

## **Tunbridge Wells Local Plan Examination**

### **Response to the Inspector's Questions relating to Matter 13 (Local Green Space)**

**on behalf of Gleeson Strategic Land**

TCPS 618C  
June 2022

## **General Introduction**

This Hearing Statement is submitted on behalf of Gleeson Strategic Land (Gleeson) who have land interests at the south eastern edge of Tunbridge Wells at Sandown Park, on the northern side of Pembury Road (SHELAA site number 99). Gleeson submitted representations to the Pre-Submission Draft version of the Local Plan these have been recorded as 'Comment Numbers' 208, 209, 213, 221 and 222 on the Council's PSLP Schedule of Representations (Core Document number 3.125a).

The land at Sandown Park is within the Green Belt but in addition, the Borough Council is proposing that it should also be allocated as Local Green Space (Site 217) under the provisions of draft Policy EN15 of the Pre-Submission Draft version of the Local Plan. This Statement therefore, responds to the Examiners Questions below in relation to draft Local Green Space Policy EN15 which are due to be considered the programmed afternoon hearing session concerning Matter 13 on 13<sup>th</sup> July 2022.

### **Hearing Day 20: Wednesday 13 July 2022**

Committee Room A and B, Town Hall, Royal Tunbridge Wells, Kent, TN1 1RS

**Matter 13 – Landscape, Local Green Space and Open Space, Sport and Recreation (Policies STR8, EN8, EN15, EN16, EN17, EN18, EN19, OSSR1 and OSSR2)**

### **Afternoon Session – 14.00 – 17:30**

- 1) Matter 13 Issue 5 – Local Green Space

#### *Issue 5 – Local Green Space*

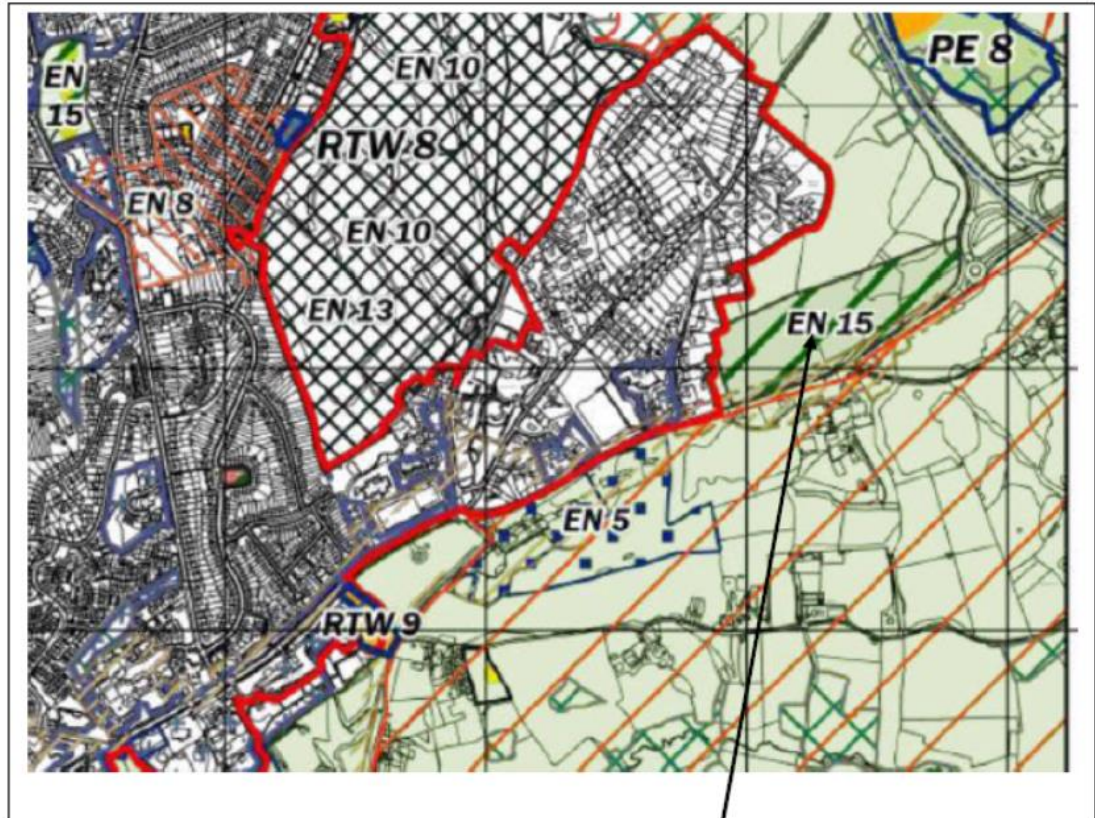
- Q1. The PPG advises that if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. Which sites designated as Local Green Spaces in the Plan are also within the Green Belt? For those sites, what consideration has been given to the additional local benefit of their designation?<sup>22</sup>

<sup>22</sup> Paragraph: 010 Reference ID: 37-010-20140306

1. No reasonable planning purpose or public benefit would be served by allocating Local Green Space on land that is already the subject of restrictive Green Belt Policy. In addition to the Gleeson land at Sandown Park, Appendix 2 of the Council's Pre-Submission Local Plan lists 172 other proposed Local Green Space sites (i.e. 173 in total) of which 21 (12%) are within the Green Belt. These Green Belt sites are listed in the second column of the schedule of sites

contained in the Council's Local Green Space Assessment (February 2021). Thus, in addition to proposed Local Green Space Site 217, all of these other proposed Local Green Space Sites that are also within the Green Belt should be deleted as being unjustified and serving no clear planning purpose.

- 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?
2. To understand how the 173 proposed Local Green Space Sites listed in Appendix 2 of the draft Local Plan have been identified, you need to go back to the Council's Draft Local Green Space Assessment published in July 2019. The third column of the schedule of sites contained in the document, states how they have been identified.
  3. In addition to suggested Local Green Space sites put forward by Town and Parish Council's and individual Councillors, other have been identified by the Borough Council as a result of its 'Role and Function Study' (18 sites), a 'Review of Landscape Designations' (20 sites) and 'In Office Suggestions' (41 sites). Thus, of the 173 proposed Local Green Space sites now listed in Appendix 2 of the draft Local Plan, 79 (over 45%) have not in fact been identified by the local community but have instead been identified by the Borough Council itself, and are therefore, in conflict with the purpose of the designation of such sites as set out in paragraph 101 of the NPPF.
- Q3. What is the justification for designating site 217? How is it demonstrably special to the local community?
4. The extent of the Gleeson land, the subject of proposed Local Green Space site number 217, is shown on Inset Map 1 of the Plan's draft Proposals Map as illustrated in the extract below.



The Gleeson Land at Southdown Park at Tunbridge Wells.

5. Contrary to paragraph 101 of the NPPF, this site has not been put forward by the local community but is instead one of the 41 Local Green Space sites that have been put forward as a result of the Council's 'In Office Suggestions' as confirmed in column 3 of the Council's Draft Local Green Space Assessment published in July 2019. There is no evidence therefore, that this tract of land is of any special value to the local community.
6. The submissions on behalf of Gleeson at the Pre-Submission Deposit Local Plan Stage analysed whether in addition, the Council's proposed Local Green Space allocation meets with the requirements of paragraph 102 of the NPPF which states that;

102. 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.

7. The objections to draft Policy EN15 submitted by Gleeson at the Pre-Submission Draft stage of the Local Plan included a detailed Local Green Space Assessment prepared by Environmental Dimension Partnership Ltd and for convenience, this is reproduced again at Appendix 1 attached.
8. Although the land immediately adjoins the built-up edge of Tunbridge Wells and extends east along the A246 Pembury Road towards the Pembury bypass, it has no public access and cannot be reasonably be said to 'serve the local community'. The Council have put forward the land as Local Green Space (as an 'In Office Suggestion') on the basis of its assessment contained in its Local Green Space Assessment February 2021, as shown in the extract below;

217	Green Space near Sandown Park	Conservation Area (11%); Green Belt; Tree Preservation Order (15.12%)	6.78	✓	✓	✓	✓	✓	While it is acknowledged that this site is partly within a Conservation Area, it is considered that this site benefits from further Local Green Space protection because of its special value to the local community. This site is special to the local community as it is an area of natural beauty that provides an important green space 'gap' between the built development of Royal Tunbridge Wells and Pembury. This site therefore contributes to the	✓
									character/setting and local visual amenity of the settlement.	

9. The assessment by Environmental Dimension Partnership Ltd confirms that the land is not of any important landscape character and lies outside the High Weald Area of Outstanding Natural Beauty and, although the part of the land fronting onto the A264 road is within a designated conservation area, the land itself is not of any historic significance. There is no public access to the land and therefore, it is not of any significance for formal or informal recreation and, in immediately adjoining the busy A264 road, it cannot be regarded as having any special role in contributing towards landscape 'tranquillity'. Furthermore, ecological evidence submitted to the Council as part of Gleeson's previous submissions confirms that the land does not have any significant 'richness of wildlife'.
10. Thus, not only is there no evidence that the designation of the site as Local Green Space is justified on the grounds that it is in any way special or important to the local community (paragraph 101 of the NPPF) but also, there are no sound grounds for such an designation having regard to the criteria requirements set out in Paragraph 102 of the NPPF. For these reasons, this proposed Local Green Space allocation should be deleted with Inset Map 1 of the draft Local Plan amended accordingly.





**Land at  
Sandown Park,  
North of  
Pembury Road,  
Tunbridge  
Wells**

**Local Green Space  
Assessment**

Prepared by:  
**The Environmental  
Dimension  
Partnership Ltd**

On behalf of:  
**Gleeson Strategic  
Land**

Report Reference  
**edp3824\_r007d**

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## Appendices

**Appendix EDP 1** Illustrative Masterplan

**Appendix EDP 2a** Extract from NPPF February 2019

**Appendix EDP 2b** National Planning Practice Guidance: Open Space, Sports and Recreation  
Facilities, Public Rights of Way and Local Green Space 2014

**Appendix EDP 3a** Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft  
(Consultation: 20 September to 1 November 2019) Local Green Space extract

**Appendix EDP 3b** Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft  
(Consultation: 20 September to 1 November 2019) Policy EN 17: Local Green  
Space

**Appendix EDP 4** Assessment of the Site against the Criteria set out within the LGSDM

**Appendix EDP 5** Extract from Report on the Examination of the Plymouth and South West  
Devon Joint Local Plan 2014–2034, 18 March 2019

## Plan

**Plan EDP LGS1** Environmental Planning Context  
(edp3824\_d018 17 October 2019 CLM/TR)



*This version is intended for electronic viewing only*

	<b>Report Ref: edp3824_r007</b>			
	<b>Author</b>	<b>Formatted</b>	<b>Peer Review</b>	<b>Proofed by/Date</b>
007a_DRAFT	TR	SC	MD	-
007b_DRAFT	TR	SC	MD	JM 051119
007c	TR	-	-	JM 121119
007d	TR	-	-	NH 131119

## Section 1 Introduction

- 1.1 The Environmental Dimension Partnership (EDP) Ltd has been appointed by Gleeson Strategic Land ('Gleeson') to review emerging policy (Policy EN 17: Local Green Space) in the draft Tunbridge Wells Borough Local Plan (TWBLP) published on 20 September 2019, with specific regard in the context of potential residential development on land at Sandown Park, North of Pembury Road, Tunbridge Wells (hereafter referred to as 'the site'). The location of this land is illustrated on **Plan EDP LGS1**.
- 1.2 EDP is an independent environmental planning consultancy with offices in Cirencester, Cheltenham, Shrewsbury and Cardiff. The practice provides advice to private and public sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and masterplanning. Details of the practice can be obtained at our website ([www.edp-uk.co.uk](http://www.edp-uk.co.uk)). EDP is a Registered Practice of the Landscape Institute<sup>1</sup> specialising in the assessment of the effects of proposed development on the landscape.
- 1.3 The Gleeson proposal is for the allocation of approximately 70-80 residential units with associated landscape and public open space as part of the TWBLP. Housing is limited to the western site area, with the eastern site area retained as open space. The proposals for the site are shown on the Illustrative Masterplan (**Appendix EDP 1**).
- 1.4 This Local Green Space (LGS) Assessment is part of a suite of documents submitted to the Council by Gleeson to promote the site for allocation within the new Local Plan including, of relevance to this Assessment:
- Landscape and Visual Appraisal (**edp3824\_r004**);
  - Green Belt Assessment (**edp3824\_r005**);
  - Archaeological and Heritage Assessment (**edp3824\_r003**); and
  - Position Paper in Respect of Arboriculture (**EDP3824\_01**).
- 1.5 Other documents of relevance to, and considered within, this Assessment include:
- Tunbridge Wells Borough Local Plan Local Green Space Draft Proposals;
  - Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft (Consultation: 20 September to 1 November 2019); and
  - Report on the Examination of the Plymouth and South West Devon Joint Local Plan 2014–2034, 18 March 2019, reproduced in part in **Appendix EDP 5**.

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<sup>1</sup> LI Practice Number 1010

### **The TWBLP Local Green Space Draft Proposals**

- 1.6 The wording of the draft Policy EN17: Local Green Space of the TWBLP, and lower-case justification, is set out in **Appendices EDP 3a** and **3b**. The land being promoted by Gleeson is one of 227 sites being put forward by the Council for LGS designation across the Borough. The sites are listed in Appendix 2 of the draft Plan; the Gleeson land is listed as site 217.

### **Purpose and Structure of this Local Green Space Assessment**

- 1.7 The purpose of this LGS Assessment is to test whether the Gleeson site should be included as part of the LGS policy area.
- 1.8 This Assessment also considers generally the Council's approach to LGS allocations as part of Policy 17 of the TWBLP
- 1.9 This report reviews the policy and associated evidence base and addresses a number of questions with regard to the evidence base, the National Planning Policy Framework (NPPF), the national Planning Practice Guidance (PPG), as well as site, related observations and landscape studies to make a judgement on whether the site should be included in the LGS policy area.

## Section 2 Policy Context and Considerations

2.1 This section reviews national and local planning policy and guidance to highlight matters of relevance to the assessment of the qualification of land as LGS.

### National Policy and Guidance

#### **National Planning Policy Framework**

2.2 The National Planning Policy Framework (NPPF) July 2019 contains three paragraphs (paragraphs 99 to 101) of relevance to the designation of LGS. These paragraphs are set out in full in **Appendix EDP 2a** with underlining to emphasise key points. A summary of considerations of relevance to this report included below.

2.3 The two main criteria for LGS allocation are:

- 1) That the land in question is “*demonstrably special to the local community*” (NPPF paragraph 100 b). and
- 2) That the special nature of the land is such that it justifies a level of protection from development consistent with that provided by Green Belt (NPPF paragraph 101).

2.4 To ensure the allocation of areas that are of importance to the community, the NPPF promotes a bottom-up approach that allows communities to identify and protect green areas of particular importance to them.

2.5 The NPPF outlines guidance on the consideration and criteria to use in assessing whether land is suitable for allocation as LGS including:

- “*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 should be capable of enduring beyond the end of the plan period.*”
- “*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.*”

**National Planning Practice Guidance (PPG) Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space 2014**

- 2.6 National Planning Practice Guidance (PPG) Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space 2014 gives advice on LGS designation. This guidance is included in full at **Appendix EDP 2b** with underlining to emphasise the key points. A summary of key considerations of relevance to this report is summarised below.
- 2.7 Green areas can be identified as LGS if:
- They are of ‘particular importance’ to the local community (paragraph 005);
  - They are ‘demonstrably special’ to the local community (paragraph 009); and
  - If they meet the criteria set out in paragraph 100 of the NPPF (paragraph 013).
- 2.8 Other considerations should be taken into account when allocating areas as LGS are set out below.
- 2.9 Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation (paragraph 008).
- 2.10 If land is already protected by Green Belt policy, as the site is, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. For example, where a LGS designation could help to identify areas that are of particular importance to the local community (paragraph 010).
- 2.11 If land is already protected by another designation, such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, scheduled monument or conservation area, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space (paragraph 011).
- 2.12 This is of relevance to the site as its road frontage falls within the Tunbridge Wells Conservation Area designation
- 2.13 New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance (paragraph 012). The site includes green areas planned as part of the development so this consideration may be of relevance.
- 2.14 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 (paragraph 015).

- 2.15 Land could be considered for designation even if there is no public access if it has other value, e.g. green areas which are valued because of their wildlife, historic significance and/or beauty (paragraph 017).
- 2.16 Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners (paragraph 020). This is of relevance as it adds further weight to the fact that Green Belt and LGS designation confer very similar protection on green space.
- 2.17 If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources (paragraph 021).

### **Local Level Considerations**

- 2.18 The findings of EDP's data trawl of relevant environmental and planning designations are illustrated on **Plan EDP LGS 1**. A brief summary of the findings, set out in more detail in the relevant accompanying reports, is included below.

### **Landscape Matters**

- 2.19 Landscape and visual matters have been assessed in the Landscape and Visual Appraisal which notes the following consideration relevant to landscape matters:
- The site falls outside the High Weald Area of Outstanding Natural Beauty, which broadly wraps around the eastern edge of Tunbridge Wells to the east of the A21, abutting the southern side of Pembury Road in the vicinity of the site;
  - The site lies within designated Green Belt, which extends up to the built up boundary of Tunbridge Wells. However, this is not a landscape designation aimed at protecting a valued landscape, but a spatial planning tool. The site's location in the Green Belt does not confer or imply any elevated value or quality in landscape terms; and
  - The site's southern boundary, where it abuts the Pembury Road, falls within the Tunbridge Wells Conservation Area, as addressed below with regard to heritage matters. The trees along this road are protected by the fact that they fall within the conservation area. In addition, groups of trees abutting the Pembury Road are protected by a Tree Preservation Order (TPO).
- 2.20 The site does not lie within a locally designated landscape. However, Tunbridge Wells Local Plan (2006) Policy EN23: Important Landscape Approaches aims to protect important landscape approaches to settlements including the Pembury Road where it abuts the southern site boundary.

### ***Heritage Matters***

- 2.21 Heritage matters have been assessed in the Archaeological and Heritage Assessment.
- 2.22 Within the wider study area, the following heritage assets are components of the contemporary landscape, their locations are shown on **Plan EDP LGS1**:
- The frontage of the site along the Pembury Road (A426) lies within Tunbridge Wells Conservation Area;
  - Pembury Conservation Area is situated some 760m east of the site boundary;
  - There are three grade II listed buildings located within 500m of the site boundary including:
    - 'Pembury Grange' situated 0.2km north of the site;
    - 'Blackhurst' situated 0.5km south-west of the site; and
    - 'Muxelwell Farm House' situated 0.5km south-west of the site;
- 2.23 In addition, the site falls within former parkland associated with Pembury Grange.
- 2.24 The Historic Landscape Characterisation for the area lists the site as being part of a large parcel designated 'scattered settlement with paddocks (post 1800 extent)' which aligns with the information shown on historic maps.

### ***Ecology Matters***

- 2.25 An ecology assessment was undertaken as part of the Position Paper in Respect of Ecological, Landscape and Archaeological Circumstances (see report ref. **CLH\_EDP3824\_02b**), which was submitted by Gleeson to the LPA in June 2017 as part of the Council's call for sites. This ecology assessment considers the ecological assets on the site and within the wider study area. The assessment concludes that:
- Development of the site is not considered to be directly constrained by any statutory ecological designations given their distances and spatial separation from the site;
  - The proximity of Pembury Walks and Gregg's Wood and Pastures Local Wildlife Sites (LWSs) to the site means that they are more sensitive to residential development of the site, predominantly as a result of potential increased recreational pressure and this should be a consideration in the proposals for development of the site; and
  - The Extended Phase 1 habitat survey, completed on 10 March 2017 by a suitably qualified ecologist, found that poor semi-improved grassland, which dominates the site, is considered of limited ecological value. However, mature tree standards and

the woodland present on and adjacent to the site are of good ecological value, given their potential to support protected and notable species including bats.

### **Arboricultural Matters**

2.26 The Position Paper in Respect of Arboriculture submitted to the Council previously and re-submitted by Gleeson with other current local plan representations, provides a summary of the key constraints and opportunities identified by a walkover survey of land at Sandown Park, North of Pembury Road, Tunbridge Wells, specifically, the trees located immediately adjacent to Pembury Road.

2.27 There are two Tree Preservation Orders covering trees on site comprising:

- TPO 5014/2015/TPO is located on the western site boundary;
- TPO 005/1953 covers two tree blocks on site. The TPO includes trees along the southern site boundary along Pembury Road, where it falls within Tunbridge Wells Conservation Area, and also woodland in the easternmost part of the site.

2.28 With regard to these matters, the paper finds that:

- The survey process recorded 11 individual trees and six groups of trees, totalling 17 items. Of these items, four have been classified as category A, of high quality, and 13 as category B, of moderate quality; and
- One tree (T15) has been classified as a veteran tree.

2.29 The paper recommends:

- A 15m root protection area (RPA)/buffer for the veteran tree; this area to be allowed to develop into a semi-natural habitat;
- The optimal position for an access into the site for minimal impact on trees; this location will result in the loss of four category B trees; and
- Mitigation of trees lost to facilitate the proposed access by the planting of suitable new trees along the Pembury Road, thus providing succession to the road side tree stock and maintaining a woodland feel to the road in the long-term. This level of detail can be provided as part of a landscaping scheme associated with any proposed development.



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## Section 3

### Appraisal of Emerging Policy and Evidence Base

- 3.1 This section undertakes a review of the emerging LGS policy and evidence base to determine its compliance with national policy and guidance as reviewed at **Section 2**.

#### **Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft – Draft Policy EN 17: Local Green Space**

- 3.2 Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft (Consultation: 20 September to 15 November 2019) contains a draft Policy EN 17: Local Green Space, and accompanying text, included in full at **Appendix EDP 3**.
- 3.3 The accompanying draft Local Plan text references, and is broadly consistent with, the NPPF and PPG except for paragraph 6.174 regarding the protection provided by Green Belt and LGS. This paragraph states (emphasis added):

*“Although the NPPF describes protection as similar to that of Green Belt, the Council has considered and treated proposed sites within the Green Belt the same as those outside of the Green Belt for the following reasons:*

*1. There are some differences with Green Belt policy; and*

*2. It is important for local communities within the Green Belt to identify areas that are special to them.”*

- 3.4 The text does not define which differences between LGS and Green Belt policy justify the LPA decision that, in contrast to the PPG, LGS designation is required in addition to Green Belt. Policies must be consistent given the following:

- *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts.” (NPPF paragraph 101);*
- *“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.*
- *One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.” (PPG paragraph 010)*
- *“Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.” (PPG paragraph 020)*

- 3.5 If it is the Council's intention merely to recognise green space that is special to the local community, it is unhelpful that their own methodology, Local Green Space Designation Methodology (reviewed below), does not allow for consideration of whether local communities within the Green Belt have identified areas that are special to them. Indeed, the Local Green Space Assessment records that many (over 19%) of the 227 proposed LGS sites have been identified by the Council's Officers themselves.
- 3.6 Draft Policy EN 17: Local Green Space notes that development on LGS will not be permitted unless one of the following criteria are met:
- *"1. The proposed development constitutes very special circumstances ... Where this is the case, the public benefits of the development must demonstrably outweigh the harm caused to the designated area of Local Green Space; or*
  - *2. The proposed development would incorporate and preserve the main features, use, and purpose of the designated area of Local Green Space on the same development site, including, where already in existence, continued community access to the area. The proposals may involve plans to expand the existing Local Green Space and/or improve its existing use and purpose, such as new recreational facilities; or*
  - *3. The proposed development does not materially reduce the community use, detract from the function, or affect the appreciation of the designated area of Local Green Space. There will be acceptable provision to offset any loss of, or detriment to, the area of Local Green Space on, or close to, the site.*
- 3.7 This is of relevance to the Gleeson site as there is potential for development across a discrete area of the land which, with reference to each of the point above, would:
- Provide public benefit through allowing public access where currently there is none and including the creation of an area of public open space for informal recreation, play and enhancement of wildlife amenity, as shown on the Illustrative Masterplan (**Appendix EDP 1**);
  - *"Incorporate and preserve the main features, use, and purpose of the designated area"* as set out in the Landscape and Visual Appraisal, the Archaeology and Heritage Assessment, and Green Belt Assessment. It would also *"improve its existing use and purpose"* of the site as noted in the previous point;
  - *"Not materially reduce the community use"* it would enhance it. Neither would it *"detract from the function, or affect the appreciation of the designated area of Local Green Space"* as noted in the previous point.
- 3.8 Given the above, it is considered that if the proposed LGS policy were to remain intact then development could be permitted on the Gleeson land without being contrary to Policy EN17, because it would meet at least two of the policy criteria that would allow development to be permitted.

### ***TWBC Local Green Space Designation Methodology***

- 3.9 TWBC Local Green Space Designation Methodology (July 2019) (LGSDM) *“sets out the Council’s intended approach to identifying, assessing and designating sites as Local Green Spaces across the borough of Tunbridge Wells. It outlines the national and local policy position for Local Green Spaces and sets out the criteria and step by step process for Local Green Space designation.”*
- 3.10 The local green space designation process broadly comprised the following steps:
1. Identifying Green and Open Spaces (LGSDM paragraph 4.2);
  2. Removing sites already protected by a designation (as reviewed above in relation to the draft LP); and
  3. Assessing green open spaces using the Site Assessment Form, at Table 2 of Appendix 1, (LGSDM paragraph 4.4) which uses criteria defined at LGSDM Section 3.
- 3.11 Designations used to omit sites from consideration are set out in LGSDM paragraph 2.4 which lists: common land, village/town green, ancient woodland, Local Nature Reserves and Site of Special Scientific Interest (SSSI) designations, as well as National Trust, Woodland Trust, and Forestry Commission owned sites. Whilst this approach is consistent with PPG paragraph 011, the PPG refers to a different set of designations: National Parks, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, scheduled monument and conservation areas (CA).
- 3.12 The omission of CAs from the LGSDM is of relevance to this report as a part of the site falls within the Tunbridge Wells CA.
- 3.13 It is also notable that the LGSDM does not omit sites covered by Green Belt. This omission is addressed in the above review of the draft Local Plan where it is noted that if it is the Council’s intention merely to recognise the importance of green space to the local community, it is unhelpful that this methodology does not give any particular weight to whether a site has been identified by, and is therefore of particularly important to, a local community as recommended at PPG paragraph 010.
- 3.14 The fact that the LGSDM does not omit sites covered by Green Belt is of relevance to this report as the site falls entirely within Green Belt.
- 3.15 In its Section 3, the LGSDM sets out criteria for assessing local green space based on the considerations and criteria set out in the NPPF and PPG. These criteria are detailed in the body of the report with headings used within an Assessment Form included at Table 2 of Appendix 1 of the document. Para 3.1 notes that *“Successfully meeting all five criteria does not, however, guarantee Local Green Space designation as the site may already be sufficiently protected by existing designations as aforementioned.”* This is of relevance to the site as it is already protected by Green Belt and CA policy and two TPOs. As such if the Council followed the approach to LGS designation recommended in the NPPF and PPG, the site should have been assessed as being sufficiently protected.

3.16 An assessment of the site against the LGSDM criteria and using the Assessment Form included at LGSDM Table 2 of Appendix 1, is undertaken at **Appendix EDP 4**. A more general review of the criteria is set out below.

3.17 The LGSDM assessment criteria headings comprise:

- *“Criterion 1: Land is not subject of a planning permission for development;*
- *Criterion 2: The space is not allocated or proposed for development in the Local Plan;*
- *Criterion 3: The space is not an extensive tract of land and is local in character;*
- *Criterion 4: The space is within close proximity of the community it serves; and*
- *Criterion 5: The space is demonstrably special to the local community and holds particular local significance:*
  - i. The proposed space is of particular local significance because of its beauty;*
  - ii. The proposed space is of particular local historic significance;*
  - iii. The proposed space is of particular local significance because of its recreational value;*
  - iv. The proposed space is of particular local significance because of its tranquillity; and*
  - v. The proposed space is of particular local significance because of its richness of wildlife.”*

3.18 With regard to Criterion 1, the LGSDM states:

*“In line with the NPPG, Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the designation would be compatible with a planning permission that includes provision for Green Space or where planning permission is no longer capable of being implemented.”*  
(LGSDM paragraph 3.2)

3.19 However, the LGSDM Assessment Form only considers whether the proposed space has planning permission; it fails to consider where the designation would be compatible with a planning permission that includes provision for Green Space.

3.20 This criterion is of relevance to the site, which, as shown in previous representations by Gleeson, could accommodate new residential development and provide public access to Green Space.

3.21 *“Criterion 2: The space is not allocated or proposed for development in the Local Plan”* notes that:

*“Paragraph 99 of the NPPF, and guidance in the NPPG, states that Local Green Space designation should be consistent with the local planning of sustainable development in the area and complement investment in sufficient homes, jobs and other essential services.”* (LGSDM paragraph 3.3)

3.22 However, the LGSDM Assessment Form only considers whether the proposed space is a Local Plan or Neighbourhood Plan allocation or proposed site? It fails to consider whether it would *“be consistent with the local planning of sustainable development in the area and complement investment in sufficient homes, jobs and other essential services”*.

3.23 The site has been promoted for development and is available. It is in a sustainable location, and development of the site may be more appropriate than other Green Belt release sites being proposed for allocation. Designation of the site as LGS would therefore not be consistent with the Local Plan requirement to plan for sustainable development.

3.24 *“Criterion 3: The space is not an extensive tract of land and is local in character”* is based on NPPF paragraph 100 c and PPG paragraph 015 and 016, the latter providing guidance with regard to size. With regard to local character the methodology notes:

*“Consideration will be given to the contribution the site makes to the visual amenity and the physical form and layout of the settlement. It is considered that to warrant designation, a site will be largely self-contained with clearly defined edges.”* (LGSDM paragraph 3.6)

3.25 In reference to this criterion, the assessment form asks two questions:

1. *“Does the proposed site have clearly defined edges and is under 20ha in size? [and]*
2. *Does the space feel local in character?”*

3.26 The LGSDM Assessment Form does not address the *“contribution the site makes to the visual amenity and the physical form and layout of the settlement”*. The enclosed nature of the site, and the limited visibility into it from the public and private domain, mean that its contribution in this regard is limited. With regard to the *“physical form and layout of the settlement”*, the proposed residential development area of the site abuts the settlement edge along two boundaries and, as such, could be seen as a natural extension to the settlement.

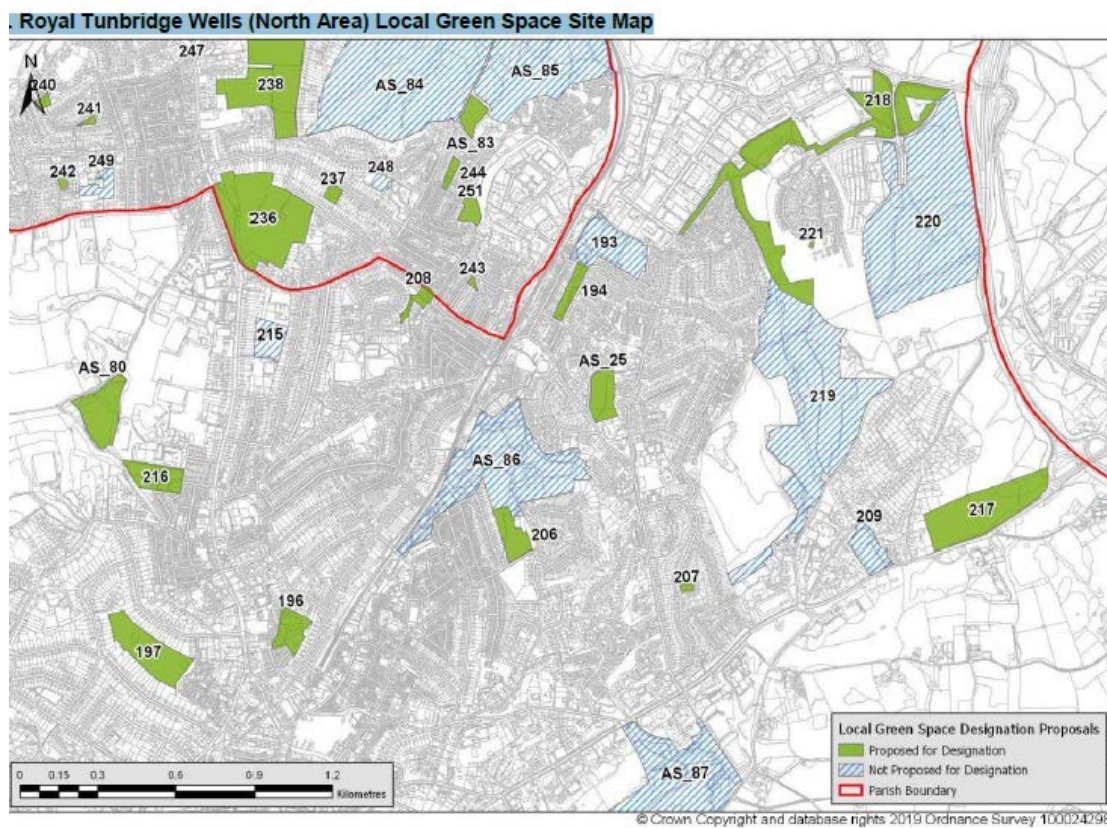
3.27 *“Criterion 4: The space is within close proximity of the community it serves”* states that:

*“Guidance in the NPPG states that the proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.”* (LGSDM paragraph 3.7)

- 3.28 The assessment form fails to identify the community being served and whether there is public access to the site so that any conclusions drawn from proximity to the community it serves are undermined. With regard to the site, it is questionable whether the site serves a community especially as it comes from an ‘in office’ suggestion.
- 3.29 “*Criterion 5: The space is demonstrably special to the local community and holds particular local significance*” notes that:
- In accordance with the NPPG, Local Green Spaces may be designated where such spaces are considered demonstrably special to the local community, whether in a village or in a neighbourhood of a town.*
- The Council will assess this first on the basis of any evidence provided by the local community where it has been submitted and secondly where this evidence has been provided against the sub-criteria (NPPF, para 100 b (3))”*
- 3.30 The sub-criteria relate to beauty, historic significance, recreational value, tranquillity, and richness for wildlife. For each sub-criteria, guidance is provided regarding the factors that may be taken into account when considering how a proposed site may potentially meet the sub-criteria for designation as a Local Green Space. However, the Assessment Form merely lists the sub-criteria, not the guidance points, and these are combined into one of five considerations within the Draft Local Green Space Assessment July 2019. This methodology means that relatively little weight is given to one of the two main criteria for LGS allocation.
- 3.31 **Appendix EDP 4** undertakes a full assessment of the site against the sub-criteria and relevant guidance notes and finds that:
- Beauty – the beauty of the site is considered to be medium to low;
  - Historic significance – the historic significance of the site is considered to be medium;
  - Recreational value – the recreational value of the site is considered to be nil;
  - Tranquillity – the tranquillity of the site is considered to be low; and
  - Richness of wildlife – the richness of wildlife of the site is considered to be medium.
- 3.32 As set out in **Section 2**, the two main criteria for LGS allocation are:
- 1) That the land in question is “*demonstrably special to the local community*” (NPPF paragraph 100 b). and
  - 2) That the special nature of the land is such that it justifies a level of protection from development consistent with that provided by Green Belt (NPPF paragraph 101).

### Draft Local Green Space Assessment

- 3.33 The TWBC Draft Local Green Space Assessment (July 2019) (dLGSA) document has been prepared in accordance with the LGSDM. The dLGSA lists all the proposed LGS sites across the borough, leaving out those already protected by certain designations, excluding Green Belt and CA, as set out at LGSDM paragraph 2.4. It assesses the sites against the methodology and concludes which sites should be designated as LGS in the new Local Plan. The document includes a summary of the findings of the assessment but does not include the completed Site Assessment Form for each site so there is minimal detail of the assessment process.
- 3.34 The Gleeson site comprises the area identified as Site Number 217, illustrated at **Figure EDP 2.1** below, and summarises the findings in the table at Section 3 as included at **Figure EDP 2.2** below.



**Figure EDP 2.1:** dLGSA figure 15.1.1. Royal Tunbridge Wells (North Area) Local Green Space Site Map extract showing site 217



Site Number	Name of Site	Submitted by	Existing Designations and Policies (Local Plan version 2006)	Area (ha)	Criterion 1 – Planning Permission?	Criterion 2 – Allocated or Proposed?	Criterion 3 – Extensive Tract?	Criterion 4 – Proximity?	Comment on Criterion 5 – Demonstrably Special?	Local Green Space Designation?
217	Green Space near Sandown Park	In-Office Suggestion	GB.	6.78	✓	✓	✓	✓	This green space area on the edge of a nearby neighbourhood is of important visual amenity and contributes to the character of, and approach to, the settlement.	✓

Figure EDP 2.2: dLGSA table site 217 extract

3.35 The table notes that:

- The site has been submitted by an ‘in office suggestion’;
- Falls within an existing designation – Green Belt – but fails to mention that it also falls partially within a CA and that many of the trees along the Pembury Road frontage are protected by a TPO; and
- Fulfils the requirements of LGSM Criteria 1 to 4.

3.36 The two main criteria for LGS allocation are 1) the land in question is “*demonstrably special to the local community*” (NPPF paragraph 100, dLGSA paragraph 2.1); and 2) the “*demonstrably special*” nature of the site is such as to justify a level of protection akin to Green Belt policy protection (NPPF paragraph 101, LGSDM paragraph 1.3).

3.37 With regard to whether the site is “*demonstrably special to the local community*”, the LGSDM states that “*The Council will assess this first on the basis of any evidence provided by the local community where it has been submitted and secondly where this evidence has been provided against the sub-criteria (NPPF, para 100 b (3))*” (LGSDM paragraph 3.10).

3.38 The assessment summary table notes that the site (with some 43 others) has been submitted by an ‘in office suggestion’ The main indication of the regard a community has for a green space is its promotion as a LGS by the community (NPPF, paragraph 100 b), PPG paragraph 006, and LGSDM paragraph 3.10 – extract below). There is no evidence provided by a local community for this site because the site has not been put forward by a local community. The Council’s assessment also does not identify a local community which the site may serve or relate to. This effectively means that there is no evidence that the land is “*demonstrably special to the local community*” which contravenes the LGSDM and NPPF.

3.39 Further, with regard to Criterion 5: Demonstrably Special? the summary concludes:

*“This green space area on the edge of a nearby neighbourhood is of important visual amenity and contributes to the character of, and approach to, the settlement.”*

3.40 This summary makes only very limited reference to the sub-criteria that the LGSDM defines with regard to assessment of the main elements of these criteria namely: its beauty, historic significance, recreational value, tranquillity, or richness of its wildlife. The limited reference that is made is to one of the five sub-criteria: beauty. No reference is made to the site's historic significance, recreational value, tranquillity, or richness of its wildlife.

3.41 Further, with regard to assessment of whether the site is "*demonstrably special*", the assessment makes no reference to the requirement, due to the lack of public access to the site, to place particular emphasis on the other criteria relating to wildlife, historic significance and/or beauty (PPG paragraph 017).

### **Summary of Findings of Appraisal of Emerging Policy and Evidence Base**

3.42 As set out in **Section 2**, the two main criteria for LGS allocation, as set out in the NPPF, are:

- 1) That the land in question is 'demonstrably special to the local community' (paragraph 100 b). and
- 2) That the special nature of the land is such that it justifies a level of protection from development consistent with that provided by Green Belt (NPPF paragraph 101).

3.43 The LGSDM's divides the NPPF and PPG requirements for designation of LGS between five criteria. Of these Criteria 1 and 2, relate to whether the site is subject to permission, or allocated, for development. This gives disproportionate importance to these matters. This approach also fails to address the key consideration, which these criteria are presumably designed to test, of whether designation would be "*consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.*" Conversely, it gives inadequate weight to the main criteria for the designation of LGS, that the land in question is "*demonstrably special to the local community*", which is considered within only one of five criteria.

3.44 With regard to a level of protection of the site akin to Green Belt policy protection (NPPF paragraph 101, LGSDM paragraph 1.3) paragraph 2.4 of the LGSDM recognises that LGS designation is not justified if adequate protection is provided by an existing protection although the methodology excludes Green Belt protection (as addressed in the draft LP paragraph 6.174) and CA protection, without apparent justification.

3.45 Further, with regard to assessment of whether a site is "*demonstrably special*" the assessment makes no reference to the requirement, due to the lack of public access to the site, to place particular emphasis on the criteria relating to wildlife, historic significance and/or beauty (PPG paragraph 017).

3.46 In addition to the above findings, the LGSDM criteria are incomplete and fail to consider the following matters that are of general and, due to the location of the site within Green Belt and partially within a CA, specific relevance to the site:

1. Would “*policies for managing development within a Local Green Space ... be consistent with those for Green Belts?*” (NPPF paragraph 101);
  2. Would development, or partial development, “*be compatible with the reasons for designation?*” (PPG paragraph 008 and paragraph 012);
  3. Would any “*additional local benefit ... be gained by designation as Local Green Space*” in addition to Green Belt? Or could designation as an LGS “*help to identify areas that are of particular importance to the local community?*” (PPG paragraph 010);
  4. Would any “*additional local benefit ... be gained by designation as Local Green Space*” in addition to other designations including National Parks, Area of Outstanding Natural Beauty, Scheduled Monument and CAs? (PPG paragraph 011);
  5. Has particular emphasis been placed on the criteria relating to wildlife, historic significance and/or beauty due to the fact that there is no public access? (PPG paragraph 017);
  6. Does the site contain any “*features that make it special and locally significant*” and, if so, has consideration been given to “*how it will be managed in the future?*” (PPG paragraph 021); and
  7. Would the Council’s proposed 227 LGS allocations “*be consistent with its local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services?*” (NPPF, Para 99)
- 3.47 The LGS site selection process is therefore considered to be flawed. Sites such as the Gleeson site have been selected where they should have been omitted at an early stage if the guidance set out in the NPPF and PPG had been properly applied.
- 3.48 Thus, without reasonable justification for allocation of the site (and others) as LGS, and as set out in other Local Plan representations submitted by Gleeson, there is a wider concern that the Council has not given proper consideration to the greater public benefit of releasing the land (or part of it) to meet housing needs.

## Section 4

### EDP Local Green Space Assessment of the Site

4.1 EDP has undertaken an appraisal of the extent to which the Gleeson site performs against the Council's criteria for the qualification of sites for allocation as LGS. This has been undertaken by a qualified Landscape Architect and addresses the criteria and sub criteria set out within the LGSDM and is presented at **Appendix EDP 4**.

4.2 This appraisal goes further and considers matters set out in the NPPF and PPG that are of general and, due to the location of the site within Green Belt and partially within a CA, specific relevance to the site. This appraisal is presented under the relevant sub headings below.

***Would any "additional local benefit ... be gained by designation as Local Green Space" in addition to Green Belt? Or could designation as a LGS "help to identify areas that are of particular importance to the local community"? (PPG para 010)***

4.3 No additional local benefit would be gained by designation of the site as LGS in addition to Green Belt, as both must afford the same level of protection. The Council's intention is, apparently, merely to recognise the importance of green space to the local community. However, in this case there is nothing to indicate that the green space has an importance to the community so that no additional local benefit would be achieved. The designation as LGS would also not increase or improve public access, or the appearance or function of the site.

***Would any "additional local benefit ... be gained by designation as Local Green Space" in addition to other designations including National Parks, Area of Outstanding Natural Beauty, Scheduled Monument and CAs? (PPG para 011)***

4.4 No, the primary on site-asset relevant to the CA is the tree belt along the A264. Visibility into the site is limited, so that it gives a negligible contribution to the CA. These trees are protected by the CA and by a TPO and the LGS would not provide any additional protection in this regard.

***Has particular emphasis been placed on the criteria relating to wildlife, historic significance and/or beauty due to the fact that there is no public access? (PPG paragraph 017)***

4.5 There is no public access to the site and the dLGSA shows no evidence of having placed particular emphasis on these matters.

4.6 These matters have been considered in detail in the Landscape and Visual Appraisal, Green Belt Assessment, Archaeological and Heritage Assessment, and Position Paper in Respect of Arboriculture accompanying other Local Plan representations submitted by Gleeson. These reports conclude that there are no matters that would preclude development of the site in accordance with the Illustrative Masterplan.

**Does the site contain any “features that make it special and locally significant” and, if so, has consideration been given to “how it will be managed in the future”? (PPG paragraph 021)**

4.7 The primary special features of the site comprise the trees along the A264 that are protected by the CA, and trees along the A264 and within the site that are protected by a TPO.

4.8 The site is in private ownership so that there is no control of management beyond the protection provided by the CA and TPOs. In contrast, development of part of the site to help meet housing need could secure sympathetic management of associated retained assets and areas of open space in the future.

**Would development, or partial development, “be compatible with the reasons for designation” (PPG para 008 and para 012)**

4.9 The Illustrative Masterplan shows that the western end of the site could be developed while securing the eastern area as POS. The environmental assessment reports accompanying Gleeson Local Plan representations find that this would be compatible with retention of the visual amenity and contribution of the site to the character and approach to the settlement.

4.10 Draft Policy EN17: Local Green Space notes that development on LGS will not be permitted unless one of the following criteria is met:

- “1. The proposed development constitutes very special circumstances (such as essential utility infrastructure) ... Where this is the case, the public benefits of the development must demonstrably outweigh the harm caused to the designated area of Local Green Space; or
- 2. The proposed development would incorporate and preserve the main features, use, and purpose of the designated area of Local Green Space on the same development site, including, where already in existence, continued community access to the area. The proposals may involve plans to expand the existing Local Green Space and/or improve its existing use and purpose, such as new recreational facilities; or
- 3. The proposed development does not materially reduce the community use, detract from the function, or affect the appreciation of the designated area of Local Green Space. There will be acceptable provision to offset any loss of, or detriment to, the area of Local Green Space on, or close to, the site.”

4.11 If the whole site were to be allocated as LGS under draft Policy EN17, residential development would not constitute very special circumstances unless there were to be an over-arching need for housing having regard to the suitability of other available sites. However, it is considered that the proposals which would include residential development on the western side of the site and public open space on the eastern site, as set out on **Plan EDP G1**, would be compatible with criteria 2 and 3 for the following reasons:

- It would incorporate and preserve the main features of the site, the treed vegetation along the A264 protected by TPOs 5014/2015/TPO and 005/1953;
- While the use of the open space would change, from agricultural land to naturalistic public open space, its character could be largely maintained and incorporated as a part of the site as shown on the Illustrative Masterplan;
- It would be compatible with these purposes of the CA and Green Belt as set out in the LVA and Green Belt Assessment;
- The implementation of the proposals would improve the existing use and purpose of the area by retention of green space as public open space, introducing public access for informal recreation and the incorporation of naturalistic play facilities designed to integrate with, and complement the naturalistic character of the open space; and
- The proposals would retain the existing contribution of the space to the route into Tunbridge Wells and materially enhance the community use, in terms of public access and opportunity for local people to appreciate the proposed designated area of Local Green Space.

4.12 With regard to criteria 1, it is considered that the development would provide additional local benefit by:

- Providing public access into the site where currently there is none;
- Providing for informal recreation and play within the site where currently there is none; and
- Enabling the securing of sympathetic management into the future.

4.13 In addition, the findings of the LVA, Green Belt Assessment, Archaeological and Heritage Assessment, and Position Paper in Respect of Arboriculture show that the harm to the function of the space, in terms of its given reason for proposed LGS designation within the LGSA, would be very limited. Thus, the additional local benefit would outweigh any harm caused to the designated area of Local Green Space.

#### ***Summary of Findings of EDP Local Green Space Assessment of the Site***

4.14 The two main criteria for LGS allocation are:

- 1) That the land in question is 'demonstrably special to the local community' (NPPF paragraph 100 b); and
- 2) That the special nature of the land is such that it justifies a level of protection from development consistent with that provided by Green Belt (NPPF paragraph 101).

- 4.15 With regard to the site being “*demonstrably special to the local community*” the dLGSA notes that the site has been submitted by an ‘in office suggestion’, not by the community, which, in light of the wording of NPPF, para 100 (b), PPG paragraph 006, and the Council’s own methodology, LGSDM paragraph 3.10, provides no evidence that the land is demonstrably special, or that it holds particular local significance or particular importance to the local community. The site selection process has not been community-led as inferred by NPPF and PPG guidance.
- 4.16 There is no public access to the site and therefore it makes no contribution to formal or informal recreation. In addition, the LVA finds that visibility into the site is substantially limited so that opportunity for appreciation of the site by the community is predominantly limited to views to the southern site boundary, with only heavily filtered, oblique, glimpsed views into the site, from the A264, Pembury Road.
- 4.17 The Council’s only assessed reason for its designation is that “*it contributes to the character of, and approach to, the settlement.*” This justification is weak and only refers to its visual amenity importance contributing to the character and approach to the settlement. This is also given as a reason for the existing CA designation. In addition, the LVA finds that the main contribution of the site in this regard is the vegetation along the southern site boundary, which would be largely retained and reinforced with new planting. In addition, if the whole site was important to the character of the approach to Tunbridge Wells, surely it would also have been included in the conservation area designation.
- 4.18 While the LGSDM methodology does address the matter of being demonstrably special by asking “*Does the space contribute to the visual attractiveness of the townscape or character/setting of the settlement?*”, this forms a sub-criteria of beauty which itself is a sub-criteria of LGSDM Criteria 5. This dilution means that this question holds very little weight in the overall consideration of whether the site is demonstrably special.
- 4.19 Finally, our assessment of the Council’s own sub criteria set out within the LGSDM, at **Appendix EDP 4** shows that there is no evidence that the site is demonstrably special to the local community. In addition, there is nothing that makes the site stand out as having particular local significance with regard to its beauty, historic significance, tranquillity or richness of its wildlife. Further, there is no public access to the site putting additional onus on the other sub-criteria, which they do not warrant. It is concluded that there is nothing about these aspects of the site that make it “*demonstrably special*” or justify a level of protection from development consistent with that provided by Green Belt. This finding is added further weight by the findings of the environmental reports.
- 4.20 With regard to a level of protection of the site consistent with that provided by Green Belt (NPPF paragraph 101, LGSDM paragraph 1.3) paragraphs 2.4 of the LGSDM recognises that LGS is not justified if adequate protection is provided by an existing protection, although the methodology excludes Green Belt protection, as addressed in the draft LP paragraph 6.174, and CA protection, without apparent justification. In accordance with NPPF and PPG, the site should have been omitted from selection at an early stage due to its location within Green Belt and partially within Tunbridge Wells CA.

- 4.21 With regard to the consideration that 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, (NPPF paragraph 99), the dLGSA notes that the site does not have planning permission and is not a local or neighbourhood allocation. However, what the dLGSA does not address is that there have been previous representations for residential allocation of part of the site and this document accompanies submission of a further representation in this regard. This Gleeson Local Plan representation includes an LVA, Green Belt, Arboricultural and Heritage Assessments, which find that partial development of the site in accordance with the Illustrative Masterplan would be acceptable in terms of its effects on landscape and visual, arboricultural, heritage and archaeological, and ecological resource of the site. In addition, it would be compatible with the existing Green Belt protection of the site and overall purposes of the Green Belt which affords the same level of protection as LGS.
- 4.22 The proximity of the site to the community at the eastern edge of Tunbridge Wells is discussed at some length in **Appendix EDP 4**.
- 4.23 Turning to the question of whether the site serves the adjacent community at the eastern edge of Tunbridge Wells, while the site abuts the built up limits of the town:
- There is no public access into the site;
  - The A264 where it abuts the southern site boundary. This is a primary route with a combined footpath and cycleway along the pavement bounding the site. The primary use of the road is as a destination route for people heading to work, school, shops, etc., and there are only very limited public views towards the site;
  - The LVA finds that the only potential appreciation of the site from the public domain is limited to glimpsed, oblique, short distance filtered views between trees and below tree canopies from the A264. The primary focus of users is on traffic and safety and users are assessed in the LVA as having a medium sensitivity, at most, to visual change; and
  - The LVA finds that the only potential appreciation of the site from the private domain is restricted to residential properties backing onto to the northern and western boundaries and is limited from these properties by intervening vegetation along the site boundaries.
- 4.24 For all of these reasons, it is questionable to what extent, if any, the site beyond the boundaries contributes to the community.
- 4.25 While the site is not an extensive tract of land, and is local in character and scale, it has the local character of the urban fringe.
- 4.26 The Gleeson proposal is to release the western part of the site that adjoins the Tunbridge Wells settlement boundary from the Green Belt in order to help meet future housing



needs within a highly sustainable location, and to retain the rest of the land to the east within the Green Belt and to manage it to provide informal public open space.

- 4.27 For the reasons examined in this assessment, the Council proposed allocation of the site as LGS is not reasonably justified based upon objective assessment and appears to be aimed at prejudicing the site's potential release from the Green Belt to meet housing needs at a sustainable, edge of settlement location. Indeed, it is also highly questionable whether some 226 other proposed LGS sites can be justified without any suitably detailed objective assessment of each on a site by site basis.

## Section 5 Case Study

- 5.1 Based on the findings of this assessment report, notably at **Section 3**, it is considered that the Council's methodology and overall assessment for LGS designation has not been sufficiently rigorous to comply with national policy.
- 5.2 It is noted that two immediately neighbouring local authorities (Wealden District and Rother District) have recently published Local Plan's that have been the subject of formal Examinations. The Submission Draft of the Wealden Local Plan was the subject of a 'part 1' Examination in the summer of 2019 as was Rother District Council's Development and Site Allocations Local Plan. It is of significance that neither of these emerging Local Plans include any policy or proposals for Local Green Space designations. This contrasts sharply with in the Consultation draft of the Tunbridge Wells Local Plan, which puts forward some 227 proposed designations.
- 5.3 Further afield, a Local Green Space Policy and proposals have been tested in the Report on the Examination of the Plymouth and South West Devon Joint Local Plan 2014–2034 (see **Appendix EDP 5**). The 'Pre-Submission' draft of the Plan published in March 2017 in which Local Green Space designations were made throughout Plymouth for some 169 sites under the provisions of draft Policy DEV29 and as shown on 'Map 3'. This was on the basis of 'Local Green Space Assessment Information'.
- 5.4 These Local Green Space designations were the subject of objections to which the Joint Authority responded by publishing Main Modifications. Following the Examination between January and March, the Inspector's report (published on 18 March 2019) concluded as follows;
- "192. Other green spaces – Policy DEV29 seeks to protect all green and play spaces within the Plan area. Within the PPA green spaces are designated as SGS as referred to above, local green spaces (LGS) and neighbourhood green spaces (NGS). Within the TTVPA it is expected that designations will come forward through neighbourhood plans. Nevertheless all open spaces have been audited and assessed, as set out within a number of studies, which overall provide a comprehensive evidence base."*
194. *"The NPPF sets a high bar for LGS designation given that paragraphs 76 – 78 state that it '...will not be appropriate for most green areas or open space'; that on such sites new development is ruled out 'other than in very special circumstances' and that they are to be managed in line with Green Belt policy. Accordingly LGS designation should be viewed as an exception rather than the norm. The approach in the Plan is to designate a significant number of sites across the PPA which results in the designation being commonplace rather than of a limited and special nature."*

195. *We recognise that many proposed LGS areas will be important to local communities. Open spaces will be used by local communities for informal recreational uses such as dog walking. However these are inevitably commonplace activities within urban areas. Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless the available evidence does not sufficiently demonstrate why sites are 'special' and of 'particular local significance' to distinguish them from other green areas and open spaces and reach the high bar necessary for LGS designation.*
196. *Several proposed LGS sites are already covered wholly or in part by other designations, including local nature reserves, county wildlife sites, conservation areas and tree preservation orders, or other policy protections including allotments, woodlands and biodiversity networks. Such areas are therefore already protected by national and local planning policies or through other legislation. The LGS assessment does not set out what the additional benefits of another designation for these sites would be or how the LGS designations would interact with them.*
197. *In addition, a number of the proposed LGS sites are significant in size representing extensive areas of land. Where several LGS sites are near to each other these could also reasonably be identified as extensive tracts of land. There is also little evidence demonstrating that landowners were informed about the LGS selection process and that their comments have been robustly addressed within the assessments.*
198. *Having carefully considered the evidence for the designation of LGS within the PPA we find that the methodology and overall assessment has not been sufficiently rigorous to comply with national policy. As such the LGS designations within the Plan are not sound and need to be removed from the Plan. Consequently, **MM52** deletes reference to LGS in Policy DEV29 and the supporting text. The Councils will also need to ensure that the designations are removed from the Policies Map.*
199. *The Councils have put forward within this modification a proposal to add a new policy and supporting text to the Plan to ensure that there is an appropriate policy framework in place should any LGS be designated in future plans. However, this is not necessary for soundness as LGS are no longer being allocated in the Plan, plus it would repeat national policy. Accordingly, we do not include this new policy within our recommendations. However this does not prevent the allocation of LGS in neighbourhood plans or other future development plan documents.*
200. *Whilst the LGS designation are to be deleted from the Plan this does not mean that these sites have no green space value or should not be protected. Indeed the Plymouth Open Space Assessment (POSA) identifies value scores for each green space based on site audits and assessments. Furthermore paragraph 74 of the NPPF clearly states that existing open space should not be built on unless certain criteria are met. In response to the proposed removal of the LGS from the*

*Plan, and in recognition of their identification as open spaces of value in the POSA, the Councils have put forward an alternative 'city green space' designation (CGS) instead for these areas.*

201. *There is nothing in national policy preventing open spaces from having different titles of designations. Based on the evidence the identification and designation of CGS and neighbourhood green spaces is reasonable.*
202. *Nevertheless, the amendment put forward by the Councils to Policy DEV29 is not consistent with national policy. The criteria set out in paragraph 74 of the NPPF identifying the situations where loss of open space may be acceptable applies to all existing open space. Within the Council's modification the provisions listed would only apply to existing open space for public recreation. We therefore make additional changes to **MM52** to ensure that Policy DEV29 and its supporting text accurately reflects national policy, so that open space is protected but where the identified criteria are met, development may be acceptable. This is necessary for soundness.*
203. *We note the changes the Councils propose to make to the policies map to reflect the modifications to the green space designations."*
- 5.5 As a result, the adopted version of the Joint Local Plan does not designate any Local Green Space and merely provides (as lower case text) a framework for possible designations through Neighbourhood Plans within the area.
- 5.6 For the same reasons identified by the Joint Local Plan Inspector, the Consultation draft version of the Tunbridge Wells Local Plan fails to justify Policy EN17 based upon any rigorous objective assessment and should be withdrawn from the Plan at the Regulation 19 stage, together with the Council two evidential background documents.

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## **Section 6**

### **Conclusions**

#### **Overall Conclusion**

- 6.1 The Gleeson proposal is to release the western part of the site that adjoins the Tunbridge Wells settlement boundary from the Green Belt in order to help meet future housing needs within a highly sustainable location and to retain the rest of the land to the east within the Green Belt and to manage it to provide informal public open space.
- 6.2 For the reasons examined in this assessment report the Council proposed allocation of the site as LGS is not reasonably justified based upon objective assessment and appears to be aimed at prejudicing the site's potential release from the Green Belt to meet housing needs at a sustainable, edge of settlement location.
- 6.3 Indeed, as concluded above, and based upon the recent outcome of promoting local green space designations in the Plymouth and South West Devon Joint Local Plan, it is also highly questionable whether some 226 other proposed LGS sites can be justified within Tunbridge Wells Borough.

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## **Appendix EDP 1 Illustrative Masterplan**



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Site  
**Land at Sandown Park, North of Pembury Road, Tunbridge Wells**

Drawing  
**Illustrative masterplan**

Date	Scale	Drawing ref:
23.04.19	1:1000@A3	1232/02

## Appendix EDP 2a NPPF February 2019

A2a.1 The National Planning Policy Framework (NPPF) July 2019 contains three paragraphs (paragraphs 99 to 101) of relevance to the designation of LGS. These paragraphs are set out in full below with underlining to emphasise key points and a summary of considerations of relevance to this report included in Section 2.

A2a.2 NPPF paragraphs 99 to 100 state that:

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."*

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## **Appendix EDP 2b National Planning Practice Guidance: Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space 2014**

A2b.1 National Planning Practice Guidance (PPG) Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space 2014 gives advice on the new LGS designation. This guidance is included below with underlining to emphasis the key points. A summary of key considerations of relevance to this report is summarised in Section 2.

### **Local Green Space Designation**

#### **What is Local Green Space designation?**

*Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.*

Paragraph: 005 Reference ID: 37-005-20140306

Revision date: 06 03 2014

#### **How is land designated as Local Green Space?**

*Local Green Space designation is for use in Local Plans or Neighbourhood Plans. These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.*

Paragraph: 006 Reference ID: 37-006-20140306

Revision date: 06 03 2014

#### **How does Local Green Space designation relate to development?**

*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.*

Paragraph: 007 Reference ID: 37-007-20140306

Revision date: 06 03 2014

#### **What if land has planning permission for development?**

*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.*

Paragraph: 008 Reference ID: 37-008-20140306  
Revision date: 06 03 2014

**Can all communities benefit from Local Green Space?**

Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

Paragraph: 009 Reference ID: 37-009-20140306  
Revision date: 06 03 2014

**What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?**

If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

Paragraph: 010 Reference ID: 37-010-20140306  
Revision date: 06 03 2014

**What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?**

Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

Paragraph: 011 Reference ID: 37-011-20140306  
Revision date: 06 03 2014

**What about new communities?**

New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

Paragraph: 012 Reference ID: 37-012-20140306  
Revision date: 06 03 2014

**What types of green area can be identified as Local Green Space?**

The green area will need to meet the criteria set out in paragraph 100 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For

example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

Paragraph: 013 Reference ID: 37-013-20140306

Revision date: 06 03 2014

### **How close does a Local Green Space need to be to the community it serves?**

The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

Paragraph: 014 Reference ID: 37-014-20140306

Revision date: 06 03 2014

### **How big can a Local Green Space be?**

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.

Paragraph: 015 Reference ID: 37-015-20140306

Revision date: 06 03 2014

### **Is there a minimum area?**

Provided land can meet the criteria at paragraph 100 of the National Planning Policy Framework there is no lower size limit for a Local Green Space.

Paragraph: 016 Reference ID: 37-016-20140306

Revision date: 06 03 2014

### **What about public access?**

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.*

Paragraph: 017 Reference ID: 37-017-20140306

Revision date: 06 03 2014

### **What about public rights of way?**

*Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.*

Paragraph: 018 Reference ID: 37-018-20140306

Revision date: 06 03 2014

### **Does land need to be in public ownership?**

*A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.*

Paragraph: 019 Reference ID: 37-019-20140306

Revision date: 06 03 2014

### **Would designation place any restrictions or obligations on landowners?**

*Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.*

Paragraph: 020 Reference ID: 37-020-20140306

Revision date: 06 03 2014

### **Who will manage Local Green Space?**

*Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.*

Paragraph: 021 Reference ID: 37-021-20140306

Revision date: 06 03 2014



**Can a Local Green Space be registered as an Asset of Community Value?**

*Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an Asset of Community Value. Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.*

*Related policy: paragraphs 99-100*

*Paragraph: 022 Reference ID: 37-022-20140306*

*Revision date: 06 03 2014”*

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**Appendix EDP 3a**

**Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation  
Draft (Consultation: 20 September to 1 November 2019):  
Local Green Space Extract**

“6.172 A Local Green Space is a designated area of green or open space that is demonstrably special to the local community that it serves. These areas are particularly important with regard to their benefits to mental health and wellbeing. They can include recreational playing fields or playgrounds, allotments, cemeteries, or local forested areas used for recreation. This designation was first introduced in 2012 through the National Planning Policy Framework (NPPF) and is designed to protect areas that are of particular value to local communities, at a level that is consistent with policy for Green Belts, from development. This means that development on a designated Local Green Space will only be permitted in very special circumstances. These very special circumstances may include works involving new electricity pylons, natural gas, water, or sewage pipes, as well as telegraph poles, telecommunication, or transportation infrastructure. The designation of Local Green Spaces will also be consistent with the local planning of sustainable development and will complement investment in sufficient homes, jobs, and other essential services.

6.173 Furthermore, additional Local Green Space guidance (46) was published in March 2014 by the Ministry of Housing, Communities & Local Government. This guidance states that different types of designations are intended to achieve different purposes. This means that if land is already protected by a particular designation, then consideration will be given to whether any additional local benefit would be gained by designation as Local Green Space. Consequently, it has been considered that Common Land, Village/Town Green, Ancient Woodland, Local Nature Reserves and Site of Special Scientific Interest (SSSI) designations, as well as National Trust, Woodland Trust, and Forestry Commission owned sites, are generally sufficiently protected and this therefore reduces the need for further designation as a Local Green Space. There may be exceptions, however, owing to site-specific circumstances.

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

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

6.175 The methodology used to evaluate the appropriateness of Local Green Space designation for proposed sites is detailed in the Council's Local Green Space Designation Methodology July 2019 document. This methodology requires that proposed Local Green Space areas must generally meet all five criteria in order to be designated as Local Green Space, unless the site is already sufficiently protected. The five criteria are summarised as:

1. *The site is not the subject of planning permission.*
2. *The site is not allocated or proposed for development other than for the inclusion of a Local Green Space.*
3. *The site is not an extensive tract of land (generally greater than 20 hectares)*  
.
4. *The site is in reasonably close proximity to the community it serves.*
5. *The site is demonstrably special to the local community (because of its beauty, local historic significance, recreational value, tranquillity, or richness of wildlife).*

6.176 *For more information on Local Green Spaces in the borough and the methodology used to evaluate the appropriateness of Local Green Space designation for proposed sites, see the Local Green Space Designation Methodology July 2019 document as mentioned above. For a full list of all proposed Local Green Space sites and their evaluations, see the Draft Local Green Space Assessment July 2019 document.”*

**Appendix EDP 3b**

**Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation  
Draft (Consultation: 20 September to 1 November 2019)  
Policy EN 17: Local Green Space**

*“A Local Green Space is a designated area of green or open space that is demonstrably special to the local community that it serves. These areas can include recreational playing fields or playgrounds, allotments, cemeteries, or local forested areas used for recreation. Development on these areas will not be permitted unless one of the following criteria is met:*

- 1. The proposed development constitutes very special circumstances (such as essential utility infrastructure) that justify the need for development and it can be demonstrated that the need cannot reasonably be met outside the designated area or in some other less harmful way. Where this is the case, the public benefits of the development must demonstrably outweigh the harm caused to the designated area of Local Green Space; or*
- 2. The proposed development would incorporate and preserve the main features, use, and purpose of the designated area of Local Green Space on the same development site, including, where already in existence, continued community access to the area. The proposals may involve plans to expand the existing Local Green Space and/or improve its existing use and purpose, such as new recreational facilities; or*
- 3. The proposed development does not materially reduce the community use, detract from the function, or affect the appreciation of the designated area of Local Green Space. There will be acceptable provision to offset any loss of, or detriment to, the area of Local Green Space on, or close to, the site.*

*For a full schedule of the designated Local Green Space sites in the Tunbridge Wells borough, see Appendix 2. All sites are also defined on the draft Policies Map.”*

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## Appendix EDP 4

### Assessment of the Site against the Criteria set out within the LGSDM

**Table A4.1:** Assessment against the criteria set out within the LGSDM

Criteria	Response
<p><b>LGSDM Criteria 1</b>  <u>Land is not subject to permission for development</u>                      Does the proposed site have planning permission?</p>	<p>No, the proposed site does not have planning permission.</p>
<p><b>LGSDM Criteria 2</b>  <u>Space is not allocated or proposed for development in the local or neighbourhood plan</u>                      Is the proposed space a Local Plan or Neighbourhood Plan allocation or proposed site?</p>	<p>No, proposed site is not a Local Plan or Neighbourhood Plan allocation or proposed site.</p> <p>However, the site has been promoted for development and is available. The site may be more appropriate than other Green Belt release sites being proposed for allocation.</p>
<p><b>LGSDM Criteria 3</b>  <u>The space is not an extensive tract of land and is local in character</u>                      Does the proposed space have clearly defined edges and is under 20ha in size?                      Does the space feel local in character and scale?</p>	<p>Yes, the site is under 20ha in size</p> <p>The site edges are clearly defined to the west, by the built up boundary of Tunbridge Wells; to the south, by Pembury Road (A246); and to the east of Pembury Bypass (A21).                      However, to the north the edge is less distinct. Here the site abuts a continuation of the former 'parkland' associated with Pembury Grange, of which it forms a part.</p> <p>The northern boundary consists of an agricultural fence with mature trees and areas of dense understorey scrub. At the western end of this boundary, the scrub is disjoined in parts resulting in views across a narrow area of grassland to residential properties off Pembury Grange. To the east, there are views from the northern boundary across the rising grassland with parkland trees to woodland with glimpses to secluded residential property off the unmarked road.</p> <p>The LVA finds that the site has few of the key characteristics of the published landscape host character units beyond its well wooded nature.</p>

Criteria	Response
	<p>The site has an urban edge feel notably due to:</p> <ul style="list-style-type: none"> <li>• The noise, light, and movement from the adjacent transport routes, and adjacent development, provide urbanising influences, notably across the western end of the site which diminishes to the east;</li> <li>• The rough grassland, areas of scrub, and fallen trees within the woodland all create an air of neglect across the site; and</li> <li>• The site is visually contained and physically detached from the wider agricultural and wooded landscape and therefore has less of a relationship with this wider landscape, and more of a relationship with the urban fringe of Tunbridge Wells further contributing to an urban edge feel.</li> </ul>
<p><b>LGSDM Criteria 4</b> <u>The space is within close proximity of the community it serves</u></p> <p>How close is the space to the community it serves?</p>	<p>It is unclear which local community the site serves. The dLGSA is based on the premise that the site serves the adjacent community at the eastern edge of Tunbridge Wells. However, due to the lack of public access and visibility into the site by this community, and based on the existing policy protection (Green Belt, CA, TPOs, and Policy 23), it would seem that it is more relevant to users of the A264, and does not serve a specific local community.</p> <p>However, with regard the community at the eastern edge of Tunbridge Wells, it should be noted that while the site abuts this community:</p> <ul style="list-style-type: none"> <li>• There is no public access into the site;</li> <li>• The A264 abuts the southern site boundary. This is an A road with a combined footpath and cycleway along the pavement bounding the site. The primary use of the road is as a destination route for people heading to work, school, shops etc., it is not an attractive location to linger and appreciate the adjacent site;</li> <li>• The LVA finds that the only potential appreciation of the site from the public domain is limited to glimpsed, oblique, short distance filtered views between trees and below tree canopies from the A264. The primary focus of users is on traffic and safety and users are assessed in the LVA as having a medium sensitivity, at most, to visual change; and</li> </ul>



Criteria	Response
	<ul style="list-style-type: none"> <li>The LVA finds that the only potential appreciation of the site from the private domain is restricted to residential properties backing onto to the northern and western boundaries and is limited from these properties by intervening vegetation along the site boundaries.</li> </ul>
<p><b>LGSDM Criteria 5</b> <u><i>The space is demonstrably special to the local community and holds particular local significance</i></u></p> <p>What evidence is there to demonstrate that the space has a particular local significance with respect to at least one of the following aspects:</p>	<p>With regard to whether the site is “<i>demonstrably special to the local community</i>” the assessment summary table notes that the site has been submitted by an ‘in office suggestion’. Given that the main indication of the regard that a community has for a green space is its promotion of the space as a LGS (NPPF, para 100 (b), PPG paragraph 006, and LGSDM paragraph 3.10 – extract below), this effectively means that there is no evidence that the land is “<i>demonstrably special to the local community</i>”. This highlights a key flaw in the Council’s site selection process which should have been a community led process.</p>
<ul style="list-style-type: none"> <li>Its beauty <ul style="list-style-type: none"> <li>Does the space contribute to the visual attractiveness of the townscape or character/ setting of the settlement?</li> </ul> </li> </ul>	<p>It is not considered that the space as a whole contributes to the visual attractiveness of the townscape or character/ setting of the settlement. The features of the site that do make a contribution to this are primarily the trees along Pembury Road, which are already protected via the CA and TPO. It would be reasonable to conclude that if the wider site made an important contribution it would have been included in the CA designation.</p> <p>The LVA (paragraphs 7.14 to 7.16) finds that there would be a less than significant effect on the settlement edge and the A264 as a result of the proposed development of the site in accordance with the Illustrative Masterplan. This is primarily due to:</p> <ul style="list-style-type: none"> <li>The fact that the proposals would remain barely perceptible in views from the surrounding landscape;</li> <li>Preservation of key landscape features within and along the site’s boundaries;</li> <li>Additional woodland planting along part of its southern boundary along the A246; and</li> <li>The containment of development within the western are of the site with the character of the remainder of the site retained as existing.</li> </ul>

Criteria	Response
<ul style="list-style-type: none"> <li>○ Is the site specifically mentioned in any relevant landscape character assessments as a particular point of interest or does it contain features that are characteristic of the area?</li> </ul>	<p>The site is not mentioned as a particular point of interest and the LVA notes that:</p> <ul style="list-style-type: none"> <li>• The Landscape Sensitivity Assessment of Countryside around Tunbridge Wells (2017) notes that the site makes a limited contribution to landscape character: <i>“Land to the west of the A21 has a parkland character, with a strong structure of mature tree lines and individual specimens, but its physical containment by major roads and strong tree cover reduces its contribution to landscape character.”</i>; and</li> <li>• The site has few of the key characteristics of the published landscape host character units beyond its well wooded nature.</li> </ul>
<ul style="list-style-type: none"> <li>○ Does the site contribute to the setting of a historic building/place or other special feature?</li> </ul>	<p>The Heritage assessment notes the following:</p> <ul style="list-style-type: none"> <li>• The site falls within the former ‘parkland’ associated with Pembury Grange, a Grade II listed house to the north of the site. However, it is considered that the eroded nature of the former parkland, and subsequent modern development within it, between the site and the listed house, has impacted this historical relationship. As such, the site does not perform a notable function in protecting the setting of the listed building;</li> <li>• The tree lined site frontage to the A264 lies within the designated Tunbridge Wells Conservation Area, and is identified in the Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal as making a contribution to its character and appearance through forming part of the wider undeveloped land that can be appreciated from the approach to Tunbridge Wells from Pembury Road. However, due to the limited visibility into the site from the road beyond the tree belt, the primary contribution of the site to the CA is the tree belt itself, which is also largely protected by a TPO, and woodland to the east.</li> </ul>

Criteria	Response
<ul style="list-style-type: none"> <li>○ Is the site highlighted in literature or art (e.g. the site is mentioned in a well-known poem or shown in a famous painting)?</li> </ul>	<p>There is no known known reference to the site in literature or art.</p>
<ul style="list-style-type: none"> <li>○ Are there valued views of the site or does it afford particular views?</li> </ul>	<p>Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal (November 2000) notes that there are 'excellent' views northwards across open fields through the trees lining the road side along Pembury Road. It is considered that these views add to the sense of the undeveloped edge of the settlement, and the eastern entrance into Tunbridge Wells.</p> <p>The site forms part of these views identified northwards, as well as its southern frontage being partially located within the CA, specifically to encompass the trees which line Pembury Road in this location. However, it was observed that these views across the site are limited to oblique, intermittent, filtered views between the trunks and below the canopies of trees lining the road. This discrepancy could well be due to maturation of vegetation along the boundary between November 2000 and the site visit in February 2017.</p> <p>Development of the site would also leave the eastern side of the site open which would preserve some of these views.</p>
SUMMARY	<p>The beauty of the site is considered to be medium to low.</p>
<ul style="list-style-type: none"> <li>• Historic significance <ul style="list-style-type: none"> <li>○ Are there any historic buildings or heritage assets on the site (e.g. listed buildings; scheduled ancient monuments; registered parks and gardens; ancient routeways)?</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There are no historic buildings or heritage assets on the site; and the site is not a registered park and garden.</li> <li>• As noted above, the site falls within the former 'parkland' associated with Pembury Grange, a Grade II listed house to the north of the site. However, it is considered that the former parkland is eroded due to modern development within the parkland and the location of this development between the site and the listed house which has impacted this historical relationship.</li> </ul>
<ul style="list-style-type: none"> <li>○ Are there any important historic landscape features on the site (e.g. old hedgerows; historic ponds or historic garden features)?</li> </ul>	<p>There are no known important historic landscape features on the site on the site with the exception of one veteran tree.</p>

Criteria	Response
	The Historic Landscape Characterisation for the area lists the site as being part of a large parcel designated “ <i>scattered settlement with paddocks (post 1800 extent)</i> ” which aligns with the information shown on historic maps.
<ul style="list-style-type: none"> <li>○ Did the site play an important role in the historic development of the village or town?</li> </ul>	As noted above, the site falls within the former ‘parkland’ associated with Pembury Grange, a Grade II listed house to the north of the site. However, the park has been partially developed and relationship between the house and the park has been eroded.
<ul style="list-style-type: none"> <li>○ Did any important historic events take place on the site?</li> </ul>	No known important historic events took place on the site.
<ul style="list-style-type: none"> <li>○ Do any historic rituals take place on the site (e.g. maypole dancing)?</li> </ul>	No known historic rituals took place on the site.
SUMMARY	The historic significance of the site is considered to be medium.
<ul style="list-style-type: none"> <li>● Recreational value <ul style="list-style-type: none"> <li>○ Is the site used for playing sport?</li> </ul> </li> </ul>	There is no public access to the site and no provision for formal recreation.
<ul style="list-style-type: none"> <li>○ Is the site used by the local community for formal and/or informal recreation?</li> </ul>	There is no public access to the site and no provision for formal and/or informal recreation.
<ul style="list-style-type: none"> <li>○ If the site is a school's private playing field, then is the site either publicly accessible or visually prominent?</li> </ul>	The site is not a school's private playing field.
<ul style="list-style-type: none"> <li>○ Are the public able to physically access the site?</li> </ul>	There is no public access to the site.
SUMMARY	The recreational value of the site is considered to be nil.
<ul style="list-style-type: none"> <li>● Tranquillity <ul style="list-style-type: none"> <li>○ Do you consider the site to be tranquil (e.g. there are no roads or busy areas close by)?</li> </ul> </li> </ul>	The site is bounded by two A roads, the A21 to the east and the A264 to the south. It also sits adjacent to the eastern edge of Tunbridge Wells. All of these factors detract from tranquillity across the site although diminishing with distance from the source.
<ul style="list-style-type: none"> <li>○ Is the site within a recognised tranquil area (e.g. within the Campaign to Protect Rural England's tranquillity maps)?</li> </ul>	The site is not known to be within a recognised tranquil area.
SUMMARY	The tranquillity of the site is considered to be low.
<ul style="list-style-type: none"> <li>● Richness of its wildlife <ul style="list-style-type: none"> <li>○ Is the site formally designated for its wildlife value (e.g. a Local Wildlife Site)?</li> </ul> </li> </ul>	No, there are no formal wildlife designations across the site.

<b>Criteria</b>	<b>Response</b>
○ Does the site contain notable biodiversity interest or value and in particular are there notable species or habitats present (e.g. the site may be an important wildlife corridor or provide a buffer to other higher value areas)?	The assessments previously submitted by Gleeson to the Council previously do not indicate any special significance in this respect.
○ Is the site part of a long-term study of wildlife by members of the local community?	There are no known long term wildlife studies of the site. It is also considered unlikely due to the lack of public access to the site.
SUMMARY	The richness of the wildlife of the site is considered to be medium.

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**Appendix EDP 5**  
**Extract from Report on the Examination of the Plymouth and**  
**South West Devon Joint Local Plan 2014–2034,**  
**18 March 2019**

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necessary for this policy to specifically refer to heritage assets as this is covered by other Plan policies.

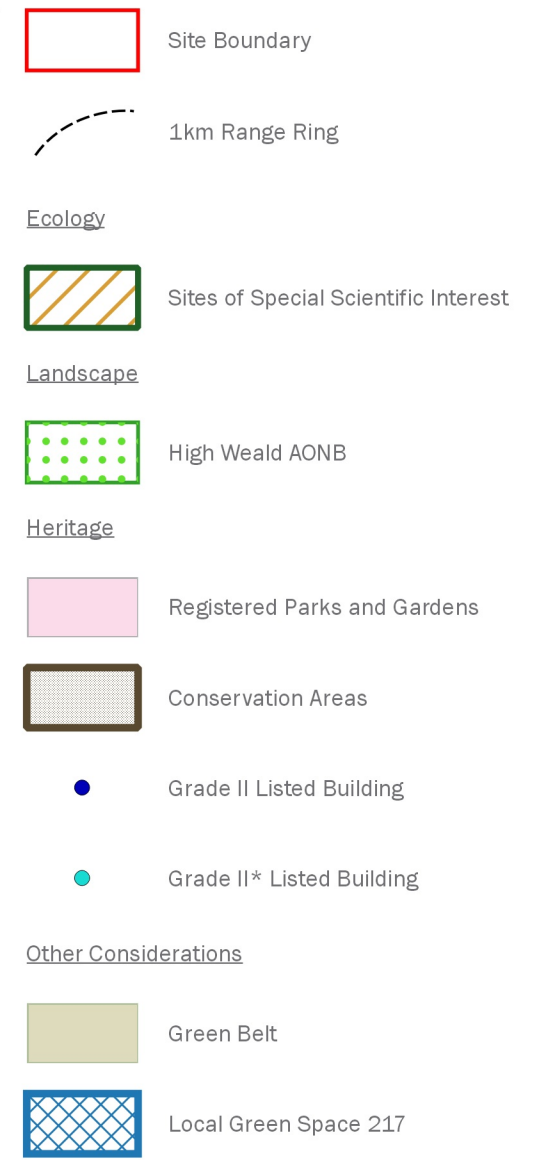
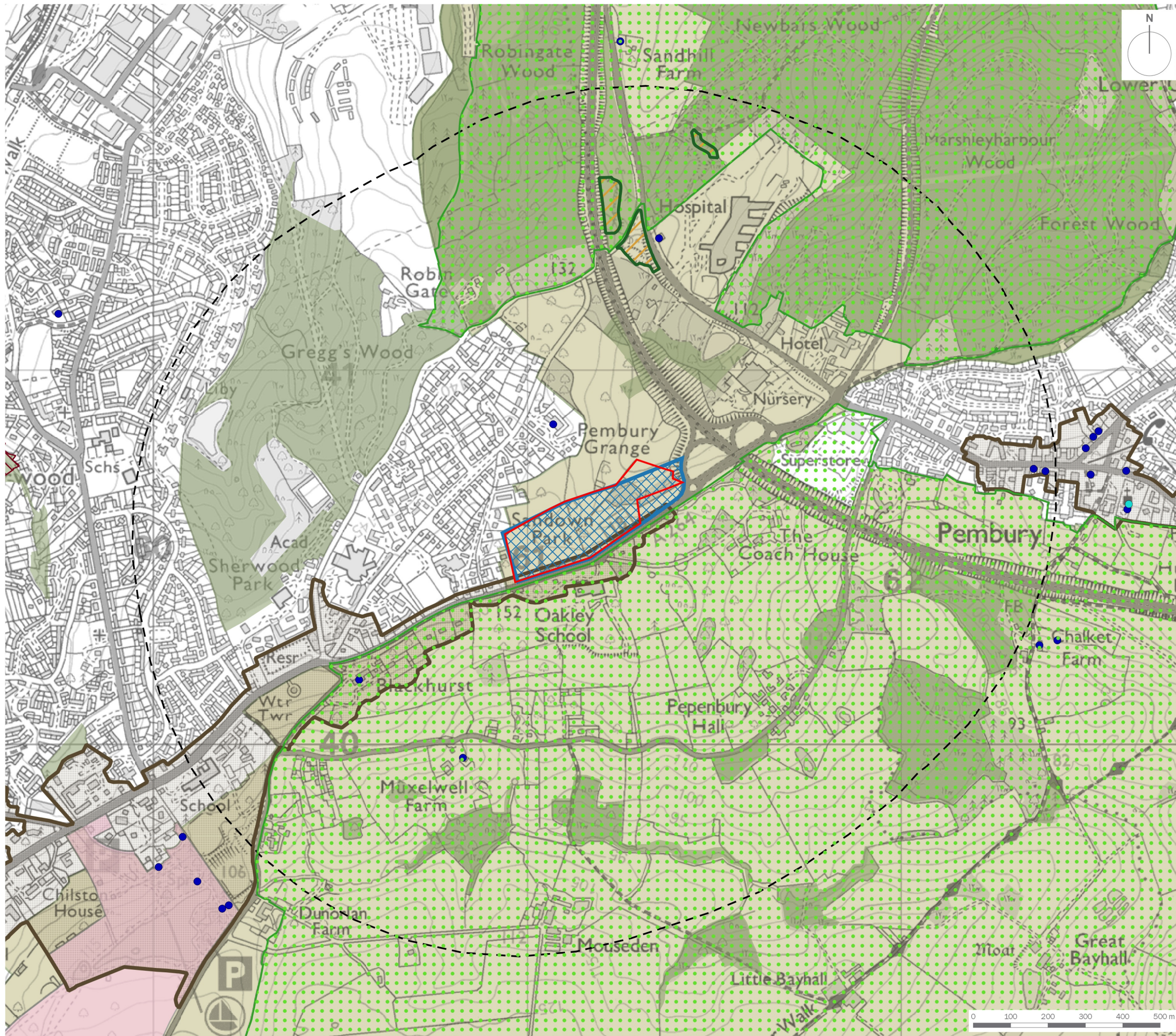
192. Consequently we recommend **MM50** which adds a new PPA urban fringe countryside policy and associated supporting text to the Plan. It also makes consequential changes to supporting text elsewhere in the Plan. Paragraph 5.161 of the Plan also needs amending to ensure that it reflects the new approach to the PPA urban fringe countryside area and as such we recommend this as a further consequential change, as set out in **MM50**. The Councils have proposed changes to the policies map to reflect this modification.
193. *Other green spaces* - Policy DEV29 seeks to protect all green and play spaces within the Plan area. Within the PPA green spaces are designated as SGS as referred to above, local green spaces (LGS) and neighbourhood green spaces (NGS). Within the TTVPA it is expected that designations will come forward through neighbourhood plans. Nevertheless all open spaces have been audited and assessed, as set out within a number of studies, which overall provide a comprehensive evidence base.
194. The NPPF sets a high bar for LGS designation given that paragraphs 76-78 state that it '*...will not be appropriate for most green areas or open space*'; that on such sites new development is ruled out '*other than in very special circumstances*' and that they are to be managed in line with Green Belt policy. Accordingly LGS designation should be viewed as an exception rather than the norm. The approach in the Plan is to designate a significant number of sites across the PPA which results in the designation being commonplace rather than of a limited and special nature.
195. We recognise that many proposed LGS areas will be important to local communities. Open spaces will be used by local communities for informal recreational uses such as dog walking. However these are inevitably commonplace activities within urban areas. Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless the available evidence does not sufficiently demonstrate why sites are 'special' and of 'particular local significance' to distinguish them from other green areas and open spaces and reach the high bar necessary for LGS designation.
196. Several proposed LGS sites are already covered wholly or in part by other designations, including local nature reserves, county wildlife sites, conservation areas and tree preservation orders, or other policy protections including allotments, woodlands and biodiversity networks. Such areas are therefore already protected by national and local planning policies or through other legislation. The LGS assessment does not set out what the additional benefits of another designation for these sites would be or how the LGS designations would interact with them.
197. In addition, a number of the proposed LGS sites are significant in size representing extensive areas of land. Where several LGS sites are near to each other these could also reasonably be identified as extensive tracts of land. There is also little available evidence demonstrating that landowners were informed about the LGS selection process and that their comments have been robustly addressed within the assessments.

198. Having carefully considered the evidence for the designation of LGS within the PPA we find that the methodology and overall assessment has not been sufficiently rigorous to comply with national policy. As such the LGS designations within the Plan are not sound and need to be removed from the Plan. Consequently, **MM52** deletes reference to LGS in Policy DEV29 and the supporting text. The Councils will also need to ensure that the designations are removed from the Policies Map.
199. The Councils have put forward within this modification a proposal to add a new policy and supporting text to the Plan to ensure that there is an appropriate policy framework in place should any LGS be designated in future plans. However, this is not necessary for soundness as LGS are no longer being allocated in the Plan, plus it would repeat national policy. Accordingly we do not include this new policy within our recommendations. However this does not prevent the allocation of LGS in neighbourhood plans or other future development plan documents.
200. Whilst the LGS designations are to be deleted from the Plan this does not mean that these sites have no green space value or should not be protected. Indeed the Plymouth Open Space Assessment (POSA) identifies value scores for each green space based on site audits and assessments. Furthermore paragraph 74 of the NPPF clearly states that existing open space should not be built on unless certain criteria are met. In response to the proposed removal of the LGS from the Plan, and in recognition of their identification as open spaces of value in the POSA, the Councils have put forward an alternative 'city green space' designation (CGS) instead for these areas.
201. There is nothing in national policy preventing open spaces from having different titles or designations. Based on the evidence the identification and designation of CGS and neighbourhood green spaces is reasonable.
202. Nevertheless, the amendment put forward by the Councils to Policy DEV29 is not consistent with national policy. The criteria set out in paragraph 74 of the NPPF identifying the situations where loss of open space may be acceptable applies to all existing open space. Within the Council's modification the provisions listed would only apply to existing open space for public recreation. We therefore make additional changes to **MM52** to ensure that Policy DEV29 and its supporting text accurately reflects national policy, so that open space is protected but where the identified criteria are met, development may be acceptable. This is necessary for soundness.
203. We note the changes the Councils propose to make to the policies map to reflect the modifications to the green space designations.
204. The other policies in the natural environment section provide a positive framework for protecting landscapes, the undeveloped and heritage coast, trees, woodlands and hedgerows.
205. To ensure that the Plan is effective in considering horse related development **MM36** removes it from Policy TTV31 and instead sets the requirements out in a separate policy.

## **Plan**

**Plan EDP LGS 1** Environmental Planning Context  
(edp3824\_d018 17 October 2019 CLM/TR)

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client  
**Gleeson Strategic Land**

project title  
**Land at Sandown Park, North of Pembury Road Tumbridge Wells**

drawing title  
**Plan EDP LGS1: Environmental Planning Context**

date	<b>17 OCTOBER 2019</b>	drawn by	<b>CLM</b>
drawing number	<b>edp3824_d018</b>	checked	<b>TR</b>
scale	<b>1:10,000 @ A3</b>	QA	<b>CR</b>



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