

Submissions on the designated Local Green Space GOT04 for the Hearing into the Gotham Neighbourhood Plan

1. Introduction

1.1 This statement sets out the response of Gotham PC to the questions raised by the Examiner in relation to designated Local Green space.

2. The NPPF 2012

2.1 The relevant section is set out below:

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. Identifying land as Local Green Space should therefore 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 reviewed, and be capable of enduring beyond the end of the plan period.

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land.*

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

2.2 paragraph 76 gives primacy to the views of the local community. We attach the Statement of Consultation which shows the support given throughout the process to policy GS1 in general the LGS proposal for GOT04 particular .

2.3 The correct way to question that support is for the LPA or the landowner to produce evidence from a consultation process of their own. Without the consultation the PC has carried out is the only available evidence in relation to para 76. There is no reason to believe the designation cannot endure beyond the end of the Plan period. The adopted Core Strategy, the policy framework for Gotham, proposes only small scale development for local housing needs in Gotham.

2.4 The second part of para 76 deals with compatibility homes and jobs. It is a matter of fact that although the LPA took the site out of the greenbelt it did not allocate the site for housing. The promoters of housing on the site have suggested that Hall Drive can be used as an access. The photographs below show Hall Drive is inherently unsuitable in its present form and any widening would not only be detrimental to the amenity of residents but the land acquisition problems would be insurmountable.



2.5 The Examiner for the Part 2 Local Plan has indicated the Plan is sound subject to some modifications that are not related to the need for more housing sites. The DLGS complies with the Local Plan.

2.6 So far as consultation with land owners of GOT04 is concerned, the owners as Gotham residents received a detailed leaflet that was delivered to every household as an invitation to the 3 day informal consultation held in October 2017. This included a map of the proposed LGS including GOT04. As landowners on the RBC list they received a formal email to respond to the formal consultation in February 2018: they declined to do so.

3. The para 77 Criteria

3.1 The proposed local green space at GOT04 is small and it is close to the community. Bullet point two sets out examples and is not an exclusive list. The value of GOT 4 is by way of historic ridge and furrow and existing and potential bio diversity value.

3.2 The importance of the Rushcliffe Biodiversity Opportunities Mapping of 2017 is shown by the consultation submissions made by Notts Wildlife Trust and the notice taken of them by RBC in respect of GOT01. This was identified as part of the focal area of the wildlife corridor that runs from the Gotham Hills in the North to the West Leake Hills to the South West. The same focal area covers the SHLAA sites GOT02, GOT04 and GOT05 and the NP committee chose to treat these sites as GOT01 had been and designate them as LGS. BP9 includes further analysis by local wildlife enthusiasts and uses other local knowledge to support this view.

3.3 Designation will provide a high degree of protection, a matter dealt with in the Supreme Court Judgement *Easter Term [2017] UKSC 37 On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)* .

3.4 The judgement at para 79 draws attention to footnote 9, areas of extra protection *“For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; **land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.**”*

4. Ridge and Furrow

4.1 The ridge and furrow at Gotham is listed as a Historic Environment in the Notts CC record L 10076.

4.2 The attached guidance from Natural England sets out how such features are to be protected.

4.3 Ridge and Furrow is fast disappearing and an article in the Guardian, attached, says *"In the East Midlands an estimated 94% of ridge and furrow left by medieval farmers, which was visible in many fields until the last decade, has now been destroyed. Increasingly powerful farm machinery, and deeper ploughing for root crops, means that the rate of destruction is accelerating."*

4.4 We have consulted the Medieval Settlements Research Group and they say *"There is generally very little of it (ridge and furrow) left, despite that fact that it was once such a widespread, characteristic feature of communities living in open-field areas of England."* The Medieval Settlement Research Group continues to be concerned at the rapid rate of the destruction of ridge and furrow over recent decades, and strongly supports efforts to retain even small areas of such remains, which can then be used to show future generations the character of earthworks that once covered much of the Midlands.

4.5 The area of ridge and furrow on GOT05 will be lost to housing development.

4.6 The photographs below show ridge and furrow on GOT04 survives. Some protection in addition to DLGS is provided by the NPPF.

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.



Taken March 2017



Taken September 2017



Taken June 2018

5. The NPPF 2012 on historic environment

The NPPF say 126. *Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.*

The NPPG says:

What are non-designated heritage assets and how important are they?

Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally [designated heritage assets](#).....

Paragraph: 039 Reference ID: 18a-039-20140306

Revision date: 06 03 2014.

5.1 The inclusion by Notts CC of the Gotham Ridge and Furrow in the HER list is the equivalent of the local listing of a building of architectural interest.

6. Archaeology

6.1 The advice from Natural England suggests that archaeological remains are often associated with Ridge and Furrow. LGS designation will provide time for the archaeological significance of GOT04 to be thoroughly examined.

7. Conclusion

7.1 The burden of proof is on those who object to the designation to show that is either contrary to the 2012 NPPF, to a development plan or because the local community is acting unreasonably in its support for the retention of this green space. The objections from the owner are understandable. The basis for any objections from Rushcliffe Borough Council are very difficult to understand. The adopted Core Strategy includes Policy 16 which says *with corridors and (green) assets of a more local level which will be defined through Local Development Documents.*

7.2 We are unable to see how the proposed LGS does not give local expression to this policy nor can we see that the proposal conflicts with any other policy in either the adopted Core Strategy or emerging Part Two Local Plan.