

BROADSTAIRS & ST PETER'S NEIGHBOURHOOD PLAN – ADDITIONAL PARTIAL EXAMINATION OF POLICY BSP5: DESIGNATION OF LOCAL GREEN SPACES

Thanet District Councils Responses to Examiner's Questions

Question 1: What is the relevance of the eLP in this context? Thanet Local Plan 2006 has no policy for Local Green Space, either strategic or otherwise.

- 1) Broadstairs and St Peters Town Council prepared their Neighbourhood Plan on the basis of conformity with the emerging Local Plan, as set out in their Basic Conditions Statement paragraph 2.4:

2.4 The Neighbourhood Development Plan contains 14 topic policies, 6 of these are geographically referenced and mapping is provided to establish the exact policy boundary, the plan does not seek to allocate housing as this is being dealt with by the Thanet Local Plan. The Plan has sought to avoid containing policies that duplicate other development plan or national policies that are already being used to determine planning applications. The policies are therefore a development management matters that seek to refine and supplement the new emerging Local Plan policies.

and paragraph 5.1:

5.1 The Neighbourhood Development Plan has been finalised to ensure its 'general conformity' with the development plan for the District, this is the Thanet Local Plan 2031. Consultation on the Regulation 19 stage of the Thanet Local plan plan ended on 4th October 2018. To ensure ongoing conformity the NDP also has the same plan period running to 2031.

Appendix 5 of the Basic Conditions Statement lists the neighbourhood plan policies and their conformity with relevant policies in the emerging Local Plan.

- 2) The Examiner states in paragraph 2.2 of his report that:

2.2 Whilst there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging Local Plan, there is an expectation that the District Council and the Town Council will work together to produce complementary plans. In this regard the Plan (at page 5) is erroneous in stating that it must be in general conformity with the strategic policies in the current adopted Local Plan and the emerging new Local Plan for the period up to 2031. I make PM1 to address this point.

- 3) Whilst the Council accepts that the Neighbourhood Plan is not required to be in general conformity with the eLP, the eLP was formulated with regard to the 2012

NPPF, where para 76 was applied to the sites being proposed as Local Green Space, and the two sites in question were considered against those criteria.

- 4) The relevant Planning Policy Guidance to the 2012 NPPF states that:
'Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.' (Paragraph: 009 Reference ID: 41-009-20160211)
- 5) The issue regarding the proposed Local Green Spaces does not relate to conformity with existing development plan policy, but the reasoning and evidence base informing the Local Plan as there is a direct conflict.

Question 2: What is the basis for saying that the LGS allocations in the BSPNP are not in general conformity with the Local Plan 2006?

- 1) It is not the Council's contention that the proposed LGS sites are not in conformity with the 2006 Local Plan. The 2006 Local plan was not produced under the 2012 NPPF, and has little relevance to the current matters.
- 2) However, weight should be given to the eLP in accordance with the Planning Practice Guidance as set out in our response to Q1.

Question 3: Since the LGS allocations in the BSPNP must be judged against NPPF 2012, for clarity, please explain fully the reasons for wishing to delete the 2 LGS allocations. For instance, is the fact that Fairfield Road/Rumfields Road space "is possibly highway land on a busy roundabout" a sufficient justification? And, in respect of the Reading Street space, is the fact that it is "part of the grass verge adjacent to the highway" a sufficient justification?

- 1) Paragraph 77 of the 2012 NPPF states that *'The Local Green Space designation will not be appropriate for most green areas or open space'* before listing the LGS criteria. This infers that the designation of a LGS should be as an exception, rather than the norm, for any sites that are put forward.
- 2) Paragraph 2.21 of the 16th December 2019 Cabinet report includes an extract from an interim note from a Planning Inspector to Mendip Council that:
'...the bar for LGS designation is set at a very high level. I therefore consider that it is clear from national policy that LGS designation should be the exception rather than the rule....'I recognise that many if not all the proposed LGS designations are important to local communities; but this is a lower bar than being 'special' and of 'particular local significance'

The sites submitted to the Council as potential LGSs were assessed on the basis that the bar for LGS designation is at a very high level and that not every area of open space would be suitable for designation. More detailed assessments of the two sites are available in Appendix 2 of the Local Green Space Report and have been

submitted alongside the Councils response for ease of reference. It should be noted that the more detailed assessments include a response to each of the NPPF criteria, not just the summaries referred to in the question. In their report on the Examination of the Thanet Local Plan, the Inspectors made the following comment (para 329) in relation to the Councils LGS assessments: *'In our view, the Council's conclusions on the sites put forward are reasonable and justified'*. However, they did not consider the omission sites.

- 3) The proposed LGS sites in question do not fulfill the NPPF criteria of having *'a particular local significance....because of their beauty, historic significance, tranquility or richness of its wildlife'*. Whilst the sites may have limited recreational value, and in the case of Reading Street, some community value, it is difficult to see how these factors make them significant in local terms. There is no evidence of any particular qualities that justify LGS designation.
- 4) The Council carried out a consultation proposing modifications to the BSPNP to delete the two LGSs from September - November 2019 as a means of engaging the public further. No additional evidence was submitted in response to the consultation to demonstrate how the two LGS proposals meet the NPPF criteria, contrary to the Council's own assessment of those sites. Responses to the consultation were received from both Historic England and Natural England stating that they had no specific comment to make on the proposed modifications to remove the two sites from LGS designation.
- 5) Whilst there were a significant number of objections to the Council's proposed modifications, again, to quote from the Inspector for the Mendip Plan: *"many if not all the proposed LGS designations are important to local communities; but this is a lower bar than being 'special' and of 'particular local significance'"*.
- 6) While the responses demonstrate support for the sites' inclusion as LGS and may demonstrate that the sites are special to local people, there is no evidence to suggest that there is any particular local significance in relation to the criteria set out in para 77 of the NPPF 2012. For this reason, the council does not consider that the inclusion of these sites as LGS would be consistent with the criteria.
- 7) We accept that the Examiner must come to his own view as to whether sites comply with the NPPF criteria. However, it is unclear how the two sites meet those criteria. Whilst the Examiner's report states that he is satisfied that the sites meet the criteria, no express reasons are given for their inclusion nor any sufficient explanation why the sites in question meet the criteria.
- 8) Moreover, the Planning Practice Guidance that accompanies the NPPF (Paragraph: 007 Reference ID: 37-007-20140306) states that *'.....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'*.
- 9) The Reading Street site forms part of a housing allocation (Former Club Union Convalescent Home for 24 dwellings) in the emerging Local Plan. The proposed LGS site is adjacent to the current access to the housing allocation site which lies behind the LGS site. The housing site has previously had planning permission for residential development which has expired. There have been three recent planning applications on the site, all of which have been refused permission. The most recent

application was recommended for approval but refused at planning committee and is currently the subject of an appeal.

- 10) The planning applications have met with significant public opposition - a 'Club Union Action Group' was set up by Reading Street residents to coordinate a campaign against the proposed development.
- 11) Paragraph 76 of the NPPF 2012 states 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'.....and should be capable of enduring beyond the end of the plan period.*
- 12) There were around 50 objections to the proposed housing allocation in the Pre-Submission Reg 19 consultation on the Local Plan. Although there is no current planning permission on the site, the Inspectors for the Thanet Local Plan state in their report:

145. In Broadstairs, land at Reading Street is allocated for 24 dwellings. Although planning applications have been refused for residential development, and subsequent appeals dismissed, in each case the main issues related to matters of design, not the principle of development or the site's accessibility to shops, services and public transport. Located within the Urban Area, the allocation of the site for residential development is justified, as supported by the SA. There is nothing to indicate that a suitable design cannot be achieved over the course of the plan period.

Question 4: There are 19 LGS designated under Policy SP30 of the eLP, of which 7 have a 'Broadstairs' location. Apart from Kitty's Green, Culmer Amenity Land, and St Peter's Recreation Ground (if that is the same as St Peter's Village Green), I cannot identify which of the LP list of sites are in the NP list of sites. It would be helpful to have these identified for me. It is certainly confusing to have sites identified by different names in different lists, which appears to be the case. I also have difficulty in reconciling the names of the BSPNP areas with some of the sites in the Report on Assessment of Local Green Space Proposals of January 2018. An explanation would be helpful.

- 1) The Council carried out a 'call for sites' for Local Green Spaces for inclusion in the Local Plan as part of a consultation from 19 January - 17 March 2017. Those sites were assessed as set out in the Local Green Space Proposals of January 2018. The names given to the sites were as they were submitted to the Council. Maps showing the Local Green Spaces submitted to the Council can be found in the Councils assessments of those sites in Appendix 2 to the Local Green Space Report January 2018 (LP Examination document CD5.11) <https://www.thanet.gov.uk/wp-content/uploads/2018/08/LGS-full-report-plus-appendix-2-reduced-for-web.pdf>
- 2) Broadstairs Town Council also carried out a 'call for sites' for Local Green Spaces for inclusion in their Neighbourhood Plan. Some of those sites were the same sites that had been submitted to the Council, however the Town Council would have used their own site names for them. All of the sites submitted to Broadstairs Town Council and their assessment of them can be found on their website (Examination background document 10)

https://www.broadstairs.gov.uk/_UserFiles/Files/NeighbourhoodPlan/Local%20Green%20Spaces%20Background%20Document.pdf. Maps of the Local Green Spaces to be included in the draft Neighbourhood Plan are available here:
http://www.broadstairs.gov.uk/Local_Green_Spaces_22125.aspx

- 3) The table below shows the sites that were submitted to the Council within the Broadstairs Area, and, where relevant, the same site as submitted to Broadstairs Town Council:

Thanet Local Plan LGS proposed or submitted	Name in Thanet Local Plan	Allocated/ Not allocated in Thanet Local Plan	BSPNP proposed LGS and equivalent name for the same site	Reference number (in BSPNP background paper of site assessments)	Allocated/ Not allocated in BSPNP
LGS01	Kitty's Green	Yes	Kitty's Green	9	Yes
LGS02	Culmer's Amenity Land	Yes	Culmer's Amenity Land	1	Yes
LGS03	Prince Andrew Road	No	Prince Andrew Road CT10 3HE	4	No
LGS04	Linley Road	No	Linley Road	5	No
LGS05	Broadhall Manor, off Foreland Heights	No	N/A		
LGS06	Clifftop Area on North Foreland Estate	No	Clifftop Area on the North Foreland Estate, Cliff Promenade	7	No
LGS07	Cross-roads of Fairfield Road and Bromstone Road	No	Fairfield Rd/Rumfields Rd (Bromstone Roundabout) CT10 2PH	12	Yes
LGS08	Taddy's Allotments	No	Reading Street Road (Taddy's land)	56	No

			Allotments		
LGS11	Holmes Park	Yes	Holmes Park, Knights Avenue	19	No
LGS26	Pierremont Park	Yes	Pierremont Park	21	No
LGS27	King George VI Memorial Park	No	King George VI Memorial Park - north area to Ramsgate boundary only	25	No
LGS28	Memorial Recreation Ground (Lawn Road)	Yes	Memorial Recreation Ground, Broadstairs	20	No
LGS29	St Peters Recreation Ground	Yes	St Peters Recreation Ground	23	No
LGS31	Jackey Bakers Fields	No	N/A		
LGS32	Victoria Gardens	No	N/A		
LGS33	South Cliff Parade	No	South Cliff Parade	3	No
LGS34	Western Esplanade	No	Western Esplanade	2	No
LGS36	Mockett's Wood	Yes	Mockett's Wood, Broadstairs, CT10 2TR	34	No
LGS37	Westover Gardens	Yes	Westover Gardens CT10 3EY	39	No

LGS38	Small piece of green space/ seating area (Reading Street)	No	Reading Street	17	Yes
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Question 5: In any event, the submitted BSPNP allocates 18 sites, of which 2 are objected to by TDC, leaving 16 sites that are not subject to objection. Since the LP allocates 19 LGSs, most of which do not appear to be in the NP area, it seems to be the case that there are LGSs in the BSPNP that have not had the endorsement of the eLP. This seems to go against the contention, set out in paragraph 1.4 of the Cabinet Report, that *“Some of the sites now being proposed in the neighbourhood plan were also submitted at this stage, but were not allocated in the Local Plan as they did not meet the designation criteria. It is considered that their allocation in the neighbourhood plan would therefore conflict with the Local Plan LGS allocations as they have already been considered unsuitable for designation.”* Surely that means that any LGS designated in the NP, that has not been allocated in the eLP, conflicts with that Plan? Is this a lack of consistency, or for a reason?

- 1) The ‘Some of the sites’ referred to in paragraph 1.4 of the report may have been better worded had it said ‘Two of the sites’.
- 2) The Council received the Fairfield/Rumfields Road and Reading Street sites as proposed LGS for allocation in the eLP in its consultation in 2017. It assessed those sites and rejected them for inclusion in the Local Plan because it was considered that they did not meet the NPPF criteria. As stated above, the Reading Street site is also included as part of a housing allocation in the eLP.
- 3) These two sites had already been assessed and rejected by the Council as being suitable for LGS designation.
- 4) The Council has not objected to any of the the other 16 LGS sites proposed in the BSPNP as they have not previously been put before the Council for consideration as part of the eLP process, leaving the assessment and consideration of those sites to the Town Council. The Council has only objected to the two LGS sites because there has been a direct conflict in the assessments which have been made for the purposes of informing the eLP.

Question 6: Following from this, the Inspectors’ report on the eLP deals with LGSs quite briefly. The essential element of their report as far as the choice of LGSs is concerned is in paragraph 329: *“Examination Documents CD5.11 and CD5.12 provide the justification for designating areas of Local Green Space. All sites have been assessed against the requirements of the Framework, which requires an element of professional planning judgement. In our view the Council’s conclusions on the sites put forward are reasonable and justified.”* (CD5.11 being the Report on Assessment of Local Green Space Proposals, January 2018, and CD5.12 being Addendum to Report on Assessment of Local Green Space Proposals, August 2018, the latter appearing to refer only to sites in Westgate.) Does this mean that there were no omission LGS sites put forward for the Inspectors’ consideration; for instance, in relation to the 2 LGS sites that TDC now seeks to delete from the NP?

- 1) That is correct. No omission LGS sites, including the two sites that are the subject of this Examination, were put forward for the Inspectors' consideration. The two sites were only submitted in response to the Councils consultation in 2017 and assessed then as part of the eLP process.

Question 7: As a follow-on from Question 6, the LGS Policy (Policy SP30) in the eLP is a strategic policy. Does this mean that a NP cannot designate additional LGSs, because to do so would be designating strategic sites?

- 1) The LGS Policy (SP30) is within the Strategic Policy section of the Local Plan because of the level of protection it gives to sites designated as LGS, as set out in para 78 of the NPPF:

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts

- 2) This is clearly a very high level of protection for sites that fall within the remit of Policy SP30, however it does not make those sites Strategic Sites themselves. Policy SP30 sits alongside policy SP29 - Protection of Open Space, which also affords protection to open spaces which are not considered to be Strategic Sites. (The only open spaces that are considered to be Strategic Sites are the Green Wedges which are protected under Policy SP22 - Safeguarding the Identity of Thanet's Settlements).