
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	19th APRIL 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	KEVIN EXLEY kevin.exley@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL GREEN SPACES SUSTAINABILITY APPRAISAL SCOPING CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That Members agree the proposed approach for considering local green spaces as summarised in this report
- 1.2 That Members authorise the publication of the Council's Scoping Report Document for a statutory five week consultation with the 'Consultation Bodies' and other appropriate stakeholders.

2.0 Purpose of Report

- 2.1 To outline the site selection process proposed to identify Local Green Spaces and seek authorisation to consult on the proposed Sustainability Appraisal Report which outlines the systemic approach that will be used to guide decision making on the sites to be designated and the policies to be included in any forthcoming Local Green Spaces Local Plan

3.0 Detail

- 3.1 In 2012 the National Planning Policy Framework (NPPF) introduced the ability of local communities, through local or neighbourhood plans to designate Local Green Spaces. This designation provides communities with certainty that such green spaces will not be built on except in very special circumstances.
- 3.2 Paragraph 76 of the NPPF states that sites should be capable of enduring beyond the Plan period, whilst Paragraph 77 of the NPPF states that the *"Local Green Spaces designation will not be appropriate for most green areas or open space and that the designation should only be used:*

- *Where the green space is in reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance recreational value (including as a playing field) tranquillity or richness of its wildlife; and*
- *Where the green area concerned is local in character and is not an extensive tract of land”.*

3.3 Initially the designation of Local Green Spaces was to be made through the Part 2 Local Plan (LP2). However due to the level of interest in the issue and the desire to consider all options fully the Council decided not to allocate sites through the LP2. This was agreed by Members at Environmental and Development Services Committee on the 29 September 2016.

3.4 Following a further Local Green Spaces Options Consultation held in 2017 which has provided further evidence on sites potentially suitable for Local Green Space designation it is now considered that sufficient information is available to commence work on a Draft Plan and move towards adoption.

3.5 A two stage process is envisaged for identifying appropriate sites. The first will screen out sites that do not comply with the requirements of paragraph 76 and 77 of the NPPF (and supporting guidance in National Planning Policy Guidance). However the issue of how sites are demonstrably special to local communities will not be assessed during this first stage of work. Instead this first stage of work will establish whether:

1 The space is in reasonably close proximity to the community it serves

The Institute for Highways and Transportation recommended walking distances for non-commuting or school journeys is 800m or equivalent to 10 minutes walk). However where a green space is proposed which provides playing pitches or outdoor sports provision within 1,200m (a 15 minute walk) will be considered acceptable in line with guidance provided by Fields in Trust and included in the Council’s Design Supplementary Planning Document (SPD) adopted November 2017 Any sites located a greater distance from the edge of the settlement boundary or edge of the settlement they serve will be excluded from designation.

2 The site is an extensive tract of Land.

The NPPG Paragraph 15 (ref ID 37-015-20140306) states the blanket designation of open countryside adjacent to settlements will not be appropriate. It is considered that any site in excess of 5ha could constitute an extensive tract of land. In identifying this threshold regard has been had to a number of examiners reports on local green spaces made through Neighbourhood Plans as well as a Counsel Opinion¹ drafted in response to Castlethorpe Neighbourhood Plan (published February 2016). However exceptionally there may be a need to set any agreed threshold aside and allow for smaller sites to be considered extensive within the context they sit. Similarly there may be

¹ For Counsel Opinion see [here](#)

exceptional circumstances where larger sites could be considered appropriate for designation. However any exceptions would need to be supported by a strong and rational case.

3 The site is capable of enduring beyond the Plan period.

Clearly sites allocated for development in the Adopted Local Plan (Part 1 and Part 2), or have planning consent or a resolution to grant planning consent should be excluded from consideration. Similarly sites included in the Council's Strategic Housing Land Availability Assessment (SHLAA) will ordinarily be excluded unless the SHLAA identifies that the site is unsuitable for development.

3.7 In addition to the above criteria the Council has previously established a number of criteria to guide site selection, and consulted upon these in previous Local Green Space consultations. These criteria would rule out the designation of sites where there is duplication of existing protections afforded through national or local planning policy or where sites are deemed inappropriate for other reasons – for example sites are protected by legal covenants, or sites are private gardens and are not public spaces.

3.8 In detail the further criteria previously established are as follows:

4 Where the site is already protected by designations such as Green Belt, wildlife designations, or heritage designations, or protected by established open spaces policies there is little merit in a further designation. Whilst it is acknowledged that such protections are often made to in the interest of protecting one aspect of the site (such as important heritage features), in most cases the policy protections provided would offer a level of protection that would safeguard the site generally for the benefit of local communities. However, there are instances where there may be justification for already protected sites to be designated. This will only be considered where it can be demonstrated that additional and substantive local benefits can be secured as a result of the local green spaces designation which isn't otherwise conferred by national or local plan policy. One such example of such an occurrence could be where local sports provision is protected through local policy INF9. This is because this policy does allow for loss subject to replacement facilities being provided but in some instances there may be a locational imperative to maintain provision in its current location and relocated facilities may fail to have the same community benefits.

5 Private residential gardens, paddocks or stables are not considered appropriate for designation as a local green space as they are not valued community spaces (but rather private spaces).

3.9 In addition previous consultations indicated that the Council's view was not to include war memorial as Local Green Spaces. Part of the rationale for this was such memorials did not require further protection against development, particularly

as many are listed or located in otherwise protected area. However this is not universally the case and more detailed consideration of this issue indicates many spaces used as war or other memorials are informal spaces that are valued by local communities and are not necessarily protected through any other mechanism. War and other memorial sites will therefore be assessed on their merits against the other criteria previously listed above.

- 3.10 By reviewing all of the submitted sites against the above criteria this should provide an understanding of the sites which are likely to meet the NPPF criteria as appropriate for designation. However the key issue of justifying how sites are *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* will remain to be undertaken.
- 3.11 Officers propose to undertake an assessment to demonstrate value to the local community as part of the Sustainability Appraisal work for the Local Green Spaces Development Plan.
- 3.12 The preparation of a Sustainability Appraisal (SA) of the South Derbyshire Local Green Spaces Plan is required under statute. However this work provides opportunity to systematically review appropriate sites and establish those aspects of proposed sites that are demonstrably special to the local community. In addition it also provides a mechanism to review whether there are opportunities to further enhance sites proposed and secure long-term improvements to their quality including, where appropriate, through enhanced management.
- 3.13 A key part of the SA process is to establish the 'scope' and methodology to be used to review sites. Proposals for undertaking the SA have now been prepared and a Scoping Report (Background Paper 7.1) has been drafted for consultation. A scoping report is a technical document and there is no requirement to consult the public at large at this stage. Instead legislative requirements require a five week consultation period be held with a limited number of 'Consultation Bodies'. However in line with historic practice in this Authority it is proposed that Council will consult other agencies such as the National Forest, Derbyshire Wildlife Trust and adjacent Planning Authorities as well as all Parish Councils. It is also proposed that the Council will also place the Scoping Report on the website in order that it is available to members of the public to view and comment on should they wish.
- 3.14 Following consultation of the Scoping Report is proposed that a Local Green Spaces Plan and Draft Sustainability Appraisal Report will be published in the Summer.

4.0 Financial Implications

- 4.1 None arising directly from this report

5.0 Corporate Implications

- 5.1 The Plan will ensure the retention of existing community infrastructure in line with key aims in the Place chapter of the Corporate Plan.

6.0 Community Implications

6.1 The Plan will ensure the retention of existing community infrastructure, including locally accessible green spaces to meet long-term needs of local communities.

7.0 Appendices

7.1 Draft Local Green Spaces Plan Scoping Report

Appendix 1: Site Chronology: Drakelow Park

May 2009: Outline Planning Application submitted (Reference 9/2009/0341)

July 2010 – June 2011: Proposals considered at Planning Committees in July 2010, May 2011 and June 2011. These reports provided consideration of the merits of the scheme generally, but in particular considered the amount of and timing of affordable housing to be provided as part of the scheme*.

March 2012: Outline Planning Consent was granted.

April 2014: 9/2014/0363 approval of reserved matters for phase 1 (99 dwellings) of previously approved outline application. Consented July 2014.

December 2014: Development commences on site.

November 2015: Application to vary condition 47 of permission 9/2009/0341 to allow 400 homes to be occupied on the site prior to the widening of the Walton on Trent By-pass. Consented June 2016.**

June 2016: Part 1 Local Plan Adopted. Site makes provision for 2,239 homes (of which 1,200 forecast to come forward to 2028) and 12ha of employment land provision. Policies H6 and E1F apply to the site.

October 2017, Phase 1 development - 96 homes completed with remaining 3 U/C.

October 2017: 9/2017/1074 Approval of Reserved Matters for Phase 2 for 94 dwellings. Consented January 2018.

*Affordable Housing provision deferred until after first 600 homes built or five years after commencement of development – whichever is sooner. This would lead to a minimum of 27% provision in remaining development to achieve a required minimum of 20% affordable housing across whole site. In event of fewer homes being built in the first 5 years, then a lesser percentage will be due in the remaining development.

**Section 73 application to vary condition 47 of permission 9/2009/0341 allows for 400 homes to be occupied ahead of the development of the Walton Bypass and bridge. Previously this condition allowed for 100 homes to be occupied before completion of the bypass.