

Part B – Representation

1. To which document does the comment relate? *Please tick one box only.*

X	Submission Plan
	Consultation Statement
	Basic Conditions Statement
X	Other – please specify:- Appendix A – Green Infrastructure Audit (Rolt Millennium Green)

2. To which part of the document does the comment relate? *Please identify the text that you are commenting on, where appropriate.*

	<i>Location of Text</i>
Whole document	
Section	
Policy	SFGI1
Page	43 (MAP)
Appendix	A

3. Do you wish to? *Please tick one box only.*

	Support
X	Object
	Make an observation

4. Please use the box below to give reasons for your support or objection, or to make your observation.

We object to the boundary of the Rolt Millennium Green Local Green Space Boundary (No. 27)

Please find attached our representation, stating reasons for objection

Continue on a separate sheet if necessary

5. Please give details of any suggested modifications in the box below.

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Continue on a separate sheet if necessary

6. Do you wish to be notified of Dorset Council's decision to make or refuse to make the neighbourhood plan? Please tick one box only.

X	Yes
	No

Signature: _____ Date: 25/02/2020

If submitting the form electronically, no signature is required.

Data protection

By signing or electronically submitting this form, you are agreeing to your comments being made publicly available. We will not display your personal data online, however we may share your details with the independent examiner for the purposes of examining the plan. Your information will be retained by the Council in line with its retention schedule and privacy policy (www.dorsetcouncil.gov.uk/privacypolicy). Your data will be destroyed when the plan becomes redundant.

Shaftesbury Town Council
The Town Hall
The High Street
Shaftesbury
SP7 8LY

21st February 2020

To Whom it May Concern,

Draft Shaftesbury Neighbourhood Development Plan

Consultation Response by Atlas Planning Group on behalf of Ms Yvonne Hellier

Context

These comments are made on behalf of Ms Hellier as part of the pre-submission public consultation for the Shaftesbury Neighbourhood Plan, with particular regard to the boundary of the Rolt Millennium Green.

Rolt Millennium Green has been put forward as a designated Local Green Space under Policy SFGI1. The proposed map highlights the area to be designated (Figure 1). However, although the boundary follows that of North Dorset District Wide Plan 2003, it includes a parcel of land, which does not contribute to the Green or meets the objectives of Policy SFGI1. Further to this, the land in question is in private ownership – it is not owned by the Rolt Millennium Green Trust.

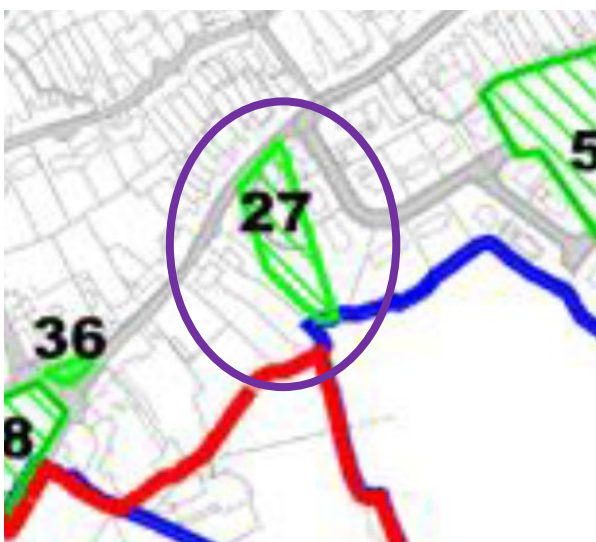


Figure 1: Proposed designation

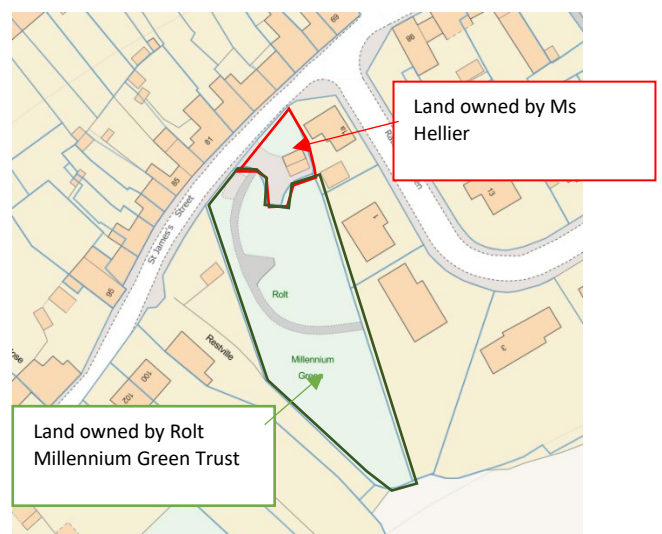


Figure 2: Ownership map

Planning Practice Guidance at paragraph 019 Reference ID: 37-019-20140306 states that a Local Green Space does not need to be in public ownership. However, 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. As the landowner, Ms Hellier has not been contacted regarding the designation of her land (a point confirmed by Shaftesbury Town Council in an email to Ms Hellier enclosed at Appendix A). The purpose of this document is therefore to object to the proposed designation and request that the boundary is amended to exclude her parcel of land.

In order for a Neighbourhood Plan (NP) to be lawful, it must comply with the basic conditions set out within paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. These basic conditions are that the NP must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Basic Condition 1 – Have regard to National Policies and Guidance

Paragraph 100 of the NPPF provides national guidance on the designation of Local Green Space (LGS). The policy states:

“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”*

As explained below, we contend that the currently proposed Green Space does not accord with criteria (b) and (c). The Draft Neighbourhood Plan therefore fails to meet the basic conditions required, as it does not adequately account for national planning policy.

The purpose of Policy SFG1 is to protect important and locally valued green spaces. *“Spaces are valuable to nearby residents because they offer play or other recreational opportunities. Such spaces have been designated for protection from development, where they qualify. Some important spaces could not be designated at this time.”*

Given that the area in question is characterised by hard surfacing, is occupied by a garage and is separated from the green space by a stone wall with gates, the area currently designated does not offer any play or recreational opportunities.



Figure 3: Site to be excluded from designation

The area currently proposed is not demonstrably special to the local community because of its beauty, recreational value, tranquillity or richness of its wildlife nor is it local in character. The PPG describes a Local Green Space designation as *“a way to provide special protection against development for **green areas** of particular importance to local communities.”* [our emphasis included]

As emphasised, the purpose of a Local Green Space designation is to protect **green** areas. The site is currently a parcel of hard standing and is occupied by a garage. It is not “green” and due to being in private ownership is not used by the local community.

The PPG also states that other land could be considered for designation even if there is no public access, but outlines that this would be in cases when a green area is valued because of their wildlife, historic significance and/or beauty. Clearly, this is not the case for this site.

Demonstrably special and holding a particular local significance

In order to properly assess the NP’s conformity with this criterion of NPPF 100, the terms ‘special’ and ‘significance’ should first be clearly defined.

special – *“better, greater, or otherwise different from what is usual”*

significance – *“the quality of being worthy of attention; importance”*

We contend that the justification put forward within the draft NP and its evidence base does not demonstrate that the site owned by Ms Hellier is better, greater or otherwise different from the other areas of Shaftesbury or that it warrants special attention.

The Green Infrastructure Audit outlines the important characteristics and current use of the Rolt Millennium Green, stating that *“it is an attractive community garden with open country views to south. Mixed planting & fruit trees with a grassed area and all-weather path. Managed by local charity.”* It highlights that the area is demonstrably special because of its recreational value and the value to wildlife and biodiversity, and notes that the landowners are the Rolt Millennium Green Trust.

Whilst the Green is valued and used by local community, there is no demonstrable reason to suggest that the site owned by Ms Hellier, which is currently covered by the designation is of any significance. The site clearly does not form part of the community garden and thus, does not comprise mixed planting and fruit trees. With regards to its recreational value and the value to wildlife and biodiversity, by reason of the developed nature of the site, no significant wildlife exists, and the recreational value is nil.

On the basis of the above, the land which is proposed for inclusion within the NP is not sufficiently 'special' nor 'significant' to the local community to warrant its designation. Therefore, the proposed designation does not accord with criterion (b) of NPPF 100.

Basic Condition 2 – Contribution to the Achievement of Sustainable Development

The PPG states that designating any Local Green Space will need to be consistent with local planning for sustainable development in the area.

Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

It is clear from the above that the designation of Ms Hellier's land would not be consistent with the aims of sustainable development. Designating Ms Hellier's land would not contribute to environmental objectives as it is a parcel of land, which is currently developed. Policy SFG11 would not help protect or enhance the environment and would prevent any future development on the site. As highlighted by the NPPF, the three overarching objectives are interdependent and given that Policy

SFGI1 would limit development, the NP would undermine the policies within the NPPF as a whole, preventing the ability to meet any economic or social objectives.

Basic Condition 3 - be in general conformity with the strategic policies of the development plan in the area; and

Given that the current designation does not contribute to achieving sustainable development, the proposal would not be in general conformity with the strategic policies of the development plan. Policy 1 of the North Dorset Local Plan Part 1 in particular states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Furthermore, Policy 2 outlines that all development proposals should be located in accordance with the spatial strategy for North Dorset. Shaftesbury is included as a main town in North Dorset, which will function as the main services centres and will be the main focus for growth, both for the vast majority of housing and other development. In this respect, including the land in the designation would undermine this policy and the ability of Shaftesbury to grow and thrive.

The Planning Practice Guidance states in no uncertain terms that the LGS designation should be used as a 'back door' way of achieving protection of land akin to a Green Belt. The aim of LGS is to protect spaces which are genuinely special and valued as such by the community they serve, not to provide an additional tool to restrict development wholesale. In this case, the site should not be included simply to prevent any development on this site as this would undermine the purposes of the LGS and sustainable development.

For the above reasons, the NP does not comply with the basic conditions set out within paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

Conclusion

No coherent reason is given for the inclusion of the whole of the land within the proposed LGS, indeed the only justification which is provided is for the community garden. There is no obvious factor such

as landownership, public access, or visual character which seems to have been used as a basis for establishing the boundary.

Indeed, the business manager for and on behalf of Shaftesbury Town Council has stated in an email to Ms Hellier dated 3rd February 2020 that *“We followed the North Dorset District Council IOWA (important Open Wood Area) boundary hence the boundary was drawn as it is shown on the above map and on page 43 of the draft Neighbourhood plan.”* (Appendix A).

We therefore object to the designation’s boundary for Rolt Millennium Green, as for the reasons above, this would be contrary to the requirements of NPPF 100. The proposed area for designation (whilst valued to some degree) is not demonstrably special and does not hold a particular local significance. The land is in private ownership and is not a green space. Rather, it is a parcel of hard standing and is occupied by a garage. Accordingly, the NP does not meet the first of the basic requirements. We therefore respectfully request that the boundary is amended and Ms Hellier’s site is removed from future versions of the Neighbourhood Plan.



Figure 4: Proposed Boundary for Rolt Millennium Green

In addition, we contend that the proposed NP would also fail to accord with the second and third basic requirement, as the overly restrictive approach to development proposals within the proposed LGS would be contrary to the overarching objective of achieving sustainable development.

We trust that these comments will be taken into account in the preparation of the final NP.

Yours sincerely

[REDACTED]

Rebecca Smith BSc (Hons) MSc MRTPI
Principal Planner and Planning Manager

[REDACTED]

Enc: Appendix A – Email from Shaftesbury Town Council to Ms Hellier dated 03/02/20



Dan Roycroft

From: Yvonne Hellier
Sent: 03 February 2020 16:07
To: Dan Roycroft
Subject: Fwd: Land next to Rolt Millennium Green

Hi Dan
Please see, forwarded info from the project facilitator.

Best wishes
Yvonne
Yvonne Hellier

Sent from my iPhone

Begin forwarded message:

From: Brie Logan [REDACTED]
Date: 3 February 2020 at 15:52:12 GMT
To: Yvonne Hellier
Cc: Claire Commons [REDACTED]
Subject: Land next to Rolt Millennium Green

Dear Yvonne

Following our call earlier today I have summarised our conversation below. As discussed I have sought further advice which I have detailed below.

Looking at the map it would appear that your site is part of the proposed LGS (Local Green Space) designation on the emerging Neighbourhood Plan.



Based on our evidence, we consulted the Rolt Millennium Green Trust but do not appear to have realised that part of the land was in separate ownership and therefore did not consult

with you. Therefore we haven't had the opportunity to take into account your thoughts on this.

We followed the North Dorset District Council IOWA (important Open Wood Area) boundary hence the boundary was drawn as it is shown on the above map and on page 43 of the draft Neighbourhood plan. The question then is whether the land in your ownership is valued and important as part of a locally important green space. If yes, then we would look to sustain the need that it should be included in the Rolt Millennium Green LGS. If no (it is not important as part of that space), then we would be agreeable to its removal (accepting that its development would still need to consider the impact on the adjoining LGS).

The consultation starts on 7 Feb therefore it has been suggested that you make a comment through the Reg 16 (formal) consultation. It is important that you copy us in so we can also respond once we have had an opportunity to consider this in further detail.

In terms of the Neighbourhood Plan (emerging) policy SFGI1 states:

4.2 Policy SFG11

What does Policy SFG11 set out to do?

To protect the important and locally valued green spaces.

Shaftesbury has green spaces that are linked to highly valued historic sites, wooded spaces that contribute to the character of the town and mitigate climate change, and spaces that give access to long views. Other spaces are valuable to nearby residents because they offer play or other recreational opportunities. Such spaces have been designated for protection from development, where they qualify.

Some important spaces could not be designated at this time.

New development at Littledown, to the north of the town, will provide a significant area of parkland giving long views over Gillingham Royal Forest. This will become an important landscape feature and leisure area but cannot be said to be 'valued' until public access is made available. It may,



however, be eligible for LGS designation at the first review of this Neighbourhood Plan.

A further important space is the semi-natural area with ponds that has been created by the sustainable urban drainage system on the south-eastern edge of the town. This is used for play and dog-walking and is becoming an important asset for the many people living nearby, for whom there is currently no readily accessible alternative. However, part of the area sits within the bypass corridor (see Policy SFHE4) and this potential future development means that protection is not appropriate.

Details:

POLICY SFG11 - The areas shown on Map SFG11 and listed in the Green Infrastructure audit (as referenced in the separate GI audit document) are designated as Local Green Spaces (LGS).

Development will not be permitted within these designated spaces or on land immediately next to them, if it would harm their green character and the reason for their designation.

Development within a Local Green Space will only be permitted if it is compatible with, and does not cause substantial harm to, the space's character and continued use. Any

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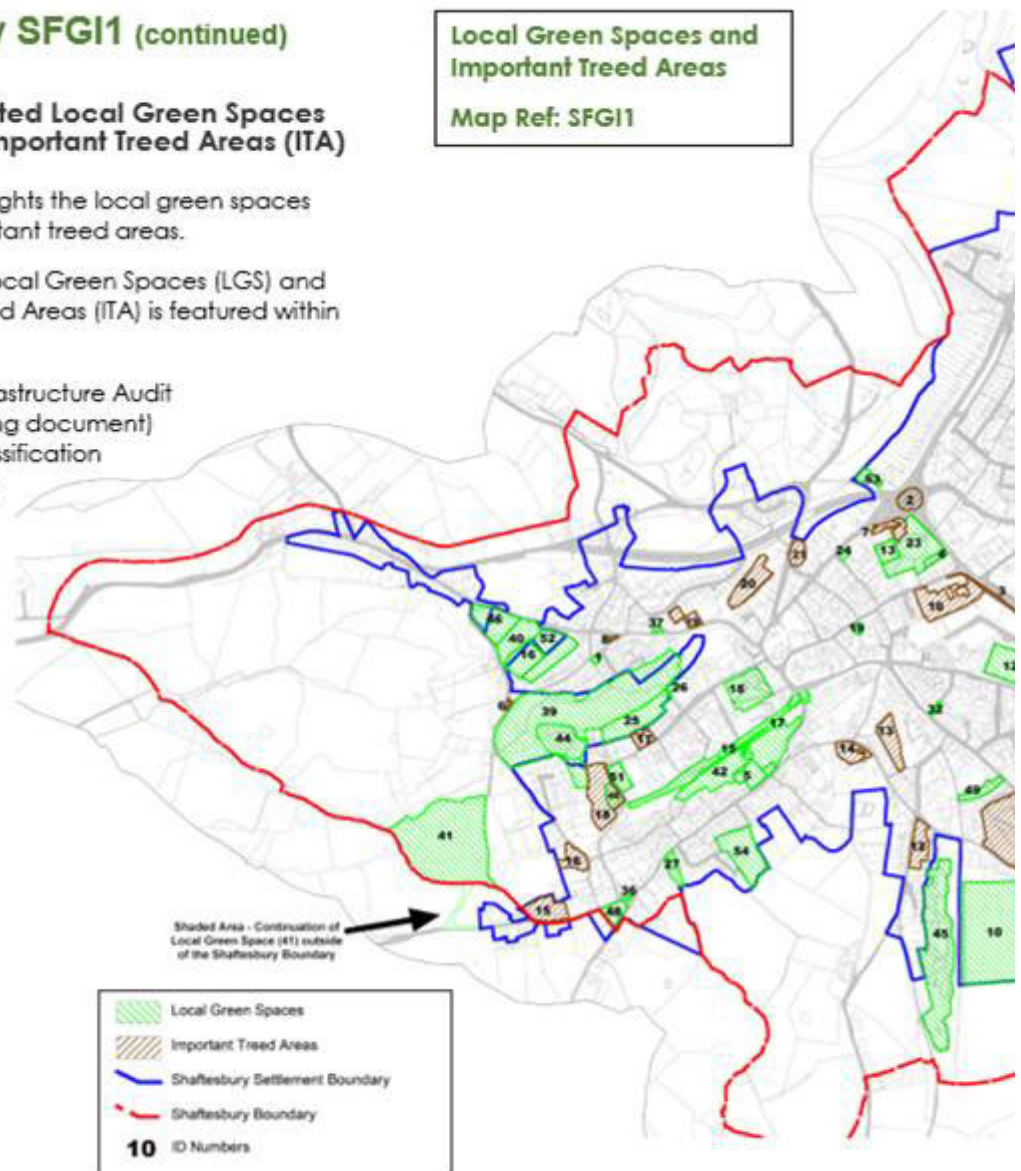
4.2 Policy SFGI1 (continued)

Map of audited Local Green Spaces (LGS) and Important Treed Areas (ITA)

This map highlights the local green spaces and the important treed areas.

The index of Local Green Spaces (LGS) and Important Treed Areas (ITA) is featured within Appendix L.

The Green Infrastructure Audit (accompanying document) details the classification of each green space shown on the map.



I trust you will find this information helpful.

Please let me know if I can be of further assistance.

Many thanks

Kind regards

██████

Brie Logan
Business Manager
For and on behalf of Shaftesbury Town Council

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Website