

**Statement by Richard Gravil regarding the Question:
“Does Policy COM2 reflect National Policy and Guidance?”**

(S. Policy COM2 - Protection of Open Space, Sport, Leisure and Recreation Facilities)

This question arises from the Council’s reply to Response ID 7, my initial objection that Policy COM2 is a detrimental dilution of LD002 Policy CS24. I am grateful to the Council for noting this part of my lengthy representation. The Council’s response seems to imply that Core Strategy Policy CS24 remains ‘extant’. However, SD001 states that it has been ‘informed by’ Core Strategy but also that the Local Plan is ‘intended to *replace* all policies in the 2010 Eden District Core Strategy’. The Council considers COM2 to be ‘more positively worded’ than CS24 and that it ‘better reflects the revised National Planning Policy Framework’. This claim is easily tested.

COM2 reads: Development proposals that result in the loss of open space ... will not be permitted. *The exception to this is where loss is unavoidable or the benefits of the development outweigh the loss.* [there follow three somewhat general observations]

CS24 reads: Development proposals should not result in the unacceptable loss of open space within settlements, or of outdoor recreation facilities or allotments, unless the following criteria are satisfied: [there follow seven specific criteria]

‘Will not be permitted’ (COM2) does indeed sound more positively worded than ‘should not result in...’ (CS24) but unfortunately it is effectively negated by the following sentence. ‘*Where loss is unavoidable*’ has no ascertainable meaning in this context. And a judgment as to whether ‘the benefits outweigh the loss’ requires a clear specification of loss and benefit. Unlike COM2, CS24 defines both loss and benefit. Proposals must show:

- a) There would be no harm to spaces which:
 - i. Contribute to the distinctive form and character of a settlement.
 - ii. Create focal points within the settlement or have potential for hosting community events.
 - iii. Provide the setting for important buildings, monuments or historic parks and gardens.
 - iv. Allow views into or out of a settlement.
 - v. Are of nature conservation value in themselves or form part of a green corridor.
- b). The loss would not result in (or worsen) a shortfall of land used for informal or formal recreation.
- c). Any replacement facility provides an equivalent or greater net benefit to the community, in terms of quality, availability and accessibility of open space or recreational opportunities.

Only the final clause of CS24 [clause c] is adequately reflected in COM2, presumably because both are based on the second bullet point in National Policy Framework cited below. Paragraph 74 of the *NPPF* states that ‘Existing open space, ... should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy COM2 reflects the second of these bullet points, but not the first or the third, whereas clauses (b) and (c) of CS24 effectively paraphrase the first two NPPF bullet points, and clause (a) supplies specific *environmental* assurances that are entirely absent from COM2, which appears concerned almost wholly with *facilities*. If CS 8.9, 8.10 and 24 remain ‘extant’ incorporating the wording of CS24 (a) i-v into COM2 would clarify its meaning and might to some extent redress the failure of the Local Plan to define either infill or rounding off.

The NPPF also states:

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.

While **LD002** (Core Strategy) Natural Environment paragraphs 8.9 and 8.10, address the general principle of relationship between green space and the character of villages, as developed in CS24 (a) i-v), there is no reference in **SD001** to the NPPF concept of designated Local Green Space. This should be rectified.

Local application. At least one extant Parish Plan (Dacre) bases its approach on the Core Strategy document. Also, ‘open space’ as defined in CS Natural Environment Paras 8.9, 8.10 and CS24 applies to all four of the Sockbridge & Tirril ‘sites’ mapped and/or tabulated in the EB020 Land Availability Assessment as ‘discounted’, that is, as liable to ‘residential planning consent being granted in the future’. In one case, planning applications affecting the Western horizon of the settlement appear to be invited (‘a more modest scale development [than the 140 units requested] could be explored ‘). The four ‘sites’, two of them extensive, are not barren tracts whose obvious purpose is to be built on. They are at the centre of a belt of rich pasture (mostly dairy but punctuated by sheep, a village and two hamlets) that runs from Brougham and Yanwath Woodhouse, through Yanwath Hall, Sockbridge Hall, and Kirkbarrow Hall, to Barton Kirk, Barton Hall, and on to Pooley Bridge. ‘Development’ of these so-called ‘sites’ might benefit a landowner or two, but it would deprive several tenant farmers of land essential to their livelihood, while depriving Sockbridge & Tirril of open space that is treasured for precisely the reasons set out in CS24 (a) i-v. The only ‘open spaces’ recognised in Policies Inset Map 29 are the village hall (!), a children’s play area, and two triangles of grass large enough for a bench and three trees.

Proposed changes: replace all except the last paragraph of Policy COM 2 by CS24, to make COM2 more commensurate with the specificity of Policy COM1. Incorporate NPPF 76 as a final paragraph in COM2.

Conclusion: COM2 is (a) not soundly expressed, (b) less explicit than core strategy, (b) and (c) insufficiently aligned with the above-cited portions of the National Policy Framework.