

## Rother District Council

Report to	-	Cabinet
Date	-	2 September 2019
Report of the	-	Executive Director
Subject	-	Battle Neighbourhood Plan – Proposed Local Green Space Designations

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**Recommendation:** It be **RESOLVED:** That the designation of the following sites as Local Green Space through the forthcoming Battle Neighbourhood Plan be approved:

- 1) NE GS02 (Darvel Down);
- 2) BA GS17 (Coronation Gardens) excluding the land frontage that falls within the development boundary;
- 3) BA GS02 (Watch Oak Allotments);

And the designation of the following sites as Local Green Space through the forthcoming Battle Neighbourhood Plan NOT be approved:

- 4) NE GS01 (Darvel Down) (that falls within the development boundary); and
  - 5) BA GS04 (Kingsmead Open Space).
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**Head of Service: Ben Hook**

**Lead Cabinet Member: Councillor Oliver**

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## Background

1. Rother District Council (RDC) has been approached by Battle Town Council (BTC) to comment on their proposed designation of land within this Council's ownership as Local Green Space (LGS) within the draft Battle Neighbourhood Plan. The Battle Neighbourhood Plan Steering Group is currently preparing its draft Plan for Regulation 14 (pre-submission) consultation, expected to take place later this year.
2. A LGS designation is a way to provide special protection against development for green areas of particular importance to local communities as defined in the Planning Practice Guidance. LGSs can be designated through [Local Plans](#) or [Neighbourhood Plans](#).
3. It should be noted that designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the LGS designation should not be used in a way that undermines this aim of plan making. A robust evidence base will be required to support any future LGS designations through the Neighbourhood Plan process. In addition, it is not known at this point in time what level of development the Battle Neighbourhood Plan (BNP) is promoting,

although it is anticipated that the BNP will meet their outstanding development requirements.

4. Cabinet are being asked to consider this as the landowner as opposed to the planning authority, hence the report from the Acquisitions, Transformation and Regeneration Service. BTC are seeking to include in their draft Neighbourhood Plan, LGS designations for the sites that RDC own in Battle. In circumstances where land is designated as LGS it gives that land protection consistent with that in respect of Green Belt. This would mean that it would be highly unlikely that RDC would have the option to consider the provision of housing, including affordable housing, on these sites for the foreseeable future. RDC has been asked by BTC if it has any objection, as landowner, to the proposed designations.
5. It should be noted that this report and recommendations concern only the proposed designation of land as Local Green Space. It does not address any of the wider issues relating to the likelihood of development coming forward on the sites concerned.

### **National Planning Policy**

6. Paragraphs 99-100 of the National Planning Policy Framework refers to the designation of LGS as follows:

**99.** *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.*

**100.** *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), tranquility or richness of its wildlife; and*
- (c) *local in character and is not an extensive tract of land.*

### **Local Planning Policy**

7. The Core Strategy (adopted 2014) includes a policy to safeguard existing open spaces, sport and recreation facilities:

#### **Policy CO3: Improving Sports and Recreation Provision**

*The provision of sufficient, well-managed and accessible open spaces, sports and recreation facilities, including indoor sports facilities, will be achieved by:*

*(i) Safeguarding existing facilities from development, and only permitting their loss where it results in improved provision (in terms of quantity and quality) as part of a redevelopment or elsewhere within the locality;.....*

## **Sites**

8. Through its Asset Management Plan, the Council seeks to make best use of its land and property assets and it is appropriate that the Council considers alternative uses for these where it is appropriate to do so. In making such decisions, the Council will on occasions need to weigh up its priorities between, for example, provision and retention of amenity space and the potential to provide additional housing.
9. The proposed designation by BTC applies to the following areas within the Council's ownership:
  - Darvel Down, Netherfield children's play area (their ref NE GS01)
  - Darvel Down, Netherfield recreation ground (their ref NE GS02)
  - Land at Coronation Gardens, Battle (their ref BA GS17)
  - Watch Oak Allotments (their ref BA GS02)
  - Kingsmead Open Space (their ref BA GS04)
10. Maps of the sites (shown hatched red) are attached as Appendix 1. The development boundary (as set out in the 2006 Local Plan) is shown by the thick black line.
11. Four of the above sites were surveyed through the Open Space, Sports and Recreation Study in 2007. The Council has adopted the findings of the survey within Local Plan policy, along with a presumption that these are safeguarded as public open space unless they are replaced with equivalent or better provision elsewhere in the locality. Kingsmead Open Space was not however included in that survey.

### Darvel Down, Netherfield play area and recreation ground (NE GS01 and NE GS02)

12. These sites are maintained by the Council as recreational areas serving the settlement at Darvel Down. NE GS01 is laid to grass with play equipment for use by younger children. NE GS02 is a larger recreation space with a basketball court and football goal. Officers have previously assessed these sites when reviewing the Council's Asset Management Plan and it was considered feasible to accommodate some development on NE GS01, by relocating the play equipment onto the larger space (NE GS02) with sufficient space to accommodate the current use as well as additional play equipment and open space; although this would result in a net loss of Amenity Green Space to the locality.
13. Recently Asprey Homes have secured outline permission for 25 homes on a site located to the west of the Council's land, referred to as Old Tower Walk. A reserved matters application has been submitted and is due to be determined shortly, setting a planning president in favour of residential development in the area. It is also noted that the site of NE GS01 is located within the development boundary whereas NE GS02 is just outside of the boundary.

14. A much larger proposed housing scheme to the east of Darvel Down has been refused and further dismissed on appeal in recent years.
15. It is recommended that NE GS02 be supported for designation as LGS but NE GS01 (that area which falls within the development boundary) is not supported.

#### Coronation Gardens, Battle (BA GS17)

16. This site has not hitherto been considered as having development potential as it provides amenity space serving the local residences and the Council has recently invested in upgrading play equipment there. It could however potentially accommodate an element of residential development on the southern part of the site which is located within the development boundary. This part of the site is steeply sloping and the current openness and visibility from the road provides good natural surveillance over the site. Any development proposal would need to provide for access to the remaining land and would be subject to further consideration of its feasibility and any subsequent planning approval.
17. It is recommended that the site BA GS17 is supported for designation as LGS but excludes the land frontage that falls within the development boundary.

#### Watch Oak Allotments (BA GS02)

18. This site has been devolved to Battle Town Council by way of a 99 year lease from 2012 so there is no prospect of development.
19. It is recommended site BA GS02 is supported for designation as LGS.

#### Kingsmead Open Space (BA GS04)

20. This site was included in the list of sites approved by Cabinet earlier this year for further investigation for development potential (Minute CB18/73 refers).
21. Whilst it is a long-established amenity area it could potentially accommodate an element of residential development in the future, subject to feasibility and necessary subsequent planning permission; although it should be noted that the site is subject to restrictive covenants limiting its use to that of public open space and sits immediately outside the current development boundary. A nearby housing scheme of 50 homes has recently been granted full planning permission on a site abutting the development boundary, adjacent to London Road (Lillybank Farm).
22. A public right of way crosses the site and there are a number of Tree Preservation Orders also in place. This site was not included within the 2007 Open Space, Sports and Recreation Study, but would fall within the category of Natural and Semi-Natural typology as described within the Study. At the time of the Study, the quantity of this type of open space in Battle exceeded the recommended quantity standard for local provision.
23. It is therefore recommended that site BA GS04 is not supported for designation as LGS. Although falling outside the current development

boundary and subject to restrictive covenants it may nonetheless have potential in the future for development.

## **Conclusion**

24. The request by BTC to seek to designate land owned by RDC as LGS does mean the Council will need to weigh up its priorities regarding the provision and retention of amenity space and the potential to provide much needed housing. The recommendations set out to provide a pragmatic approach taking into account local need for green space, the local policy assumption that such sites should remain in that use, and the need for housing.
25. It should be noted that these recommendations do not prejudice the District Council's position in due course to make representations at the relevant consultation stages of Neighbourhood Plan preparation.

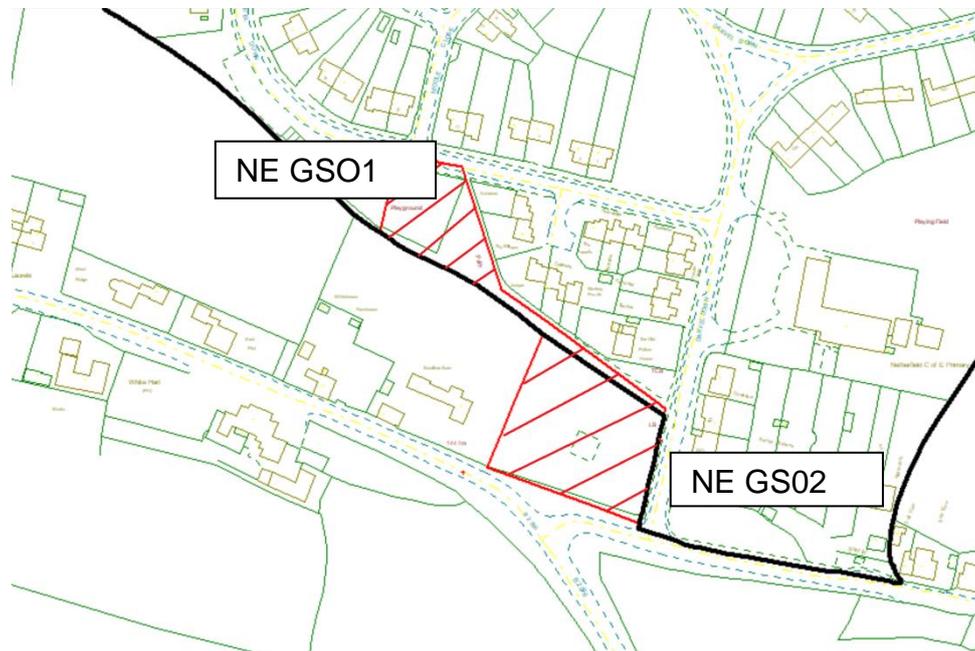
Dr Anthony Leonard  
Executive Director

## **Risk Assessment Statement**

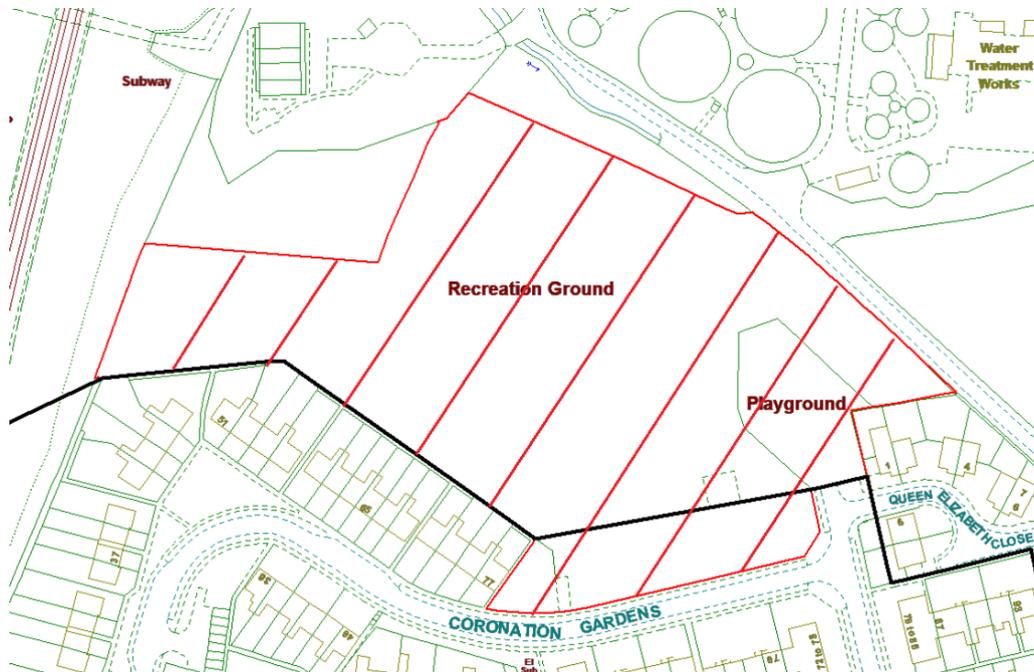
Should the Council wish to retain the option in the future for potential residential development, including the provision of affordable housing on one or more of these landholdings it will need to formally object to the proposed Local Green Space designation. Failure to do so could result in ruling out any form of development for the foreseeable future, should the proposed designations subsequently be adopted through the Neighbourhood Plan process.

Rother District Council sites shown hatched red. Development boundary line marked black

Darvel Down (NE GS01 and NE GS02)



Coronation Gardens (BA GS17)



Watch Oak Allotments (BA GS02)



Kingsmead Open Space (BA GS04)

