

**Representation by the Hadlow Estate on the proposed allocation of two sites as Local Green Spaces in the Southborough and High Brooms Neighbourhood Development Plan.**

The Southborough and High Brooms Neighbourhood Development Plan (SHBNP) seeks to designate thirty-eight separate areas as Local Green Spaces (LGS). The Hadlow Estate owns two of these sites:

LGS24: Apple Orchard

LGS25: Boot Fair Field

The estate is opposed to these sites being allocated as LGS as they do not meet the criteria for designation as laid out in the National Planning Policy Framework.

**NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework outlines the criteria for designation of LGS.

106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space 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 **be capable of enduring beyond the end of the plan period.**
107. 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.
108. Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework<sup>45</sup>.

<sup>45</sup> Excluding provisions relating to grey belt and previously developed land set out in chapter 13.

The highlighted areas (in yellow) are discussed below:

## **Capable of Enduring beyond the end of the Plan**

LGS should only be designated if they are capable of enduring beyond the end of the Plan Period. The plan period ends in 2038.

## Site LGS25: Boot Fair Field

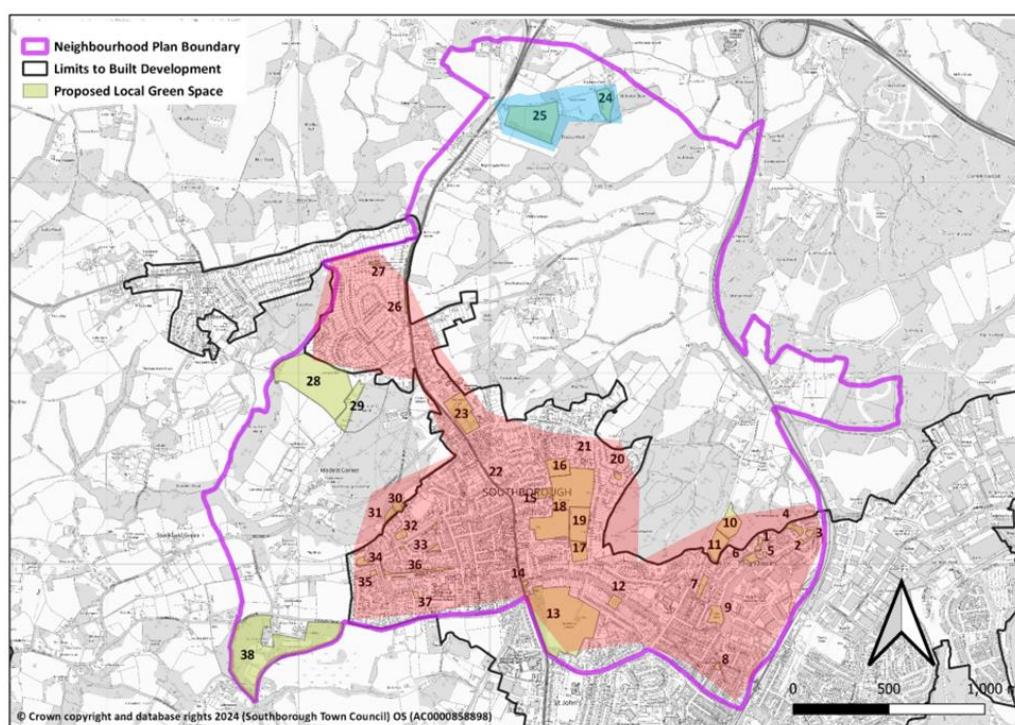
The estates current plan is that use of this site as the location for a boot fair or for any other public event will end on 5<sup>th</sup> April 2027. As a consequence the reasons for designating this site as a LGS will not endure beyond the end of the plan period and therefore the site should not be designated as a LGS.

**In reasonable close proximity to the community is serves**

Green space designation should only be used where the Green Space is in reasonably close proximity to the community it serves.

The SHBNP provides a map of the proposed allocations. The two estate sites are about as far away from the community as it is possible for them to be without falling outside the Neighbourhood Plan Boundary. For ease the community is highlighted in red and the two estate sites in blue.

Both sites are not proximate to the community and therefore should not be allocated as LGS.



## **Demonstrably Special to a local community and holds a particular significance.**

There is no guidance on what these phrases mean so some definitions from the internet may help.

**special:** better, greater, or otherwise different from what is usual

**particular significance:** sufficiently great or important to be worthy of attention

### **Site LGS24: Apple Orchard**

The site is a designated traditional orchard, effectively a commercial orchard that has been allowed to grow wild for a period of years. Habitats that meet the criteria for this designation have biodiversity value. Designations as traditional orchards may have been made anything up to twenty years ago. Over the passage of time these designations may no longer be appropriate, particularly where there has been little management of the land since designation. As such the quality of the originally designated habitat may no longer meet the criteria of the original designation.

The SHBNP makes no attempt to assess whether the criteria for designation as a traditional orchard still apply in this case, relying solely on a cut and paste from Natural England's Technical Information Note TIN020.

In a *Preliminary Ecological Appraisal of Mabledon Farm*, completed in December 2019 by Applied Ecology Ltd on behalf of the estate this Orchard is described as being In “Poor” condition based on the Conditions Assessment method set out by Natural England (May 2011) *Traditional Orchard Project in England: The creation of an inventory to support the UK Habitat Action Plan*.

Compared to other parts of the county traditional orchards are relatively common in the district. No attempt has been made within the plan to justify why this orchard is so special to the “local community” and what “particular significance” it holds. It is viewable from a short stretch of footpath but what sets it apart from any view of woodland, hedge or open field? The footpath WS1 from the A26 down to Mabledon is some 680m long, the orchard is only visible from the last quarter of this path, and 50% of this view is into the rear of the orchard from behind the farmyard. It’s a view in the sense you can see it when you’re right next to it.

The plan refers to Kent losing “85% of its orchards in the last 50 years”. This is not a local reference (clearly Kent is a county) and this does not distinguish between commercial and traditional orchards. The figure is frequently used to decry the recent grubbing of commercial orchards and to illustrate the decline of Top Fruit production in Kent. Its use is inappropriate in this context. It does not make the case for this orchard being historic in any sense at all.

The final statement “*There are few orchards left in the neighbourhood area.*” is completely unsupported and just wrong. Most of the agriculture in the area is and has

been grass with the occasional foray into arable. This has been consistent for the last 80 years. The landform just does not support the planting of commercial orchards (from which the majority of the traditional orchards derive). It would be more correct to say “of the few orchards that have been planted in the neighbourhood the majority remain”.

### **Site LGS25: Boot Fair Field**

The SHBNP seeks to allocate this site as an LGS for its value as an area where boot fairs are run and as an area for private hire. For the sake of clarity, access for dogs, visitor parking etc are only available when these functions are operative.

The SHBNP also claims as evidence as to why this allocation is demonstrably special:

***“Wildlife, Tranquillity and Beauty: Limited use for events enables fields to continue to operate as part of wider undeveloped area on eastern side of the A26.”***

Presumably the point made is that the impact of the various events held in this field does not alter the appearance of the field as a field. This does not support in any way the contention that it is biodiverse, tranquil or beautiful.

The *Preliminary Ecological Appraisal of Mabledon Farm*, completed in December 2019 by Applied Ecology Ltd on behalf of the estate describes this area as “*supporting species-poor improved grassland...*” and “*... regularly cut to maintain a relatively short and uniform sward*” ie of no particular interest in biodiversity terms.

### **Local in character**

#### **Site LGS25: Boot Fair Field & Site LGS24: Apple Orchard**

The SHBNP gives a one word answer to this question, in both cases “Yes”. There is no further justification or explanation.

This is perhaps understandable as what the NPPF means here is a little opaque, although from the context it is fair to assume that it refers to the size of the allocations.

The estate can agree that the allocations do not cover “an extensive tract of land” however this does not mean that they are therefore “local in character”, as both are quite large areas and not small in size.

### **FURTHER GOVERNMENT ADVICE ON THE NPPF**

Where land is protected by the Green Belt or part of a National Landscape government demand in further advice that “*consideration should be given to whether any additional benefit would be gained by designation as a Local Green Space*”. The advice goes on to

highlight that allocation might make sense if there are areas of “*particular importance to the local community*” within these protected areas.

At p55 of the SHBNP the plan says:

*“Additionally, several green spaces that are considered important to the local community, for instance the Common, have not been proposed for designation as Local Green Space. This is because they are already adequately protected from inappropriate development by other mechanisms, such as via the Countryside and Rights of Way Act 2000.”*

The Common is undoubtedly of the most “*particular importance to the local community*” however the SHBNP does not choose to allocate it as it is “*adequately protected from inappropriate development*“.

The Common is protected from inappropriate development because it is in the Green Belt and part of a National Landscape. The Countryside and Rights of Way Act 2000 (which the SHBNP cites as affording protection from development) is primarily concerned with rights of access by the public, not with development matters (although the Estate would accept that rights of access can impinge on some development decisions).

Site LGS25: Boot Fair Field & Site LGS24: Apple Orchard are both in the Green Belt and completely within a National Landscape. They are not of “*particular importance to the local community*” when compared to The Common and yet are put forward for allocation as LGS.

This decision is perverse and non-compliant with the NPPF or government advice on LGS.

The government also advises “*if public access is a key factor, then the site would normally be within easy walking distance of the community served.*” Site LGS25: Boot Fair Field & Site LGS24: Apple Orchard are not within easy walking distance of the community (as has been stated before). It is a 3km walk from the northerly edge of the Southborough Town Centre to LGS24. Compare this to the SHBNP area at its widest point – about 4km across.

## **CONCLUSION**

An LGS designation is an onerous planning constraint. The designation is there to protect areas of “*particular importance to the local community*”. Government advice states that “*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.*”

Consequently, the NPPF sets a high bar when it comes to the criteria used in identifying these areas.

In the past the Estate has supported proposals designating areas of land it owns as LGS where they are justified and meet the strict criteria laid out in the NPPF.

The SHBNP does not explain how or why LGS25 and LGS24 may meet the criteria in any satisfactory way.

We strongly oppose the allocation of these sites as they meet none of the criteria for designation.

14/01/2025