

Appendix 2 – Extract from EXAM 17

Policy NEH3 Historically and Visually Important Local Green Spaces

9. Additionally I wish to raise a number of points in relation to Policy NEH3 Historically and Visually Important Local Green Spaces. Following the discussions in the Matter 12 hearing session, I have considered in detail the evidence submitted by the Council on this matter including the various Background Papers, the 2014 and 2016 River Nene Regional Park (RNRP) assessments of the proposed visually important open spaces, the Council's Matter 12 statement and all the relevant Planning Policy Committee reports and minutes referred to in those documents.
10. Paragraph 99 of the Framework states that the designation of land as Local Green Space through local and neighbourhood plans allows communities (my emphasis) to identify and protect local green areas of particular importance to them. Paragraph 100 (b) states that the designation should only be used where the green space is (amongst other things) 'demonstrably special to a local community'. On the basis of the information provided, I am unable to ascertain whether the proposed local green space designations were promoted or put forward by the local communities in Kettering.
11. I am aware that in 2012 a list of sites was compiled using a variety of sources (as set out in the 2012 Background Paper) including contacting all Town and Parish Councils. Whilst 65 sites resulted it is not evident which ones were forwarded by local communities. I also understand that following public consultation in 2012, 15 sites were removed, but a further 15 were added having been proposed by consultees. Additionally, a further consultation in 2016 led to 6 new sites being assessed by RNRP. Again, I am unable to determine which of these sites came from the local community. Although an example of the individual site assessment sheet (which includes a section to indicate the original source of the proposed designation) is included in Appendix 1 of the 2012 Background Paper, I have not been provided with the individual site assessment sheets.
12. In the absence of the necessary information to determine who promoted or put forward each of the Local Green Spaces now proposed for designation, and without sight of a particular community's reasons for seeking the designation and explanation of why the space is considered to be demonstrably special, I have concerns in relation to the soundness of the policy (in particular as to whether it is justified and consistent with national policy).
13. I appreciate that the identification of historically and visually important open spaces in Kettering has been undertaken over a long period of time and been subject to a number of rounds of consultation and specialist assessment. However, it is clear that the context in which the work has been undertaken has altered over this period. Notably, what were originally conceived as Historically and Visually Important Open Spaces (HVI) are now being designated as Local Green Spaces (LGS). The purpose of the 2012 Background Paper was to specify additional local provision of HVIs where

they make a significant positive contribution to any settlement, Conservation Area or Listed Building. Since this work pre-dated the 2012 Framework, I appreciate that there was no need for sites to be demonstrably special to a local community at that time.

14. However, the 4 September 2014 Planning Policy Committee report 'Site Specific Proposals Local Development Document – Options Consultation' advises that the proposed HVI allocations would be reviewed in light of paragraph 77 of the 2012 Framework regarding LGS. This is documented in the 2015 Background Paper which finds on page 2 that the principle of designating HVIs conforms with the Framework (then para 76). However, this finding does not consider the 'demonstrably special' test. The summary assessment table on page 3 is intended to show how the sites have been considered in light of the Framework criteria. It includes in column 3 the question 'is the site demonstrably special to the local community'. However this question is not explicitly covered or answered for any of the sites in the table. The focus remains on the second part of the question which reads 'and does it hold a particular local significance'.
15. RNRP carried out an assessment of visually important open space in Feb 2014 and reassessed some sites in light of consultation responses in June 2016. These studies made no assessment of 'demonstrably special'. Sites were only assessed as to whether they were visually important open spaces. I accept that Page 1 of the RNRP updated assessment June 2016 states that new sites were assessed using the same methodology as the original assessment alongside the Framework's criteria for local green space (including where the green area is demonstrably special to a local community). However, none of the subsequent assessments cover the 'demonstrably special' point.
16. The June 2016 Background Paper refers to the sites as LGS rather than open space in order to comply with the Framework. Even so, page 3 states that the sites which are included in the report have been identified because of their beauty (visual) and/or historic significance. No mention is made as to whether they are demonstrably special to a local community. In response to general comments referring to the need for sites to be demonstrably special to the local community, officers respond at page 5 to say that 'At this stage sites have been assessed to determine whether or not they hold a particular local significance in terms of their visual (beauty) or historic impact. Some of these sites have been promoted through consultations or supported by communities through previous consultation responses. However the consultation on the draft Site Specific Part 2 Local Plan will be a further opportunity for comments to be received from the local community in relation to their local significance'.
17. Overall the focus for identifying the sites has been overwhelmingly based on their visual or historic significance, and not on whether they are demonstrably special to a local community. This approach is not in line with the requirements of the Framework. The intention of paragraph 99 of the Framework is to allow communities to identify and protect local green areas.

That the sites have come from the local community is the starting point, and in my view is the necessary pre-cursor to the spaces being demonstrably special to a local community. In this instance, it seems that the Council has sought for the most part to promote previously identified HVI sites as LGS sites. Whilst I accept that some of these sites have been supported through the process, as things stand I have seen no compelling evidence to suggest that they are demonstrably special to a local community.

18. On this point, I have been unable to locate copies of the representations supporting any of the local green space sites through the process (with the exception of the Regulation 19 consultations on the Plan itself). Whilst I note the Council's intention to provide more information regarding the community comments on HV1028, this needs to be provided for all the sites.
19. Additionally, the 2016 Background Paper refers to some sites that were put forward by local communities but ruled out. Page 10 recognises a large number of comments received from residents seeking HVI055 in Desborough as a LGS. The commentary states that many of the comments highlight issues which are beyond the scope of this assessment such as recreational uses of the land and wildlife. This is so even though these are possible factors of significance highlighted in criterion b of paragraph 100 of the Framework. Page 16 considers four sites put forward by Dingley Parish Council. These were assessed by RNRP for visual importance, but not as to whether they were demonstrably special. Moreover, in the case of HVI086, RNRP concluded that although the site does not meet the criteria as visually important open space, evidence should be sought in regard to the site's amenity value to the local community and also to the tourism/economy of Dingley. Despite this recommendation, as far as I can see the site was not taken further.
20. Whilst it may be that these sites do not meet the requirements of paragraph 100 of the Framework overall, these examples of spaces being ruled out without consideration as to whether they are demonstrably special to a local community add to my concerns in relation to the NEH3 designation process.
21. On a further point, I would also question whether all the spaces meet the other criteria in Paragraph 100 of the Framework. In particular criterion c of Paragraph 100 states that the designation should only be used where the green space is local in character and not an extensive tract of land. The Planning Practice Guidance (the Guidance) states that local green space designation is a way to provide special protection against development for green areas of particular importance to local communities (ID: 37-005-20140306). The Guidance also states that there are no hard and fast rules about how big a LGS can be because places are different and a degree of judgement will inevitably be needed. However it is clear that blanket designation of open land 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.

22. Whilst no details have been provided as to the site areas of the proposed sites for designation, it is clear from the Proposals Maps that a number of the sites are large and could be deemed to be 'extensive tracts of land'. The following spaces are particularly significant in extent:
23. HVI070 Rushton is considered in the 2016 Background Paper which recognises that the site is relatively large. It arises from a number of previously individual sites combined and in practice takes in a number of field parcels and different distinct elements of grassland, woodland and parkland. Although parts of the site (36, 37, 38) were assessed individually by RNRP in 2014 it was not considered as a whole. I have concerns that this large consolidated area represents an extensive tract of land adjacent to the built up area.
24. HVI022, 23, 24, 25, and 26 Little Oakley are considered in the 2015 Background Paper which acknowledges that sites 23 and 26 to the south of the village are relatively large. Together they take in several field parcels outside the settlement boundary and, alongside with the other proposed spaces, they are far-reaching and considerable areas of land compared to the size of Little Oakley itself.
25. HVI021 Harrington is considered in the 2016 Background Paper which recognises it is a relatively large area. This considerable parcel of land projects well beyond the linear form of the built up part of the village to the north and is extensive in relation to the modest size of Harrington.
26. HVI013 and 80 Cranford incorporate all the land between Cranford St Andrew and Cranford St John. In combination they constitute a very considerable swathe of land between the two linear settlements which takes in a number of field parcels and distinct areas of land that extend well beyond the built up areas of both settlements.
27. Due to their size and coverage I am concerned that these spaces would result in the blanket designation of open countryside adjacent to the built up areas of these settlements and would not meet the criteria in the Framework or the advice in the Guidance in relation to LGS.
28. These are my immediate thoughts on this matter, which I raise now in order to give the Council chance to respond as part of its work arising from the hearings. However, notwithstanding these points, I will need to consider whether the proposed Local Green Spaces meet all the terms of paragraphs 99 and 100 of the Framework. In addition to being identified by communities, 'demonstrably special' and not an extensive tract of land (as considered above), I will also need to be satisfied that the proposed spaces are in reasonably close proximity to the community they serve, and hold a particular local significance.