

12 November 2020

Mr J Roebuck,
Marton West Neighbourhood Forum,



Direct Line: (01642) 729065

Our Ref: Local Plan/MWNP/

Your Ref:

When telephoning please ask for :

Charlton Gibben

Dear Mr Roebuck,

Council Statement in respect of the submitted modified Marton West Neighbourhood Plan and accompanying supporting documentation

In accordance with the Neighbourhood Planning Regulations, the Council provided a number comments and suggestions in respect of the pre-submission Marton West modified Neighbourhood Plan consultation event, which was undertaken by the Marton West Neighbourhood Forum.

The Council welcomes that the Forum has considered and taken on-board a number of these comments and suggestions, and has accordingly made the relevant amendments to the Neighbourhood Plan. We are, however, aware that as part of the Forum's modified Neighbourhood Plan submission documentation, additional supporting evidence has been submitted, in respect of its proposed Local Green Space (LGS) designation of land west of De Brus Park, under proposed Policy MW1: Parks & Green Spaces.

As the Forum will be aware, in our pre-submission comments, we raised concerns about the proposed LGS designation. These concerns centred on, that we did not consider that the proposed LGS designation was an appropriate mechanism to protect the 'parkland' from development, and that the proposed designation, may not fully accord with the LGS criteria as set out in the National Planning Policy Framework (paragraph 100).

Since the Forum is proceeding with the proposed LGS designation, we will be seeking further clarification from the Independent Examiner as to whether the proposed designation is the appropriate mechanism to be applied. The majority of the proposed LGS land has already been identified as land to be designated as primary open space, and identified on the Council's adopted Development Plan – Proposals Map, under extant Local Plan Policy E8 – New Primary Open Space, Proposals. This was further identified, along with an additional parcel of land, as a protected open space under Policy INFRA8 of the 2018 Publication Local Plan. The Council considers this a more appropriate policy mechanism for designating this land as protected open space. This matter will be addressed once again through the emerging Local Plan, with the next stage – the Preferred Options – currently timetabled for January 2021

Additionally, we will be seeking further clarification from the Independent Examiner on the extent of the Forum's proposed LGS designation, which includes a parcel of 'white land', shown on the Proposals Map to the west of De Brus Park, not covered by Local Plan Policy E8. This parcel of 'white land', formed part of the Council's proposed housing allocation in the 2018 Publication Local Plan under Policy H3.20 – De Brus Park, which, following public consultation, had been locally opposed. As the proposed housing allocation site has been opposed, we would like to draw the Forum's attention to advice from Locality in its guidance publication 'Neighbourhood Planning, Local Green Spaces – A toolkit for neighbourhood planners', that when Neighbourhood Forums are proposing LGS:

'care is required to ensure that green space policies are not misused, for example through making designations to stop development, rather than to ensure proper green space provision'.

As mentioned above, we also have concerns that the proposed LGS designation may not fully accord with the criteria as set out in the NPPF (paragraph 100). It is under this criteria that proposed LGS designations should be assessed against, and we are of the opinion that the proposed LGS designation may not fully comply with the definition of a LGS under parts of criterion (b) and (c) of the assessment criteria.

Under criterion (b) the green space should *'demonstrably be 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'*. The Forum will be aware that Historic England in 2019 refused an application - <http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=80191468-40D9-449D-8706-59BDCEEFAFA3&cn=64653BA9-FFA0-441E-877E-6AECC05A5E2A> , for the 'parkland' at Newham Hall to be added to the Register of Parks and Gardens. The application was refused, partly on grounds that it did not meet Historic England's test of special interest (*albeit*) in a national context, and that the landscape design of the 'parkland' was considered *"although remarkably intact, it is relatively modest in design terms, with a limited range of features and aspects of interest."* In applying Historic England's assessment the landscape design of the 'parkland' was found to 'relatively modest' and with no special or historic significance.

Furthermore, in paragraphs 58-59, of the modified Plan, the impression is given that the 'parkland' is fully accessible to the public, unfortunately, this is not the case. The public only has access to the public rights of way, as the 'parkland' is leased from the Council by a local farmer, who maintains it as pasture farmland. Also, paragraph 62, in respect of protecting veteran trees, fails to acknowledge that the Council owns the 'parkland' and, as such, the trees are already offered protection without the need for a specific policy (or for that matter Tree Preservation Orders). In designating the 'parkland' as open space, under the Council's green space policies, the public would have access to the rights of way and greater access to the 'parkland', and the veteran trees and landscape would be protected without the need of the LGS designation.

In relation to criterion (c) the green space needs to be *'local in character and is not an extensive tract of land'*. The 'parkland' may well be identified as being local in character, however, it is considered that the extent of the proposed LGS designation, in this instance, may be classed as an extensive tract of land, and therefore, does not fully reflect the definition of a LGS under the NPPF criteria.

There are also some minor administrative points that the Independent Examiner may wish to consider:

- i. the front cover of the modified Plan does not appear to cover a 15 year period;
- ii. the map on page 2 showing the Neighbourhood Area, does not show the required copyright details; and
- iii. parts of the supporting text in the modified Plan can be read as more as a policy, rather than informing and supporting a particular policy.

The Independent Examiner, has asked for all the received representations (including this statement letter) to be sent to the Forum, for comment. If the Forum does wish make any comments in respect of the received representations and/or the contents of this letter, please ensure that these are with the Council, by no later than Thursday 26 November 2020.

If you require any further information regarding the above, please do not hesitate to contact my colleague Charlton Gibben on 01642 729065.

Yours sincerely,

A solid black rectangular box used to redact the signature of the Head of Planning.

Head of Planning,
Middlesbrough Council.