

Review of Policy 2: Local Green Spaces & Regulation 14 Pre-Submission Representations

Hassocks Neighbourhood Plan

Prepared for
Hassocks Parish Council

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May 2019

Version
Draft 1.3

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1. INTRODUCTION

- 1.1. This document has been prepared for Hassocks Parish Council (HPC) following a review of representations received in response to the Regulation 14 Pre-Submission consultation on the Hassocks Neighbourhood Plan (HNP)
- 1.2. The purpose of the document is to:
 - Provide an appraisal of higher tier guidance on the use of Local Green Space (LGS) designations, including by reference to advice contained in the NPPF and NPPG and whether it is:
 - In reasonably close proximity to the community it serves;
 - Is demonstrably special to a local community and holds a particular local significance; and
 - Is local in character and not an extensive tract of land.
 - Provide an appraisal of other examples of Neighbourhood Plan Local Green Space designation policies and feedback from relevant Examinations;
 - Provide an appraisal of any relevant decisions in particular, Appeal and Secretary of State decisions in and around Hassocks with respect to considerations of matters relating to Local Green Space designation;
 - Review of submissions by interested parties with respect to proposed Local Green Space designation; and
 - Review of each proposed Local Green Space with regard to the principle of its designation, and its physical extent.
- 1.3. The above actions have resulted in recommended changes to Policy 2: Local Green Spaces. These are to be considered by the Neighbourhood Plan Working Group (NPWG) prior to the preparation of the Submission HNP.
- 1.4. The Paper should be read in conjunction with “Revised Hassocks Neighbourhood Plan, Local Green Space Policy Review, October 2018.”

2. APPRAISAL OF HIGHER TIER GUIDANCE ON THE USE OF LOCAL GREEN SPACE

National Planning Policy Framework, February 2019

- 2.1. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

- 2.2. Paragraph 99 states 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.
- 2.3. Paragraph 100 states Local Green Space designation should only be used where the green space is:
- In reasonably close proximity to the community it serves;
 - 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
 - Local in character and is not an extensive tract of land.
- 2.4. Paragraph 101 states policies for managing development within a Local Green Space should be consistent with those for Green Belts.

National Planning Policy Guidance

- 2.5. National Planning Policy Guidance (NNG) advises Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. ¹
- 2.6. It states 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 Local Green Space designation should not be used in a way that undermines this aim of plan making. ²
- 2.7. LGSs may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city. ³
- 2.8. Different types of designations are intended to achieve different purposes. If land is already protected by designation then consideration should be given to whether any additional local benefit would be gained by designation as LGS. ⁴

¹ Paragraph: 005 Reference ID: 37-005-20140306

² Paragraph: 007 Reference ID: 37-007-20140306

³ Paragraph: 009 Reference ID: 37-009-20140306

⁴ Paragraph: 011 Reference ID: 37-011-20140306

- 2.9. It confirms the proximity of a LGS to the community it serves will depend on local circumstances including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.⁵
- 2.10. The NPPG advises there are no hard and fast rules about how big a LGSe can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. 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.⁶
- 2.11. It states provided that land can meet the criteria at paragraph 100 of the NPPF there is no lower size limit for a Local Green Space.⁷
- 2.12. Some areas that may be considered for designation as LGS may already have largely unrestricted public access, though even in places like parks, there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).⁸
- 2.13. Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners whose legal rights must be respected.
- 2.14. Areas that may be considered for designation as Local Green Space may be crossed by Public Rights of Way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.⁹
- 2.15. A LGS does not need to be in public ownership. However, the Local Planning Authority (in the case of Local Plan Making) or 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 LGS. Landowners will have opportunities to make representations in respect of proposals in a Draft Plan.¹⁰
- 2.16. Designating a green area as LGS would give it protection consistent with that in respect of Green Belt, but otherwise, there are no new restrictions or obligations on landowners.¹¹

⁵ Paragraph: 014 Reference ID: 37-014-20140306

⁶ Paragraph: 015 Reference ID: 37-015-20140306

⁷ Paragraph: 016 Reference ID: 37-016-20140306

⁸ Paragraph: 017 Reference ID: 37-017-20140306

⁹ Paragraph: 018 Reference ID: 37-018-20140306

¹⁰ Paragraph: 019 Reference ID: 37-019-20140306

¹¹ Paragraph: 020 Reference ID: 37-020-20140306

- 2.17. Management of land designated as LGS will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.¹²

Mid Sussex District Plan

- 2.18. Mid Sussex District Plan (MSDP) was adopted in March 2018. It replaces the Mid Sussex Local Plan 2004 (other than saved Local Plan policies).
- 2.19. The MSDP does not apply to that part of the District within the South Downs National Park (SDNP). The South Downs National Park Authority (SDNPA) is preparing the South Downs Local Plan (SDLP) for those areas in the SDNP. Until such time as the South Downs Local Plan is adopted, any relevant general or site specific policy in the Mid Sussex Local Plan (MSLP) will continue to apply to development proposals in that part of the district within the SDNP.
- 2.20. MSDC preference is that the location and nature of additional development is identified through Neighbourhood Plans. This reflects the Government's localism agenda, and its view that giving power and responsibility to local communities will give them the confidence to accept appropriate development and the corresponding benefits that can come with it.
- 2.21. The MSDP confirms all of the town and parish councils within the District Plan area have prepared, or are preparing Neighbourhood Plans.
- 2.22. MSDC consider Town and Parish Councils are shaping sustainable neighbourhoods with their communities by allocating land for a variety of uses including housing, business, and LGSs that reflect distinct local character, needs and aspirations.

Mid Sussex District Council Site Allocation Document

- 2.23. Mid Sussex District Council has commenced work on the preparation of the Site Allocations Development Plan Document (DPD) which will identify sufficient housing sites to meet the residual housing requirement set out in the adopted District Plan.
- 2.24. The District's work commenced with the preparation of the Strategic Housing and Employment Land Availability Assessment (SHELAA). The SHELAA represents the palette of sites for the Site Allocations Document.
- 2.25. In September 2018, Scrutiny Committee for Communities, Housing and Planning considered the conclusions of "Site Selection Paper One – Assessment of Housing Sites against District Plan Strategy." This paper sets out the sites that did not meet the District Plan strategy, and are therefore not being considered further at this time.

¹² Paragraph: 021 Reference ID: 37-021-20140306

- 2.26. In November 2018, Scrutiny Committee for Communities, Housing and Planning considered the proposed, and agreed the Site Selection Methodology (Site Selection Paper Two), which sets out the site selection criteria for housing and employment sites. The site selection criteria establishes the suitability, availability and deliverability of each site. The criteria has been designed to enable a comparison of sites against one another with the aim of determining the most sustainable and developable sites for allocation in accordance with the NPPF.
- 2.27. The Assessment of sites against agreed methodology is currently ongoing by MSDC Officers.
- 2.28. Consultation on the Regulation 19 Site Allocation Document is envisaged between August-October 2019. Submission is envisaged in Winter 2019 with estimated date for Adoption Summer 2020.

South Downs National Park Local Plan

- 2.29. The SDLP is currently at Examination.
- 2.30. The Submission SDLP includes Development Management Policy SD47: Local Green Spaces. The Policy designates Local Green Spaces which have been promoted to the National Park Authority as demonstrably special to the local community. No areas are proposed for designation in Hassocks.
- 2.31. Following a series of public hearings, the Inspector invited the South Downs National Park Authority to consult on a schedule of main modifications, to the SDLP. Consultation on the main modifications took place between Friday 01 February 2019 - Thursday 28 March 2019.
- 2.32. No modifications were proposed to Policy SD47 as part of the recent consultation.
- 2.33. The Inspector's Report of the SNLP is currently awaited.

3. APPRAISAL OF OTHER EXAMPLES OF NEIGHBOURHOOD PLAN LOCAL GREEN SPACE DESIGNATION POLICIES

- 3.1. A review of Neighbourhood Plan Examiners Reports has been undertaken to ascertain Examiners views on how the criteria of Paragraph 100 of the NPPF can be positively met by those bodies preparing Neighbourhood Plans.
- 3.2. The role of an Examiner is to examine whether or not the submitted Plan meets the Basic Conditions. In considering whether the Plan meets the Basic Conditions, the Neighbourhood Plan must, amongst other matters, have regard to national policies and advice contained in guidance issued by the Secretary of State.
- 3.3. With respect to LGS, the NPPF states LGS designation should only be used where the green space is:
 - In reasonably close proximity to the community it serves;
 - 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

- Local in character and is not an extensive tract of land.

- 3.4. Set out below are Examiners views/recommendations of each of the above criteria.
- 3.5. It should be noted, the extent to which Examiners consider whether a proposed LGS meets the criteria varies greatly. In some cases, Neighbourhood Plans are supported by a dedicated background paper to justify the proposed designation(s), in other cases, no such evidence has been prepared.
- 3.6. in addition, Examiners Reports in some instances advise the Examiner has walked the proposed area(s) and in turn considers the area(s) meets the criteria.

Reasonably Close Proximity to the Community it Serves

- 3.7. As set out above, NPPG confirms the proximity of a LGS to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.¹³
- 3.8. In considering the proposed LGS in the Lewes Neighbourhood Development Plan 2015-2033, the Examiner concluded he was satisfied that the proposed LGS are all within close proximity of the community that they service. The Examiner advised¹⁴ this criteria was satisfied as the proposed LGS are either within the main body of the town, or at a point where it adjoins the open countryside.

Demonstrably Special to a Local Community and Holds Particular Local Significance

- 3.9. As set out above, the NPPF confirms an area may be 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.
- 3.10. In considering the proposed LGS in the Ardingly Neighbourhood Plan, the Examiner concluded “through the consultation process, the sites have been demonstrated to be special to the local community and to hold particular local significance.”¹⁵
- 3.11. In considering the proposed LGS in the Bolney Neighbourhood Plan, the Examiner advised one of the areas proposed for designation is used by the general public, affords some long distance views of the South Downs, close to the listed Church, and boasts mature trees. In addition, the Examiner advised that whilst on site he...*“witnessed the area being clearly used for recreational purposes including cricket and by dog walkers.”*¹⁶

¹³ Paragraph: 014 Reference ID: 37-014-20140306

¹⁴ Para 7.79 of Lewes Neighbourhood Development Plan 2015-2033, Examiner’s Report

¹⁵ Policy 6: Local Green Space, Ardingly Neighbourhood Plan 2013-2031, Examiner’s Report

¹⁶ Policy BOLA1 Protect and Enhance Open Spaces in the Village, Bolney Parish Neighbourhood Plan 2016-2031, Examiner’s Report

- 3.12. In considering the proposed LGS in the Storrington, Sullington and Washington Neighbourhood Plan, the Examiner considered whether LGS status was appropriate given public access to the land has been prevented by the landowner fencing off the field.
- 3.13. in this regard the Examiner advised he was satisfied that *"prior to the erection of this enclosure, the public enjoyed access, albeit on an informal basis, rather than "by right". I heard how the land was used for dog walking and jogging, although I imagine that the field was not managed in such a way as to be suitable for formal games, essentially being an agricultural field....However, since the fence was put up and public access to what is private land, has been effectively denied, the field no longer performs its recreational role, which was the main basis for its designation. I can see no value in recognising the recreational value of the land, if there is no possibility of the public enjoying it for recreational purposes."*
- 3.14. In light of this and in conclusion, the Examiner advised *"in coming to my conclusion, it is important that the land should have a likelihood of performing the purpose for which it is recognised at the time when the Plan is being made. Local Green Space does not confer public rights. I see no likelihood that public usage will be reintroduced, irrespective of any conclusion I come on the question of its LGS status. I therefore conclude that in view of the fact that it can no longer be used for recreation, it no longer passes the tests as set out in Paragraph 77 of the NPPF (2012). This is in line with PPG advice that land can be designated without public access "because of its wildlife, historic significance and/or beauty" rather than for a recreational role, which it no longer performs"*
- 3.15. The Examiner also considered whether the public access along the footpath corridor should be designated. In doing so, the Examiner concluded *"there is no need to designate linear corridors as local green space simply to protect rights of way, which are already protected under other legislation"*.

Local in Character and is Not an Extensive Tract of Land

- 3.16. As set out above, NPPG confirms there are no hard and fast rules about how big a LGS can be because places are different and a degree of judgment will inevitably be needed.
- 3.17. The NPPG advises paragraph 100 of the NPPF is clear that LGS designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. 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.¹⁷
- 3.18. In considering the proposed LGS in the Lewes Neighbourhood Development Plan 2015-2033, the Examiner concluded the bulk of the proposed LGS are modest in scale and comfortably conform with the criteria in the NPPF that they are local in character and not an extensive tract of land. The Examiner considered LGS which ranged in size from 12 hectares up to 27 hectares. In doing so, the Examiner advised that what might constitute a green space which would be local in character is *"ultimately one of local judgement and may vary between different neighbourhood areas"*.¹⁸

¹⁷ Paragraph: 015 Reference ID: 37-015-20140306

¹⁸ Para 7.81 of Lewes Neighbourhood Development Plan 2015-2033, Examiner's Report

- 3.19. In considering the size of the proposed LGS, the Examiner advised *“the larger LGS’s are local in scale within the wider context of the neighbourhood area... I am satisfied that they do not represent a blanket designation of open countryside adjacent to the built-up form of the settlement or a “back door” way to achieve what would amount to a new area of Green Belt by another name.”*
- 3.20. In considering the proposed LGS in the Lavant Neighbourhood Development Plan, the Examiner considered whether the Amphitheatre, is an extensive tract of land. In this instance, the Examiner concluded *“there is no definition of how big an area has to be to be extensive and whilst it is a large area it is also contained.”* Furthermore, the Examiner advised *“I walked the area on my site visit and I saw people enjoying this open space, exercising their dogs and children and riding horses.”* in light of this, the Examiner concluded *“it is an eminently suitable candidate for protection under this policy [Policy LNDP10 Local Green Space].”*¹⁹
- 3.21. In considering the proposed LGS in the Plumpton Neighbourhood Plan, the Examiner considered whether the largest proposed LGS which covered 6.8 hectares was an extensive tract of land. In this instance, the Examiner concluded that *“In relation to Plumpton Green as a whole, this does not appear as an extensive tract of land. I also note that its larger size, in relation to the other parts of Local Green Space in the Neighbourhood Area, is simply reflective of its nature and importance to the local community as a connected series of fields separated by hedgerows and shaws close to the centre of the village.”*²⁰

4. APPRAISAL OF RELEVANT DECISIONS IN PARTICULAR APPEAL AND SECRETARY OF STATE DECISION IN AND AROUND HASSOCKS WITH RESPECT TO MATTERS RELATING TO LOCAL GREEN SPACE DESIGNATION

Land to the Rear of Friars Oak, East of London Road, Hassocks (DM/18/2342)

- 4.1. A planning appeal has been submitted by Rydon Homes Ltd for residential development of 130 dwellings and associated works, including change of use of land to form country open space on land to the rear of Friars Oak, east of London Road, Hassocks (LPA Planning Application Reference: DM/18/2342).
- 4.2. The planning application was refused by Mid Sussex District Council District-Wide Planning Committee at their meeting of 29th November 2018.
- 4.3. The appeal site is located immediately beyond the northern edge of the built-up area. It is located to the east of the A273 (London Road); west of the London to Brighton railway line (both routes of which run in a broadly north-south direction); and north of a residential area comprising properties on Shepherds Walk, and three cul-de-sac spurs known as The Bourne, Bankside, and The Spinney. To the north of the appeal site is generally agricultural land.
- 4.4. The appeal site comprises four arable fields typically delineated by existing hedgerows with a number of individual mature trees. The topography of the site is generally flat with a fall towards the western edge of the site, which is delineated by the meandering Herring Stream.

¹⁹ Policy LNDP10 Local Green Space, Lavant Neighbourhood Development Plan 2016-2031, Examiner’s Report

²⁰ Para 169, Plumpton Neighbourhood Plan 2017-2030, Examiner’s Report

- 4.5. Access is predominantly from a point towards the southwest corner of the appeal site via an existing vehicular access, which crosses the herring stream. A further access point is located in the northwest corner of the site.
- 4.6. A Public Right of Way (PRoW) crosses the southern edge of the site in a broadly east-west direction from London Road, crossing the north-south mainline railway, to connect to the public footpath network to the east.
- 4.7. The current proposal comprises a resubmission of a scheme that was previously refused following a call-in of the application by the Secretary of State.
- 4.8. The previous planning application was submitted to Mid Sussex District Council in 2015 (LPA Planning Application Reference: DM/15/0626).
- 4.9. It was subsequently reported to the Mid Sussex District Planning Committee on 13th October 2016 with an Officer recommendation planning permission be granted. Members resolved to approve the application at that meeting, subject to the completion of a satisfactory Legal Agreement, to secure the necessary affordable housing and infrastructure contributions. However, prior to the decision being issued, the application was called-in by the Secretary of State, for his own determination.
- 4.10. A public inquiry was held on 6th - 8th June 2017. The Planning Inspector issued a subsequent report dated 10th August 2017 recommending that the Secretary of State refuse planning permission.
- 4.11. The Secretary of State concurred with the Inspector's recommendation and refused planning permission in a Decision letter dated 1st March 2018.
- 4.12. The appeal was determined prior to the adoption of the current MSDP. Its predecessor, the Mid Sussex Local Plan (MSLP), defined the appeal site as falling within a countryside location, and part of the strategic gap between Hassocks and Burgess Hill. Policy C2 of the MSLP sought to limit development in such locations unless it was necessary for agricultural and other use which had to be located in the countryside, or it made a valuable contribution to the landscape and amenity of the gap and enhanced its value as open countryside, and would not compromise individually or cumulatively the objectives and fundamental integrity of the gap.
- 4.13. The Inspector's Report made clear that the appeal proposal was in conflict with both planning policy seeking to protect countryside, and planning policy seeking to protect the strategic gap. The Appeal Inspector considered at that time, the scheme conflicted with these policies and caused harm to the landscape character of the site and its surroundings. However, this carried reduced weight given the then housing need within the District.
- 4.14. With respect to the current appeal, HPC have made representations as an "interested party". With respect to LGS, HPC have advised the NPPF empowers local communities to develop a shared vision for their area. As part of this, the NPPF sets out that Neighbourhood Plans allow communities to identify and protect green areas of particular importance to them through the designation of land as LGS.

- 4.15. It notes this should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 4.16. Paragraph 100 of the NPPF sets out the approach and tests that are applicable to the designation of land as Local Green Space. Cognisant of this, the Hassocks Neighbourhood Plan Working Group considered a range of candidate sites for designation as LGS, as part of the preparation of the most recent iteration of the HNP. This includes land which covers part of the appeal site, known as land north of Shepherds Walk (LGS1).
- 4.17. Consideration of the compliance of this, and other candidate sites against the tests of the NPPF has previously been set out in Background Paper Revised Hassocks Neighbourhood Plan, Local Green Space Policy Review, October 2018.
- 4.18. Policy LG2 of the Regulation 14 Pre-Submission HNP states that development proposals which conflict with the purpose of this designation will be resisted. The proposed scheme would result in the substantial development of the proposed LGS for housing, with the majority of the residual areas being given over to an access road, in part on a raised embankment, with attenuation ponds and flood compensation areas to either side.
- 4.19. In light of the above, HPC consider the appeal scheme would conflict with this policy designation. HPC submitted that the allocation of part of the appeal site as a LGS within the emerging HNP is a material consideration in the determination of this appeal.

5. HASSOCKS NEIGHBOURHOOD PLAN REGULATION 14 PRE-SUBMISSION CONSULTATION

- 5.1. The HNP and accompanying Sustainability Appraisal (SA) was subject to Regulation 14 Pre-Submission consultation for a six week period commencing 7th January 2019.
- 5.2. The consultation documents were available to view online on the dedicated HNP webpage. A hard copy of the documents were made available for inspection at the Parish Centre. Comments were invited by email and/or by post.
- 5.3. Stakeholders were alerted to the consultation via email alerts. Locally in the Parish, notices alerting residents and stakeholders to the consultation were placed on Parish notice boards. In addition, a notice was placed in the Parish magazine.
- 5.4. The consultation closed on the 18th February 2019.

6. SUMMARY OF REPRESENTATIONS RECEIVED

- 6.1. A total of 63 representations were received in response to the Regulation 14 Pre-Submission Consultation.
- 6.2. Representations were received from a variety of stakeholders. These can be summarised as follows:
 - 41 representations from local residents;

- 8 representations from statutory consultees; and
 - 14 representations from developers/agents acting on behalf of landowners.
- 6.3. The majority of representations received were in respect of Policy 2: Local Green Space which set out support for the proposed designation of Local Green Space and in particular, Land to the north of Shepherds Walk (LGS1). A number of these representations considered that no further housing was needed in Hassocks.
- 6.4. The remaining representations received were primarily in respect of:
- Policy 1: Local Gaps;
 - Policy 7: Development in Conservation Areas;
 - Policy 14: Residential Development Within, and Adjoining, the Built-Up Area Boundary of Hassocks;
 - Policy 18: Affordable Housing; and
 - Chapter 8: Transport.

7. REVIEW OF SUBMISSIONS BY INTERESTED PARTIES WITH RESPECT TO PROPOSED LOCAL GREEN SPACE DESIGNATION

- 7.1. Set out below is a summary of representations received from local residents, statutory consultees and developers/agents on behalf of landowners in respect of Policy 2: Local Green Spaces:
- Circa 20 representations were received from local residents;
 - 2 representations was received from statutory consultees; and
 - 8 representations were received from developers/agent acting on behalf of landowners.

Local Residents/Stakeholders

- 7.2. Representations set out support for the proposed designation of Land to the north of Shepherds Walk as Local Green Space (LGS1).

Response to Residents

- 7.3. Comments noted.

Statutory Consultee: Mid Sussex District Council

- 7.4. MSDC advises that land proposed for designation as LGS1, LGS2 and LGS4 comprise fields of pasture and are part of the wider countryside adjacent to the built up area boundary, all in private ownership. Public footpaths run across, or close to the sites, however there is no statutory public access to the proposed LGS areas.

- 7.5. The sites appear to be used unofficially, mostly by local dog walkers. MSDC notes that LGS 1, 2 and 4 cover fairly large areas of countryside surrounding Hassocks.
- 7.6. MSDC confirm they have considered the supporting Local Green Space Policy Review Background Paper and do not judge that this sufficiently demonstrates why LGS 1, 2 and 4 are particularly special over and above other areas of countryside in the vicinity, nor does it judge that they are the type of green space the Government had in mind that should be protected when introducing this designation.
- 7.7. MSDC consider these particular LGS designations are therefore not in general conformity with the Government's policies in the NPPF nor the advice set out in the NPPG, and they should be removed.

Response to Mid Sussex District Council

- 7.8. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.9. The Review has determined no changes are proposed to LGS1: Land to the North of Shepherds Walk; LGS2: Land at the Ham; and LGS5: Land at south of Downlands.
- 7.10. Furthermore, the review has determined LGS4: Land to the East of Ockley Lane should be amended to include the western parcel only.
- 7.11. Full details of the assessment are available in Section 8 below.

Recommended Changes to Submission HNP

- 7.12. See Section 9 below which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Statutory Consultee: Southern Water

- 7.13. Southern Water advise they are unable to support the current wording of this policy as it could create a barrier to statutory utility providers such as Southern Water, from delivering its essential infrastructure required to serve existing and planned development.
- 7.14. Southern Water recommend policy is updated to read:

“Development proposals which conflict with the purpose of this designation will be resisted in these areas, except in very special circumstances, for example where it is essential to meet specific necessary utility infrastructure needs and no feasible alternative site is available.”

Response to Southern Water

- 7.15. Comments noted however, it is not considered the policy should be amended in this regard. The provision of necessary infrastructure is required under separate legislation which is outside of the Neighbourhood Planning Regulations.

Recommended Changes to Submission HNP

- 7.16. No changes recommended to Policy 2: Local Green Space in response to Southern Water comments.

Developer Agents/Landowner: Landowner of LGS1

- 7.17. Representation sets out a strong objection to the proposed green space designation.
- 7.18. Representations present an assessment of the site to demonstrate it does not satisfy the criteria for LGS designation.
- 7.19. Representations confirmed:
- Land privately owned, used for agricultural purposes until 2006.
 - Land left unmanaged as grassland.
 - Actively promoted for residential development.
 - Limited public access to the land by means of public footpath that runs along southern boundary.
 - With/without designation as LGS there would be no change to ability of residents using PRow.
 - All other claimed access to land is unauthorised without landowners consent.
- 7.20. Representations confirm Friars Oak Fields is the subject of a pending appeal for 130 units. It is the client's intention to seek planning for residential use. During this time, land will be used for horse pasture. Landowner will erect fence along public footpath to stop dogs mixing with livestock.
- 7.21. Representations confirm it is considered the site is recognised as lying within sustainable location with good accessibility, and transport connections without restrictive policy designations. Representations consider it is reasonable to conclude the land is capable of accommodating new development to meet current and future need.
- 7.22. Representations confirm the landowner does not propose to make land available for use by public in future - will strongly resist attempts to appropriate it for such a use. It is considered there are plenty of other open areas of land to be enjoyed.
- 7.23. Rydon proposals include dedication of land alongside Herring Stream for recreational use. It is considered in the better interests of the Parish Council and residents to support that scheme if it is considered there is need for a new recreational area in this location.

Developer Agents/Landowner: Sigma on behalf of Rydon - LGS1

- 7.24. Representation acknowledges the Policy is supported by the Neighbourhood Plan Revised Local Green Space Policy Review, which refers to the guidance set out in the NPPF at Paragraphs 99-101 to identify and designate LGS.
- 7.25. Representations set out why it is considered LGS 1 does not meet all of the criteria of the NPPF and consequently should be deleted.
- 7.26. It is considered the Review fails to have appropriate regard to Paragraph 99 of the NPPF, which states that *“Designating land as Local Green Space should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.”* It should also be *“capable of enduring beyond the Plan period”*.
- 7.27. It is considered the assessment was lightweight, had been unduly influenced by objections to a development proposal on the land, and the evidence base falls considerably short of the standard required for such an important designation which the Framework says will not be appropriate for most green areas or open space.
- 7.28. Representations advise it is considered very little community use the site at present, the only authorised public access being limited to use of the recreational footpath along the southern boundary.
- 7.29. Representations confirm surveys of the use of the public footpath that runs along the southern edge of the land were carried out to assess the level of usage of the unmanned crossing of the railway line in the north-east corner of the site.
- 7.30. Representations advise the assessment does not identify any special or unusual qualities, nor has the HNP process showed that the site is demonstrably more special to the community which would set it apart from any of the other surrounding areas of countryside outside the settlement boundary.
- 7.31. Representations confirm Land at Friars Oak fields measures approximately 7.43 hectares. It is considered there is no recognised change of character or physical boundary to the north, and the site is of similar character to the entire area up to Burgess Hill to the north. As such, it forms part of an extensive tract of land from which it is not obviously distinguishable.
- 7.32. It is considered allocations of LGS in a Neighbourhood Plan must complement investment in sufficient homes and are to be seen as enduring beyond the end of the Plan period (NPPF Paragraph 99).
- 7.33. It is considered the designation of the Friars Oak Fields site as an LGS would conflict with this Government guidance because:
- Hassocks is a sustainable settlement and is a Category 2 settlement. It is therefore an important focus for new strategic housing provision across the District.
 - The submission NP only aims to accommodate the minimum housing numbers set out in the recently adopted Local Plan, but further housing is needed now and in the future.

- Hassocks ability to provide for further housing growth should not be unjustifiably constrained.
- The fundamental suitability of the appeal site for housing has been repeatedly demonstrated in the SHLAA, Officer Reports, Council's decision and Secretary of State's appeal decision.
- National Planning Practice Guidance confirms that the LGS designation should not be used in a way that undermines meeting identified development needs.
- The interests of local recreation and enjoyment of the best attributes of the site are better served by Rydon's proposal to provide a Country Park with access to the area adjoining the Herring Stream, and authorised public access for informal recreation over a wider area associated with their residential development.

7.34. An LGS designation should only be used where it meets all of the criteria set out in Paragraph 100 of the NPPF. It is considered the Friars Oak Fields site meets none .

Response to Landowner of LGS1 and Sigma on Behalf of Rydon

- 7.35. In light of representations received, a review of the following proposed designations LGS1, LGS2, LGS4 and LGS5 has been undertaken.
- 7.36. The Review has determined no changes are proposed to LGS1: Land to the North of Shepherds Walk. Full details of the assessment are available in Section 8 below.
- 7.37. In response to representations which advise Hassocks is a sustainable settlement and it is therefore an important focus for new strategic housing provision across the District, this matter is specifically dealt with in the accompanying paper "Responses to Regulation 14 Pre-Submission Representations in Respect of Housing Matters", April 2019.

Recommended Changes to Submission HNP

- 7.38. See Section 10 below, which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: Landowner LGS2

- 7.39. Representation confirms objection to the proposed designation. It is considered the designation will prejudice site owner from obtaining planning permission for the following:
- Erection of stables to house horses kept in the field;
 - Erection of agricultural barns - to shelter animals in the field;
 - Erection of agricultural barns for dry storage for machinery used for agricultural purposes of field;
 - Erection of barn for dry storage of materials and feeding stuff; and

- Reduce value of the field.

Response to Landowner LGS2

- 7.40. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.41. The Review has determined no changes are proposed to LGS2. Full details of the assessment are available in Section 8 below.

Recommended Changes to Submission Hassocks Neighbourhood Plan

- 7.42. See Section 10 below, which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: Landowner LGS 4 (Western Parcel)

- 7.43. Representations confirm objection to allocation of LGS4 as LGS. Representations request the area is not taken forward to the next stage of HNP.
- 7.44. Representations advise it is considered the requirements for allocation of the site as LGS as set out in NPPF have not been met.
- 7.45. With respect to “Recreational Value”, representations advise there is a single official footpath across the field. Representations confirm the footpath is a statutory right of way protected under legislation and is not merit in itself for designating as LGS (ref Paragraph 18 NPPG). Other informal paths and circular walks described in relation to LGS are not authorised right of ways or recognised by landowner. Landowner asserts there is no “open access” formerly granted across this land.
- 7.46. With respect to “Historic Significance/PRoW”, representations confirm the mixed development of homes and primary school proposed can easily incorporate the official PRoW running through the site and maintain historic link between villages of Keymer and Ditchling.
- 7.47. Representations confirm archaeological surveys would be carried out to check for presence of archaeological/historic interest, specifically to route Roman Road that runs south of site.
- 7.48. With respect to “Richness of Wildlife”, representations confirm the site comprising western most parcel of LGS4 is cropped by landowner as part of arable rotation and routinely tilled, fertilised, sprayed and harvested.
- 7.49. Representations confirm the land is bordered to west by road beyond lie residential developments Adastra Avenue, Grand Avenue and Oldlands Ave & pub with Damian Way development to south.
- 7.50. Representations confirm the footpath running across field is heavily used by dog walkers given the land use and proximity to existing development and regular pedestrian/dog access.
- 7.51. Representations advise it is considered hard to argue the parcel is rich in wildlife. As the land lies within SDNP, representations challenge whether there is any additional local benefit to be gained by LGS designation of the site.

- 7.52. With respect to whether the area could be defined as an extensive tract of land, representations confirm the Area of LGS4 as proposed extends to 25 acres. Representations assert this is substantial area in context of LGS designation.

Response to Landowner LGS 4 (Western Parcel)

- 7.53. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.54. The Review has determined proposed changes to LGS4.
- 7.55. Full details of the assessment are available in Section 8 below.

Recommended Changes to Submission HNP.

- 7.56. See Section 10 below, which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: Landowner LGS 4 (Eastern Parcel)

- 7.57. Representation advise it is considered the field has no special beauty over/above other areas.
- 7.58. With respect to “Historic Significance”, representations challenged whether there is anything of historical interest associated with the land.
- 7.59. With respect to “Recreational Value”, representations refer to public footpath and considers there is no reason to support contention the land is demonstrably special. It is considered Public Footpath is protected and advises access to “green space” is at discretion of landowner.
- 7.60. Representations advise it is cited there are “valued views”. In response it is not considered there is a recreational value and the views are no better than others in the Parish.
- 7.61. Representation consider Hassocks NHP Reg 14 Pre-Submission Jan 2019 document and Background Paper, Revised Hassocks NHP - Local Green Space Policy Review Oct 2018 have conflicting maps representing LGS4. It is considered it is not clear whether conflicting plans undermines the validity of the consultation.
- 7.62. It is considered no justification or evidence to support additional inclusion of land to East of Church Mead (as included on the Hassocks NHP Reg 14 Pre-Sub Jan 2019 document) has been provided and so it is not agreed the extension of LGS4 on conflicting plan should be included.
- 7.63. It is considered the land is within private residential curtilage and is highly unlikely that this land will ever be delivered. Representations advise the protection being sought by its classification is unclear.

- 7.64. Representations advise it is considered no evidence has been provided to demonstrate the extension of the LGS4 in this area meets any criteria set out in the policy for designation of LGS's. Representations advise if it is Council's proposal to arbitrarily include additional parcels of land as LGS, it needs to be demonstrated by assessment the submission consultation is valid - this specific element should be reconsulted if unsound.
- 7.65. In other docs (Revised Hassocks NHP Review of Policy 1: Burgess Hill Gap and Policy 2: Ditchling and Hurstpierpoint Gap) a specific section has been allocated to demonstrate 'Changes Since 2016' - there is no evidence to identify change for this LGS.
- 7.66. Consider it should be recognised that the landowner's home and land is constrained from a future development perspective and there would be little, to no, prospect of pursuing development.

Response to Landowner LGS 4 (Eastern Parcel)

- 7.67. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.68. The Review has determined proposed changes to LGS4.
- 7.69. Full details of the assessment are available in Section 8 below.

Recommended Changes to Submission Hassocks Neighbourhood Plan

- 7.70. See Section 10 below, which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: West Sussex County Council - LGS 5

- 7.71. Representations have concerns over this designation as it is part of a school playing field at Downsbrook Community College.
- 7.72. Representations advise the school field is an operational school playing field under ownership of WSCC. There is existing public access and right of way. It is considered the field is an integral and functional part of the school.
- 7.73. Representations advise WSCC has statutory obligation to ensure every child in West Sussex can access a mainstream school in the county. If there are future requirements to create additional spaces at any schools in the planning area this would be in accordance with statutory obligations and a LGS designation would serve to compromise the Council's ability to meet this need.
- 7.74. Therefore, WSCC have concerns that the school fields are included as LGS, namely they are already protected due to their status and there may be future requirement to increase capacity of the school to accommodate additional children.
- 7.75. Representations include a suggested amendment to reconsider the school field being included as a LGS.

Response to West Sussex County Council - LGS 5

- 7.76. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.77. The Review has not determined proposed changes to LGS5.
- 7.78. Full details of the assessment are available in Section 8 below.
- 7.79. In order to ensure the area could be development for open space and/or recreation purposes, it is recommended the supporting text of Policy 2 is to updated to confirm development for such uses would reflect the purpose of the designation.

Recommended Changes to Submission Hassocks Neighbourhood Plan

- 7.80. See Section 10 below which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: Gladman

- 7.81. Representation advises Policy 2 identifies eight parcels of land that are proposed for Local Green Space designation- consider that LGS1, LGS2, LGS4 and LGS8 represent extensive tracts of land and as such, do not meet the requirements for LGS designation.

Response to Gladman

- 7.82. In light of representations received, a review of the following proposed designations (LGS1, LGS2, LGS4 and LGS5) has been undertaken.
- 7.83. The Review has determined no changes are proposed to LGS1: Land to the North of Shepherds Walk; LGS2: Land at the Ham; and LGS5: Land at South of Downlands.
- 7.84. Furthermore, the Review has determined LGS4: Land to the East of Ockley Lane should be amended to include the western parcel only.
- 7.85. Full details of the assessment are available in Section 8 below.

Recommended Changes to Submission HNP

- 7.86. See Section 9 below which sets out recommended changes to Policy 2: Local Green Spaces and the Proposals Map.

Developer Agents/Landowner: Terence O Rourke

- 7.87. Representation supports the identification of Local Green Spaces (LGS).

7.88. LGS8: Land at Clayton Mills, which is located directly south of client's site and is also referenced in Policy 10: Protection of Open Space. Client does not control this area of open space but is keen to see it improved for the benefit of existing and future residents. Currently in discussion with MSDC, HPC and local residents to see how this might be achieved.

Response to Terence O Rourke

7.89. Comments welcomed.

8. REVIEW OF EACH PROPOSED LOCAL GREEN SPACE WITH REGARD TO THE PRINCIPLE OF ITS DESIGNATION, AND ITS PHYSICAL EXTENT

8.1. In light of representations received, a review has been undertaken of the following proposed LGS:

- LGS1: Land to the North of Shepherds Walk;
- LGS2: Land at the Ham;
- LGS4: Land to the East of Ockley Lane; and
- LGS5: Land at South of Downlands.

8.2. A further review has not been undertaken on the following proposed LGS:

- LGS3: Land to the south of Clayton Mills;
- LGS6: Land to the west of the railway line;
- LGS7: Land at Pheasant Field; and
- LGS8: Land at Clayton Mills.

8.3. All proposed LGS are illustrated on the Proposals Map below.

LGS1: Land to the north of Shepherd's Walk

8.4. The "Revised Hassocks Neighbourhood Plan, Local Green Space Policy Review, October 2018." sets out the reasons for the proposed designation of LGS1: land to the north of Shepherd's Walk, There is no change to this position. The responses below should, therefore, be read in association with the October 2018 Paper.

8.5. In addition to the comments set out in the MSDC's response, the principal representations received in relation to LGS1 were from Sigma Planning Services on behalf of Rydon Homes Ltd (February 2019). Representations were also received from Griffith Smith LLP on behalf of the land owner, but these largely focus on the intended residential development and access and do not address the LGS NPPF criteria.

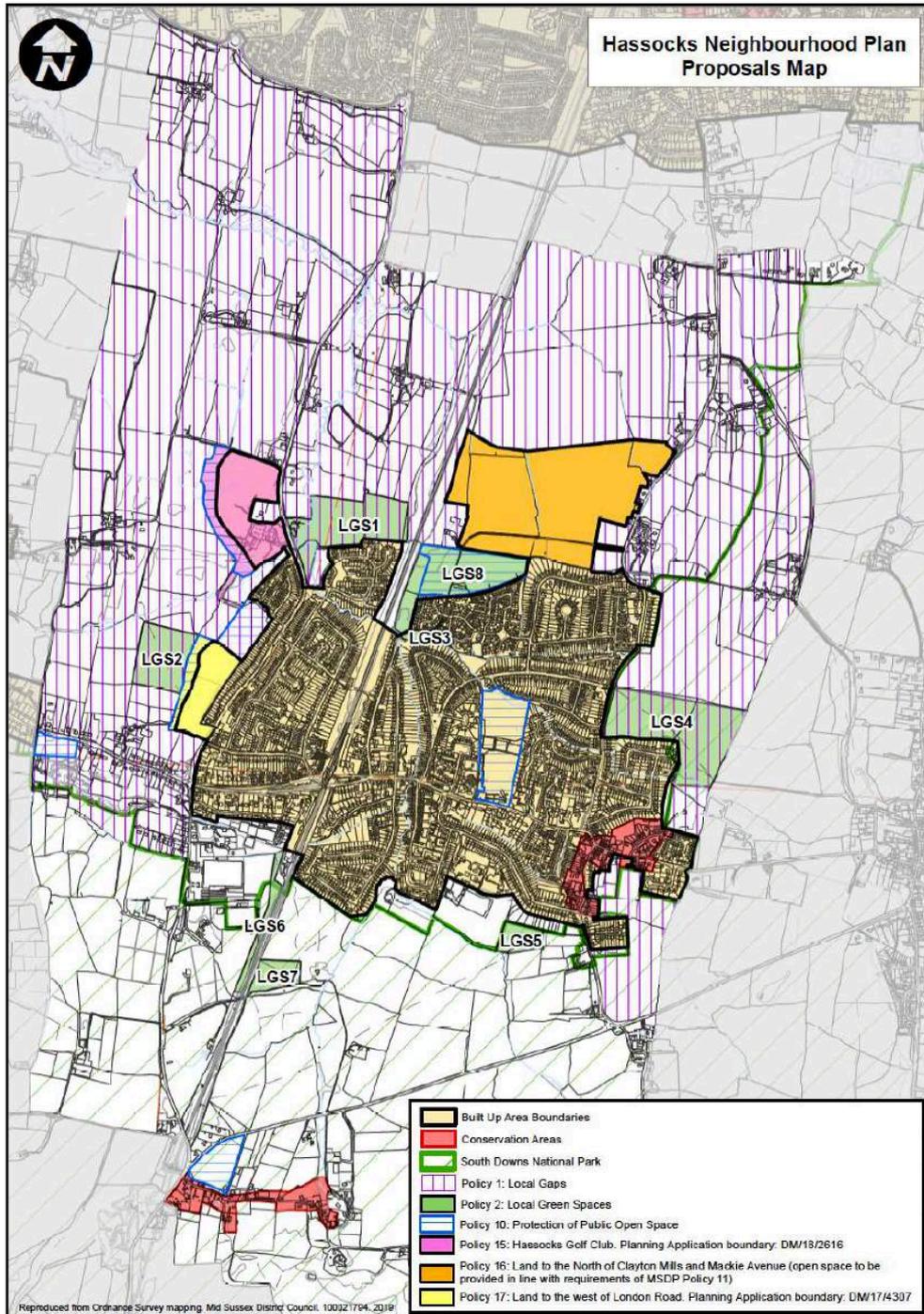


Figure 1: Regulation 14 Pre-Submission Proposals Map

- 8.6. At paragraph 2.28 Sigma state *It is Rydon's view that the impetus for the designation of the land as LGS stems largely from local opposition to the housing proposal.* The case for designation of LGS1 has been informed by the assessment undertaken and set out in the October 2018 report. That assessment focused purely on the merits of the site and whether it meets the criteria set out in the NPPF.

- 8.7. In excess of 20 written representations in support of the designation of LGS1 were received from local residents, more than for any other LGS.
- 8.8. Sigma Planning Services also raise a number of points relating to whether LGS1 meets the NPPF criteria.
- 8.9. The land adjoins the northern edge of Hassocks and there is access to the land via a footpath. Sigma state that the site is *not enjoyed by most of the community of Hassocks*. As stated in the earlier paper this is a popular walking route around the village. Access to the majority of the land covered by the proposed LGS has been unchallenged (albeit unauthorised) and there are informal paths across the land.
- 8.10. In relation to landscape character and views, heritage and wildlife significance, Sigma refer to the reports prepared in support of the planning application. The value of the land at LGS1 is very much local and the significance of the land against these attributes is also local. The criteria in the NPPF states that the land should *hold(s) a particular local significance*. There is no requirement for the land to be of county or national significance.
- 8.11. Sigma also note that open space will be provided in association with the proposed development. From the illustrative site layout it is evident that much of this open land is associated with flood alleviation and the Sustainable Urban Drainage System (SuDS). This land would be of a very different character to the semi natural character of the existing land north of Shepherd's Walk.
- 8.12. The conclusion to this more detailed assessment of LGS 1 remains that the proposed LGS1:
- Is located in close proximity to the community;
 - Does not represent an extensive tract of land;
 - Is valued by the local community;
 - Is of local significance.
- 8.13. The assessment therefore concludes that there remains a strong case for designation of LGS1 under Policy 2 of the Neighbourhood Plan.



Figure 2: View Over LGS1 Demonstrating the Proximity of the Land to the Settlement Edge

LGS2: Land at the Ham

- 8.14. Since the proposed designation of LGS2 in October 2018, an application for the disposal of soil associated with the residential development on the neighbouring land (Ham Fields/Saxon Mills) on part of LGS2 has been submitted to MSDC.
- 8.15. HPC supported the application in order to prevent high levels of lorry movements, which would have been generated had the material been transported off site. The material will be spread across the north eastern part of the site and then re-seeded. All boundary features will be retained.
- 8.16. The tipping of soil material will not materially alter the character and appearance of the land and will not affect values attributed to the land in the October 2018 assessment relating to existing landscape character and views, heritage and wildlife significance. There may be opportunities to enhance wildlife and amenity value, for instance through seeding of the new landform with wildflowers.
- 8.17. For these reasons, it is considered that there remains a strong case for designation of LGS2 under Policy 2 of the Neighbourhood Plan.



Figure 3: General View Over LGS2

LGS4: Land to the east of Ockley Lane

- 8.18. Representations received on behalf of the landowners challenge the judgements as to whether the land at LGS4 meets the criteria for designation as an LGS, but do not introduce any particular new evidence which contradicts the basis for the proposed designation set out in the October 2018.
- 8.19. A number of points are made in relation to access. The current access to the land via public rights of way and the fact that any 'open access' is at the discretion of the land owner are identified and discussed in the October 2018 report.
- 8.20. In the assessment of local significance, particular attention is drawn to the views to and from the LGS and the contribution to the natural beauty of land which lies within the South Downs National Park, as set out in the October 2018 paper.
- 8.21. One aspect that is raised on behalf of both landowners is whether:
- The land lies in close proximity to the local community it serves
 - The site represents an extensive tract of land
- 8.22. LGS is the largest of the proposed LGS sites in the Regulation 14 Plan. The land comprises two fields. It is accepted that two fields could be assessed as an extensive tract of land, although there is no clear definition of this criteria, for instance in terms of an area.
- 8.23. The western field is bordered to the west and south by residential development. The land is accessed via the public right of way and as evident in the photograph below there are regularly used informal paths around the field. This field is, therefore, assessed as being in close proximity to the community it serves.

- 8.24. The eastern field does not border the settlement edge and could, therefore be assessed as not being in close proximity to the local community. It only meets this criteria if considered in association with the western field. It is accepted that there could be an argument that the two fields represent an extensive tract of land.
- 8.25. For these reasons, it is recommended that the area covered by LGS4 is reduced to the western field only.



Figure 4: View Over the Western Field to LGS4 Demonstrating the Proximity of the Land to the



Figure 5: View Over the Eastern Field Proposed for Removal from LGS4

LGS5: Land at South of Downlands

- 8.26. Representations received received in relation to this LGS which refers to the land forming part of Downsbrook Community College. The representation requests that the designation of the land as an LGS should be reconsidered. The representation does not specifically challenge the criteria based assessment prepared by the Parish in October 2018, but states that there may be a future requirement to increase the capacity of the school to accommodate additional children.
- 8.27. The Parish Council recognises the increasing pressures on our local schools as a consequence of a growing school role. The land at LGS5 is fairly remote from the main built school campus. It is also identified by WSCC as the Downlands Community Field in signage on the land. It is considered unlikely that the land would provide a suitable location for built development, but could be required to provide more accessible grounds in the event that the school does need to expand and so would remain as open land. The land also lies within the South Downs National Park and benefits from the protection afforded by this designation. The LGS designation would not preclude more intensive use of the land for sport.
- 8.28. For these reasons this report concludes that there remains a strong case for designation of LGS5 under Policy 2 of the Neighbourhood Plan.



Figure 6: Downlands Community Field (LGS5)

9. SUMMARY OF PROPOSED CHANGES TO POLICY 2: LOCAL GREEN SPACES

9.1. In light of representations received, a review has been undertaken of the following proposed LGS:

- LGS1: Land to the North of Shepherds Walk;
- LGS2: Land at the Ham;
- LGS4: Land to the East of Ockley Lane; and
- LGS5: Land at South of Downlands.

9.2. The Review has determined the following:

- LGS1: Land to the North of Shepherds Walk - no changes proposed.
- LGS2: Land at the Ham - no changes proposed.
- LGS4: Land to the East of Ockley Lane - proposed amendment to include the western parcel only.
- LGS5: Land at South of Downlands - no changes proposed.

9.3. It is recommended Policy 2: Local Green Space is updated to read:

Policy 2: Local Green Spaces

The Hassocks Neighbourhood Plan designates the following locations as Local Green Spaces (as shown on the Proposals Map):

- 1. Land to the north of Shepherds Walk (LGS1).**
- 2. Land at the Ham (LGS2).**
- 3. Land to the south of Clayton Mills (LGS3).**
- 4. Land to the east of Ockley Lane - Western parcel (LGS4).**
- 5. Land at south of Downlands (LGS5).**
- 6. Land to the west of the railway line (LGS6).**
- 7. Land at Pheasant Field (LGS7).**
- 8. Land at Clayton Mills (LGS8).**

Development proposals, which conflict with the purpose of this designation, will be resisted in these areas.

- 9.4. In addition, it is recommended the supporting text of Policy 2 is updated to confirm development for open space and/or recreations uses would reflect the purpose of the designation.
- 9.5. The proposed amendments are highlighted on the Proposals Map below.

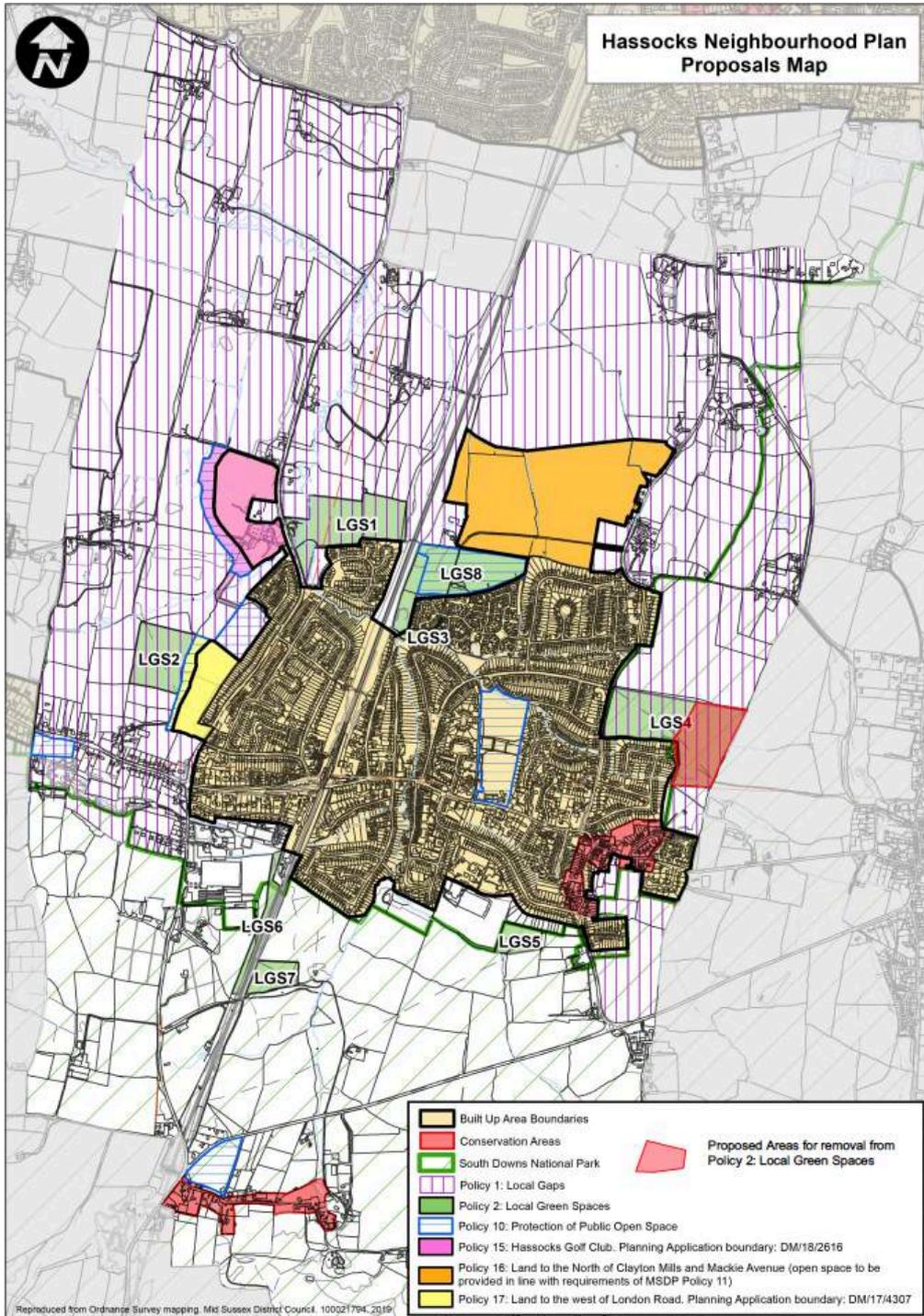


Figure 7: Proposed Amendments to the Submission Proposals Map