- **appropriate opportunities to promote sustainable transport modes can be, or have been taken up, given the type of development and its location;**
- **safe and suitable access to the site can be achieved for all users; and**
- **any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree'**

Delete the second and third parts of the policy.

At the beginning of paragraph 311 add: 'Policy T3 sets out to address these important issues in the neighbourhood area. Mitigation can be secured by design, developer contributions or other measures agreed with the Parish Council, the Borough Council and the Highways Authority. Traffic impact includes adverse road safety conditions, congestion and pollution on both the main roads and rural lanes'

Parish Actions

7.141 Section 13 includes a series of non-land use Parish Actions. They have naturally arisen during the production of the Plan. Their incorporation in a separate part of the Plan is best practice and is as advised by national policy. In general terms the projects are both appropriate and distinctive to the parish. In some cases, they would complement the associated land use policies.

7.142 The Parish Actions are as follows:

- Access to Affordable Housing (P1)
- Traffic, Parking and Road Safety (P2)
- Improving Parish Facilities (P3)
- Improving Parish Communication (P4)
- Making Use of Developer Contributions (P5)
- Documenting our Community (P6)

Other Matters - General

7.143 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for TWBC and GPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

7.144 TWBC has made several general comments on the Plan. I have found them very helpful as part of the examination process. Similarly, GPC's responses to the comments have also been helpful.

7.145 In several cases the comments have been incorporated into the relevant policies addressed elsewhere in this report. In addition, I recommend modifications to the following relevant sections of the Plan where they are necessary to ensure that it meets the basic conditions:

Paragraph 5

Replace the first sentence with: 'The development plan consists of the saved elements of the Tunbridge Wells Local Plan 2006, the Core Strategy that runs to 2026 and the Site Allocations Local Plan'

Paragraph 9

Replace the sixth bullet point with 'A Habitat Regulations Assessment screening report'

Paragraph 11

Replace '2033' with '2038'

Paragraph 27

Replace '26' with '27' and replace the date in the footnote with 'January 2020'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Goudhurst Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Tunbridge Wells Borough Council that subject to the incorporation of the modifications set out in this report that the Goudhurst Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 7 November 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
2 September 2021

APPENDIX 2



Neutral Citation Number: [2020] EWCA Civ 1259

Case No: C1/2020/0812

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
PLANNING COURT
MRS JUSTICE LANG
CO/3929/2019

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 2nd October 2020

Before:

LORD JUSTICE LEWISON
LORD JUSTICE FLOYD
and
LADY JUSTICE ASPLIN

Between:

**THE QUEEN (ON THE APPLICATION OF
LOCHAILORT INVESTMENTS LIMITED)**

Appellant

- and -

**MENDIP DISTRICT COUNCIL
NORTON ST PHILIP PARISH COUNCIL**

Respondent
Interested
Party

Richard Ground QC and Ben Du Feu (instructed by Harrison Grant) for the Appellant
Hashi Mohamed (instructed by Law and Governance Mendip District Council) for the
Respondent

The Interested Party did not appear and was not represented

Hearing date: 28 July 2020

Approved Judgment

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email, release to BAILII and publication on the Courts and Tribunals Judiciary website. The date and time for hand-down is deemed to be 10:30am on Friday 2nd October 2020.

Lord Justice Lewison:

The Issue

1. The main issue on this appeal is whether the Norton St Philip Neighbourhood Plan (“the Plan”), approved by Mendip DC as local planning authority, contains lawful policies managing development of ten parcels of land designated as Local Green Spaces (“LGSs”). Lang J held that it did. Her judgment is at [2020] EWHC 1146 (Admin). It contains a fuller recitation of the facts than is necessary for the purposes of this appeal; and the reader is referred to it for further information.

The legal framework

2. Neighbourhood development plans were introduced by the Localism Act 2011 as part of a policy to give local communities a greater say in the development and growth of their local area. Hence a neighbourhood plan may be promoted by a number of different bodies other than the local planning authority, such as a parish council. A neighbourhood development plan is “a plan which sets out policies (however expressed)” relating to the use and development of land in the neighbourhood: Planning and Compulsory Purchase Act 2004, s 38A (2). Once adopted, a neighbourhood plan forms part of the statutory development plan. The main consequence of this is that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
3. Before it can be adopted, a draft neighbourhood development plan must be consulted upon, publicised, and submitted for examination by an examiner appointed by the local planning authority. It must then be put to a local referendum. The examiner must be independent and have appropriate qualifications and experience. One of the examiner’s tasks is to consider “whether the draft neighbourhood development order meets the basic conditions”: Town and Country Planning Act 1990 Sched 4B para 8 (1) (a) (“the TCPA”). Although this legislation refers to a neighbourhood development order, it applies equally to a neighbourhood development plan: Planning and Compulsory Purchase Act 2004 s 38A (3). The TCPA goes on to provide in Sched 4B para 8 (2):

“(2) A draft order meets the basic conditions if—

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- (d) the making of the order contributes to the achievement of sustainable development,
- (e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”

4. The role of an examiner differs from that of an inspector considering a development plan document, such as a district development plan. This was explained by Holgate J in *R (Maynard) v Chiltern DC* [2015] EWHC 3817 (Admin). He pointed out at [13] (2):

“whereas ... a local plan needs to be “consistent with national policy” an Examiner of a neighbourhood plan has *a discretion to determine whether it is appropriate* that the plan should proceed having regard to national policy. The limited role of an Examiner to have *regard* to national policy when considering a draft policy applicable to a small geographical area should not be confused with the more investigative scrutiny required by PCPA 2004 in order for an Inspector examining a draft Local Plan to determine whether such a plan is “sound”.” (Original emphasis)

5. The examiner must produce a reasoned report to the local planning authority recommending (a) that the draft plan is submitted to a referendum, or (b) that modifications specified in the report are made to the draft plan and that the draft plan as modified is submitted to a referendum, or (c) that the proposal for the plan is refused. Once it has received the examiner’s report, the local planning authority must consider each of the recommendations and decide what action to take. The ultimate decision is that of the local planning authority, which may consider matters that have arisen since the examiner’s report. But if the local authority is satisfied that the draft plan (with or without any recommended modifications) meets the basic conditions and is compatible with Convention rights, a referendum on it must be held.
6. As we have seen, a neighbourhood development plan must have regard to national policies and advice contained in guidance issued by the Secretary of State. A statutory requirement of this kind requires a decision maker not only to take national policies into account but also to observe them and depart from them only if there are clear reasons for doing so: *Carpets of Worth Ltd v Wyre Forest DC* (1991) 62 P & CR 334, 342; *R (Khatun) v Newham LBC* [2004] EWCA Civ 55, [2005] QB 37 at [47].

Accordingly, although, as Holgate J rightly said, an examiner must decide whether it is appropriate for a plan to proceed having regard to national policy, a departure from that policy must be explained.

7. As is well-settled, the interpretation of a planning policy is a question of law for the court. It is to be contrasted with the exercise of planning judgment: *Tesco Stores Ltd v Dundee CC* [2012] UKSC 13, [2012] PTSR 983. The exercise of planning judgment has been described as forbidden territory, into which the court may not stray: *Keep Bourne End Green v Buckinghamshire Council* [2020] EWHC 1984 (Admin) at [94].

National planning policy

8. LGSs were introduced in response to a concern that areas of land were being registered as town or village greens otherwise than through the planning system. I described the process by which they were introduced in *R (Cooper Estates Strategic Land Ltd) v Wiltshire Council* [2019] EWCA Civ 840, [2019] PTSR 1980 at [4] to [10]. They were thus introduced into the National Planning Policy Framework (the “NPPF”) as a possible designation.
9. The provisions of the NPPF that directly relate to LGSs are contained in paragraphs 99 to 101 which provide:

“99. 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.

100. 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.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

10. The ordinary meaning of “consistent” is “agreeing or according in substance or form; congruous, compatible”. What this means, in my judgment, is that national planning policy provides that policies for managing land within an LGS should be substantially the same as policies for managing development within the Green Belt. Accordingly, because paragraph 101 aligns management of development within an LGS with

management of development in the Green Belt, it is also necessary to refer to what the NPPF says about the latter. Paragraph 133 states:

“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

11. Paragraphs 135 and 136 deal with the establishment of new areas of Green Belt and the adjustment of their boundaries. Both paragraphs stress that this is to be done only in “exceptional circumstances”. The NPPF then goes on to deal with development in the Green Belt. Paragraphs 143 to 145 of the NPPF provide:

“143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

12. Paragraph 146 describes other forms of development in the Green Belt that are not inappropriate. They include:

“material changes in the use of land (such as changes of use for outdoor sports...)”

13. It can thus be seen that national planning policy relating to the Green Belt permits any form of development where that is justified by very special circumstances; and it also describes as “not inappropriate” the various types of development described in paragraphs 145 and 146. Relevantly, those expressly mentioned types of development include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, changes of use for outdoor sport, limited infilling in villages, and limited affordable housing for local communities. But even in those cases paragraph 144 requires that planning authorities give “substantial weight” to any harm to the Green Belt.

The making of the Plan

14. The draft plan was formulated by the Norton St Philip parish council after extensive consultation. During the consultation representations were made on behalf of Lochailort Investments Ltd, a property developer that had purchased land in Norton St Philip for development. Among the plots of land that it owns are two which were proposed to be designated as LGSs: LGSNSP007 Fortescue Fields South and LGSNSP008 Fortescue Fields West. Its proposals for that land include various forms of development that, according to the NPPF, are “not inappropriate” in the Green Belt. In its representations, Lochailort contended that the proposed housing allocations were too few (for the area in general and Norton St Philip in particular) and that the draft did not contribute to the achievement of sustainable development. It also suggested that the proposed LGS designations—especially for LGS8—were excessive, did not meet the criterion of importance and/or were inconsistent with national policy, as they were sterilising land for development. Lochailort’s representations were not accepted.

15. In February 2019 planning consultants on behalf of the Parish Council prepared a “Basic Conditions Statement” which was later submitted to Mendip.

16. The policy under challenge is Policy 5 of the Plan (unchanged from the draft) which states:

“Development on Local Green Spaces will only be permitted if it enhances the original use and reasons for the designation of the space.”

17. One of the purposes of the Basic Conditions Statement was to deal with the question whether the draft was compatible with the NPPF. That section of the Statement was headed: “Conformity of [the Plan] to the NPPF2019”. In relation to policy 5, it stated:

“The designation of these Local Green Spaces is authorised by the NPPF. These sites have been carefully selected by the Parish Council, working with the LPA and meet the criteria required by the NPPF.”
18. It did not, however, benchmark Policy 5 against national Green Belt policy.
19. Following consultation, the draft plan was sent for examination on 23 January 2019. The examiner was Ms Ann Skippers MRTPI FRSA AoU.
20. In her report the examiner proposed certain amendments to the draft plan, none of which is material to this appeal. Following that report, Lochailort’s solicitors wrote to Mendip asking for any decision to be deferred. They set out paragraph 99 of the NPPF and asserted that there was no reference or consideration of the fundamental requirement that the LGSs should be capable of enduring beyond the end of the plan period. Nor, they said, was there any evidence that they were capable of doing so; and they also asserted that sustainable sites, such as Fortescue Field, would be needed “in the very near future” to address the shortfall in deliverable sites for housing development. Mendip made no substantive response to that letter, although it was placed before the cabinet. But there is no explicit discussion of the point in the report to cabinet, or in the minutes of the meeting.
21. On 2 September 2019 Mendip, as local planning authority, approved the draft, with the proposed amendments, and resolved that it proceed to a referendum. It is that decision which Lochailort challenges. Although Lochailort’s property interest is in only two of the designated LGSs, its grounds of challenge potentially affect them all.

The challenge

22. Mr Ground QC raises four grounds of challenge:
 - i) Policy 5 of the Plan fails to meet the basic condition stated in paragraph 8 (2) (a) because it is inconsistent with national Green Belt policy;
 - ii) The designation of the LGSs was unlawful because the planning authority did not consider whether the LGSs were capable of enduring beyond the plan period and thus failed to comply with paragraph 99 of the NPPF;
 - iii) The judge was wrong to repair the deficiencies in the examiner’s report by applying in her favour a presumption that she must have taken national policies into account even though she did not explicitly consider them;

- iv) The Plan was not in general conformity with strategic development policies in the local plan, and thus failed to comply with the basic condition stated in paragraph 8 (2) (e).

Is Policy 5 lawful?

- 23. There are, in essence, two separate but related questions: (a) were the ten parcels of land lawfully designated as LGSs and (b) if they were, is Policy 5 lawful? It is, I think, convenient to take the second question first, which is Mr Ground's first ground of challenge.
- 24. The Basic Conditions Statement dealt with the first of these questions, but in my judgment it did not deal with the second. It did not consider the terms of Policy 5 at all.
- 25. The examiner dealt with the LGSs in section 12 of her report. She began by referring to the relevant paragraphs of the NPPF (including paragraph 101) and stated:

“The NPPF explains that LGSs are green areas of particular importance to local communities. The management of development in such areas is consistent with Green Belt policy.”
- 26. She then considered in some detail whether the sites had been correctly designated as LGSs; and concluded that they had been. She went on to say:

“While many of the proposed LGSs are located beyond existing development, this reflects the topography and the historic nature of development and I do not regard it as a ruse to prevent development.”
- 27. The examiner's report also stated:

“The policy designates these areas, cross references Figure 2 (but it should be 5) which shows the areas and only permits development which enhances the use and reasons for the designation of the LGSs. It is clearly worded. With a modification for accuracy, the policy will meet the basic conditions.”
- 28. The judge placed some reliance on this part of the examiner's report. But whether the policy is clear, and whether it is consistent with development management of the Green Belt are, in my judgment two separate questions. The first of the passages I have quoted seems to me to be no more than a summary of the NPPF, with its general reference to the management of development “in such areas”. The last sentence of the quoted extract at [27] is all that the examiner said about policy 5 itself. That sentence is no more than an unreasoned assertion. Since the essential feature of a neighbourhood development plan is that it sets out *policies*, on the face of it a failure to consider the terms of the policy itself is likely to be a significant omission.
- 29. Mr Ground QC submitted that there are a number of ways in which Policy 5 is more restrictive than Green Belt policy:

- i) Green Belt policy allows appropriate development for example for limited affordable housing or for appropriate facilities for outdoor sport. Policy 5 does not allow “appropriate development” but a very small category of development which “enhances the original use and reasons for the designation of the space” and would clearly not allow either of these examples.
 - ii) Green Belt policy allows development if very special circumstances are shown to exist. Policy 5 does not.
 - iii) Green Belt policy would allow the sites to be used for outdoor sport if such development preserves openness. Policy 5 would not because it requires any development to enhance the original use. This does not permit a change of use.
 - iv) Policy 5 requires any development to enhance the reasons for the designation. Green Belt policy does not require enhancement of the purposes or openness but their preservation. The Green Belt test is a “do no harm” test, rather than a “make it better” test.
30. Mr Mohamed, for Mendip, emphasises that Policy 5 is a product of its locality, and was formulated after extensive consultation with the local community. The word “local” is repeated throughout the relevant paragraphs of the NPPF. I accept that that is so; but it does not address the question whether Policy 5 is lawful. Second, he says that the examiner considered paragraph 101 of the NPPF. It is true that she referred to it, but there is no explicit comparison of the effect of Policy 5 and national policy relating to the Green Belt. Third, he says, the judge was right to say that Policy 5 was sufficiently flexible to be interpreted consistently with Green Belt policy. I find it hard to see any flexibility in Policy 5. It is quite clear that no development will be permitted on any of the LGSs unless it enhances both the original use of the LGS in question and the reasons for its designation. Indeed, the clarity of the policy was something that the examiner herself remarked on. Fourth, he says, Policy 5 is site specific to the LGSs in this particular village; and it is not appropriate to apply the categories of development permitted by national Green Belt policy to these particular LGSs. He may or may not be right about that. Whether he is right (a) is a question of planning judgment which is not for the court to make; and (b) would be a departure from national policy requiring reasoned justification. He also relied on the examiner’s statement that the designation of the LGSs was not “a ruse to prevent development”. But that observation was made in the context of whether the spaces should be designated as LGSs in the first place; not to the question what planning policy should be applied to them once designated.
31. Mr Mohamed also submitted that the purpose and policy behind designating land as Green Belt and designating land as an LGS were different. That meant that it was inappropriate to read across national policies for managing development in the Green Belt to the management of development in an LGS. The difficulty with this submission is that it ignores paragraph 101 of the NPPF which expressly requires consistency between the two. Mr Mohamed was unable to explain what consistency meant on his analysis; and was unable to give any example of a policy in a neighbourhood plan which would fail the test of consistency as he analysed it. I also consider that Mr Mohamed was wrongly treating Lochailort’s challenge as amounting to a submission that LGS policies in a neighbourhood plan would be unlawful unless they replicated national Green Belt policy. But that is not the challenge. It is accepted

that, provided the departure from the NPPF is explained, there may be divergence between LGS policies in a neighbourhood plan and national Green Belt policy.

32. Finally, it seemed to me that many of Mr Mohamed's arguments were directed to the question whether LGSs had been lawfully designated; rather than to the question whether, once designated, Policy 5 was itself unlawful.
33. I agree with Mr Ground that in all the ways he identified Policy 5 is more restrictive than national policies for managing development within the Green Belt. In my judgment that means that it is not consistent with national Green Belt policy. It does not, therefore, comply with paragraph 101 of the NPPF. Non-compliance with the NPPF does not, of course, automatically mean that a policy in the terms of Policy 5 is unlawful. The NPPF is a material consideration but it is not the law. The statute requires no more than that regard must be had to it. But if a neighbourhood plan departs from the NPPF it must be a reasoned departure. No reasons for the departure were given in this case.
34. I do not regard this conclusion as being an inappropriately forensic analysis of the examiner's report. Put bluntly, there is a gaping hole in the reasoning in this respect. None of the papers put before Mendip independently considered this question; and therefore the validity of the decision in this respect is, in effect, dependent on the examiner's report.
35. Having summarised the relevant provisions of the NPPF the judge dealt with this question of compatibility with Green Belt policies in a single paragraph:

“In my judgment, the development policy in Policy 5 is sufficiently broad in scope so as to be interpreted and applied consistently with Green Belt policy. Plainly some development policies which are suitable for vast areas of Green Belt are not going to be appropriate for small areas of LGS in a country village, where part of the purpose of designation is to protect openness and views. For example, it seems unlikely that construction of housing on LGS7 and LGS8 is going to meet the requirements of Policy 5 or be consistent with Green Belt policy. However, landscaping, buildings and other structures relating to, for example, agricultural use, community use and enjoyment, recreation and sport could all potentially enhance the use and reasons for the designation.”
36. There are, in my judgment, a number of difficulties with this paragraph. First, having approved the examiner's view that the policy was clearly worded, the judge interpreted it as flexible. Second, whether some Green Belt development policies are unsuitable for an LGS is a question of planning judgment. I do not say that it would be unlawful to reach that conclusion, but it would represent a departure from national planning guidance which requires reasoned justification. There is none to be found in the examiner's report. Indeed, as I have said, the examiner did not discuss the terms of Policy 5 at all. Third, whether development would or would not be consistent with Green Belt policy is also a matter of planning judgment in relation to an individual application for planning permission; not a question of interpretation of the policy itself. Fourth, although it is no doubt correct to say that part of the purpose of

designating land as an LGS is to preserve openness, that is equally part of the purpose of designating land as Green Belt. As paragraph 133 of the NPPF states, openness is an “essential characteristic” of Green Belt land. I respectfully disagree with the judge’s conclusion on this issue.

37. In my judgment, therefore, on the assumption that the ten parcels of land were lawfully designated as LGSs, Policy 5 does not satisfy the basic condition in paragraph 8 (2) (a) of the TCPA. I would allow the appeal on this ground.

Were the LGSs lawfully designated?

38. The second question is whether the ten parcels could have been designated as LGSs in the first place. Whether they met the criteria in paragraph 100 of the NPPF is a question of planning judgment rather than of law. The examiner’s conclusions in that respect could not be (and are not) challenged. Rather, the challenge is that there was no consideration of that part of paragraph 99 of the NPPF which states that:

“Local Green Spaces should ... be capable of enduring beyond the end of the plan period.”

39. Mr Ground’s essential submission is that this question was never considered. That is all the more surprising as the precise point was put to Mendip in the letter of 2 August 2019 after the examiner had reported.

40. The judge was influenced by Lord Carnwath’s statement in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37, [2017] 1 WLR 1865 at [25]:

“Furthermore, the courts should respect the expertise of the specialist planning inspectors, and start at least from the presumption that they will have understood the policy framework correctly. With the support and guidance of the planning inspectorate, they have primary responsibility for resolving disputes between planning authorities, developers and others, over the practical application of the policies, national or local. As I observed in the Court of Appeal (*Wychavon District Council v Secretary of State for Communities and Local Government* [2009] PTSR 19, para 43) their position is in some ways analogous to that of expert tribunals, in respect of which the courts have cautioned against undue intervention by the courts in policy judgments within their areas of specialist competence:”

41. Mr Ground submits that an examiner should not have the benefit of this presumption. An examiner is appointed by the local planning authority, rather than by the Secretary of State. An examiner does not have the benefit of support by the planning inspectorate. The examiner is not an independent decision maker in the same way as a planning inspector.

42. In her report, however, the examiner explained that she was independent of both the parish council and the local planning authority. She also stated that she had over 30

years of experience as a chartered town planner, including the examination of neighbourhood plans. Those attributes are what the TCPA requires. Given all that, I see no reason to adopt a different starting point from that applicable to an inspector. In this respect I agree with the judge at [94] and [105].

43. That said, the presumption is not irrebuttable. It does not permit a court to ignore legal errors if they exist. So the question still remains: did the examiner consider whether the LGSs were capable of enduring beyond the plan period?
44. The judge dealt with this point as follows:

“[162] This sentence was set out in the [Plan], in paragraph 12.1. As I have already indicated, I am satisfied that the experienced Examiner considered the entirety of paragraphs 99 to 101, when considering whether Basic Condition (a) was met. It can be assumed that specialist planning inspectors and examiners are familiar with the relevant policies and failure to mention a specific policy is not, of itself, evidence that they have overlooked it. They are not writing an examination paper in which they must demonstrate their knowledge to the reader.

[163] In my view, the likely reason for the absence of any specific reference as to whether these designations were capable of enduring beyond the end of the plan period was that this criterion was clearly met. The Examiner, and in turn [Mendip], accepted the legitimacy of the Parish Council's [Plan] proposal and its representations that these sites were not suitable for development (as the Appeal Inspectors had already found), and that sustainable development could and should take place elsewhere in and around the village.”

45. Mr Ground emphasised, by reference to cases about changes to the Green Belt, that boundaries should only be changed in exceptional circumstances. He reasoned by analogy that the same should apply to the designation of an LGS. But the flaw in this argument is that the policy requirement of paragraph 99 of the NPPF is no more than that the LGS should be *capable* of enduring beyond the plan period. It is not a policy requirement that the LGS must inevitably last beyond that period. Nor does it specify how far into the future the local planning authority must gaze. Nor does paragraph 99 of the NPPF incorporate the statement in paragraph 135 of the NPPF that new Green Belts should only be established “in exceptional circumstances”. I agree with the judge at [35] that this is a less stringent requirement than that applicable to designation as Green Belt; as is paragraph 139 b) of the NPPF (namely that land should not be designated as Green Belt if it is unnecessary to keep it “*permanently*” open). Permanence is a higher bar than capability to endure beyond the plan period. In addition, paragraph 139 e) requires the local planning authority to be able to demonstrate that Green Belt boundaries *will not* need to be altered at the end of the plan period. This, too, is a higher bar than being capable of enduring beyond the plan period. A designated LGS might not be capable of enduring beyond the plan period if, for example, pressure on development, and in particular the supply of new housing, would probably require it to be given up for development before the end of the plan period. If, on the other hand, pressure for development can be satisfied elsewhere

within the neighbourhood over the plan period, it is likely that a designated LGS will at least be *capable* of enduring beyond the plan period. Given the examiner's conclusions in relation to other parts of the draft plan, and in particular the supply of land in Norton St Philip for housing over the plan period (as noted by the judge at [163]) I consider that the judge was justified in her conclusion.

46. The judge concentrated on the examiner's report. She did not mention the letter of 2 August 2019, except in passing. It was, I think, unwise of Mendip not to offer a substantive reply to that letter. Although I have paused over this point, in the end I do not consider that invalidates the decision. It does not seem to me that the letter contained information that was unavailable to the examiner; and as things have turned out Mendip has proposed to allocate a further site in Norton St Philip for housing development. So that would relieve pressure on development to a greater extent than was apparent to the examiner.
47. Mr Ground also relied to some extent on the interim note prepared by the inspector examining the draft district plan (LLP2). He was of the view that far too many areas had been designated as LGSs over the district as a whole. In consequence, Mendip withdrew those designations. I am unable to place any significant weight on this point. The inspector was undertaking a different exercise. He was considering a district-wide plan and testing it by reference to different statutory criteria. He did not consider the LGSs individually but collectively. He also canvassed the possibility that the LGSs could be considered one by one; but because that would have held up the examination of the plan Mendip decided not to pursue that.
48. I would reject this ground of appeal.
49. The final ground of appeal is that the Plan proceeded on a misinterpretation of the strategic policies in the development plan. It will be recalled that one aspect of the basic conditions is that a neighbourhood development plan must be "in general conformity with the strategic policies contained in the development plan". Lindblom LJ elucidated the meaning of that phrase in *R (DLA Delivery Ltd) v Lewes DC* [2017] EWCA Civ 58, [2017] PTSR 949 at [23]:

"The true sense of the expression "in general conformity with the strategic policies contained in the development plan" is simply that if there are relevant "strategic policies" contained in the adopted development plan for the local planning authority's area, or part of that area, the neighbourhood development plan must not be otherwise than in "general conformity" with those "strategic policies". The degree of conformity required is "general" conformity with "strategic" policies. Whether there is or is not sufficient conformity to satisfy that requirement will be a matter of fact and planning judgment."
50. Mr Ground submitted that the exercise of that planning judgment is predicated on the correct interpretation of the strategic policies in the development plan. The interpretation of a policy in a development plan is a question of law which is ultimately for the court to resolve. That is plainly correct: *Tesco Stores Ltd v Dundee CC*. He went on to argue that if the decision maker adopts the wrong starting point for the exercise of planning judgment, the judgment itself is flawed. In this case, he

said, the local planning authority had misinterpreted policy CP2 in the local development plan (LLP1). That policy requires 505 dwellings to be allocated to the north east of the district, including on sustainable sites in Primary Villages. Norton St Philip is identified as a Primary Village.

51. The examiner commented that:

“The LPII [i.e. the Mendip local plan in the course of preparation] does not propose any site allocations for Norton St Philip. The proposed settlement boundary subject of Policy 1 and the proposed Local Green Spaces subject of Policy 5 align with the proposed settlement boundary and proposed LGSs in the LPII.”

52. Following comments made by the inspector charged with the examination of the emerging local plan (LLP2), Mendip appreciated that policy CP2 did require the allocation of housing in the north east of the district, and that it was to be satisfied in the primary villages, of which Norton St Philip is one. Mendip therefore found a site in Norton St Philip on which 27 dwellings could be built. That site is, coincidentally, owned by Lochailort but it is not one of the LGSs.

53. The judge said of this ground:

“[125] Although the assumptions made in the [Plan] about the housing requirements of LPP1 have subsequently been found to be partially incorrect, I do not consider that this undermines the [Plan] to such an extent that it retrospectively renders [Mendip’s] decision on the [Plan] unlawful. The specific proposals for housing in the [Plan] are unaffected. In the short term, the further required housing allocation will be given effect by LLP2, which will supersede the [Plan] in that respect, as the most recent plan in the development plan. The [Plan] can be updated in the forthcoming Mendip Local Plan Review to align with LPP2, if required. [Lochailort] now has the opportunity to seek planning permission for a 27 dwelling development at Site NSP1 with a realistic prospect of success.”

54. The interpretation of a policy is a question of law. Once correctly interpreted it means what it has always meant. There is no retrospectivity involved. It is no different from a case in which a disappointed applicant for planning permission challenges a local planning authority’s interpretation of a policy (whether national or local) by court proceedings, and the court upholds the challenge. The court will interpret the policy, and if the local planning authority has misinterpreted it in a way that materially affects its decision, the decision will be declared unlawful. To that extent it may be said that the court’s reinterpretation is retrospective; but that is inherent in disputed questions of interpretation. Nevertheless, it seems to me that if the misinterpretation of the policy has had no material effect, the decision may nevertheless be upheld.

55. I think that this is what the judge must have meant by her comment that the misinterpretation did not undermine the Plan “*to such an extent*” that it rendered

Mendip's decision on the Plan unlawful. In other words, I think she was saying that the misinterpretation was not material. I agree with her.

56. I would reject this ground of appeal.

Result

57. In short, I consider that each of the areas was lawfully designated as an LGS; but that Policy 5, which applies to them once designated, is not consistent with national planning policies for managing development within the Green Belt. In the absence of reasoned justification, the consequence is that Policy 5 is unlawful. I would allow the appeal on that ground alone.

Lord Justice Floyd:

58. I agree.

Lady Justice Asplin:

59. I also agree.

APPENDIX 3

Goudhurst Neighbourhood Development Plan Steering Group

nquiries@ndp.goudhurst.co.uk

27th November 2018

Dear Chairman,

Goudhurst Neighbourhood Development Plan consultation feedback

We submit this letter as a formal response to the draft Goudhurst Neighbourhood Development Plan (NDP), specifically in connection with the site which is currently drafted to be allocated as site 102, which is labelled as 'Agricultural land opposite Tattlebury Green'. On behalf of our client Mr Jim Henley we thank you for the opportunity to provide feedback at this time, which we provide in relation to the draft proposed policies L9 and L5, as follows;

Policy L9 – Local Green Spaces

View

Strongly disagree

Comments

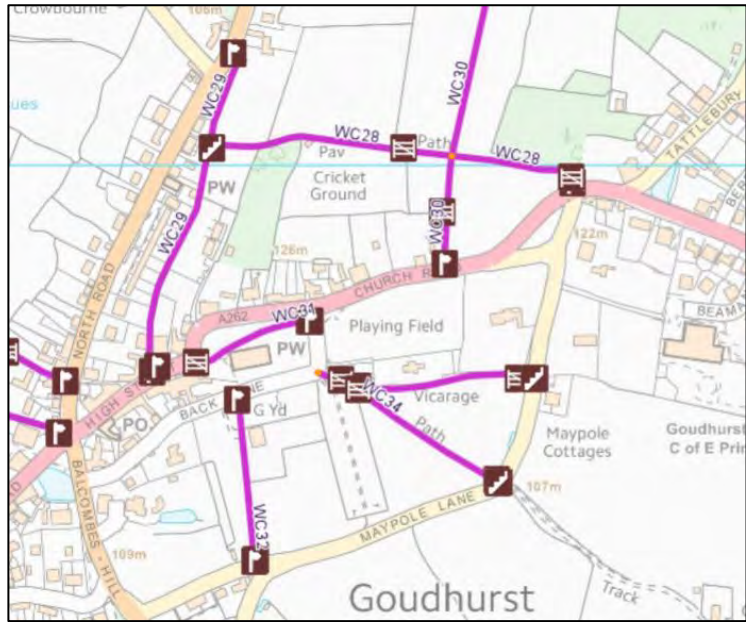
As the Steering Group would have become accustomed, Paragraph 99 of the NPPF says "*the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should 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*".

Paragraph 100 of the NPPF says

"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".*

It is acknowledged that the agricultural land opposite Tattlebury Green is (a) in reasonably close proximity to the community it serves, with public footpaths WC28 and WC30 providing a connection between Tattlebury and North Road to the west, and access from the Church Road playing fields to the countryside beyond. However, it is strongly submitted that the site is not (b) demonstrably special to the local community or hold any particular local significance. It is also considered that the proposed area to be designated as Local Green Space is, like Site 101, a peculiar choice for a Local Green Space given that it is not (c) as local in character as other, more obvious sites around the village, and is most certainly an extensive tract of land which exceeds that which the Government has intended to encourage for such purposes.



Special to its community?

With reference to the requirement that a site is ‘demonstrably special to a local community and holds a particular local significance’, the NPPF provides the example that such sites may be capable of fulfilling such criteria due to its;

- beauty,
- historic significance,
- recreational value (including as a playing field),
- tranquility, or
- richness of its wildlife.

With regards to the beauty of the agricultural land opposite Tattlebury Green, it does, as with all other land around the village, fall within the High Weald Area of Outstanding Natural Beauty. It is therefore already protected by Borough-wide policies which require that

- the designated High Weald Area of Outstanding Natural Beauty, will be conserved and enhanced, and the Borough Landscape Character Area Assessment 2002 will be utilised to manage, conserve and enhance the landscape as a whole (Core Policy 4 (1) and (2) of the Tunbridge Wells Borough Core Strategy).
- the countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside (Core Policy 14 (6) of the Tunbridge Wells Borough Core Strategy).

It is respectfully submitted that this particular tract of land does not merit any specific designation on the basis that it is demonstrably more special to the local community than other land surrounding the village, due to its beauty. There is therefore considered to be already sufficient policy means in place to ensure the appropriate protection of the land.

With regards to the historic significance of the agricultural land opposite Tattlebury Green, the site already falls within the Tattlebury Character Area of the Goudhurst Conservation Area. Whilst it is acknowledged that the site has historically formed a vacant parcel of land between the Goudhurst and Tattlebury settlements, the Goudhurst and Kilndown Conservation Area Appraisal (which is an adopted Supplementary Planning Document forming part of the current Tunbridge Wells

Borough Local Development Plan) has not referenced it as having any historic association with the settlements of Goudhurst or Tattlebury. The site is currently and has always been known to have been used, as it has been described, as 'agricultural' land.

Section 6.12 of the draft NDP says 'local green space designation allows this plan to provide protection to areas that are and have been *historically important* to residents in our communities'. The historic significance of the locality is evidenced within the Goudhurst and Kilndown Conservation Area Appraisal (which is an adopted Supplementary Planning Document forming part of the current Tunbridge Wells Borough Local Development Plan) describes the locality here as follows; "*Approaching Tattlebury from Goudhurst, the old line of Church Road approached Maypole House directly, meeting the centre point of the estate's west boundary wall. The original line of the track then turned north running around the Maypole House estate and east again to the junction at Tattlebury House. In the 20th century the road was realigned for vehicle traffic, crossing the field to the north, flattening the sharp bends and forming the elliptical area planted with trees*". Thus it is clear that site 103 has *some* historic interest, essentially being the site of a 'green' in front of Maypole House and adjacent to the course of the original roadway. However, the Conservation Area Appraisal says that that site "*has little spatial relationship with the centre of the hamlet*".

Site 102, to which this letter relates, became separated from Site 103 when the roadway was realigned in the 20th Century. Unlike the adjacent parcel of land known as Tattlebury Green (proposed Local Green Space area 103), the agricultural land known as Site 102 has not previously been considered to be worthy of mention within the Conservation Area Appraisal for the locality.

With regards to the recreational value of the agricultural land opposite Tattlebury Green, it is clear that this land is, by definition, agricultural land, and so does not have recreational value in the same way that a playing field may provide. It is noteworthy that the nearby Glebe playing fields, which is more accessible to the local community and represents an appropriately sized parcel of land as intended to be allocated for such purposes, has not been proposed for designation as a Local Green Space. This is understood to be on the basis that that site has been accepted for designation as a Village Green. It is unclear why that historically special area for the local community cannot also be designated as a Local Green Space instead of sites like the agricultural land opposite Tattlebury Green (and also the agricultural fields west of Goudhurst) which are clearly not special for any recreational purpose. We would at this point question the methodology which has been adopted for assessing sites for allocation as a Local Green Space? To this end we may formally request, under the Freedom of Information Act 2000, that such assessment methodology is made available for our client's viewing.

With regards to the tranquillity of the agricultural land opposite Tattlebury Green, this is evidently negligible. The land abuts the busy A262 highway, which as noted at Paragraph 5.95 of the Conservation Area Appraisal for the locality, 'has been undermined by vehicle traffic'. The site is not tranquil and could not reasonably be said to be demonstrably more special to the local community than other land surrounding the village, due to its tranquillity.

With regards to the richness of the wildlife at the agricultural land opposite Tattlebury Green, again, it is respectfully submitted that there is no evidence that this particular tract of land does not merit any specific designation on the basis that it is demonstrably more special to the local community than other land surrounding the village, due to its wildlife. The land is actively used for agricultural purposes and there is therefore considered to be already sufficient policy means in place to ensure the appropriate protection of wildlife here.

Given that the agricultural land opposite Tattlebury Green is not considered to fulfil any of the example criteria as to why the site might otherwise be considered demonstrably special to the

local community or hold any particular local significance, it has been considered whether the designation of the site as a Local Green Space would fulfil any other objectives for the NDP, as follows;

A means to prevent development at the site?

Consideration has been given to whether the Steering Group sees the proposed allocation of the agricultural land opposite Tattlebury Green as a means to prevent future development at the site. It is noted that draft Policy L5 says "*Proposals that maintain the separate identity and character of the two Goudhurst settlements and prevent their coalescence or the erosion of the undeveloped gaps will be supported*". The site clearly includes land to which any proposal would be subject to consideration under this Policy. It is therefore strongly submitted that it should not be designated as a Local Green Space on the grounds that the implementation of management policies would therefore have any greater prospect of preventing development at the site.

This being said, it is recognised that the site would also be affected by a number of other policies proposed as part of the draft NDP. These include the following;

Policy L1 - Proposals for development in the AONB will be permitted only where they satisfy the objectives of the High Weald Area of Outstanding Natural Beauty Management Plan.

Policy L3 - Development must not alter the profiles of the three hilltop settlements (Goudhurst, Kilndown and Curtisden Green), as seen from the surrounding countryside.

Policy L4 - Development must conserve the unique historic landscape of the Parish and the settings of its heritage assets

Policy L10 - Development must not cause any loss or diminution of important views into and out of the settlements from any area to which the public has access; it is recognised that key view 3 is across the site from Church Road by Maypole north to Curtisden Green and Ridge.

It is therefore respectfully submitted that there would be adequate policies implemented to ensure the management of any proposed development in the future, notwithstanding the proposed designation of the site as a Local Green Space. There are also other policies, relating to biodiversity, trees and light pollution, for example, which would be likely to reduce any developable area further still.

Worthy of Green Belt designation?

The proposed draft Policy L9 says "*development that results in the loss or degradation of Green Spaces will be considered only in wholly exceptional circumstances*". It is not made clear within the draft policy under what circumstances a proposal would be considered to be exceptional?

Considering this point further, it is noted that Paragraph 101 of the NPPF says 'policies for managing development within a Local Green Space should be consistent with those for Green Belts' and this is reflected at Section 6.12 of the draft NDP, which also says that the protection afforded will be similar to that afforded to Green Belt. Paragraph 145 of the NPPF is most relevant as a policy for managing development within Green Belts. This Paragraph confirms that the construction of new buildings is inappropriate in the Green Belt but also lists a number of exceptional circumstances when new buildings may be considered acceptable. This includes the following circumstances;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) limited infilling in villages; and

d) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).

It is therefore taken that, in being consistent with policies which apply to the Green Belt, notwithstanding any proposed designation of the site as a Local Green Space, it would still be permissible for buildings to be erected at the site, for any of the fore-listed purposes.

What change would you like to see / what additional evidence should we include?

In light of these comments, it is considered that the area of land currently proposed for inclusion of Tattlebury Green (as Site 103) would, by itself, fulfil the appropriate criteria for inclusion within the NDP, whereas the tract of agricultural land on the opposite side of the highway which is currently also drafted for inclusion as a Local Green Space (as Site 102) does not fulfil the relevant criteria and so should be omitted in its entirety.

Evidence which should be included within Policy L9 or at least the pre-amble should include details as to the methodology for including sites within this important land designation.

Policy L5 – Retention of the gap between Goudhurst LBDs

View

Disagree

Comments

This proposed draft policy says “*Proposals that maintain the separate identity and character of the two Goudhurst settlements and prevent their coalescence or the erosion of the undeveloped gaps will be supported*”.

The text accompanying this Policy says that ‘the 2006 TWBC Local Plan identifies this gap as important to the character of the Parish’. It is unclear where the 2006 Local Plan says that this gap is important to the Parish? The 2006 Local Plan does not designate land within this area as any Area of Important Open Space (covered by Policy EN21), Area of Landscape Importance (covered by Policy EN22), or Important landscape approach (covered by Policy EN23). However, the site would of course be subject to Policy EN25 of the TWBLP, which requires that development proposals ‘would have no detrimental impact on the landscape setting of settlements’. It would also be subject to Policy EN1 of the TWBLP, which requires that ‘the design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site’.

Given that the character of the two Goudhurst settlements is to some degree defined by their separate identity and the landscape setting of the settlements, it is acknowledged that Policies EN25 and EN1 of the TWBLP may already be an effective mechanism for ensuring any proposals would prevent their coalescence. Whilst it is acknowledged that there is merit in retaining a degree of landscaping and openness between the two settlements to reflect the historic pattern of development in the area, which is not to say that there is any specific reference within the 2006 Local Plan which identifies that this gap is important to the character of the Parish.

What change would you like to see / what additional evidence should we include?

It is submitted that the proposed implementation of draft Policy L5 is in itself additional evidence that it would be superfluous to allocate site 102 as a Local Green Space. It is therefore requested that additional information is presented in relation to Policy L9, to explain how the agricultural land opposite Tattlebury Green is necessary to be allocated as a Local Green Space, given the separate requirement of maintaining the character of the two Goudhurst settlements, as per Policy L5, anyway?

If you have any concerns or queries about this representation, please feel free to reach me on 01892 831600 or at gary.mickelborough@bloomfieldsltd.co.uk

Yours sincerely,



GARY MICKELBOROUGH
BSc (Hons) MA MRTPI
Director

APPENDIX 4

22nd February 2021

Goudhurst NDP
Planning Policy
Tunbridge Wells Borough Council

Submission via email only

Dear Sirs,

**GOUDHURST NEIGHBOURHOOD PLAN
REGULATION 15 PUBLIC CONSULTATION**

We have been approached by our client, Mr Henley, to prepare and submit representations to the Tunbridge Wells Borough Council in respect of Goudhurst Neighbourhood Development Plan ("The NDP").

This representation should be read in conjunction with those previously submitted in November 2018 (APPENDIX 1) as part of the Regulation 14 consultation. While some concerns raised by our client were addressed by the release of the "Green Spaces – Assessment and Allocation" document, many issues relating to the earlier representations remain unresolved.

1. LOCAL GREEN SPACES

- 1.1. In November 2018 our client's representations strongly opposed the allocation of site known as the Site 102 – 'Agricultural land opposite Tattlebury Green' as a Local Green Space. These representations re-iterate this position.
- 1.2. Paragraph 015¹ of the Planning Practice Guidance is clear that Local Green Space 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. It is clear from the figure 1 below, that the LGS designation appears to create large areas surrounding Goudhurst and includes sites which could in the future act as potential development sites.

¹ Paragraph: 015 Reference ID: 37-015-20140306



7.13 Goudhurst Sites

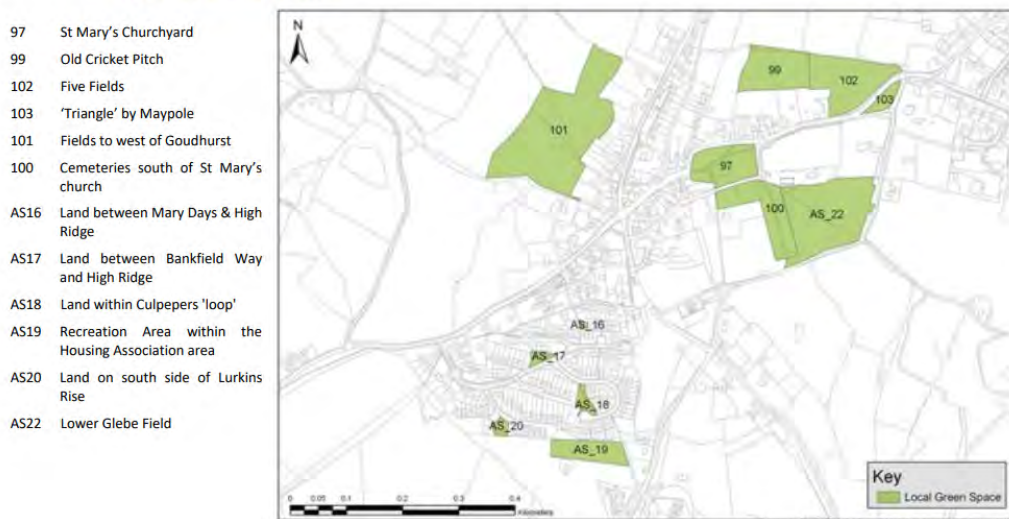


Figure 7 Goudhurst Local Green Spaces Map

NDP Version 2.0 – Regulation 15 Draft

Page 30 of 89

Figure 1 – Local Green Spaces map extract from the draft version of the Goudhurst NDP

- 1.3. The NDP Steering Group published its methodology which was used to identify and assess individual sites. This methodology is based on 'Local Green Space Designation Methodology' published by the Tunbridge Wells Borough Council. In turn, the TWBC's is underpinned by the 'Accessible Natural Green Space Standards in Towns and Cities: Review and Toolkit for their Implementation'² which was produced in order to assure that people in urban areas have the opportunity to experience nature. It notes that English Nature recommends that provision should be made of at least 2ha of accessible natural green space per 1,000 population. The English Nature document also recommended an introduction of a tiered system which outlined distances from the nearest area of natural greenspace, and its desired size to serve its purpose as an area of natural green space.
- 1.4. While this tiered system is appropriate for an assessment of size of natural green spaces in larger urban areas, it is wholly inappropriate for assessment of size of natural green spaces in small villages that tend to be surrounded by an open countryside. It is therefore questionable whether the methodology followed by the NDP Steering group is appropriate in the context of location of the village, and whether any practical reasons exist for allocation of Local Green Spaces in Goudhurst.
- 1.5. It is unclear what process was followed to select and to identify sites for assessment in the initial stages. The information given is that *"the Landscape Character Group was responsible for scoping the overall process"* and that *"the list grew as a result of the public workshops"*. Most worryingly *"personal recommendations from residents"* contributed to the long list of sites. It is unclear whether the landowners were formally approached, informed or identified at this stage.

Methodology of Green Spaces – Assessment and Allocation

- 1.6. The methodology for site selection was divided into a two-stage process and assessment criteria are clearly stated, and easy to follow. The first stage looks at the context of existing planning activities and other designations. The second stage looks at criteria outlined by the paragraph 100 of the NPPF, with further criteria added without any reasoned justification.

² <http://publications.naturalengland.org.uk/publication/65021>

- 1.7. Sites designated as ‘*village green*’ were discounted during the stage 1, as were sites detached from settlements.
- 1.8. A single table in Section 5 of the document is provided as a means of site assessment of the second stage of site selection. However, marked inconsistencies are particularly visible in assessment in of sites 102 (Five Fields) and AS21 (Grieves Lord Field) – both of these are assessed as tranquil, and rich in wildlife, but only site 102 is considered suitable, while site AS21 is discounted as not meeting the relevant criteria. There is no explanation, or objective assessment present to justify such approach.
- 1.9. The explanation given for discounting of the site AS24 (Chequer Field) is most peculiar. The site provides sports facilities for local clubs and school, but it is not noted as having any recreational value. The site is discounted at the Stage 2 under the premise that the ownership of the land by the Parish Council will provide sufficient protection from development.
- 1.10. Site number 98 is not named and is labelled as ‘to not designate’ without any assessment or justification provided.
- 1.11. The Consultation Statement accompanying the Draft NDP notes that questions from landowners were raised, and that the Landscape Team will revisit the methodology in light of those comments. Its further noted that discussions with landowners will be sought. However, it remains unclear whether any of these took place.
- 1.12. None of the individual critical comments made in respect of the Policy L9 were fully responded to.³
- 1.13. In the light of the above, we are of the opinion that the methodology employed to assess and allocate sites as Local Green Spaces is inconsistent, inappropriate and unjustified. As such, the Policy L9 – Local Green Spaces is not robustly justified.
- 1.14. Furthermore, we are of the opinion that NDP Policy 9 – Local Green Spaces is not needed in this location

2. SITE NO. 102 – FIVE FIELDS

- 2.1. Section 6 of the Green Spaces – Assessment and Allocation document provides the rationale for acceptance of sites.
- 2.2. We strongly disagree with the NDP Steering Group’s assessment of the site, in particular to the following statements:
 - *“the contrast between Little Goudhurst LBD and the open space is striking for motorists using the A262”* – the site’s frontage is relatively short and it is likely that any motorist will be focusing on avoiding potential collision with pedestrians using the footway. Any views into the site from the A262 may be impeded if a hedge or tree planting is introduced
 - *“for those [motorists] heading west, this is the first indication of Goudhurst’s prominent ridge top position”* and *“the site permits medium and long distance views to the north downs”* – These statements are incorrect. As indicated in figures 2 and 3 below, the views into the site from A262 are relatively short. The most prominent medium and long distance views are only available from the PROW which runs along the northern boundary of the site. The motorists

³ Please see responses to submitted responses nos. 11, 14 and 15 in

therefore have only limited view into the site itself and no long-distance views into the valleys



Figure 2 – view into the Five Fields site from A262 as seen from the western approach (Google Earth Pro)



Figure 3 – view into the Five Fields site from A262 as seen from the eastern approach (Google Earth Pro)

- “the AONB and Conservation area status would not protect this space from potential future development” – these designations, together with local and national policies, are strong enough to prevent inappropriate and unsustainable development in rural locations. Furthermore, the site’s location with the AONB means that the presumption in favour of sustainable development under the provisions of paragraph 11 does not apply even if the relevant policies of the development plan are not up-to-date.

2.3. Our client has previously submitted his objection to allocation of the above site as a LGS on the grounds that the site does not have qualities which would justify its designation.

2.4. Paragraph 100 of the NPPF states that LGS 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.*

2.5. It is agreed that the site is in close proximity to Goudhurst and that, in this respect, it complies with criteria a).

2.6. However, it is strongly disputed that the site is demonstrably special or locally significant as required by criteria b).

Is the site beautiful?

2.7. The site is an agricultural field. It is regularly ploughed to grow feed crops, and for grazing. There are no special features within the site itself which would distinguish it from any other agricultural field in this locality.

2.8. As indicated above the long-distance views into the surrounding countryside are only available from the footpath which crosses the site. In contrast, the views into the site from the A262 are of no distinguishable quality (figures 2 and 3), and will soon be blocked by a maturing hedge.

Is the site historically significant?

2.9. The site forms part of the Goudhurst Conservation Area but is not afforded any special mention as a site of historic significance.

Does the site have a recreational value?

2.10. The PROW crossing the site is regularly used as an alternative pedestrian route between settlements. However, no recreational activities are permitted, or indeed possible, within the site. This is due to its continuous agricultural use and occasional presence of grazing animals.

2.11. The playing fields used for recreational activities are located on the southern side of the A262 (site labelled as no 98). Incidentally, the playing fields have been discounted from the assessment and were not considered to be designated as LGS.

Is the site tranquil?

2.12. The presence of A262 has an undeniable impact on the village as a whole. In fact, the NDP identifies that traffic issues and the growing number of HGV on A262 are an ongoing problem. As such, the site within this locality cannot be seen as demonstrably tranquil in character.

Is the site known for its richness of wildlife?

2.13. The NDP Steering Group did not present any robust evidence which would demonstrate that the site is rich in wildlife, or that it accommodates valuable habitats.

2.14. As noted above, the site is used for agricultural uses and for grazing of sheep. Although due to its size the site is not viable for arable agriculture, the soil is regularly turned over and beet is planted for grazing. As such, the presence of

wildlife, or potential of valuable habitats, will be limited by these activities.

- 2.15. Overall, it is concluded that it has not been robustly demonstrated by the NDP Steering Group that the site holds a particular local significance which would warrant its designation as LGS. As such, the criteria b) of paragraph 100 of the NPPF is not satisfied.
- 2.16. It is acknowledged that the site is local in character, but it is no more local in character than any other agricultural field in the vicinity of the village. Furthermore, at approximately 1.05ha in size, the site is of a significant size when compared with other selected sites. It is an extensive tract of land, particularly if combined with the old cricket field to the west. As such the criteria c) of paragraph 100 of the NPPF is also not satisfied.

SUMMARY

- 2.17. We are of the opinion that the methodology for assessing and allocating Local Green Spaces is flawed and inconsistent. As such, the Policy L9 – Local Green Spaces is not robustly justified.
- 2.18. It has been demonstrated that the site no. 102 – Five Fields does not satisfy criteria outlined in paragraph 100 of the National Planning Policy Framework, and therefore should not be designated as a Local Green Space.
- 2.19. Furthermore, the Five Field site is already protected from inappropriate development by national and local policies regarding development in open countryside. Any potential for development is further restricted by the site's location within the High Weald AONB and the Goudhurst Conservation Area which offer higher planning policy constraint to development than that of a policy consistent with Green Belt.

3. PLAN MAKING – TESTS OF SOUNDNESS

- 3.1. In addition to the comments above, which only dealt with a single policy of the Goudhurst NDP, we would like to highlight that, in its current form, the plan fails the tests of soundness.
- 3.2. Section 3 of the National Planning Policy Framework is concerned with plan-making and provides comprehensive framework, including clear guidance on how both strategic and non-strategic are to be prepared.
- 3.3. Paragraph 29 of the National Planning Policy Framework states that *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”* (our underlining)
- 3.4. Paragraph 16 specifies that Plans should:
 - a) *Be prepared with the objective of contributing to the achievement of sustainable development;*
 - b) *Be prepared positively in a way that is aspirational be deliverable;*
 - c) *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*

- d) *Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
 - e) *Be accessible through the use of digital tools to assist public involvement and policy presentation; and*
 - f) *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*
- 3.5. Firstly, the Plan does not seek to achieve sustainable development. It does not direct development within the Parish to appropriate or sustainable locations and simply defers any allocation for housing to the Tunbridge Wells Borough Council (“TWBC”).
- 3.6. Secondly, the Plan as a whole appears to be overly protective with no aspiration to support local housing for future generation, or for its own ageing population.
- 3.7. The NDP steering group have failed to engage with local landowners during the early stages of the preparation and did not positively engage with objectors during the later stages of preparation.
- 3.8. As discussed below, the NDP contains policies which are inconsistent with the strategic plan in the area. This has a potential to lead to confusing during the decision making.
- 3.9. It is clear that the NDP Steering Group attempted to develop a shared vision for their area and we applaud all involved in the complex plan-making process. However, we are of the opinion that substantial changes to the Plan need to be made to assure that it can help to deliver sustainable development for all.
- 3.10. Once the Goudhurst Neighbourhood Plan is formally adopted, its policies will take precedence over existing non-strategic policies in a local plan covering the neighbourhood area. As such, it is vitally important that the plan is sound. Paragraph 35 of the NPPF states that Plans are ‘sound’ if they are:
- *positively prepared,*
 - *justified,*
 - *effective, and*
 - *consistent with national policy.*
- 3.11. In its current form the draft Goudhurst Neighbourhood Plan cannot be considered to be sound.
- Is the NDP positively prepared?*
- 3.12. In general, the Plan appears to focus on ‘prohibitive’ policies which seek to limit the development in the area by placing additional constraints to development even where the existing local and national policies already provide sufficient protection.
- 3.13. One such example is **NDP Policy L5** which seeks to maintain the gap between the existing LBDs. The draft TWBC Local Plan (published January 2021) does not include references or policies for maintain Gaps between settlements.
- 3.14. As discussed earlier in our representations, **NDP Policy L9** is of particular concern as it allocates vast areas of land surrounding the village as a ‘Local Green Spaces’ (‘LGS’). Paragraph 100 of the National Planning Policy Framework is clear that any such designation should only be used where the green area concerned is not an extensive tract of land. Furthermore, the National Planning Practice Guidance further specifies that LGS should not create new areas of ‘green belt’ by another name.

- 3.15. Consequently, any blanket designations of open countryside adjacent to Goudhurst settlements is neither appropriate nor acceptable.
- 3.16. All responsibility in respect of housing allocations is placed on TWBC Local Plan.
- 3.17. The NDP clearly identifies that the existing population is ageing with the number of residents of over 65 rapidly increasing. At the same time, the NDP acknowledges that the Parish has a large proportion of detached dwellings and that there is a growing need to provide smaller and more affordable housing options to support younger families and for those who wish to downsize. However, the NDP does not make any allocations for such development to take place over the plan period.
- 3.18. Furthermore, its housing policies contained in the NDP are not supported by an up-to-date local housing needs assessment. The steering group commissioned a Housing Need Survey⁴. Instead, the data from the latest Housing Needs Study 2018⁵ should be used as the figures contained within better reflect the current market conditions and housing need in the area. As a result, the NDP policies fail to positively plan for identified needs of the Parish and fail to boost housing delivery in line with requirement of paragraph 59 of the NPPF.
- 3.19. The **NDP Policy H2** is particularly problematic. It is inconsistent with paragraph 63 of the NPPF which states that affordable housing should not be sought for residential developments that are not major developments (defined as developments of more than 10 dwellings, or on sites of 0.5ha and more).
- 3.20. Furthermore, the NDP Policy H2 requires provision of 25% of affordable housing contributions from developments of 4 to 8 dwellings. However, the emerging Local Plan Policy H3 seeks provision of 20% of affordable housing on greenfield sites located in the High Weald Area of Outstanding Natural Beauty⁶ which are delivering 6 to 9 dwellings.
- 3.21. Overall, the NDP's housing and affordable housing policies cannot be seen as positively prepared as they are inconsistent with policies contained in the emerging TWBC Local Plan. At the same time, the NDP as a whole does not support the Government's aim to boost housing and achieving sustainable development.

Is the NDP justified?

- 3.22. As discussed in section 1 of our representations, the Plan lacks robust justification in regard to the Local Green Space. However, other policies within the Plan are also not supported by robust technical evidence.
- 3.23. One such example is the **NDP Policy T1** which is concerned with parking and demands that new homes with the Goudhurst conservation area and for 200m along B2079 from the village centre must provide one off-street parking space per bedroom. This is in direct conflict with the Parking Standards set in the emerging TWBC Local Plan which seeks lower onsite provision. While this is acknowledged in paragraph 287 of the NDP, no reasoned or technical assessment is provided to justify this.
- 3.24. Insufficient justification is provided to explain the NDP's lack of allocations to allow for housing and economic growth over the plan period.

⁴ Goudhurst and Kilndown Housing Needs Survey, October 2011 by Action with Communities in Rural Kent

⁵ Borough of Tunbridge Wells – Housing Need Study, Final Report July 2018

⁶ Policy H3 (4) of the pre-submission Draft TW Local Plan (published 13th January 2021)

Is the NDP effective?

- 3.25. To be effective, the Plan has to be deliverable over the plan period and be based on effective joint working on cross boundary strategic matter that have been dealt with rather than deferred.
- 3.26. Firstly, the plan period of the NDP needs to be brought in line with that of the strategic plan for the area. The emerging TWBC Local Plan covers the period of 2020 – 2038 in line with the requirement of the paragraph 22 of the NPPF which demands that strategic policies should look ahead over a minimum 15-year period in order to anticipate and respond to long-term requirements and opportunities.
- 3.27. In contrast, the Goudhurst NDP plan period currently stands as 2013 – 2033. By the time the NDP is 'made' it will have less than 15-year plan period. If it remains inconsistent with the strategic policies for the area, it will have to be immediately reviewed to maintain its significance in the decision making.
- 3.28. Secondly, housing allocations in Goudhurst are simply deferred to the TWBC and its emerging Local Plan. While there may be practical and resource related issues which lead the Steering Group to do so, any such deferral undermines the NDP's basic function to direct the future development into places where the community could and would accept it. We are of the opinion that all of the housing policies of the NDP should be reconsidered.
- 3.29. Section 9.10 of the NDP is concerned with the self-build provision. For practical reasons it refers to the TWBC Self-build register and notes that the Borough Council is best placed to manage the statutory self-build register. However, the NDP does not make any provision for this form of development, despite the fact that the national policy clearly sees the self-build as a viable and sustainable form of development, including affordable housing.
- 3.30. In its current form the Goudhurst NDP is effective in preventing sustainable development. The plan period needs to be revisited and brought in line with the plan period of the emerging local plan in order to be effective. Housing allocations should not be deferred but instead should be dealt with appropriately and proportionately. Sites for housing and economic development should be found through an open 'call for sites' exercise. Self-build policy should be introduced as this could assist with delivery of sustainable and affordable homes in this area.

Is the NDP consistent with national policy?

- 3.31. It has been highlighted throughout this document that, in its current form the NDP fails to boost the supply of housing, including affordable housing. As such, the NDP is in direct conflict with requirements of paragraphs 59, 60, 61, 62 and 63 of the National Planning Policy Framework.
- 3.32. Failure to allocate any sites for housing is also in direct conflict with paragraphs 68 and 69 of the NPPF which highlight that small and medium sites can make an important contribution to meeting the housing requirement of an area, and that neighbourhood groups should consider allocating such sites in their areas.
- 3.33. Instead of providing space for both economic and housing growth on sites which could be sustainably located close to the existing settlement boundaries, the Goudhurst NDP designates large swathes of land as Local Green Spaces which do not satisfy the criteria stated in paragraph 100 of the NPPF, and which effectively create an area of green belt around the settlements of Goudhurst, Curtis Green, and Kilndown.
- 3.34. Such approach is not only in conflict with the national planning policy (paragraphs 99 and 100), but also creates unnecessary layers of policy which are neither

justified nor effective. It is unlikely that the regular reviews of the Plan will be able to address these issues.

4. CONCLUSION

- 4.1. Our representations clearly demonstrate that the Goudhurst Neighbourhood Development Plan is not positively prepared plan. Numerous prohibitive policies are introduced which add unnecessary layers of policy to prevent development of sites that could otherwise be suitable for development
- 4.2. Local Green Spaces designation within the High Weald AONB are unnecessary and inappropriate as the level of protection afforded by the Local Green Space designation is lower than that of existing local and national policies.
- 4.3. In its current form the NPD Policy LP9 is not justified as the methodology employed for site assessment is inconsistent and highly subjective.
- 4.4. We object, in the strongest possible terms, to the LGS designation of site no. 102 – Five Fields. The site clearly does not comply with criteria b) and c) of paragraph 100 of the NPPF and therefore its allocation is not justified and should be immediately removed.
- 4.5. Numerous Goudhurst NDP policies are inconsistent with strategic policies in the emerging TWBC Local Plan.
- 4.6. As demonstrated in Section 3 of our representations, the Goudhurst NDP is not positively prepared. Robust justification needs to be presented to support its policies. The plan is not effective, and if adopted in its current form, it will result in unnecessary confusion for the future decision makers.

We trust that that our comments are of assistance and await confirmation of receipt of our representations in due course.

Kind regards



Alena Dollimore BA (Hons) MSc MRTPI
The Rural Planning Practice

APPENDIX 5

THE RURAL PLANNING PRACTICE



TWBC PRE-SUBMISSION LOCAL PLAN

REGULATION 19 PUBLIC CONSULTATION

ADDRESS	FIVE FIELDS known as Site 102 - Goudhurst Green Field
ON BEHALF OF	Mr J Henley
PREPARED BY	The Rural Planning Practice
DATE	4 June 2021



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1. INTRODUCTION

- 1.1. These representations, in respect of the pre-submission version of Tunbridge Wells Borough Council's Local Plan, are made on behalf of our client, Mr Henley.
- 1.2. This document should be read in conjunction with all previously submitted representations made in respect of designation of the site known as Site 102 – Goudhurst Green Field (North of Church Road) as Local Green Space. For clarity and consistency, we will refer to the site as "Five Fields". Our representations are therefore accompanied by the following documents:
 - Regulation 14 consultation - Representations to Goudhurst NDP Steering Group by Bloomfields (November 2018)
 - Regulation 15 consultation - Representations to TWBC in respect of Goudhurst NDP pre-submission version (February 2021)
 - Site Location Plan
- 1.3. We are of the opinion that the allocation of Local Green Spaces around Goudhurst is unnecessary due to their location within the High Weald Area of Outstanding Natural Beauty which already provides high level of protection from development.
- 1.4. In strongest terms possible, we object to the Local Green Space designation of site no. 102 – Five Fields.



2. EXECUTIVE SUMMARY

- 2.1. Representations are made in respect of the pre-submission draft of Tunbridge Wells Borough Council's Local Plan.**
- 2.2. Emerging Policy EN15 which deals with Local Green Spaces is not consistent with paragraphs 145 and 146 of the NPPF.**
- 2.3. Furthermore, the pre-submission Local Plan makes Local Green Spaces allocations in rural villages where local community has access to open green spaces within minutes. It is demonstrated throughout in this document, that such allocations are not appropriate or necessary.**
- 2.4. Furthermore, it is demonstrated within this document that the methodology for selection of sites is not appropriate as it is based on guidance for densely populated urban areas. Site selection appears to be heavily biased and inconsistent.**
- 2.5. In Goudhurst, the proposed Local Green Spaces allocations effectively creates an area of Green Belt within the village which is contrary to the National Planning Policy Guidance.**
- 2.6. We strongly object to allocation of site known as Five Fields as a Local Green Space. The site does not have qualities required by the paragraph 100 of the NPPF and therefore this allocation should be removed.**
- 2.7. In its current form, the pre-submission Local Plan does not make any housing allocation in Goudhurst, which could respond to the growing local housing need within the plan period. As such, the spatial strategy for the area is neither effective, nor consistent with national policy which demands that Councils support the Government's objective of significantly boosting the supply of homes.**
- 2.8. We are of the opinion that the pre-submission Local Plan is not sound.**



3. DRAFT POLICY EN15 - LOCAL GREEN SPACES

- 3.1. Since November 2018 our client has strongly opposed the allocation of site known as the Site 102 – Five Fields as a Local Green Space. These representations re-iterate this position and outline reasons why the site does not comply with the assessment criteria.
- 3.2. Paragraph 015¹ of the Planning Practice Guidance is clear that Local Green Space ('the LGS') designation should not be proposed as a "back door" way to try to achieve what would, in practice, amount to a new area of green belt by another name.
- 3.3. It is our case, that the proposed Policy EN15 is not robustly justified, and that the TWBC methodology for selection of sites was not correctly applied in respect of site no. 102 – Five Fields.
- 3.4. We are of the opinion that the wording of the Policy EN15 is overly restrictive and does not reflect the requirement of paragraph 101 of the NPPF which states that:
- "Policies for managing development within a Local Green Space should be consistent with those for Green Belts".*
- 3.5. If the Council is introducing a policy which is to be consistent with policies for managing Green Belts, any such consistency must be fully incorporated in the wording and must respect paragraphs 145 and 146 of the NPPF which provides specific guidance on what types of development are appropriate in the Green Belt.
- 3.6. However, this is not the case with the draft Policy EN15 which does not mention or incorporates any of the exceptions listed in paragraph 145 of the NPPF, or other forms of development listed in paragraph 146.
- 3.7. We therefore urge the Council to re-consider wording of the draft policy EN15 as follows:
- "A Local Green Space is a designated area of green or open space that is demonstrably special to the local community it serves. Development within Local Green Spaces will be restricted to those types of development which are deemed appropriate by the relevant Green Belt policies contained within the NPPF".*

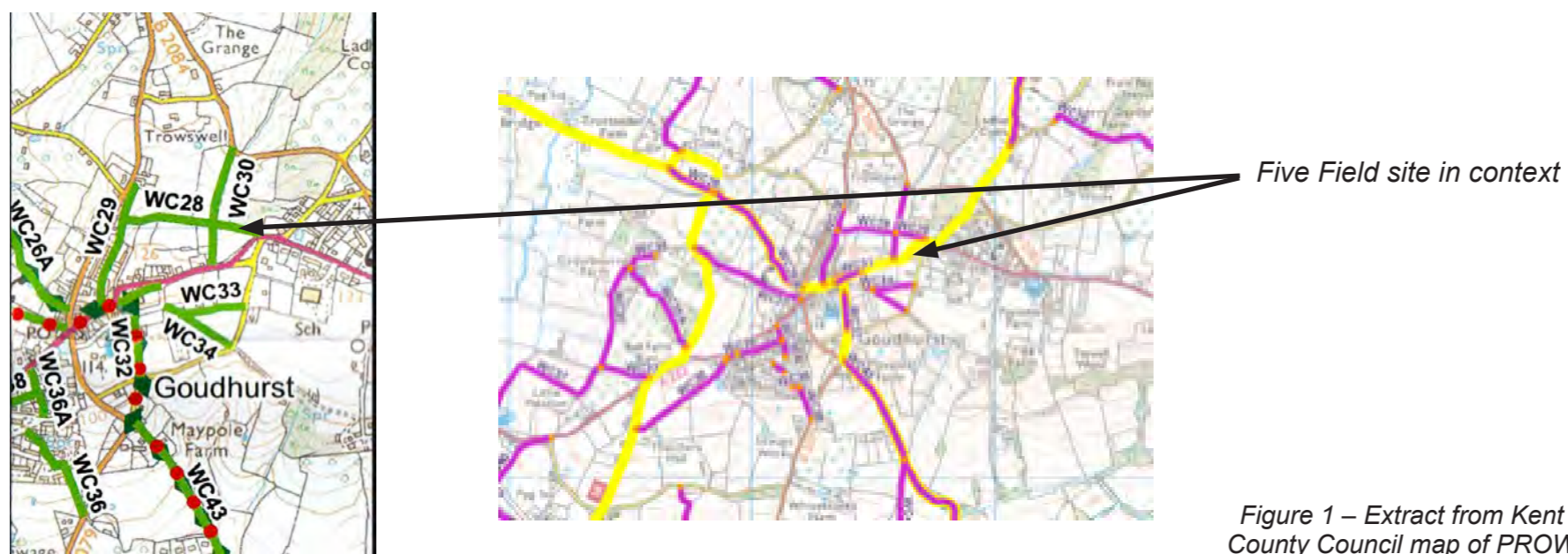
Methodology and justification of the draft policy

- 3.8. Apart from wording of the draft policy itself, we would like to highlight that the methodology employed for selection and assessment of sites is based on, and underpinned by the 'Accessible Natural Green Space Standards in Towns and Cities: Review and Toolkit for their Implementation'². This document was produced in 2003 in order to assure that people in urban areas have opportunities to experience nature.
- 3.9. The document follows recommendations made by English Nature that provision should be made of at least 2ha of accessible natural green space per 1,000 population. The English Nature document also recommended an introduction of a tiered system which outlined distances from the nearest area of natural greenspace, and its desired size to serve its purpose as an area of natural green space.
- 3.10. While a tiered system is appropriate for an assessment of size of natural green spaces in large and densely developed urban areas, it is wholly inappropriate for assessment of size of natural green spaces in small villages that are surrounded by an open countryside.

1 Paragraph: 015 Reference ID: 37-015-20140306

2 <http://publications.naturalengland.org.uk/publication/65021>

3.11. We would suggest that Goudhurst as a settlement has a good network of public rights of way (figure 1 below) which assures that open countryside can be accessed within minutes. It is therefore questionable whether the designation of Local Green Spaces within Goudhurst is at all appropriate in this context.



3.12. TWBC’s methodology clearly states in paragraph 2.6 that **sites with existing protections are to generally be considered sufficiently protected in managing development**. However, in paragraph 2.8 it is stated that:

“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”

3.13. The above statement does not clearly outline the Council’s approach. The sentence is not logical and does not explain why further policy protections are needed.

3.14. We strongly object to any additional levels of protection being imposed on sites which already benefit from protection of national landscape and policy designations, as this overly protective approach is in direct conflict with paragraph 99 of the NPPF, and further conflicts with the NPPG.

Incorrect application of methodology and national guidance

3.15. Apart from the incorrect employment of methodology, we suggest that the Council’s assessment of potential Local Green Spaces sites has been inconsistent and in conflict with its own methodology.

3.16. Appended to these representations is a relevant section of the Local Green Space Assessment (amended version dated February 2021). This document lists all potential sites within Goudhurst Parish.

- 3.17. Unfortunately, the pre-submission version of policies maps does not include the Local Green Spaces layer. As such, extracts from previous LGS assessment documents are used.
- 3.18. It is clear from the figure 2 below, that the proposed LGS designations in Goudhurst appear to create large areas which effectively create a 'green belt' between two areas of Goudhurst. Such approach is in clear conflict with the paragraph 15 of the Planning Practice Guidance with 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 judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently **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.**” (our emphasis)*

Figure 16: Goudhurst Local Green Space Map

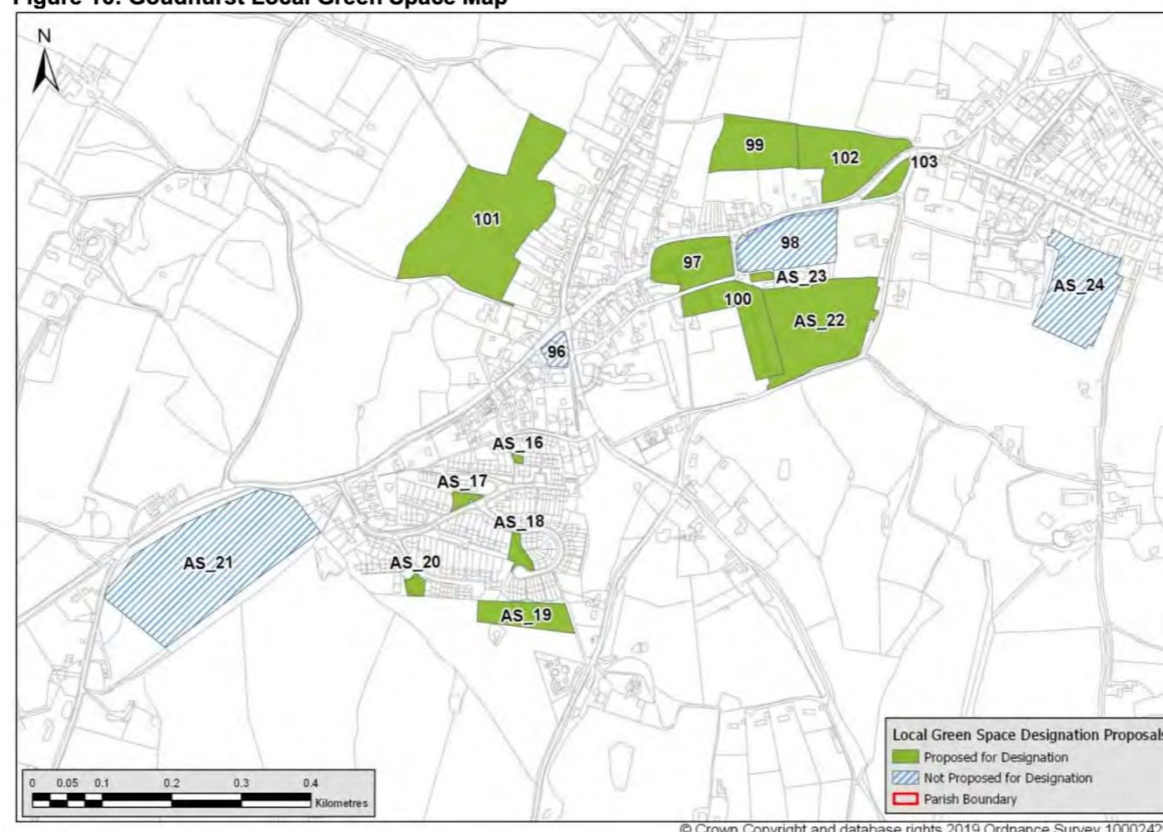


Figure 2 – Local Green Spaces map extract from Draft Local Green Space Assessment (supporting document for TWBC Draft Local Plan 2019) dated July 2019

- 3.19. We note that the total of no.17 sites were considered for LGS designation in the area. From these:
- 2no. sites were assessed as being sufficiently protected by existing national designations and policies (such as Conservation Area and AONB areas);



- 3no. sites were previously proposed for designation in Reg 18 Draft Local Plan, but in accordance with the revised methodology, were considered sufficiently protected under other national designations and policies (such as Conservation Area);
- 4no. sites were discounted due to insufficient evidence that they are “*Demonstrably Special*”, two of which were previously proposed for designation in the Reg. 18 Draft Local Plan
- 8no. sites are considered to satisfy the selection criteria and are proposed for LGS designation in the pre-submission draft Local Plan

3.20. There are significant differences and inconsistencies with assessment of individual sites and their compliance with selection criteria. For example:

- Site no. 97 (St. Mary’s churchyard) has existing local and national designations which protect it from development. It was previously proposed for as an LGS designation, but it is now considered to be sufficiently protected. Despite accommodating a historic churchyard and burial grounds, the site is not noted to be “*demonstrably special*” to the local community.
- sites heavily used by local community for both formal and informal recreation are not designated as Local Green Spaces, particularly sites AS-23 (Playground adjacent to Back Lane), AS-24 (Chequer Field) and AS-17 (Informal Green Space Adjacent to Bankfield Way).
- Sites in control of Parish Council which were previously considered for LGS designation are now considered to be sufficiently protected. This could be perceived as a strong bias against the privately owned land seen as being in ‘higher danger of development’
- Five Fields site is the only privately owned site within the central area of Goudhurst which is proposed to be further ‘protected’ from development, despite already being restricted by its location within Conservation Area, and an AONB.
- Five Fields site does not allow access for any form of recreational facilities, yet it is to be further restricted by the LGS designation, while other sites which are regularly used for recreational activities are now excluded from the LGS designation

The most prominent view into the valleys and surrounding countryside



Figure 3 – view into the Five Fields site from A262 as seen from the western approach (Google Earth Pro)



Figure 4 – view into the Five Fields site from A262 as seen from the eastern approach western approach (Google Earth Pro)



- 3.21. Overall, we are of the opinion that the pre-submission policy EN15 is not robustly justified and not supported by appropriate, and consistent technical evidence.
- 3.22. Local Green Spaces allocation in smaller settlements such as Goudhurst are unnecessary and inappropriate as the majority of local population does not suffer from the lack of access to green spaces or open countryside.



4. SITE NO. 102 – FIVE FIELDS

- 4.1. Our client strongly opposes the allocation of this site as a Local Green Space.
- 4.2. Objections were previously submitted on the grounds that the site does not have qualities which would justify its designation. These are appended to this document (Appendix 2 and 3).
- 4.3. Paragraph 100 of the NPPF states 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.*
- 4.4. It is agreed that the site is in close proximity to Goudhurst and that, in this respect, it **complies with criterion a).**
- 4.5. However, it is strongly disputed that the site is demonstrably special or locally significant as required by criteria b).
- Is the site beautiful?*
- 4.6. The site is an agricultural field. It is regularly ploughed to grow feed crops, and for grazing. There are no special features within the site itself which would distinguish it from any other agricultural field in this locality.
- 4.7. Long-distance views into the surrounding countryside are only available from the footpath which crosses the site (as indicated below). In contrast, the views into the site from the A262 are of no distinguishable quality (figures 3 and 4) and may be blocked entirely should the landowner stop maintaining or replanted the existing, or introduced a new boundary hedge. It is likely that the existing hedge (once fully mature) will enclose the visual openness of the site from the A262.
- Is the site historically significant?*
- 4.8. The site forms part of the Goudhurst Conservation Area but is not afforded any special mention as a site of historic significance. The Goudhurst and Kilndown Conservation Area Appraisal (dated June 2006) does not make any specific references to the site itself, or its importance to the setting and the character of the Conservation Area.
- 4.9. The Conservation Area Appraisal does not support the assertion of “*visually important undeveloped space that contributes to the character/setting and local visual amenity of the settlement*”.
- Does the site have a recreational value?*
- 4.10. The PROW crossing the site is regularly used as an alternative pedestrian route between settlements.
- 4.11. The footpath WC28 forms the northern boundary of the site as seen on the map overleaf (figure 1). However, in practical terms it also separates two fields which have a common ownership and are both used for agricultural purposes.
- 4.12. As such, no recreational activities are permitted, or indeed possible, within the site itself or the field directly north. This is due to their continuous agricultural use and occasional presence of grazing animals.



4.13. The playing fields used for recreational activities are located elsewhere in the village (sites AS-24, AS-22, AS-19, and sites no. 101 and 98). As mentioned in the paragraph 3.20 overleaf, some of the playing fields have been discounted from the assessment and were not considered to be designated as LGS.

Is the site tranquil?

4.14. The presence of A262 has an undeniable impact on the village as a whole. In fact, the Goudhurst Neighbourhood Plan identifies traffic issues and the growing number of HGV on A262 as an ongoing problem.

4.15. The traffic noise and emissions generated by the passing vehicles can be significant in busy times. This clearly indicates that site within this locality cannot be seen as demonstrably tranquil in character.

Is the site known for its richness of wildlife?

4.16. The site is actively used for agricultural uses and for grazing of sheep. It is regularly ploughed planted with feed crops. The soil is regularly turned over and beet is planted for grazing. As such, the presence of wildlife, or potential of valuable habitats, will be limited by these activities.

4.17. There is no technical evidence presented/available which would demonstrate that the site is rich in wildlife, or that it accommodates valuable habitats.

4.18. Overall, it is concluded that it has not been robustly demonstrated that the site holds any particular local significance which would warrant its designation as LGS. As such, **criterion b) of paragraph 100 of the NPPF is not satisfied.**

4.19. It is acknowledged that the site is local in character, but it is no more local in character than any other agricultural field in the vicinity of the village.

4.20. Furthermore, at approximately 1.05ha in size, the site is of a significant size when compared with other selected sites. It is an extensive tract of land, particularly if combined with the Old Cricket Field (site no. 99) to the west.

4.21. As such the **criterion c) of paragraph 100 of the NPPF is also not satisfied.**

4.22. It is therefore asserted that the designation of the site known as 'Five Fields' does not comply with the criteria of paragraph 100 of the NPPF, and therefore cannot be designated as a Local Green Space.

4.23. Attached to these representations is Council's SHELAA assessment of Five Fields site which was undertaken in 2020. Number of issues and policy layers are clearly stated.

4.24. Overall, the assessment concluded that the site is considered unsuitable as a potential site allocation. The reason given was stated as:

"The introduction of built form in this location would have a significant adverse impact upon the landscape setting, settlement pattern and historic character of the village and surrounding area, located within the AONB."

4.25. It simply cannot be the case that the Council assesses a site as "unsuitable for development", but then proceeds to increase the level of its 'protection' by an additional policy constraint such as LGS designation. Such approach is in direct conflict with paragraph 16 f) of the NPPF which demands the Plans should avoid unnecessary duplication of policies that apply to a particular area. The subject site is already protected



by policies relating to Conservation Areas and AONBs.

- 4.26. It is therefore respectfully requested that the site **is either removed from the LGS** designation all together (as it clearly benefits from a sufficient protection from development), **or that it is acknowledged that the site is suitable for residential development** due to its sustainable and logical location between two built up areas of Goudhurst.
- 4.27. In any case, the Five Field site is already protected from inappropriate development by national and local policies regarding development in open countryside. Any potential for development is further restricted by the site's location within the High Weald AONB and the Goudhurst Conservation Area both of which offer higher planning policy constraint to development than that of a Local Green Space policy which has to be consistent with Green Belt ones.



5. ACHIEVING SUSTAINABLE DEVELOPMENT IN GOUDHURST

- 5.1. Section 3 of the National Planning Policy Framework is concerned with plan-making and provides comprehensive framework, including clear guidance on how both strategic and non-strategic are to be prepared.
- 5.2. Paragraph 15 of the National Planning Policy Framework states that “*The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and platform for local people to shape their surroundings.*” (our underlining)
- 5.3. Paragraph 16 specifies that Plans should:
- a) Be prepared with the objective of contributing to the achievement of sustainable development;*
 - b) Be prepared positively in a way that is aspirational be deliverable;*
 - c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
 - d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
 - e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and*
 - f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*
- 5.4. Firstly, we note that the pre-submission Local Plan does not seek to achieve sustainable development in Goudhurst area. It does not direct development within the Parish to appropriate or sustainable locations, but simply amends the existing development boundary to include recently permitted development.
- 5.5. We have previously raised our objection to the Goudhurst Neighbourhood Plan which also fails to make any allocations to accommodate new housing, and which simply defers to the Tunbridge Wells Borough Council to do so. However, the pre-submission draft Local Plan fails to provide for any new housing within Goudhurst Parish over the plan period.
- 5.6. As a result, the pre-submission Local Plan appears to have no aspiration to support local housing for future generation, or for its own ageing population.
- 5.7. As indicated in Table 4 (distribution of housing allocations) (page 42), only 25no. dwellings are allocated in Goudhurst over the Plan period. All of the 25no. dwellings are to be delivered imminently at sites known as Land at Triggs Farm (LPA Ref.: 17/02765/OUT and PINS Ref.: APP/M2270/W/18/3196553) and Land east of Blacombe Hill (LPA Ref.: 19/00280/F).
- 5.8. We note that the dwelling mix resulting from the above permissions will deliver only 10no. smaller dwellings, and both deliver policy compliant affordable housing provision. However, once these permissions are implemented, no further development is planned within this area until 2038.
- 5.9. Goudhurst NDP Steering Group have identified the need for 18no. affordable houses, and 22no. small market homes**, noting that there is an imbalance in the local housing stock which will need to be managed to meet current and future demand.³ However, there is no provision

³ Goudhurst NDP Sustainability analysis V1.0 (page 14)



within the pre-submission draft Local Plan to deliver such units.

- 5.10. Goudhurst village has a post office, convenience store, cafes and specialist shops. There are several pubs in the village, as well as a primary school, doctors' surgery and pharmacy. Further need for community learning and primary education facilities have been identified, as was need for improvements for existing medical facilities.
- 5.11. However, without further development sites being allocated in the village, the possibility of securing sufficient amount of developer contributions to improve the existing facilities, or provision of new ones (as outlined in the emerging policy PSTR/GO1) will be negligible.
- 5.12. As such, we would suggest that the spatial strategy and emerging policies for Goudhurst area are in direct conflict with paragraphs 61, 62 and 63 of the NPPF.
- 5.13. In this context, we would suggest that the "Five Fields" site should be considered as a potential residential development site which could deliver well designed units satisfying the local identified need for smaller and affordable units.
- 5.14. The site could also be suitable as an exception site for delivery of affordable housing in various forms/tenures, including the newly introduced First Homes initiative.



6. PLAN MAKING – TESTS OF SOUNDNESS

- 6.1. In order to formally adopt the Tunbridge Wells Borough Council Local Plan its policies must contribute to the achievement of sustainable development. This means that the Local Plan needs to deliver three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 6.2. These objectives – economic, social and environmental – should, according to paragraph 9 of the NPPF, be delivered through the preparation and implementation of plans and application of the policies in the NPPF.
- 6.3. The pre-submission draft Local Plan is a strategic plan and as such it is vitally important that the plan is sound. Paragraph 35 of the NPPF states that Plans are '*sound*' if they are:
- *positively prepared,*
 - *justified,*
 - *effective, and*
 - *consistent with national policy.*

6.4. In its current form the pre-submission draft Local Plan cannot be considered to be sound.

Is the Plan positively prepared?

- 6.5. We note that while the Plan is attempting to divert development away from the AONB area. Majority of proposed residential development is located in areas outside the AONB, and strategic allocation are secured by releasing land within the Metropolitan Green Belt.
- 6.6. While we generally support the protection of AONB, we are of the opinion that insufficient land for housing is provided within sustainable settlements such as Goudhurst.
- 6.7. The Goudhurst NDP Steering Group clearly identified that the existing Goudhurst population is ageing with the number of residents of over 65 rapidly increasing. At the same time, it was acknowledged that the Parish has a large proportion of detached dwellings and that there is a growing need to provide smaller and more affordable housing options to support younger families and for those who wish to downsize. However, the TWBC Local Plan does not make any allocations for such development to take place over the plan period.
- 6.8. We highlighted in section 3 above, that the pre-submission draft Local Plan introduces unnecessary policy level in form of Local Green Spaces designations (Policy EN15) of sites which are already sufficiently protected by other local and national policies. This clearly conflicts with all criteria of paragraph 16 of the NPPF.
- 6.9. Paragraph 100 of the National Planning Policy Framework is clear that any such designation should only be used where the green area concerned is not an extensive tract of land. Furthermore, the National Planning Practice Guidance further specifies that LGS should not create new areas of 'green belt' by another name. Consequently, the designation of open countryside adjacent to Goudhurst settlement – particularly sites no. 99 (The Old Cricket Pitch) and no. 102 (Five Fields) - is neither appropriate nor acceptable.
- 6.10. Furthermore, the wording of pre-submission policy EN15 is not consistent with wording of paragraphs 145 and 146 of the NPPF which specify which development is and would be appropriate within Green Belt. As such, the current wording of the policy is not clear and is highly ambiguous and overly restrictive.



- 6.11. Throughout our representations we highlighted numerous instances how the pre-submission Local Plan policies fails to positively plan for identified needs of Goudhurst Parish, and fails to boost housing delivery in line with requirement of paragraph 59 of the NPPF.

Is the TWBC Local Plan justified?

- 6.12. As discussed throughout our representations, the pre-submission draft Local Plan Policy EN15 is not based on appropriate methodology.
- 6.13. The assessment of sites is inconsistent with the methodology selected. As such, we are of the opinion that this Policy is not robustly justified.
- 6.14. Furthermore, insufficient justification is provided to explain the Plan's lack of housing allocations in Goudhurst to allow for housing and economic growth over the entire length of plan period.

Is the TWBC Local Plan effective?

- 6.15. To be effective, the Local Plan has to be deliverable over the plan period and be based on effective joint working on cross boundary strategic matter that have been dealt with rather than deferred.
- 6.16. We note that no strategy is in place to respond to increasing demand for smaller and affordable housing in Goudhurst Parish over the plan period.
- 6.17. Furthermore, we suggest that in its current form the pre-submission Local Plan is only effective in preventing sustainable development in Goudhurst. Designation of sustainable sites which are well related to the settlement as Local Green Spaces will sterilise the village and only exacerbate existing housing imbalance. As such further sites for housing and economic development should be found.

Is the TWBC Local Plan consistent with national policy?

- 6.18. It has been highlighted throughout this document that the pre-submission draft Local Plan fails to boost the supply of housing, including affordable housing, in villages such as Goudhurst. As such, the document is in direct conflict with requirements of paragraphs 59, 60, 61, 62 and 63 of the National Planning Policy Framework.
- 6.19. Failure to allocate any sites for housing is also in direct conflict with paragraphs 68, and 69 of the NPPF which highlight that small and medium sites can make an important contribution to meeting the housing requirement of an area, and that neighbourhood groups should consider allocating such sites in their areas.
- 6.20. It is most disappointing that instead of providing space for both economic and housing growth on sites which could be sustainably located close to the existing settlement boundaries, the pre-submission Local Plan only copies the Goudhurst NDP Local Green Space designations of large swathes of land, effectively creating an area of Green Belt around the village.
- 6.21. It is strongly asserted that the designation of Five Fields site as an LGS is contrary to paragraph 100 of the NPPF as the site does not comply with the designation criteria. Such approach is not only in conflict with the national planning policy (paragraphs 99 and 100), but also creates unnecessary layers of policy which are neither justified nor effective.



7. CONCLUSION

- 7.1. Our representations clearly demonstrate that the pre-submission version of the Tunbridge Wells Borough Council Local Plan is not positively prepared, as prohibitive policies are introduced which add unnecessary layers of policy to prevent development of sites that could otherwise be suitable for development.
- 7.2. Local Green Spaces designations within the High Weald AONB are unnecessary and inappropriate as the level of protection afforded by the Local Green Space designation is lower than that of existing local and national policies.
- 7.3. In its current form the emerging Policy EN15 is not justified as the methodology is based on inappropriate technical evidence, and assessment of sites is inconsistent with national criteria. It also appears to focus the LGS designations in Goudhurst on sites in private ownership to prevent future development on these sites.
- 7.4. **We object, in the strongest possible terms, to the LGS designation of site no. 102 – Five Fields. The site clearly does not comply with criteria b) and c) of paragraph 100 of the NPPF and therefore its allocation is not justified and should be immediately removed.**
- 7.5. As demonstrated in throughout, the emerging Local Plan is not positively prepared. Robust justification needs to be presented to support its policies. The plan is not effective, and if adopted in its current form, it will result in unnecessary confusion for the future decision makers.

We trust that that our comments are of assistance and await confirmation of receipt of our representations in due course.

Site Reference: DPC24

Site Address: Clothe Edge, Field to the North of Church Road, Goudhurst



Parish:	Goudhurst
Settlement:	Goudhurst
Gross area (ha):	1.05
Developable area (ha):	1.05
Site type:	Site has been assessed for development potential; notably for residential use
Potential site use:	Not to be allocated for residential
Potential yield if residential:	30 - 35
Issues to consider:	Heritage: Conservation Area; TPO; AONB Component Part : Historic Routeways PRoW; Transport Infrastructure: PRoW; AONB; HLC Period: Boundary Lost 0-25%, Early post-medieval; APA: General background archaeological potential; ALC: GRADE 3; LCA: Fruit Belt; Within or Adjacent to LBD

Site Description:	Field, not planted (has in the past been used for sheep grazing) with no structures. Adjacent uses include residential to the west and east, Goudhurst Church and the village playing fields to the south, and open fields to the north. The boundaries comprise mature trees with the boundary to Church Road (that runs along the southern boundary of the site) being a low native hedge. There is a field gate into the site at the western part of the southern boundary with Church Road. A pavement adjacent to site runs east/west and a footpath opposite provides access to the village via playing fields. A PRoW (WC28) crosses the site from the far eastern boundary westwards, and PRoW (WC30) runs north-south through the site. The site is relatively exposed with far reaching views out of the site northwards. The site is visible from the road, providing an open undeveloped area between the eastern and western built-up areas of Goudhurst.
Suitability:	Not suitable: An open undeveloped field with far reaching views out northwards. The introduction of built form within this area of Goudhurst, defined by its openness that serves as a divide between the two areas of built development, would have an adverse impact both upon the settlement pattern and upon the defining character of the rural village, located within the AONB. Furthermore, as identified in the Goudhurst Conservation Area Appraisal, the divide between the two settlement areas allows the countryside to flow around the church and provides a rural setting for the church (a Grade 1 listed building) and churchyard.
Availability:	Available. Single ownership.
Achievability:	N/A
Sustainability Assessment:	This site is not a reasonable alternative.
Conclusion:	This site is considered unsuitable as a potential site allocation.
Reason:	The introduction of built form in this location would have a significant adverse impact upon the landscape setting, settlement pattern and historic character of the village and surrounding area, located within the AONB.





Parish: Goudhurst

Settlement: Goudhurst

Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
96	Goudhurst Village Pond	Area of Landscape Importance (34%); Area of Important Open Space (66%); Village Green; Conservation Area; Listed Building; Area of Outstanding Natural Beauty	0.14	✓	✓	✓	✓	See Note	This area was not considered as it is already sufficiently protected under other local and/or national designations and Policies (i.e. Village Green; Conservation Area; includes a Listed Building).	x
97	Goudhurst Historic Churchyard, Church Road	Area of Important Open Space (90%); Local Wildlife Site; Conservation Area; Public Right of Way; Listed Building; Area of Outstanding Natural Beauty	0.71	✓	✓	✓	✓	See Note	This site was previously proposed for designation in the Regulation 18 Draft Local Plan for its local historic value and richness of wildlife. However, in accordance with the revised methodology for Regulation 19, this site is considered to be already sufficiently protected under other local and/or national designations and Policies (i.e. Conservation Area; includes a Listed Building).	x



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
98	Glebe Field	Village Green; Conservation Area; Tree Preservation Order (0.88%); Area of Outstanding Natural Beauty	1	✓	✓	✓	✓	See Note	This area was not considered as it is already sufficiently protected under other local and/or national designations and Policies (i.e. Village Green; Conservation Area).	✗
99	The Old Cricket Pitch	Recreational Open Space; Conservation Area (99%); Public Right of Way; Tree Preservation Order (2.64%); Area of Outstanding Natural Beauty	0.85	✓	✓	✓	✓	✓	While it is acknowledged that this site is 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 demonstrably special to the local community as it was formerly used as a cricket pitch for a number of years (it was the original Parish cricket pitch); however, the pavilion has since burnt down and now the land is scrubbing over (although there has been some discussion about restoring the area to its original use). Despite this, the area has a well-used footpath through the area and is used as a route to school. It was last set out with a cricket square in around 2000. It appears to also have historically been pasture and was associated with a windmill on the southern boundary in the late 1800s and is therefore	✓



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
									of local significance because of its historical value. It is also considered to be demonstrably special to the local community for its wildlife and tranquillity, being enclosed so that it cannot be seen from most areas of the village.	
100	Goudhurst Cemetery	Conservation Area; Public Right of Way; Area of Outstanding Natural Beauty	0.83	✓	✓	✓	✓	See Note	This site was previously proposed for designation in the Regulation 18 Draft Local Plan for its local historic value, richness of wildlife, and important role in the setting of the settlement. However, in accordance with the revised methodology for Regulation 19, this site is considered to be already sufficiently protected under other local and/or national designations and Policies (i.e. Conservation Area).	x
101	Goudhurst Green Field (West of North Road)	Public Right of Way; Area of Outstanding Natural Beauty	2.93	✓	✓	✓	✓	✓	This area is used for informal recreation by the local community and is crossed by public rights of way which links the settlement of Goudhurst to the wider countryside to the west. It also provides an important contribution to the character/setting and local visual amenity of the settlement. The area is also of particular local significance because of its richness of	✓



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
									wildlife, with two ponds and numerous trees located on site. The area is also located on the steep western slopes of the Goudhurst ridge with abutting houses on North Road. It has a medieval field pattern and a number of natural springs along the ridge line. The area also provides for open and dramatic views to the north and west towards Horsmonden Church.	
102	Five Fields (North of Church Road)	Conservation Area; Public Right of Way; Tree Preservation Order (3.51%); Area of Outstanding Natural Beauty	1.05	✓	✓	✓	✓	✓	While it is acknowledged that this site is within a Conservation Area, and that this area is private agricultural land, 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 bounded by two public rights of way and the Kent highway, providing a variety of medium and long-distance views across the area to the north downs. Residents use this footpath daily and have identified the field as an important area which contributes to their sense of place. It is also considered to be a visually important undeveloped space in the Goudhurst Conservation Area that contributes to the character/setting and	✓



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
									local visual amenity of the settlement. The area is part of a locally attractive 'gap' in built development, having historically provided a clear open space and a green corridor between the two Goudhurst Limits to Built Development (LBD). The contrast between Little Goudhurst LBD and the open space is considered to be striking for motorists using the A262. For those heading west, this space is considered to be the first indication of Goudhurst's prominent ridge top position. The area is also considered to be a tranquil contrast to the A262.	
103	Tattlebury Triangle	Conservation Area; Area of Outstanding Natural Beauty	0.15	✓	✓	✓	✓	✓	While it is acknowledged that this site is 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 village green area contributes to the character/setting and local visual amenity of the settlement. The area is part of a locally attractive 'gap' in built development, having historically provided a clear open space and a green corridor between the two Goudhurst Limits to Built Development	✓



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
									(LBD). The area also permits important medium distance views to the north downs.	
AS_16	Informal Green Space Between Mary Day's and Balcombes Lane	Public Right of Way; Area of Outstanding Natural Beauty	0.02	✓	✓	✓	✓	✓	This area is an informal green space, located within the Mary Days development, adjacent to a steep public right of way that provides access through development and into the village. There is a bench located on the area for use by residents and it offers spectacular views over the surrounding countryside which are valued by the local community.	✓
AS_17	Informal Green Space Adjacent to Bankfield Way	Area of Outstanding Natural Beauty	0.06	✓	✓	✓	✓	x	This site was previously proposed for designation in the Regulation 18 Draft Local Plan for its local importance as an informal green space with long-reaching views. However, upon further review for Regulation 19, it is considered that this site could be considered an incidental green space with similar characteristics with many local sites not proposed for designation. It is consequently considered that there is insufficient evidence that this site meets the designation criterion of 'Demonstrably Special'.	x



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
AS_18	Informal Green Space Adjacent to Culpepers	Area of Outstanding Natural Beauty; Public Right of Way	0.11	✓	✓	✓	✓	✓	This area is a locally important informal green space, located within the Culpepers development, that is part of an attractive pedestrian access route, with a public right of way running through, through development and into the village. This site was also designed as a green space in the original Culpepers estate design.	✓
AS_19	Recreation Ground (Hilliers Ground), Lurkins Rise	Recreational Open Space; Public Right of Way; Area of Outstanding Natural Beauty	0.47	✓	✓	✓	✓	✓	This area is a recreational open green space used for informal recreation by the local community. The area is located on the edge of the Culpepers development and was built to support the estate. It is also important to the local community as it is the only reasonably accessible public space for ball games. This green space also includes provision for children and young people with a children's play area and seating. This area also has long-reaching views to the open countryside which are valued by the local community.	✓
AS_20	Green Space Adjacent to Lurkins Rise	Tree Preservation Order (2.66%); Area of Outstanding Natural	0.07	✓	✓	✓	✓	x	This site was previously proposed for designation in the Regulation 18 Draft Local Plan for its local importance as an informal green space with long-reaching views.	x



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
		Beauty							However, upon further review for Regulation 19, it is considered that this site could be considered an incidental green space with similar characteristics with many local sites not proposed for designation. It is consequently considered that there is insufficient evidence that this site meets the designation criterion of 'Demonstrably Special'.	
AS_21	Lord Greaves Field	Public Right of Way; Area of Outstanding Natural Beauty	3.42	✓	✓	✓	✓	x	There is insufficient evidence that this site meets the designation criterion of 'Demonstrably Special'.	x
AS_22	Lower Glebe Field	Conservation Area; Public Right of Way; Area of Outstanding Natural Beauty	1.75	✓	✓	✓	✓	✓	While it is acknowledged that this site is 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 area is used for informal recreation by the local community with unrestricted public access (two public right of ways go through the area). This area is located on the southerly slope of the Goudhurst Ridge and affords excellent long-reaching views to the south/open countryside towards Bedgebury Forest which are valued by the local	✓



Site Number	Name of Site	Existing Local and/or National Designations and Policies	Area (ha)	Criterion 1 – No Planning Permission?	Criterion 2 - Not Allocated or Proposed?	Criterion 3 – Not an Extensive Tract?	Criterion 4 – Close Proximity to Local Community?	Criterion 5 – Demonstrably Special?	Note	Local Green Space Designation?
									community. It is also noted that the field was leased from the diocese in 2008 and is now maintained and managed by the Parish Council for the benefit of residents. There are also plans to develop community projects on this site. The area also includes a garden used by the adjacent pre-school (located next to the church rooms).	
AS_23	Playground Adjacent to Back Lane	Conservation Area; Area of Outstanding Natural Beauty	0.04	✓	✓	✓	✓	See Note	This site was previously proposed for designation in the Regulation 18 Draft Local Plan for its recreational value. However, in accordance with the revised methodology for Regulation 19, this site is considered to be already sufficiently protected under other local and/or national designations and Policies (i.e. Conservation Area).	x
AS_24	Chequer Field	Recreational Open Space; Area of Outstanding Natural Beauty	1.29	✓	✓	✓	✓	x	There is insufficient evidence that this site meets the designation criterion of 'Demonstrably Special'.	x

APPENDIX 6

Subject: Goudhurst Neighbourhood Plan - Referendum draft
Date: Tuesday, 14 December 2021 at 10:36:57 Greenwich Mean Time
From: Alena Dollimore
To: ellen.gilbert@tunbridgewells.gov.uk
CC: colin@taywell.plus.com, craig.broom@goudhurst-pc.gov.uk, antony.harris@goudhurst-pc.gov.uk
BCC: jim henley
Priority: High
Attachments: image001.png, image002.png

Dear Ms Gilbert,

I am writing because you are listed as a point of contact in regard to the matter of Goudhurst Neighbourhood Plan.

I am writing on behalf of my client who is the owner of parcel of land known as 'LGS 102' sometimes referred to as 'Five Fields'.

I note that the draft version of the NDP for referendum agreed by the Cabinet during their recent meeting (02.12/2021), particularly the map on page 30 of the draft NDP, still shows the site as being included within the LGS designation. It is removed from the 'list' of sites, but not from the map itself. This needs to be rectified immediately and prior to any referendum taking place.

Policy Objective:

To ensure we retain existing Local Green Spaces

Policy L9 Local Green Spaces

The Plan designates local green spaces as shown on Map 7.14 and 7.15. Development proposals within the designated local green spaces will only be supported in very limited circumstances.

The text of the policy L9 refers to the map as a major point for identification of the local green spaces (not the accompanying lists) and as such there is a danger that this could be misinterpreted in the future.

The Inspector agreed with our representations that the site does not comply with the selection criteria and as such all references to the site must be removed from the NDP immediately and in full.

It is therefore respectfully requested that the map in figure 7.13 of the draft Goudhurst Neighbourhood Plan is replaced immediately as not to create a false impression that the site known as the 'Five Fields' will be covered by any such designation.

I would appreciate if you could confirm that this correspondence has reached you, and further confirm that the draft document will be amended as soon as practically possible. It would be appreciated if you could share the amended version with us.

In the meantime, please do not hesitate to contact me if you have any questions or queries.

Kind regards,

Alena

Subject: FW: Goudhurst Neighbourhood Plan - Referendum draft
Date: Tuesday, 14 December 2021 at 14:54:32 Greenwich Mean Time
From: Deborah Dixon
To: Alena Dollimore
CC: Colin Willis, craig.broom@goudhurst-pc.gov.uk, antony.harris@goudhurst-pc.gov.uk
Priority: High
Attachments: image001.png, image002.png, image003.png, image004.jpg, image006.jpg

Dear Ms Dollimore

As background, the TWBC Cabinet papers (2nd December 2021) provide links to all of the necessary documents: <https://democracy.tunbridgewells.gov.uk/ieListDocuments.aspx?Cid=118&Mid=4957&Ver=4>
Item 19 - Goudhurst Neighbourhood Development Plan

With reference to the main Cabinet Report
<https://democracy.tunbridgewells.gov.uk/documents/s58566/19%20Cabinet%20Report%20pre%20Referendum.pdf>:

Para 2 confirms that the GNDP will, prior to referendum, be modified in part as set out in Appendix B, according to the examiner's recommendations, following discussion with Goudhurst Parish Council.

The Independent Examiner's Report

<https://democracy.tunbridgewells.gov.uk/documents/s58567/19%20Appendix%20A%20Independent%20Examiners%20Report%20Goudhurst%20Neighbourhood%20Plan%20%20September%202021.pdf>

Local Green Spaces are considered at paras 7.39 onwards and para 7.66 sets out the independent examiner's recommendations for LGS, including to *Delete LGS 102 (Five Fields), AS2 (Field SW of Firs Pitch) and AS20 (Land south side of Lurkins Rise) from the relevant Maps.*

I can therefore confirm that Five Fields will not be designated as a Local Green Space in the referendum version of the Goudhurst Neighbourhood Development Plan

Many thanks



Deborah Dixon
Principal Planning Officer

T: 01892 554045

E: Deborah.Dixon@tunbridgewells.gov.uk

www.tunbridgewells.gov.uk

From: Alena Dollimore <alena@therpp.co.uk>
Sent: 14 December 2021 10:50
To: Deborah Dixon <Deborah.Dixon@Tunbridgewells.gov.uk>
Subject: Goudhurst Neighbourhood Plan - Referendum draft

Subject: Re: Goudhurst Neighbourhood Plan - Referendum draft
Date: Tuesday, 14 December 2021 at 15:16:14 Greenwich Mean Time
From: Alena Dollimore
To: Deborah Dixon
CC: Colin Willis, craig.broom@goudhurst-pc.gov.uk, antony.harris@goudhurst-pc.gov.uk
Attachments: image001.jpg, image002.png, image003.png, image004.png

Dear Deborah,

Thank you for such a swift reply to my message.

My major concern was that the draft NDP version which is labelled as the 'referendum version' and is included as an appendix D to the TWBC Cabinet papers contains maps which still refer to the sites which are meant to be deleted.

This issue has already been raised with the NDP group in early November 2021.

I have read the report to the Cabinet in detail and did see the reference to footnote 1 which states:

"The GNDP presented to Cabinet at Appendix D includes all the recommended changes following the examination, set out in the Examiner's Final Report (Appendix A), and summarised in Appendix B. The version of the GNDP included with this Cabinet Report is the Final Referendum Version. There may be some further minor presentational changes made post-Cabinet to ensure the referendum version complies with the requirements of the new accessibility regulations (The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018) that came into force for public sector bodies on 23 September 2018." (my underlining)

The above makes it sound as though the maps won't be changed and that the version presented to the Cabinet is the final one. The only changes outlined in footnote 1 refer to accessibility, which means that the document will need to be presented in different formats for different groups.

So while I take some comfort in your assurance that the Five Fields site won't be designated as a Local Green Space in the referendum version, I would like appreciate if the maps in the draft document are changed accordingly before the final referendum version is published on either Goudhurst PC's or TWBC's website.

Thank you

Kind Regards

Alena

The Rural Planning Practice would like to wish everyone a Merry Christmas and a Happy New Year

Please note: Our offices will be closed between 23rd December and 4th January 2022

Subject: Re: Goudhurst Neighbourhood Plan - Referendum draft
Date: Tuesday, 18 January 2022 at 15:30:48 Greenwich Mean Time
From: office@therpp.co.uk
To: Deborah Dixon, Alena Dollimore
CC: Colin Willis, craig.broom@goudhurst-pc.gov.uk, antony.harris@goudhurst-pc.gov.uk
Attachments: image001.png, image002.png, image003.png, image004.png, image006.jpg

Dear Deborah,

Despite our conversation before Christmas, I was very disappointed to see that the map 7.13 in the Goudhurst NDP referendum version which is now published on TWBC's website still shows my client's site as a Local Green Space allocation.

As you see from the screen shot the site 102 is in green and thus potentially read as a Local Green Space.

7.13 Goudhurst Sites



Could I please respectfully demand that this is corrected immediately.

Site AS-20 also remains 'allocated'.

Thank you

Subject: Re: Goudhurst Neighbourhood Plan - Referendum draft
Date: Wednesday, 19 January 2022 at 09:07:23 Greenwich Mean Time
From: office@therpp.co.uk
To: craig.broom@goudhurst-pc.gov.uk
CC: colin@taywell.plus.com, Deborah Dixon
BCC: jim henley
Priority: High
Attachments: image001.png, Screenshot 2022-01-19 at 08.37.06.png

Dear Craig,

Thank you for your answer regarding the Referendum version of the NDP.

I can see that the copy in the link was amended – thank you.

However, the Goudhurst Parish Council website refers the public to view all documents subject to the referendum as being those on the TWBC website (as seen on the picture attached).

The TWBC version still shows the sites no. 102 and AS20 as LGS allocations. That is why I contacted the Policy department and copied you into the correspondence.

The outdated version, which is currently published, and which is contrary to the Inspector's findings is currently leaving the Goudhurst NDP open to Judicial Review which I have advised my client to seriously consider.

It may be helpful to replace the incorrect map in the document which is published on the TWBC's website – I have liaised with Deborah Dixon before Christmas about the issue, but it must have slipped. I would therefore urge you to resolve this with the TWBC immediately.

I will monitor the TWBC's website and hope to see the amended version by the end of this week.

I hope this issue can be resolved without the need for further interventions.

Regards,

Alena



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This email is intended solely for the addressee(s) and may be confidential. If you are not the named addressee, or if the message has been addressed to you in error please contact the sender and delete the message.

APPENDIX 7

Consideration of Examiner's report, recommendations, and recommended modifications

Following an independent examination undertaken by written representations, Tunbridge Wells Borough Council (TWBC) confirmed that the Goudhurst Neighbourhood Development Plan (GNDP) can proceed to a Neighbourhood Planning Referendum.

The decision statement is published here.

The Referendum Version of the GNP can be viewed below (2 parts):

Final Goudhurst NDP accessible Jan 2022 Part 1

PDF 2.8 MB

Final Goudhurst NDP accessible Jan 2022 Part 2

PDF 2.0 MB

Please note that Figure 7 Local Green Spaces (LGS) for Goudhurst has been updated to not include areas '102' and AS20. The list of LGSs beneath Figure 7 remains unchanged. Figure 9 LGS for Curtisden Green has also been updated to not include area AS2. The list of LGSs beneath Figure 9 remains unchanged.

This reflects the outcome of the Final Examiner's Report for the Goudhurst Neighbourhood Plan, that at para 7.66 requires deletion of LGS 102, AS2 and AS20 from the relevant Maps.

The area that the referendum is to cover is that of the Neighbourhood Area, i.e., Goudhurst parish.

The anticipated date for the referendum is Thursday 3 February 2022.

APPENDIX 8

Providing Accessible Natural Greenspace in Towns and Cities

A Practical Guide to Assessing the Resource and Implementing Local Standards for Provision



Project Undertaken on behalf of English Nature by:

Centre for Urban and Regional Ecology
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Page 25	Developing the Policy and Management Response
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Foreword

Everyday contact with nature contributes to people's quality of life. English Nature's Accessible Natural Greenspace Standards provide benchmarks for assessing the provision of places where people can experience and enjoy nature. These standards form part of the guidance published by Government on strategic open space provision. Further information about these standards can be found in English Nature Research Report 526, 'Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for their Implementation', available at www.english-nature.org.uk/publication/PDF/526.pdf.

This guide provides a suggested methodology and advice on applying these standards. It recognises that there are no absolute definitions of what is 'natural' and 'accessible' and that these aspects of greenspace need to be considered in the context of the broader geographical area being assessed.

The Companion Guide to Planning Policy Guidance 17 Open Space, Sport and Recreation advocates the use of a range of tools such as English Nature's Accessible Natural Greenspace Standards, but acknowledges that they may need to be adapted to reflect local needs and circumstances. The guide also recognises the multifunctionality of greenspace with most areas supporting a range of different activities and uses, but that for the purposes of open space strategies it is useful for the main function (or primary purpose) to be identified.

English Nature welcomes such approaches and is keen to promote the importance of accessible natural greenspace for the enjoyment of nature, informal children's play, gentle exercise and environmental education as well as for conserving wildlife and geological features. In addition, such

areas can contribute to natural drainage processes, improving air quality and moderating urban microclimates.

English Nature is, therefore, keen to see its accessible natural greenspace standards used in the preparation of comprehensive open space strategies, integrating nature conservation with other greenspace functions, but recognising those areas where the conservation of biodiversity or geological features is the primary function.

This guidance is published as an evaluation draft and English Nature is keen to receive feedback on its usefulness and how it might be further developed and improved.

David Knight
Urban Adviser

Email: david.knight@english-nature.org.uk

Introduction

English Nature believes that accessible natural greenspaces have an important contribution to make to the quality of the environment and to quality of life in urban areas. Such sites are valued by the community, provide important refuges for wildlife in otherwise impoverished areas, and are beneficial to public health and wellbeing. There are established mechanisms for the recognition and designation of sites with special value for biodiversity, and this model does not seek in any way to replace them. Instead, this model provides a broader, more inclusive approach to ensuring that people in urban areas have the opportunity to experience nature.

What is the Accessible Natural Greenspace Standards Model?

English Nature believes that local authorities should consider the provision of natural areas as part of a balanced policy to ensure that local communities have access to an appropriate mix of greenspaces providing for a range of recreational needs. English Nature recommends that provision should be made of at least 2ha of accessible natural greenspace per 1000 population according to a system of tiers into which sites of different sizes fit:

- no person should live more than 300m from their nearest area of natural greenspace;
- there should be at least one accessible 20ha site within 2km from home;
- there should be one accessible 100ha site within 5km;
- there should be one accessible 500ha site within 10km.

The purpose of this model is to guide local authorities in identifying the current level of provision of accessible natural greenspace and to assist

with the production of local standards and targets. While it is expected that local authorities should aspire to meet the provisions of the standard, it is recognised that this will be more difficult in some urban contexts than in others. Local authorities are therefore encouraged to determine for themselves the most appropriate policy response in the light of a sound understanding of the standard, the needs of the local community and the value of accessible natural greenspace to it, the existing greenspace resource and funding constraints.

The model should be viewed as a point of reference against which to assess the natural greenspace resource and from which local targets for continual improvement can be developed, as yardsticks for progress towards an aspiration to meet its requirements as fully as possible. Implementing the model is the starting point for a creative process of greenspace planning and management, and not an end in itself. This guide is intended to outline a general approach to the use of the model and to present options as to how this might be tailored to suit available resources and the local context.

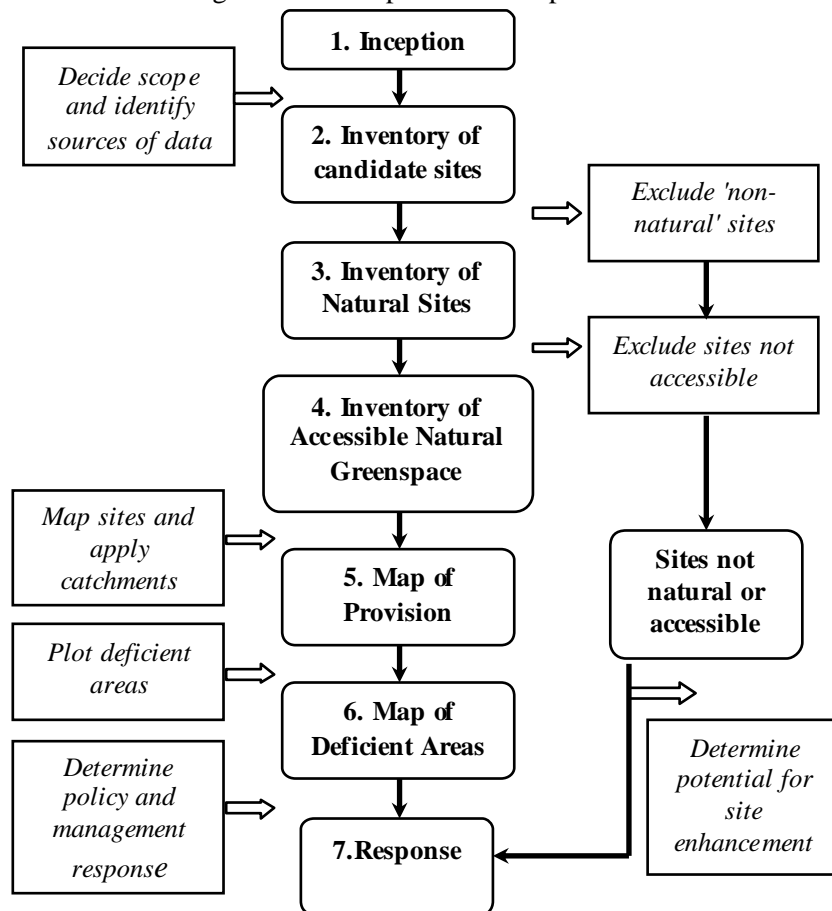
Achieving Progress

This guidance is based on the implementation of the model based on a **staged pathway** approach, as shown below in Figure 1. This can be summarised into four equally important phases:

- **Inception** (step 1 in Figure 1)- the planning phase in which the team is established, information sources are identified, resources are allocated, the scope of the project set and progress indicators are determined;
- **Assessment** (steps 2-4)- in which data is gathered, local greenspace identified and its status established against the model, so that the accessible natural greenspace resource is known;

- **Analysis** (steps 5 and 6)- which consists of establishing the spatial pattern of accessible natural greenspace and its associated catchment zones, as well as identifying those areas currently lacking in provision;
- **Response** (step 7)- whereby the priorities are set out for policy and management action to address issues arising from the analysis.

Figure 1. The implementation process.



This process is likely to produce the best results when it is implemented as part of a strategic commitment by a local authority, involving key stakeholders and with the objective of integrating and balancing the policy response with the needs of other policy areas.

The planning system will provide an important means of ensuring that key elements of the accessible natural greenspace resource are protected and of achieving improvements in levels of provision. However, there is also great potential for improvements to be made through the enhancement of existing greenspaces by management means, and this is likely to be the most immediately useful approach to improving provision. Changes to the management regimes of greenspaces already under local authority control can be effectively planned and controlled according to priority and demand.

Accessible Natural Greenspace in an Open Space Typology

The model can be applied alongside a typology designed for other purposes. The model typology for greenspaces recommended by the Urban Green Spaces Task Force¹, for instance, is as follows:

- parks and gardens;
- country parks;
- natural and semi-natural urban greenspaces;
- green corridors;
- outdoor sports facilities;
- amenity greenspace;
- provision for children and young people;
- allotments, community gardens and urban farms;
- cemeteries and churchyards;

¹ *Green Spaces, Better Places- The Final Report of the Urban Green Spaces Task Force*, 2002, p.43, DTLR, London.

The majority of accessible natural greenspace is likely to fall within the *country parks, natural and semi-natural urban greenspace and green corridor* types. However, **all** the categories of open space suggested in Final Report of the Urban Green Space Task Force might include accessible natural greenspace, while it might also be found in other locations, such as institutional grounds and industrial estates. The model aims to consider all natural greenspace that is accessible, regardless of ownership and status.

This point is well illustrated by the recommendation made in English Nature Research Report No. 153, *Accessible Natural Greenspace in Towns and Cities* (Harrison *et al.*, 1995, p6-7), that a definition of natural greenspace should include:

- *"sites awaiting redevelopment which have been colonised by spontaneous assemblages of plants and animals;*
- *land alongside water-ways, transport and service corridors which, although perhaps once deliberately landscaped or planted are now mixtures of planted and spontaneous assemblages;*
- *tracts of 'encapsulated countryside' such as woodlands, scrub, heathlands, meadows and marshes which, through appropriate management, continue to support essentially wild plant and animal assemblages. Often these natural areas exist within the framework of formally designated public open space;*
- *ponds, ditches, rivers, lakes and reservoirs;*
- *the less intensively managed parts of parks, school grounds, sports pitches, golf courses, churchyards and cemeteries;*
- *incidental pocket-sized plots along residential and commercial roads, pathways, car parks and property boundaries,*

including walls and built structures which are often spontaneously colonised by plants and animals; and

- *allotments, orchards and gardens."*

However, creative site management might make it possible to develop areas of accessible natural greenspace within existing sites that have a range of other primary functions. The willingness to consider greenspace as potentially multifunctional is therefore key to the effective implementation of the model.

The model is intended to be a positive addition to the tools available to local authorities working to meet the needs of their communities. It provides a flexible and inclusive method for the understanding of the existing local greenspace resource and a decision support mechanism for the determination of future policy. It is not intended to be an unwarranted impediment to development where local priorities dictate otherwise, nor is it intended to promote the provision of natural greenspace at the expense of other types of open space of value. The model promotes the concept of *multifunctional* space whereby an area of managed parkland or playing fields could also be said to be natural, at least in part, if the appropriate criteria are met. This guide explains how this might work in practice.

Starting Out: Inception

The inception stage is likely to involve a number of activities and the making of decisions on issues that will govern the future conduct and ultimate success of the implementation process. Some important decisions required at this stage might be:

- identify the team responsible for implementation;
- allocate staff and financial resources;
- fix the scope and timescale of the project;
- set progress milestones; and
- specify how the results of the project should be presented.

Activities to be undertaken at this stage would be those providing key information to inform the implementation process, such as:

- identify stakeholders for consultation;
- review of national and local policy; and
- survey for relevant existing sources of useful data and appropriate tools to assist the process.

Approaches to Implementation

Implementation of the model can be approached in several different ways, for instance in order to suit the level of available resources or for the purpose of a limited trial. Broadly, three approaches are possible:

1. Full Implementation of the model will yield the most complete results to inform policy and action development, and is therefore **recommended as the ideal**. Clearly, full implementation is the most complex option and is therefore likely to demand the highest input of

time, money and technical resource. In view of this it is recognised that, while full implementation is the end goal, this may not always be possible at the outset of the project.

- 2. Progressive Implementation** allows for the initial implementation of only a part of the model with the intention of expanding coverage in future reviews until full implementation is gradually achieved. In this way an initially limited project allows for the development of familiarity and confidence of working with the model to be developed at a controlled pace. However, implementing in this way implies that only limited results would be available, which might be of restricted usefulness for policy and action-planning purposes.
- 3. Selective Implementation** utilises only specific elements of the model and implies no firm commitment to the expansion of coverage in future reviews. This option allows for some implementation to be achieved with limited resources but will produce results of limited value. However, expansion of coverage could then be achieved readily should additional resources become available.

These three options can be applied to various elements of the implementation process to provide genuine flexibility in the application of the model. Some possibilities are as follows:

- **Site Size Tiers.** The model gives four tiers for site size and catchment and a measure for provision by population (see page 1), all of which should be assessed in a full implementation. However, it would be possible to work with a single tier of the model initially. Although, the largest sites may be the more straightforward to consider, it is recommended that the Tier 1 (most local) sites are always covered, in view of the smallest, 'neighbourhood' sites being the most accessible to local communities.

- **Spatial Scope of Analysis.** A full implementation of the model would include the largest site sizes and their catchment areas of 10km. In order to take full account of areas that are outside of the individual LA administrative area it would be useful to screen for sites on the following basis:
 - Any site within 300m of LA boundary;
 - 20 ha site within 2km of boundary;
 - 100ha site within 5km of boundary; and
 - 500ha site within 10 km of boundary.
- **Land Ownership.** For best results all land should be covered in an assessment for the purposes of implementing the model, as people do not consider who owns the land if it is accessible and provides the necessary quality of experience. However, initially it would be possible to base implementation solely on, for instance, local authority land. The local authority is likely to be the single most important holder of accessible greenspace and may possess existing data that would potentially aid the assessment process. However, any limitation of land coverage would inevitably underestimate the amount of natural greenspace accessible to the public.
- **Complexity of Catchment Analysis.** The simplest way of showing catchment zones is to simply apply a perimeter of appropriate radius around the boundaries of sites. This technique, known as **buffering**, can be carried out manually or through the use of a Geographical Information System (GIS) to yield a useful, if simplistic picture of the spatial pattern of provision.. However, if a GIS is used, it is possible to apply a more sophisticated technique, **network analysis**, which allows factors such as actual walking distance and access barriers to be accounted for. This reveals a more realistic picture of site catchment zones, but requires more detailed data and a greater degree of technical expertise to implement.

Another important element of the preparation for implementing the model is the identification of appropriate data sources and tools. In terms of data, this document suggests a number of spatial data products that can assist in the process of identifying candidate sites. All of these data are available in digital form and suitable for use within a GIS. Regular audits of open space are the recommended means for developing a robust and current dataset, but opportunities might also exist to approach this in other ways, for instance by making use of other ongoing survey initiatives or by working in partnership with other bodies.

Whilst, the use of a GIS is not essential for the implementation of the model, it is strongly recommended. A GIS application will facilitate efficiency and flexibility in allowing:

- the integration of different datasets and survey data
- the use of a variety of analysis techniques to help with assessing current compliance with the standard;
- an assessment of the best policy options towards the ultimate goal of full compliance; and
- communication of the results and policy decisions to the public.

Effective planning on these issues from the outset will make implementation easier, more consistent and allow for more rational and consistent interpretation of the results.

The Implementation Cycle

Effective use of this model depends on its regular review as part of a recognised cycle. This is necessary in order to ensure:

- that the analysis and the data on which it is based are kept current;

- that changing local priorities, legal requirements and national policy guidance are recognised and accounted for;
- that priorities are revised to account for changes in patterns of need and in levels of available resources; and
- That familiarity with the model is maintained and the scope of its application adjusted as required by changing circumstances.

Deciding on a cycle for reviewing the analysis will depend on a range of local circumstances. However many local authorities may find it convenient to make a link to the five year cycle of local development plan review, which would facilitate 'joined-up' policy making by ensuring that each process could be fully informed by the other.

In the longer term, **Extension** of the model's principles is considered to be the way forward. Implementation of the model to its full scope and, through a holistic approach, beyond to assess the whole greenspace resource within the urban area, might help to provide a balanced means for devising a comprehensive strategy for planning and management. Whilst it is important to be mindful of these wider aims, guidance for their achievement is beyond the scope of this document, which concentrates instead on the practical implementation of the model as it stands. However, potential avenues for progress will be discussed as the conclusion to this publication.

Case Study: The Initial Evaluation of the Model in Manchester

The City of Manchester has conducted a trial to evaluate the use of the model in Manchester. For initial simplicity the scope of the project was limited to:

- sites within the City boundary which were owned by the local authority and managed by the Leisure Division;
- the two most local tiers of the model, with catchment zones of 300m and 2km;
- sites already categorised as natural or semi-natural in character;

Taking this approach allowed a degree of expertise to be developed relatively quickly but yielded results that were of limited usefulness. The restricted scope of the exercise excluded sites that would be likely to contribute to the level of provision of accessible natural greenspace and therefore resulted in an incomplete picture of provision and an exaggeration of the deficient areas.

However the exercise has provided the City with a foundation in the use of the model that can be developed in future exercises to the point at which it provides a sound, comprehensive analysis with which to inform policy development.

Greenspace Assessment: Candidate Sites

The first step in implementing the model is to determine the location and extent of existing areas of greenspace that might qualify. The approach outlined here is tailored for accessible natural greenspace, but could be adapted for inclusion in a more general audit of open space. This process should begin with the compilation of a list of sites for assessment under the model. The content of this list will depend upon the scope of the implementation project but, within that, it is recommended that the list be as fully inclusive as possible, since to limit the range of sites considered will limit the value of the results obtained. Candidate sites can be divided into two groups:

- **Pre-qualifying Sites.** Sites that have an existing designation as having special value for biodiversity such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves, Local Nature Reserves and Sites of Importance for Nature Conservation (SINCs) or local equivalents. Sites such as these can be considered to be 'natural' by definition and accepted as such without further review, though it will be necessary to assess their accessibility.
- **Potential Sites.** The second list would include all other sites thought to potentially meet the requirements of the model. Selection of these sites needs to be approached in a number of ways, including local consultation, analysis of maps and from aerial photographs.

It is suggested that, for best results, the assessment include the smallest sites that can practically be identified. No minimum size limit is suggested within the model, but it is recognised that there may be practical reasons for local authorities electing to apply one. However such a decision should be made as part of the project inception process.

Worked Example: Candidate Sites

In this guide the process of implementing the model will be illustrated in relation to a hypothetical urban area. Although based on the map of an actual city, the worked example is completely hypothetical to demonstrate the range of circumstances that local authorities might encounter. At each stage the impact of the process will be shown on the map of the urban area and key issues highlighted.

The greenspace inventory can be done by straightforward desk study, tending towards the inclusion of any sites of uncertain value, as it is better to apply the 'precautionary principle' at this stage. Sites are best included when there is uncertainty over their status as they can easily be excluded later on. The diagram below shows how this process might work, drawing on a number of existing sources of information.

There is no single data product that provides an appropriate definition of natural greenspace suitable for this work. However, a number of useful datasets have been identified that can be integrated within a GIS or that can be examined as hardcopy to assist with the inventory task. Figure 2 shows how this process might work, drawing on a number of example sources of information, and Figure 3 illustrates the outcome in detail.

The most reliable means of identifying appropriate sites is through the use of local knowledge and site survey as identified in the previous section, although there are a number of additional datasets associated with the initial inventory phase which can help with identifying sites to survey. An example is:

- Ordnance Survey MasterMap and aerial photographs

In this example, an OS Master Map base is used to identify areas classified as 'natural greenspace', these can be cross referenced with aerial photographs and site survey data in order to determine the an appropriate classification in terms of the model.



Ordnance Survey Base Data map based on OS MasterMap © Crown copyright. All rights reserved. English Nature. GD272229. 2002.

When the hypothetical urban area is subjected to this process, the picture that emerges is shown in Figure 3. Notice how, at this stage, the sites are shown by their primary categories within a local greenspace typology. In this example coverage is of sites in all ownerships, not just that of the local

authority. In this way it is possible to include a number of private golf courses and institutional grounds, among other sites.

A Minimum Site Size

In deciding whether a minimum threshold for site size should apply within the model, two questions need to be addressed:

- **is there an area below which a site cannot offer experience of nature to the visitor?** If so, it has not proved possible to identify a single universal threshold. This is because the ability of a small site to provide a natural experience is dependant on its surroundings, the structure of the site itself and the perception of visitors to it. Each of these three factors is so variable that the performance of such sites can only be assessed individually as part of a survey exercise.
- **are there operational factors that suggest an area below which local authorities will have practical difficulties surveying, mapping or managing a site?** There are paractical operational factors which might suggest a minimum site size. These include existing limits for: identifying sites in a local development plan; adopting sites for local authority management; and for grant-aided urban forestry schemes.

For practical reasons a minimum size threshold of 0.25ha is therefore proposed, though local authorities might find specific local circumstances which suggest a different limit.

Figure 2. Identifying candidate sites from a variety of data sources
 (© Crown copyright. All rights reserved. English Nature. GD272229. 2002.)

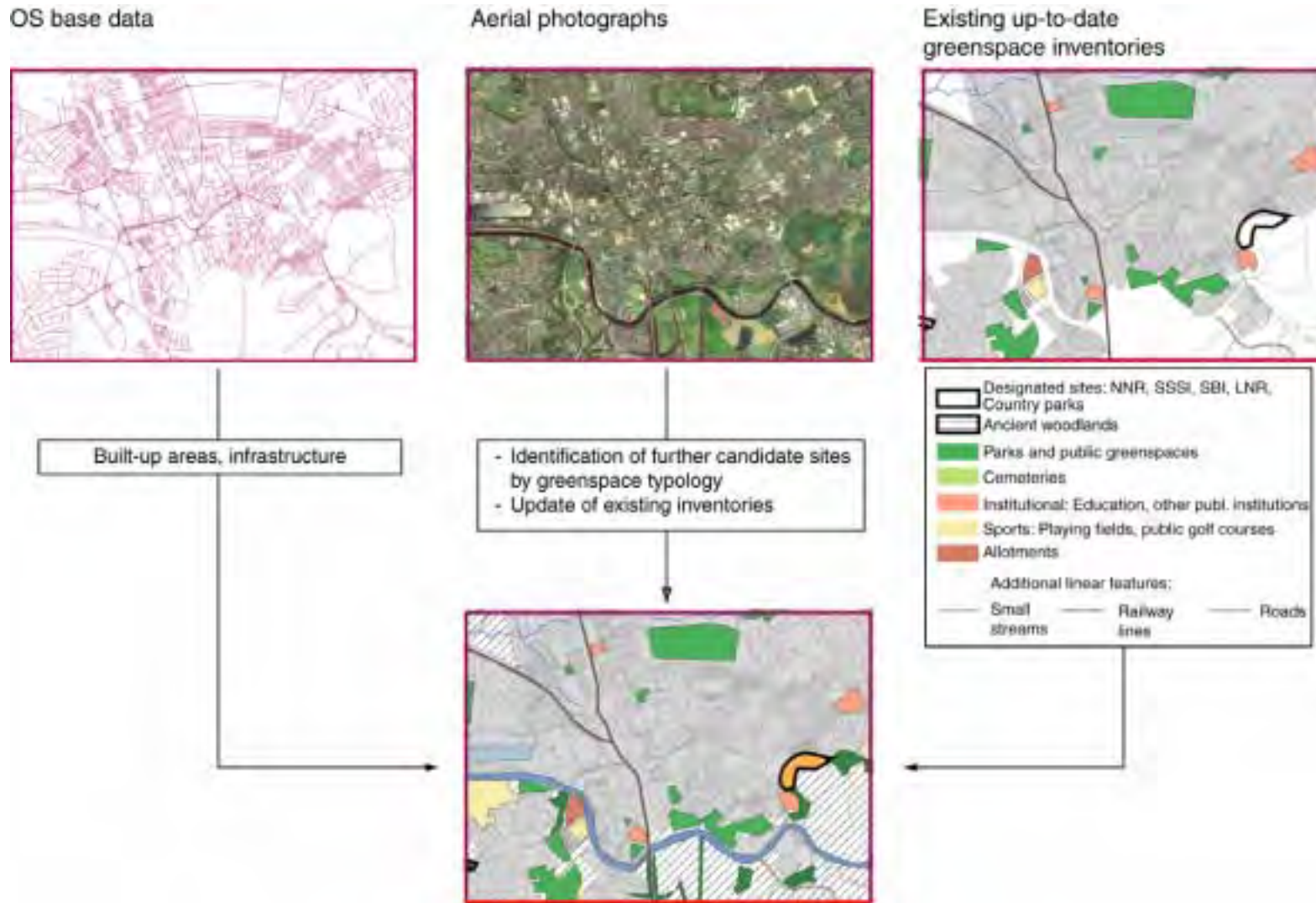
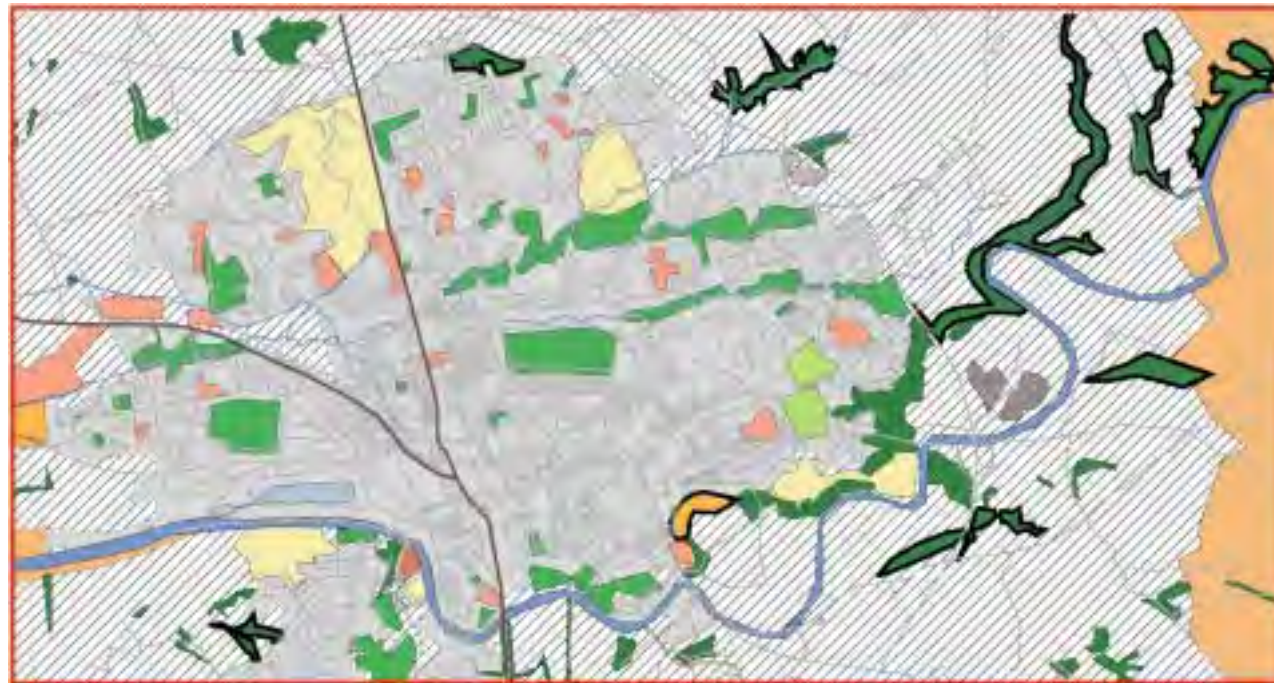


Figure 3. Mapping the candidate sites




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Greenspace types (local typology)

- | | |
|--|--|
|  Woodlands |  Heathlands |
|  Parks and public greenspaces |  Wastelands |
|  Cemeteries & churchyards |  Industries (e.g. mineral workings) |
|  Institutional (e.g. schools) |  Lakes, ponds & reservoirs, harbours |
|  Playing fields |  Rivers and canals |
|  Allotments |  Agriculture |

Additional linear features:

- | |
|---|
|  Small streams |
|  Railway lines |
|  Roads |

Designations

- | |
|---|
|  SSSI, NNR, LNR, SINC, SAC/SPA |
|---|

Greenspace Assessment: Is a candidate area natural?

Green space types

The aim of this model is to promote the provision of natural places accessible to people in urban areas. Towns and cities comprise a great variety of green spaces, from woodlands and farmlands to designated greenspaces such as parks and playing fields, as well greenspaces on institutional grounds, private land, allotments, post-industrial wastelands and along railway lines, among others.

The experience of nature is not restricted to places traditionally considered as natural, such as woodlands, but can also be found in parks and other designated greenspaces. Greenspaces are particularly attractive when they offer the opportunity to engage in different activities, and where the possibility to experience ‘wild’ nature is integrated into a formal setting. Sometimes the vegetation on sites will be self-sown but this is not essential², and so the model is therefore particularly supportive of well-maintained multi-functional greenspaces.

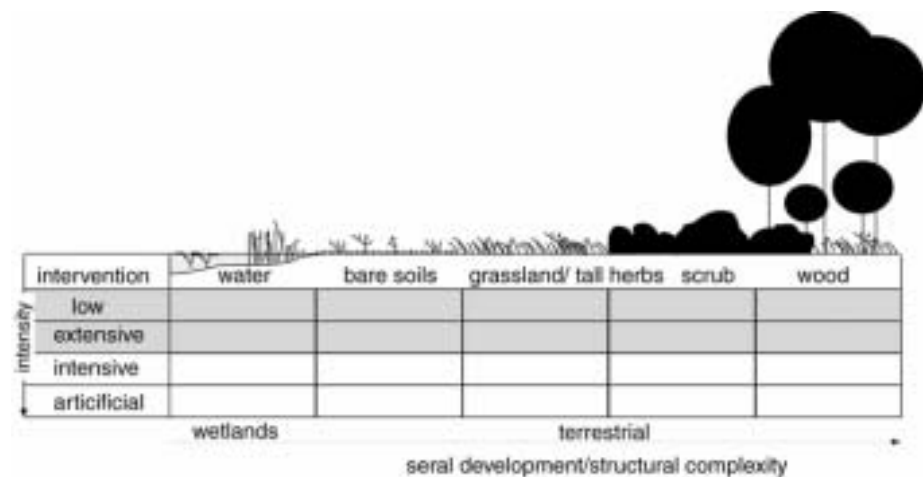
In view of this, the model adopts a comprehensive approach to defining natural greenspace, recognising that there are many different types of greenspace where nature can be enjoyed, and that there is a continuum from ‘wilderness’ to managed greenspace and paved places which can still include natural features such as mature trees and fern-clad walls. ‘Natural’

² In English Nature Research Report 153 (Harrison *et al.*, 1995), natural greenspace was defined as "Land, water and geological features which have been naturally colonised by plants and animals and which are accessible on foot to large numbers of people." This guidance suggests that this be interpreted broadly to include designed and managed sites of natural character as 'natural' for the purposes of the model

is here considered as a particular character of urban greenspaces, regardless whether these are woodlands, heathlands, formal parks or greenspace on institutional grounds.

In order to identify natural greenspace, the major distinction is made based on the intensity of intervention, whether this is management or any other form of disturbance. For instance, plantation woodland can have freely growing herb, grass and shrub layers underneath and would then be considered as natural greenspace. Tree plantings with frequently-mown amenity grassland, on the other hand, would not normally be considered as natural. Equally, rough and semi-improved grasslands would be considered as natural whereas amenity grasslands would not be included. Figure 4 shows the basic principle of this approach. For each of the green structures shown, from woodland to bare soil and open water, a progression exists from natural to artificial.

Figure 4. Identifying natural greenspace



Thus, a greenspace may be considered as natural when it is predominantly covered by either one, or a mix, of the following vegetation structures:

1. Woodlands and woodlots with freely growing shrubbery or extensively managed grassland underneath, Trees and tree clumps with freely growing shrubbery or extensive grassland underneath (single specimen trees might also be included as well as areas with a high density of single trees such).
2. Freely growing scrub and dwarf shrubs (e.g. heathland).
3. Rough grassland, semi-improved grassland, wild herbs and tall forbs.
4. Rocks and bare soil where natural succession is allowed to freely occur (including mudflats, dunes, etc.).
5. Open water and wetlands with reeds, tall forbs, etc.

The above definition still leaves considerable place for interpretation and a collection of photographs are shown below to illustrate this. Ecological surveys such as Phase I habitat mapping provide an excellent source of information for identifying natural greenspace based on a well-established methodology, but need to be adapted to the local context. The National Vegetation Classification, especially Volume 5 (*Maritime Communities and the Vegetation of Open Habitats*), might also be a useful reference. User surveys can provide a complement to identify places generally *perceived* as natural although not necessarily recognised as such in ecological surveys. These surveys are also an important means to better understand the needs of local residents, the current uses of greenspace and barriers to their current and future use. Interviews with local people and

interest groups, such as local Wildlife Trusts, can provide important information unavailable from other sources.

A Photographic Approach to Recognising Natural Greenspace

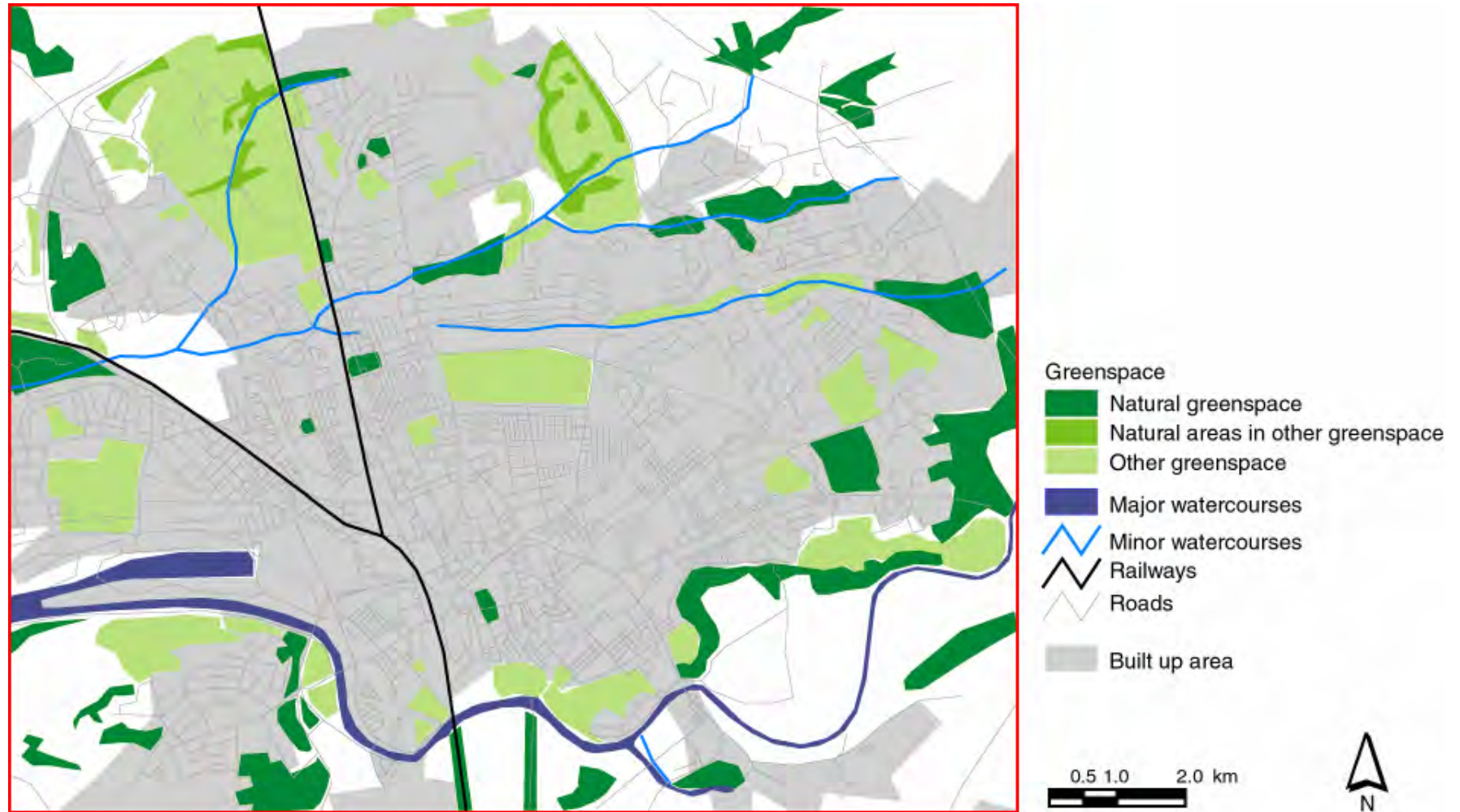
In order to illustrate what is meant by the term 'natural greenspace', a range of photographs is presented, with explanatory text explaining their status under the model. However it is recognised that this is not an exact science and that there will always be cases of uncertainty that are best addressed through the sound judgement of those conducting the assessment.

Worked Example: Identifying 'Natural' Sites

This stage of the process involves examining the 'candidate' sites in order to determine whether or not to consider them to be natural. The map below, at Figure 5, shows the results of this process (note how many of the candidate sites have been excluded at this stage). The excluded sites may still have a role to play, as these are candidates for action to improve the provision of accessible natural greenspace through changes in the management regime.

In order to keep the process simple, all of the sites with recognised designations for nature conservation value have been included as natural without further consideration, which reduces the number of sites that require examination. Sites that do not fully meet the definition of 'natural' greenspace, but which contain significant natural areas, have also been shown.

Figure 5. Mapping the distinction between natural and other greenspace
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Examples of Self-sown Natural Greenspace

Woodlands: ranging from ancient to successional on derelict land



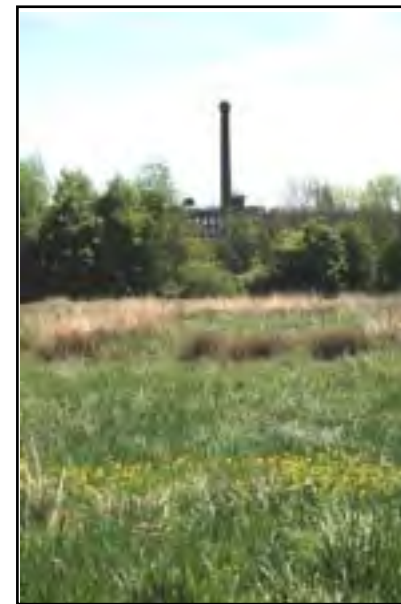
Rough grasslands, heathlands, bog



Open water with reed beds, etc.



Extensively managed grassland



Succession on bare soils



Examples of Natural Character in Public Greenspace

Parks with natural character



Public greenspace lacking natural character



Cemetery with natural character



Cemetery lacking natural character



Playing fields lacking natural character



Greenspace Assessment: Is a natural area accessible?

There are many factors that contribute to the accessibility of a greenspace, and they can act together in complex ways. Accessibility encompasses a spectrum from the purely visual to the right to enter a greenspace, move about freely and experience it without disturbance. The threshold for a site to be considered to provide sufficient experience of nature for the purposes of the model is considered to occur at the point at which physical entry to a site is possible.

In conducting an accessibility check, there are a number of issues that need to be resolved to establish conditions on the ground and then to assess the level of accessibility that is possible. For this purpose it is possible to divide access into five categories (Figure 6):

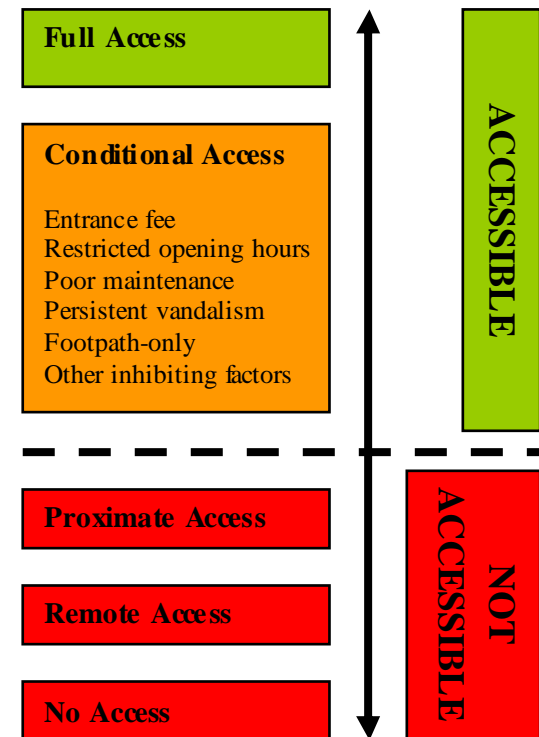
1. **Full Access:** Entry to the site is possible without restriction.
2. **Conditional Access:** A right of entry exists which is subject to or affected by one or more restrictions or conditions that may affect the quality of the natural experience enjoyed by the visitor.
Entrance fee
Restricted opening hours
Poor maintenance
Persistent vandalism
Footpath-only
Other inhibiting factors
3. **Proximate Access:** There is no physical right of access but the site can be experienced from its boundary, where a close-up visual and aural experience of nature may be available.
4. **Remote Access:** No physical right of access exists and the proximate experience is limited, but the site provides a valuable visual green resource to the community along a number of distinct sightlines and at distance.
5. **No Access:** No physical right of access exists and views of the site are largely obstructed.

Proximate access is not considered sufficient because physical exclusion from the site remains. In order to be considered sufficiently accessible to satisfy the needs of the model, sites must be either **fully** or **conditionally**

accessible. The factors inhibiting the use of conditionally accessible sites should be identified and, where possible, action taken to address them.

Therefore, for the purposes of the model, accessibility is taken to mean the ability of visitors to physically gain access to a site (sites which satisfy this criterion are then considered to exert a catchment zone upon the surrounding area).

Figure 6. Assessing Accessibility



It is recommended that an accessibility check be conducted on all of the greenspaces, including those with formal designation for nature conservation value and candidate sites that were not assessed to be natural. The reason for this is that some of the designated sites may be particularly sensitive to disturbance and damage through public access and therefore discourage visitors. In such cases it may be appropriate to conclude that such a site is not currently accessible, while considering if appropriate measures can be put in place to provide appropriate conditional access for visitors in the future.

While some accessibility factors affect the assessment of a site, others will be factors that affect its catchment zone in a spatial analysis at a later stage. These will be physical factors such as the number of access points and the effect of barriers on the approaches to sites, such as railway lines, roads and rivers. The influence of these effects will be discussed later (see page 21).

It is important that some verification of the usage of sites is conducted from time to time, as attitudes towards a greenspace among the local community are extremely important to ensuring that it provides effectively for their needs. A high quality natural site with excellent access facilities will not be fulfilling its potential unless the local community makes effective use of it. Equally, if a site is well used by some sections of the community but is hardly used at all by others then it may not be providing for local people as it should. It is therefore important to identify and understand the social factors underlying such effects, so that practical action can be taken to rectify significant problems.

The Accessible Natural Greenspace Inventory

At this point in the process an inventory has been compiled of sites that have met the criteria as 'natural' and 'accessible' and which can therefore

be classified as *accessible natural greenspace*. This inventory now forms the basis for conducting analysis of the provision of accessible natural greenspace in the context of the English Nature model.

Case Study: The Countryside Agency "*Visitor Welcome Initiative*"

Described as "*guidance for recreation site managers on providing a welcoming environment*", this slim, practical guide presents a series of checklists to enable the assessment of many of the factors that affect the accessibility of a site to the public. Although for the purposes of the model physical access is the key element, the full consideration of access is considered good practice, and *The Visitor Welcome Initiative* provides a practical means of doing this.

The guide divides sites up into four categories and sets out standards for each. The site categories are:

- Type A: roadside picnic sites and viewpoints
- Type B: informal 'walk around' sites
- Type C: supervised sites
- Type D: prime sites.

Sites are then assessed against standards under seventeen checklist headings, which include identification of visitor needs, access for all, site entrances and exits, paths and trails, site care and site staff, among others. The local adaptation of this system for use on urban greenspace sites could provide a good basis for the assessment of access quality in addition to simply confirming that physical access is available.

Case Study: Recognising the visual and structural value of greenspace

The contribution that greenspace of all types makes to the visual and structural character of urban areas is not part of the model, but can be recognised by other means. Harrogate Borough Council has a policy (HD12) within its local plan which states this in respect to a broadly -defined category called 'amenity open space' which must:

- be an open space within the built up area;
- be physically and/or visually accessible to the public; and
- make a significant contribution to the appearance and/or character of a settlement, either individually or in combination with other spaces.

These sites are marked on the proposals map and a presumption of protection from development is stated on the basis of the preservation of the character and appearance of settlements. The accessible natural greenspace model is not, in itself, a mechanism for the protection of greenspace sites. However, it might be possible to link its use to approaches such as that taken in Harrogate in order to achieve local planning objectives.

Worked Example: Identifying Accessible Natural Sites

In this stage the natural greenspace sites are examined to determine whether people are able to gain access to them. There are many factors that may impact on accessibility, and it is recommended that these be considered as criteria when examining the quality of sites. However for the purposes of implementing the model it is simply necessary to verify whether the public are able, legally and physically, to enter a site and to move about within it.

Figure 7 shows what effect even this simple test might have on the greenspace map, as a number of natural greenspace sites have now been excluded on accessibility grounds. For the purposes of the model it is necessary only to distinguish between sites that qualify as accessible and

those which do not, and that is the basis of the map at Figure 7. However any further qualitative distinctions applied can be readily displayed, while refinement to show the presence of individual factors that affect accessibility is also possible. Later, it will be demonstrated that physical access factors, such as the location of access points and transit barriers can be located on the map and their effects accounted for and displayed automatically by the geographical information system software.

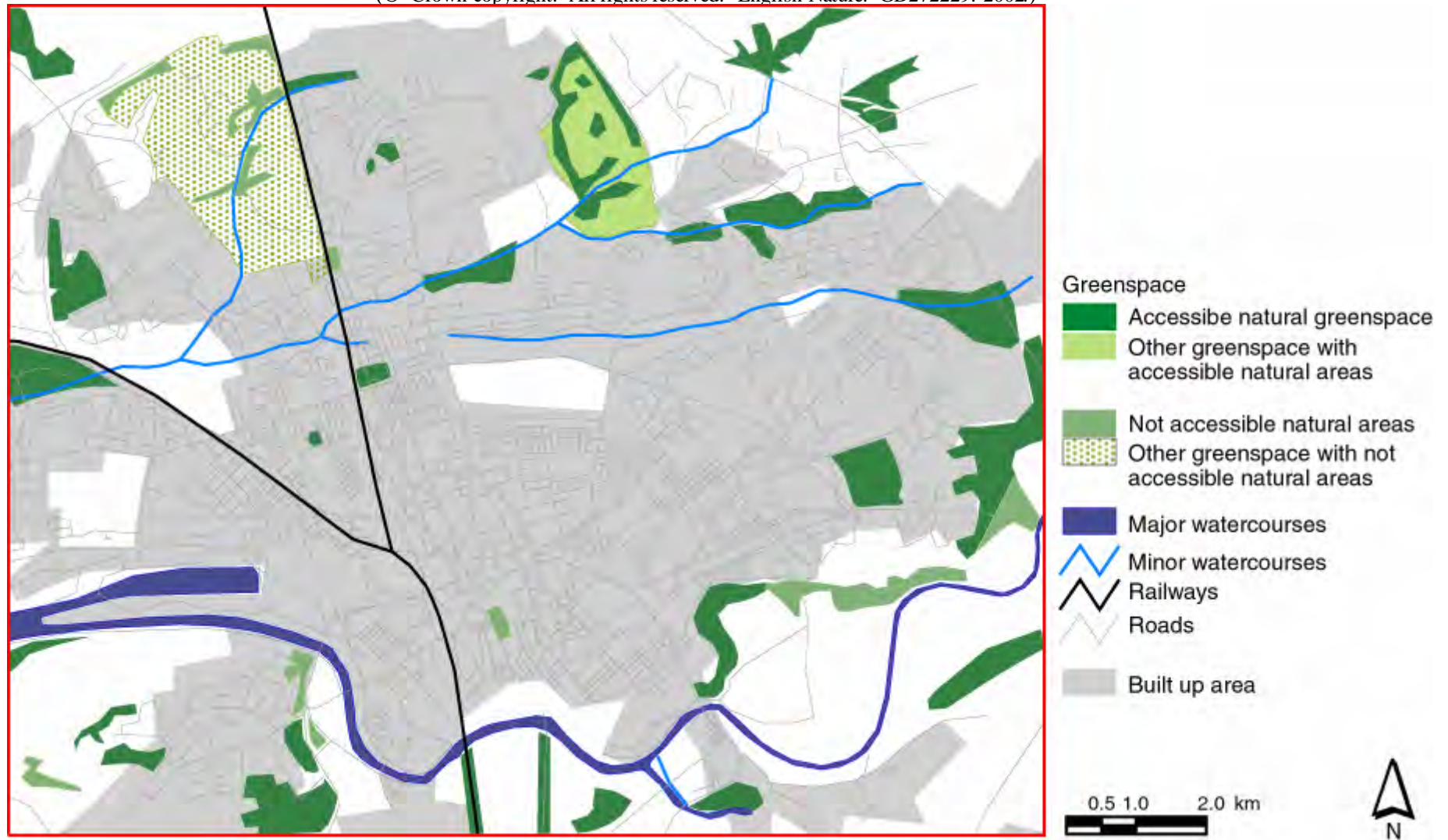


Examples of conditional access factors include, among others, vandalism (top left), litter, poor footpaths (top right), periodic closure (left) and entry restrictions for safety or other reasons (right)



Figure 7. Mapping accessible natural greenspace

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Greenspace Assessment: Analysing Provision

In order to conduct effective analysis, some basic data about the sites is needed:

- the site should be *located* on an appropriate map,
- the *boundaries* of the site should be identified,
- *points of access* to the site should be plotted,
- the *area* of the site should be noted.

The next step in a full implementation is to place each site into the model's site hierarchy in order to determine the appropriate site catchment zone as follows:

- Tier 1: sites up to 20ha: catchment zone 300m³,
- Tier 2: sites of 20-99ha: catchment zone 2km,
- Tier 3: sites of 100-499ha: catchment zone 5km,
- Tier 4: sites of 500ha or more: catchment zone 10km.

In applying these tiers, it is important to note that larger sites also serve their local community, and should be analysed accordingly. Thus for a site of 120ha, three zones should be applied: 5km, 2km and 300m.

The zones of accessibility are best represented graphically by application onto a map, ideally using GIS. There are a number of ways of doing this:

- drawing a simple distance buffer around the boundaries of a site,
- taking distance measures from points of access to a site,

³ The 300m catchment is a calculated straight-line equivalent to 400m actual walking distance. As **network analysis** calculates actual walking distance, 400m should be the figure used when employing this technique.

- calculating actual distance along principal routes of access (network analysis).

The quality of the analysis is improved by applying the second and third of these options, but the complexity and difficulty is increased. While even the first option, applying a simple buffer, provides a very useful illustration of spatial patterns of accessibility, it is recommended that implementers should apply the third option, actual distance from site access points, as this provides a much more realistic picture, especially at the local level. If it is only possible to carry out simple buffer analysis, further modification of the results could be carried out in order to take account of major barriers and other forms of impediment which the method has not taken into account.

It is recommended that site catchment zones are mapped at each tier of provision, to provide a full picture. However should this not be possible, a staged implementation may be conducted, concentrating on a single tier to begin with and deepening the analysis later. If this option is taken, it is recommended that Tiers 1 and 2 (the most local sites) should take initial priority with others following as practicality allows. In order to assess compliance with the model, the level of provision at each Tier can be combined onto a single map using GIS overlay.

It is now possible to undertake an analysis of *accessible natural greenspace* provision in the context of the model. The first step is to examine areas that are apparently deficient in accessible natural greenspace, and this is done by highlighting the areas on the map that fall outside the catchment zones of the identified sites. These areas lacking in provision can themselves be mapped and locations where the population is poorly served can be indicated. In this way decision-makers have a useful visual tool to aid in the setting and communication of priorities for local communities.

It should be remembered that the model has four tiers of provision. It is therefore possible that a location satisfactorily served at three tiers, might still be lacking in provision at the fourth.

The mapping of deficient areas is a relatively blunt instrument, as they are a purely spatial demonstration of patterns of accessible natural greenspace provision. In an ideal world the local authority would recognise each area lacking in provision and take action to eliminate it. However, it is recognised that in real terms this will rarely be possible, and local authorities are accordingly encouraged to use the analysis to decide appropriate local responses in the light of available resources and competing priorities. In addressing areas where provision is lacking, local authorities might consider the following options for prioritisation:

- areas with high population density might be prioritised;
- areas with low general provision of greenspace of all types might have priority;
- areas where communities have limited mobility might be prioritised for increased local provision;
- areas where it is possible to create coherent greenspace networks might be prioritised; or
- areas with a large proportion of space taken by private gardens might receive lower priority than areas of high urban density.

Finally, the overall provision of accessible natural greenspace per 1000 population should be calculated and used as a guide to overall provision.

It is possible to conduct analysis at smaller scales than that of the whole local authority, such as according to electoral wards. If this is attempted attention should be given to the regular movement of population, in

addition to residential patterns. For instance, some town centres may have very low permanent populations but high temporary ones during working hours, for which there may also be a need to provide accessible natural greenspace.

Worked Example: Analysing Provision

At this point it is necessary determine the sizes of the parcels of land we have identified as accessible and natural in the previous stages of the work. Here, the use of a GIS has enabled site areas to be determined easily as parcel size is either an integral component of the data or is readily calculable within the system. From this basis, it is then straightforward to classify particular sites into the Tiers identified above, and which will be used to determine the appropriate catchment size to be applied.

Once this is complete the catchment areas of the accessible natural greenspaces that have been identified can be plotted, in order to begin to build up a spatial picture of provision. In Figure 8 catchment areas have been assessed through the use of distance buffers, with the radius of the buffer set according to the size, or tier category, of the site. In this example, for ease of visual interpretation of the results, only two Tiers have been considered. Note that there are obvious barriers to access, such as railways and rivers, that are not automatically considered using this approach. Figure 9 has used network analysis to help identify those zones which should be excluded (these can be removed from the map at this stage) and to calculate catchment based on actual walking distance.

The larger sites have multiple catchment zones and a seemingly large site can be given a buffer from a lower tier because it only has a low proportion of natural cover within it. Even this relatively simple map shows patterns that provide potentially very useful information for planners and the public. It is possible to refine this even further by

plotting zones of accessibility to take account of site access points and by undertaking network analysis of approach routes, but this higher quality information requires the commitment of additional time and expertise.

If site access point data are available, it is possible to calculate distance buffers from these points to produce a slightly more representative picture, although it should be noted that the general drawbacks of the simple distance buffer approach still apply. Where access points are known and can be added to the GIS database it is recommended that a network analysis approach is applied in order to get the most representative picture of the true catchments of sites. It is, however, recognised that the application of this method will require the commitment of additional time and expertise. It is important to note that using a network analysis approach the 300m buffer rule for the smallest sites should be extended to 400m but the distance measures for the other Tier sites should be kept the same.

Figure 8 illustrates the effect of using a network analysis approach on the extent of the catchment zones in our hypothetical example.

Those areas not covered by site catchment zones are deficient in provision according to the model. These areas can be readily plotted and provide a key indicator of zones within the urban area that may be inadequately served by the local greenspace resource and which may accordingly attract priority focus for action to improve provision. In this hypothetical urban area the deficient areas indicate that large parts of the urban area may suffer from a lack of provision.

Figure 10 compares the distribution of areas of deficiency with population data derived from the 1991 Census of Population. This can enable the targeting of policy towards areas of high population density. Using other data sets such as deprivation indices it would also be possible to add

further information which may help in prioritising different candidate greenspace sites from the initial inventory to be made accessible and/or natural as appropriate.

Figure 8. Mapping site catchment zones by buffering
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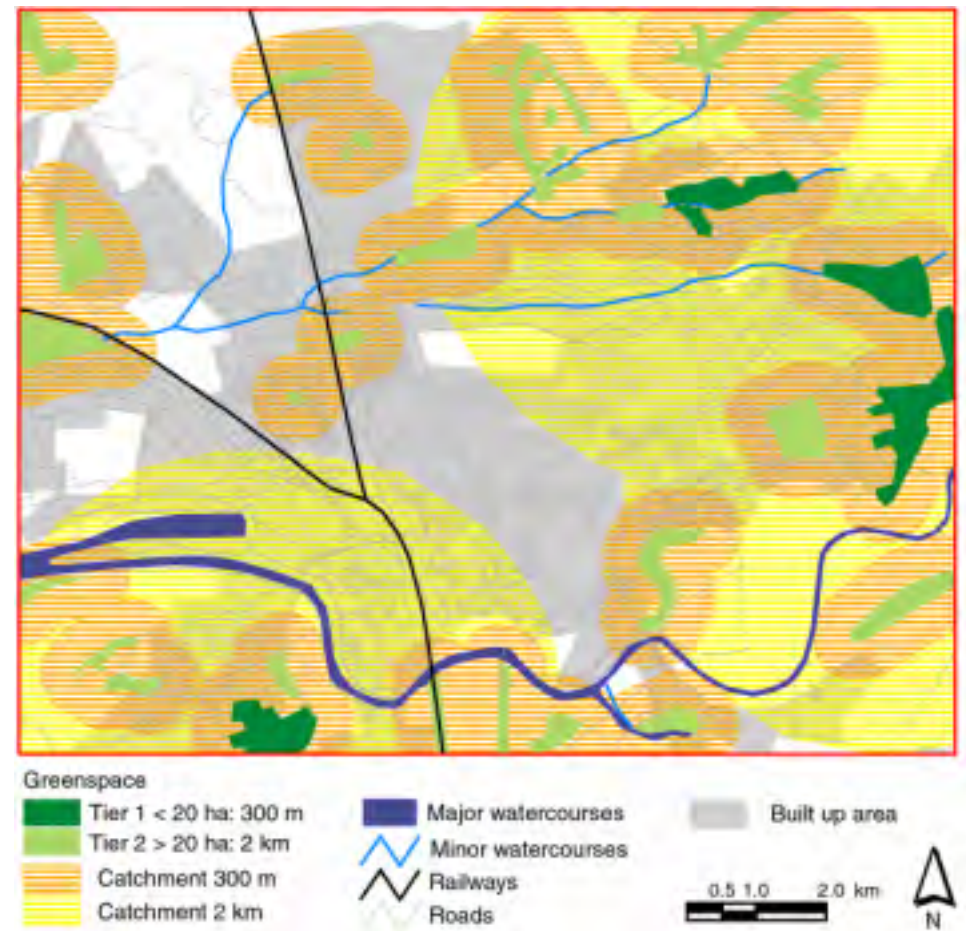


Figure 9. Mapping site catchment zones by network analysis (© Crown copyright. All rights reserved. English Nature. GD272229. 2002.)

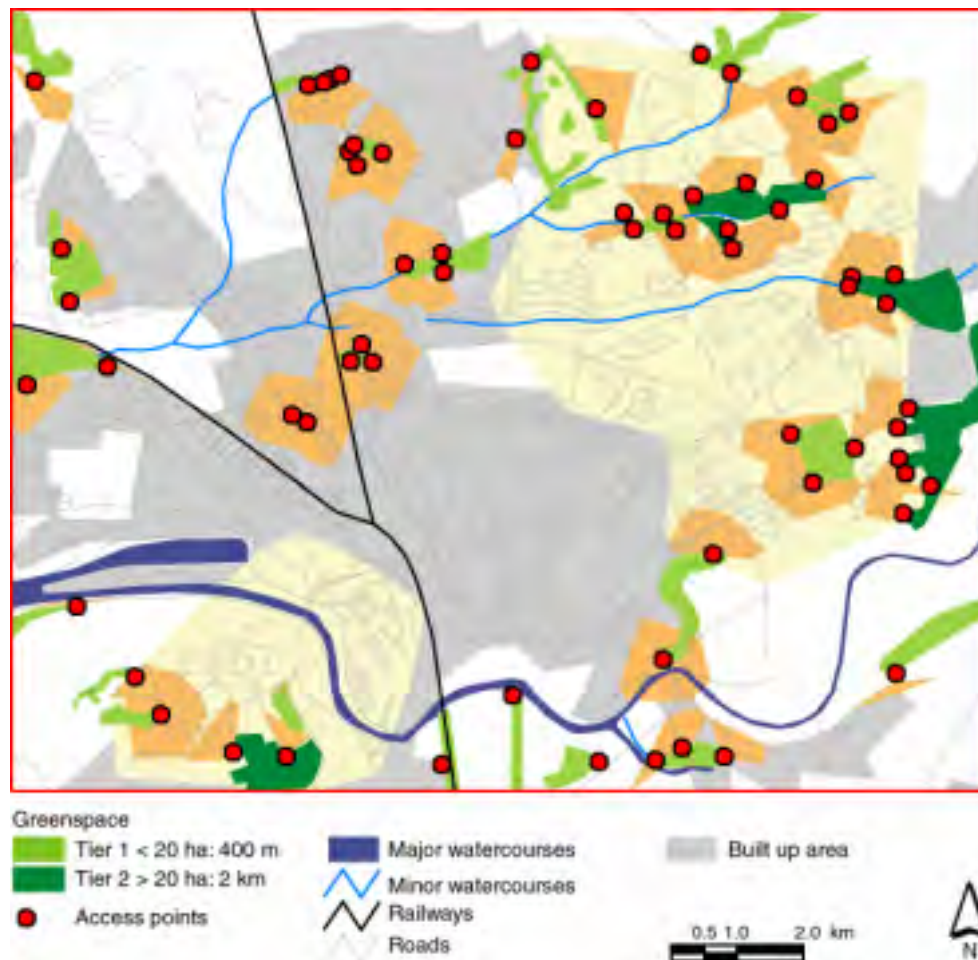
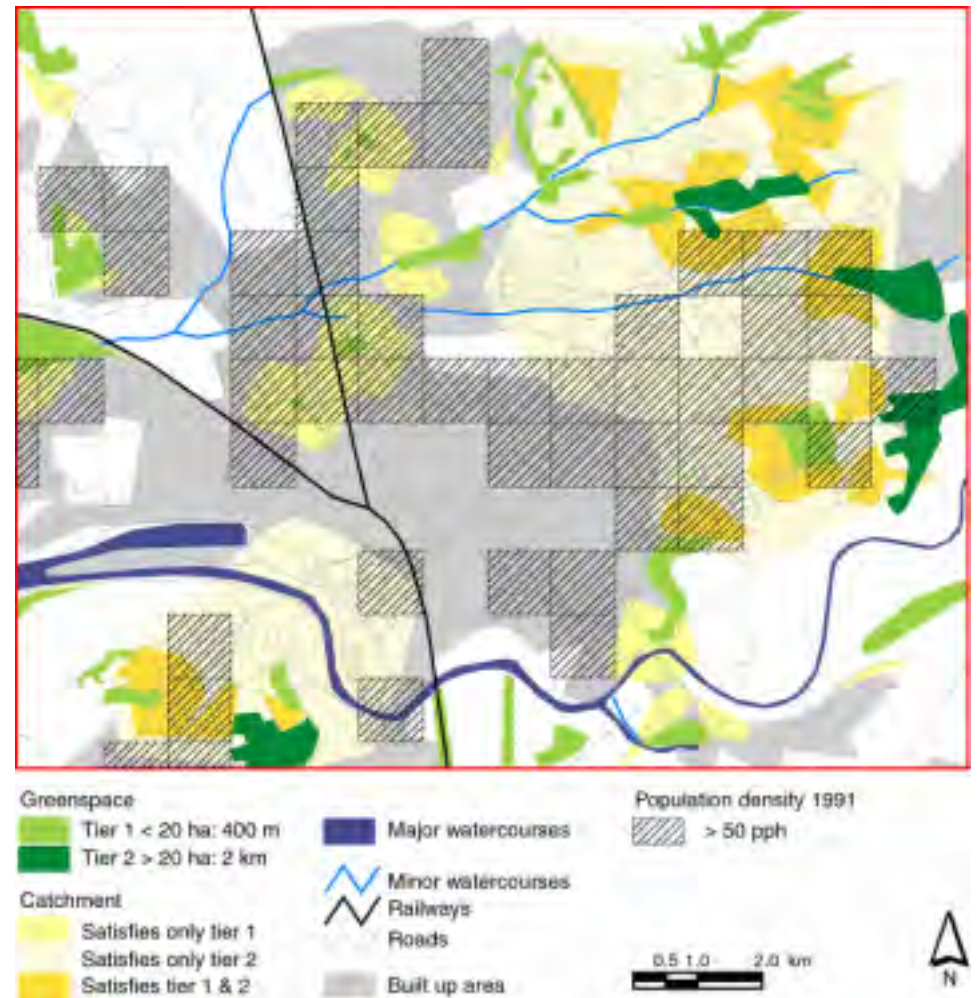


Figure 10. Mapping accessible natural greenspace provision against population density (© Crown copyright. All rights reserved. English Nature. GD272229. 2002.)



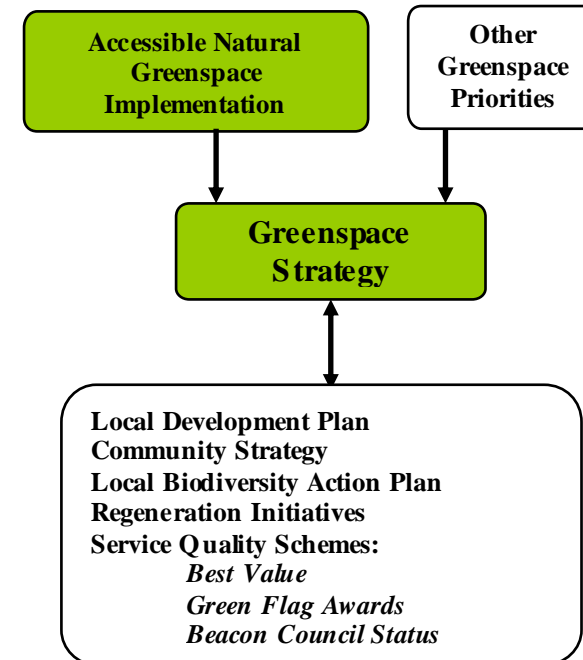
Greenspace Assessment: Developing the Policy and Management Response

It is for local authorities to determine local responses to areas with low provision. It is recognised that the scope for realistic progress from the identified current position towards that of the model will depend upon a range of factors unique to each local authority area. However English Nature considers it good practice for local authorities to undertake the following:

- to move towards full implementation of the principles of the model;
- to maintain and publish statistics and maps showing levels of provision;
- to set appropriate local targets for provision; and
- to take appropriate action to improve levels of provision in deficient areas and in order to meet the adopted targets.

Good practice in this respect would be policy developed in balance with the full range of local development, social and environmental priorities. The preferred mechanism for policy delivery would be by means of a local *Greenspace Strategy* that would set out the results of the implementation of the model and the policy response to it, in a manner fully integrated with other areas of policy, such as for formal town parks and playing fields. In turn the Greenspace Strategy should inform, and be informed by, other policy documents, such as the development plan, community strategy, nature conservation strategy and local biodiversity action plan (see Figure 10).

Figure 10. The role of the Greenspace Strategy



Available tools: the planning system

There are a number of ways that the planning system can be used to support the achievement of objectives for natural greenspace provision :

- the use of planning policy to identify the key elements of the strategic greenspace resource and to protect it effectively, perhaps as part of a greenspace network;

- supplementary planning guidance could reflect general priorities for greenspace provision associated with certain significant classes of development. At present supplementary planning guidance tends to be produced in respect only of the provision of play space associated with new housing development (PPG3). This approach could potentially be extended to cover other greenspace functions (including *accessible natural greenspace*) and other types of development (such as industrial estates) involving significant areas of land; and
- the creative use of development briefs to set out greenspace requirements in respect of specific development sites, whether this is development of new greenspace of a particular type on a site, or the preservation of high quality greenspace (and the retention or development of access to it) within the development area.

Section 106 agreements can be utilised to ensure that greenspace elements are included within a development, or that compensatory provision is made in respect of lost greenspace and that commuted payments for greenspace maintenance are made by the developer.

Available tools: management approaches

There are three key means of using management approaches to support the implementation of the model:

- strategic management planning, e.g. by means of a greenspace strategy, to identify spatial priorities and set out targets for action;
- detailed management planning for individual sites which sets out the key purpose(s) of a greenspace and objectives for

changing the character of areas over time from one type to another. In this way it might be possible to change, for instance, a little-used area of amenity grassland into a natural area through planned management action. Guidance on landscape management for this purpose is beyond the scope of this document, but some useful publications on this subject are listed in the bibliography; and

- the local authority could approach private, or institutional, landowners to develop management agreements for particularly valuable greenspaces. In this way public accessibility to land can be obtained and maintenance quality standards agreed.

Case study: Use of a Development Brief to Increase Provision

Trafford Metropolitan Borough Council designated a site of significant size on the urban fringe, sandwiched between residential areas and a motorway, for development as an employment site. Although a greenfield site, the land was poor quality farmland of marginal economic viability which was suffering damage from urban encroachment such as litter and vandalism.

In addition to setting standards for the general landscape and architectural design of the project, the development also required that a significant area of the land be developed as a country park, outlining the funding and management arrangements for its future sustainability.

This approach ensures that potential opportunities for the development of new sites can be set out well in advance and developed progressively as the associated development proposals progress.

Setting Action Priorities

Planning the right mix of actions in response to the accessible natural greenspace assessment may not be straightforward. A number of different approaches are available and some may be more difficult to apply than others. Reasons for this might include resource constraints or administrative complexity. Action-planning should always be rooted in the local assessment of the greenspace resource and its aims, objectives and targets should be realistic. In order to achieve this it might be appropriate to work within a hierarchy of action and spatial priority, focusing first on the highest priorities and actions which yield the biggest impact for the investment made:

- **Spatial Priority** could be given to actions to address deficient areas or other greenspace priorities such as the enhancement of greenspace corridors within the urban area;
 - **Action Priority** should be given to actions that are likely to be easiest to implement and achieve the most gain for the least resource input. It is suggested that generally this will be as follows:
 - **action to improve accessibility** to sites by maintaining high quality footpaths, providing additional access points, removing access inhibitors such as litter and vandalism, providing simple off-site infrastructure to overcome access barriers such as roads, rivers and railways or by facilitating access to private sites by negotiating management agreements with landowners;
 - **action to manage existing greenspace for change** by reviewing sites in local authority ownership to see if opportunities exist for making areas within existing sites 'natural' through management action;
- **action to create new accessible natural greenspace sites** through the planning system by means of tools such as supplementary planning guidance, development briefs and Section 106 agreements. The development planning system is potentially a powerful tool at the disposal of a local authority, and much might be achieved through its appropriate use; and
 - **Special Priority** could apply to action programmes linked to other cross-cutting priorities, such as the tackling of social exclusion by enabling the greater use of accessible natural greenspace by the disabled, women or ethnic minorities.

Areas Resistant to Improvement

In many urban areas there may be zones which lack access to natural greenspace and for which significant improvements are not realistically possible. These areas can be improved by using techniques that introduce a measure of green structure into the urban context, such as:

- planting street trees;
- developing 'pocket parks' where possible; and
- creative conservation within school grounds and industrial sites.

These approaches may not improve the level of provision of natural greenspace, but could contribute to the improvement of the urban environment and enhancement of the quality of life in the short term. In the longer term, opportunities should be sought to develop more significant additional provision of greenspace.

Accessible Natural Greenspace Quality

This guidance provides a method for assessing the quantity of accessible natural greenspace in an urban area and for taking action based on the results of that quantitative assessment. As such, the model is a strategic approach to the provision of accessible natural greenspace in urban areas. However, there is now also growing recognition of the importance of the quality of greenspace. A small, high quality space may be considered to be more attractive to the public than a large one of lesser quality.

In the same way that the model encourages continuous improvement of the *amount* of provision, continuous improvement in the *quality* of provision is also recommended. In order to recognise the higher value of good quality sites, local authorities might use site quality in addition to site size in determining the effective catchment zone that sites exert.

For simplicity, this guidance assumes that all greenspaces that qualify as natural and accessible can be treated as exerting equivalent catchment zones based on the size of the sites alone. As the model aims to recognise the value of greenspaces that provide access to nature for people, any consideration of quality would need to include the:

- perceptions of visitors as to the quality of natural experience offered;
- quality of the facilities related to visitor access; and
- of the performance of the site in ecological terms.

It is beyond the scope of this guidance to propose a mechanism for conducting such an assessment. However, it is possible to suggest potential means of addressing each of these three issues that might be adapted for the purpose. **User surveys** are a widely-used means of obtaining public views on many issues and could be readily applied to the question of the perception of the quality of natural experience offered by a

greenspace. The quality of physical facilities for access could also be addressed through user survey, but is perhaps better covered by **expert inspection** using a tool such as the checklists provided in the *Visitor Welcome Initiative* (Countryside Agency, 1995) or other appropriate technical guidance. Ecological performance could be approached through **Phase I** habitat survey (which is strongly recommended as a source of basic data for a number of purposes) and assessed, using ecological expertise, in relation to the priorities set out in a **Local Biodiversity Action Plan**. In this way a measure of 'quality' for accessible natural greenspace could be arrived at and continuous improvement effectively planned and instituted in relation to the three key indicators.

Worked Example: Planning Action in Response to an Assessment of Provision

It has been shown that the hypothetical urban area has significant zones lacking in the provision of accessible natural greenspace. In considering how to address these it is first necessary to ask a number of questions about the existing greenspace resource:

- **are there existing natural greenspace sites to which accessibility is limited?** If so, it might be possible to improve accessibility, perhaps by building additional points of access around the perimeter of the site, by reducing the effect of physical access barriers (e.g. by building a footbridge over a road, river or railway that might otherwise act to discourage visitors) or by negotiating an appropriate management agreement with a private or institutional landowner to facilitate visitor access;
- **are there existing greenspace sites which lack natural areas or contain small natural areas that could be expanded?** If so, it might be possible to change the

management arrangements for part of these sites to create 'natural' areas large enough to be significant; and

- **is there the potential to create new accessible natural greenspace through development?** If so, then the local authority could work to facilitate this by producing supplementary planning guidance and development briefs for specific development sites and by following this up by actively using Section 106 agreements to secure the desired results.

In this way a range of possible actions can be identified, starting with the relatively straightforward improvements to access and moving through to more complex and long-term aims for the creation of new *accessible natural greenspace* in association with the development control system. By using this together with specified spatial priorities (such as areas of deficiency or green space networks) in planning future action, scarce resources can be deployed most effectively to achieve the best practical results.

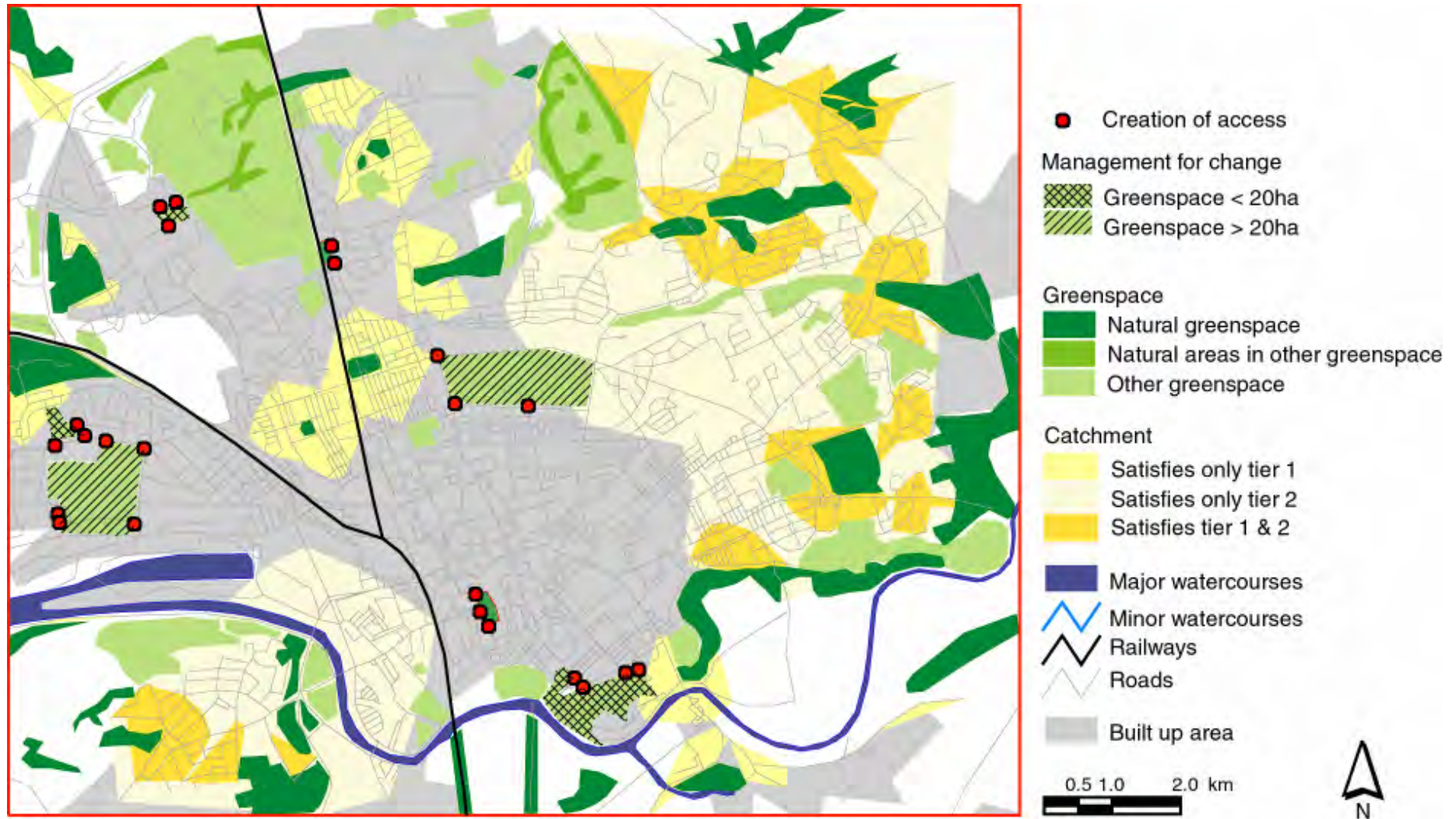
Case Study: The Greater Manchester Habitat Action Plan for Managed Green Space

The Greater Manchester Ecology Unit has produced a guide to help local authorities understand and enhance the biodiversity value of sites under management. These include amenity grassland, private gardens, allotments, town parks, planted shrubberies, playing fields, grounds of buildings, churchyards and cemeteries.

The Action Plan specifies a number of notable species and defines the extent of the natural greenspace resource within Greater Manchester and estimates its existing biodiversity value. The various legal factors potentially affecting the protection of managed greenspace are covered and relevant current trends in policy and management of these sites are identified. A series of measurable and time-limited targets are set and actions are proposed to achieve them.

The document is brief and yet contains a wealth of information on enhancing the biodiversity value of managed greenspaces. In terms of ANGSt, the application of the Action Plan is likely to result in more managed greenspaces becoming multifunctional (i.e. offering both high amenity and biodiversity value) and meeting the criteria to qualify as accessible natural greenspace, thus improving provision and providing a useful potential means of addressing deficient areas by management action.

Figure 11. Options for action to improve natural greenspace provision
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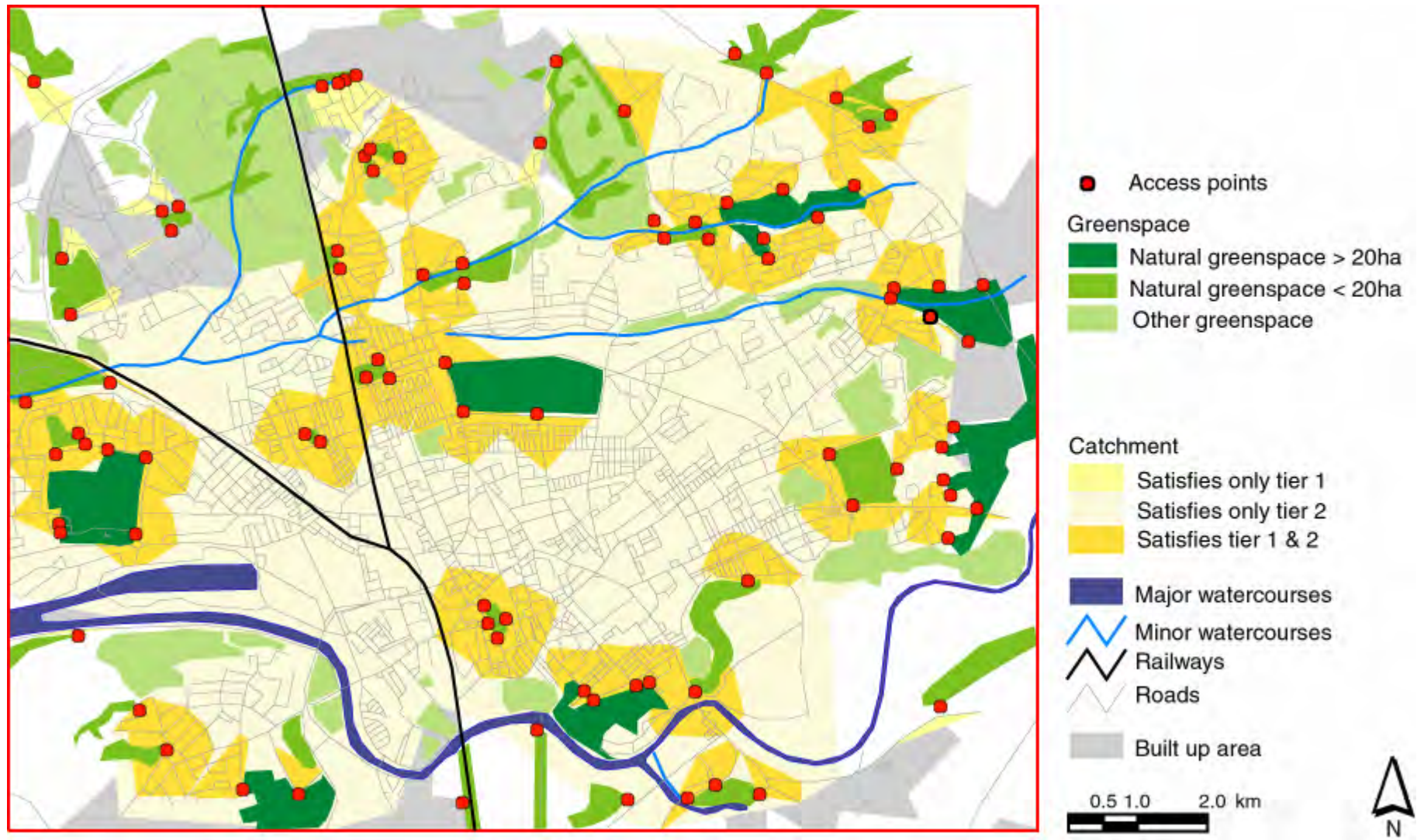


Examples of Actions to Increase Provision

There are many ways of increasing the amount of accessible natural greenspace. High quality footpaths (top far left) and other facilities can enhance accessibility; creative management can develop natural areas within formal parks (top left and centre) or on institutional grounds (top right); linear features (top far right and bottom right) such as derelict railway corridors and canals can be given natural features and used to connect greenspace networks together; new accessible natural greenspace can be created in association with large development projects such as business parks (bottom centre); and, in areas where no other action is immediately feasible, street greening (bottom left) can improve the natural quality of the urban form.



Figure 12. The positive impact of proposed actions from Figure 11
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Conclusion

This guidance has presented local authorities with a practical method for implementing English Nature's model for the provision of accessible natural greenspace in towns and cities. The model need not place onerous demands on staff and technical resources and can provide excellent support to decision-making on management practice and future policy in a way that is highly visual and readily understood.

The Importance of Creative Greenspace Management

The accessible natural greenspace model is an approach to promoting nature for the enjoyment of the people living in urban areas. Natural areas are mostly characterised by low management intensity, providing for natural areas should not be taken as an excuse to neglect the management of existing greenspaces. Natural greenspace requires the long term commitment to skilled management and greenspace managers have a vital role to play in developing the natural potential of the sites under their care and in achieving a high quality, truly *multifunctional*, greenspace resource for the benefit of local communities.

The Desirability of Holistic Greenspace Planning

The model does suggest yardsticks for the provision of natural greenspaces against which the performance of urban areas can be measured. However accessible natural greenspace is only a part of the overall urban greenspace resource, and is often closely related and complementary to other types of greenspace.

This guidance has already suggested that the planning and management of accessible natural greenspace should be placed in the context of a wider urban greenspace strategy. In the future, to increase the sustainability of

towns and cities, it may be necessary adopt even more holistic approaches to meet the challenge posed by the drive for urban densification. Urban forestry, the greenway concept and greenstructure planning are all developing approaches that take this view.

Better information is required on the overall urban greenspace resource and its functions, and of how the people living and working in urban areas perceive their greenspace. This will help the development of locally-appropriate standards for accessible natural greenspace provision and to expand it into other areas of greenspace planning.

New sources of data are being developed that may help local authorities. Methodological approaches have been developed, such as the mapping of the tree resource in urban units. Excellent aerial photography is available as a main information source and in the near future high resolution satellite imagery is likely to become available for mapping of urban greenspace.

On this basis, comprehensive approaches for planning such as the concept of urban forestry (i.e. the planning and management of the whole tree population in an urban area) can be adopted.

Support and Advice for Users of this Guidance

This guidance provides a brief discussion and summary of the model and the means of its implementation. It is not a comprehensive technical manual and from time-to-time detailed practical issues may arise that local authorities may need to seek specific advice to resolve. English Nature is committed to the continued support of the model and those that use it, and a range of information materials may be produced for this purpose. Training workshops might also be held in order to provide detailed support for implementers. Otherwise, advice about the model will be available from staff within English Nature's network of local teams.

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This bibliography presents a sample of important background material and useful practical guidance for those seeking to work with the Accessible Natural Greenspace Standards model. It is not intended to be exhaustive and there is much other useful reference material available.

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