

Your Ref:
Our Ref: Land at Downend, Puriton
Date: 5th December 2022

Ms Sally Diaz – Parish Clerk
7 Sealey Close
Draycott
Cheddar
Somerset
BS27 3UA

Development Land & Planning Department
Winchester House
Deane Gate Avenue
Taunton
Somerset
TA1 2UH
Tel: 01823 334466
Email: naomi.morgan@gth.net

Dear Ms Diaz,

Representation to the Puriton Neighbourhood Plan consultation – Policy BNE5 with regard to the allocation of Downend Fields.

I refer to your letter of 3rd October 2022 in relation to the Puriton Neighbourhood Plan and the proposed designation of Downend Fields as Local Green Space. The draft neighbourhood plan proposes to designate the 7.5 ha field, which is owned by our client, ██████████, as Local Green Space. On behalf of, ██████████, we are writing in objection to the proposed designation. The Local Green Space Designation (LGS) was introduced in national planning policy, as part of the Government's commitment to promoting healthy communities. Paragraph 101 of the National Planning Policy Framework (NPPF) states that the designation of land as LGS through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as LGS 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 capable of enduring beyond the end of the plan period.

Further to this, paragraph 102 states that the Local Green Space designation should only be used where the green space is:

- a) A 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.

The neighbourhood plan proposes to designate 13 sites as LGS across the plan area. Whilst the importance of local green space is recognised and the neighbourhood community consultation survey results are noted, we object to the proposed allocation of Downend Fields as LGS for the following reasons:

- The land is in private ownership and as such any walking or recreation within the fields, other than use of the formal right of way is/ should be done with the landowner's permission. Whilst

the site is in reasonably close proximity to the properties at Downend, the land is private and aside from the public right of way is not widely accessible to the community and as such does not serve the community as required by the criteria set out within the NPPF. The public footpath is publically available for use but this ongoing use does not require the allocation of our clients land. The proposed designation therefore does not serve the community in any useful way other than being physically adjacent to a public footpath in close proximity to the properties at Downend.

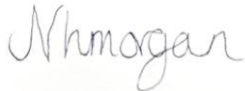
- It is acknowledged that there is a public right of way which runs along the western boundary of the proposed allocated site and field and this would remain unchanged by any allocation in the neighbourhood plan. If the site were to come forward for development in the future, the impact on the public right of way would be considered as part of the planning process and would be protected or potentially re-routed. This would require consent in its own right and would be subject to a lengthy application process and public consultation. The government guidance for public rights of way: landowner responsibilities states that for field-edge public rights of way, 1.5 metres is the minimum width that should be kept undisturbed (not cultivated). The minimum width of a footpath to be maintained is 1 metre.
- The draft neighbourhood plan states that ‘the area also provides rare unspoilt rural views’ as the reason for local significance of the site to the community/ reason for designation/ value of the site. The right to a view is not a material planning consideration should this site come forward for development in the future and unless particular character traits can be identified then the character of the area proposed to be allocated for protection is questioned;
- The ‘Local in character and not extensive tract’ criteria for LGS should be used to demonstrate that the space in question is a local facility and not, for example, green space in the countryside around a settlement. The purpose of Local Green Space designation is to protect local spaces. Containing urban sprawl or protecting open countryside would not be a proper use of the designation. The supporting text of proposed policy BNE5 does not state how the field holds particular local significance. The allocation of an entire 7.5ha field on the edge of the village is considered to represent an extensive tract of land and is contrary to the NPPF.
- The site is considered to hold strong potential for residential led development and it is considered that this could be achieved while respecting the local character of the area and the public right of way which runs along the boundary of the site.
- To be eligible for designation as Local Green Space, the space in question would need to meet all of the NPPF criteria in paragraph 102. We do not consider that this site meets all the relevant criteria.

There is therefore direct conflict with National Planning Policy in that the proposed Local Green Space policy and the proposed LGS allocation of Downend Fields does not meet the basic conditions and criteria under paragraph 102 of the NPPF. We therefore object to the inclusion of Downend Fields being included within policy BNE5 of the proposed Puriton Neighbourhood Plan.

Whilst we do not consider that any of the site is suitable for allocation as a LGS we would be open to discussions with the Neighbourhood Plan Group regarding the reasons for allocation and potentially the designation of a smaller area of land as LGS.

I hope you will fully take on board these comments with the continued drafting of the Puriton Neighbourhood Plan. Should you require any additional information in respect of the representations made within this letter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads 'Naomi Morgan'. The signature is written in a cursive, flowing style.

Naomi Morgan
Planning Consultant
E mail : naomi.morgan@gth.net
T 44 (0)1823 334466