

Matter 11 – Green Infrastructure (Policies E4, CI3, NOR4, NOR5 and TIS4)

Issue 1 – Green Infrastructure - Policy E4

- Q1. Is it clear to decision makers, developers and local communities which types of development will be subject to the requirements in Policy E4 and what is required of applications for planning permission? Is the policy effective?**

Council's response

All applications for development should be tested against the criteria of E4 to ensure the protection of existing green infrastructure, and to secure the improvements and net gains set out in the policy. The policy deliberately does not specify or exclude any type of development. The Council considers the policy to be effective in its ambition to prioritise protecting and improving green infrastructure in the district.

- Q2. What is the justification for suggested modification M43? Why is this necessary for soundness?**

Council's response

(The Council understands that this question should relate to modification M54 rather than M43. The answer provided is therefore in response to M54).

The North Yorkshire Local Access Forum advised that the term 'links' is ambiguous because it does not clearly mean paths. They advise a more precise definition is needed and the following wording was agreed – 'for example with multi-user paths'.

The Council considers the changes are not necessary for soundness but do help to strengthen the implementation effectiveness of the policy.

Issue 2 – Open Space, Sport and Recreation – Policies CI3, NOR4, NOR5 and TIS4

Open Space, Sport and Recreation - Policy CI3

- Q1. Are the Open Space, Sport and Recreation Standards set out in Appendix E justified by robust and up-to-date assessments of the need for such facilities, including quantitative and qualitative deficits or surpluses of each land type?**

Council's response

Yes, paragraph 96 of the Framework sets out requirements for access to a network of high quality open spaces and opportunities of sport and physical activity. The evidence base used to support Policy CI3 Open Space, Sport

and Recreation are the following; The Play Pitch Strategy 2017 (SD30), Sports and Facilities Strategy 2017 (SD36), and The Open Space Strategy Final Report 2107 (SD37). The aforementioned documents include assessments of each respected type of leisure facility with quantitative and qualitative data, and have undertaken research to deficits or surpluses of each land type. The justification text page 149 of the local plan (LP01) states that the studies found no major deficiencies in the overall levels of sport and recreational provision, but there is a need to improve the quality, quantity and accessibility of open space and recreational and play facilities for children and young people.

- Q2. Is criterion (a) justified in seeking provision in line with the standards set out in Appendix E in all circumstances? Are the policy and standards sufficiently flexible to take account of individual circumstances and requirements?**

Council's response

Criteria a) of the CI3 Policy states that proposals for housing development would be supported where there is provision is made for open space, sport and recreational facilities. Appendix E Open Space, Sport and Recreation Standards section stipulates that standards are required for developments above 10 units. It is acknowledged that this policy would not cover development of less than 10 units but then this would be classed as minor development and would therefore trigger the requirement for open space. There may be circumstances in which open space is not required for example if there is deemed to be sufficient close by, and therefore a financial contribution is required towards improvements of existing play areas or amenity space, however this would be looked at on a case by case basis. Therefore it is considered that there is flexibility in requirements.

- Q3. Is criterion (b) justified in seeking 'net gains' to the network of green infrastructure? Is it clear to decision-makers, developers and local communities when and/or where this requirement would be imposed?**

Council's response

It is considered that Policy CI3 seeks to provide green infrastructure on site via net gain where possible. The outcomes from the evidence base documents The Play Pitch Strategy 2017 (SD30), Sports and Facilities Strategy 2017 (SD36), and The Open Space Strategy Final Report 2107 (SD37) have provided recommendations as set out in page 149 of the justification text in the local plan (LP01). The justification text lists set criteria that proposals for new and upgraded green corridors are required, and that provision for additional safe walking, running and cycle routes are also recommended.

- Q4. What is the justification for criterion (c)? Is it clear to decision-makers, developers and local communities what is required?**

Council's response

It is considered that Policy CI3 seeks to create additional open space and sports facilities via any additional education provision made. The outcomes from the evidence base documents The Play Pitch Strategy 2017 (SD30), Sports and Facilities Strategy 2017 (SD36), and The Open Space Strategy

Final Report 2107 (SD37). As set out on page 149 of the justification text in the local plan (LP01). The justification text acknowledges that the evidence base reports found that there was a need to improve the quality, quantity and accessibility of open space and recreational and play facilities for children and young people. Therefore the Council wish to encourage dual and joint use of education sports and recreation facilities and seeking community access outside of core school hours for any new provision on educational sites. With respect to the evidence base documents and given the justification text sets out a clear case for such development it is considered that there is justification and it is clear to decision makers, developers and local communities.

Q5. Is Policy CI3 consistent with paragraph 97 of the Framework, which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- **an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- **the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- **the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.**

Council's response

With respect to paragraph 97 of the Framework it is considered that Policy CI3 Open Space, Sport and Recreation do reflect this requirement. As the text states whole or partial loss of open space or sport and recreation facilities will only be supported where it can be demonstrated. The criteria in the policy 'd – h' set out steps in order to measure the loss of open space, sports, and recreational space. This includes assessments to be made and justification for the loss of any such leisure space in accordance with paragraph 97 of the Framework.

Q6. Is it clear to decision makers, developers and local communities what forms of development within open spaces would be acceptable in principle?

Council's response

In terms of what development is acceptable in principle it is considered that criteria f) and criteria h) of Policy CI3 explain this. Criteria f) states that it would need to be demonstrated that the development of a small part of the space/facility would offer the best way of retaining and enhancing sport and recreation facilities on the site and would provide overriding benefits to the local community. Criteria h) states that it would need to be demonstrated that proposals for or includes development of the space for an alternative outdoor sport or recreational use of an equivalent or better management arrangements prior to the

commencement of development.

Q7. What is the justification for suggested modification M68? Is this necessary for soundness?

Council's response

It is considered that the suggested modification is to provide consistency for the allocation of the sports village allocation NOR 5 and to provide further clarity to the information provided in the development requirements, and therefore considered necessary for soundness purposes.

Northallerton Town Park – Policy NOR4

Q8. What is the justification for allocating land at Northallerton Town Park for open space and recreation? Is any development proposed on this site?

Council's response

Northallerton has a growing population and a shortage of open space to meet their needs for open space and recreation. The Council considers this allocation site can assist in meeting the needs of residents.

The land has a recently improved public rights of way passing east to west, this provides a short-cut (off road route) from the new housing south of Yafforth Road to the town centre. A north to south footpath on the west side of the Willow Beck runs through Flood Zone 2 and 3, the land is poorly maintained sometimes used as pony paddocks. The town cemetery and (temporary) allotments within the area for the expansion of the cemetery in the north together with the former Bishops' Palace site with some areas of open grazing land links these space with the existing children's play park and open space and Applegarth school playing field. Land to the south east is used by the people of the town to celebrate Bonfire Night.

The allocation would avoid fragmentation of the land and promote investment to improve the beneficial use of the areas for the residents, visitors and people undertaking business on the High Street that is only 100m to the east of the allocation.

The allocation does not include any proposed built development but would retain the existing play equipment south of the Applegarth car park, achieving full use for informal open space may lead to development as a consequence of a material change in the use of the land occurring from grazing to open recreational space, the construction of footpaths and bridge(s) over the Willow Beck.

Q9. How does it differ from another area designated as open space, sports or recreation land?

Council's response

The proposal at NOR4 does not seek to introduce formal sports pitches, whereas the NOR5 proposes space for sports pitches. Policy CI3 sets an expectation of investment by the Council to support the implementation of the sports villages including access, car parking, changing facilities and the layout of sport pitches and informal recreational uses.

Q10. Are the list of uses permitted at the Park internally consistent between Policies NOR4 and CI3?

Council's response

The list of uses permitted at the Park is not currently internally consistent between Policies NOR4 and CI3. Policy CI3 Open Space, Sport and Recreation stipulates the permitted uses for the park; informal open space, cemetery, allotments, equipped play area, and car park whilst the NOR4 text "allocated for" makes no reference to car parking, and there is no other reference to car parking included in the development requirements. It is considered by the Council that car parking would not be acceptable development within the proposed Northallerton Town Park. Modification 129 is proposed to policy CI3 to remove the reference to a car park, which will result in the list of used permitted at the park to be internally consistent between policies NOR4 and CI3.

Northallerton Sports Village and Sowerby Sports Village – Policies NOR5 and TIS4

Q11. What is the justification for allocating land at Northallerton and Sowerby as sports villages? Is it clear to decision-makers, developers and local communities what development is permitted on the site, how much and where?

Council's response

As set out in the Council's response to the Inspectors' Initial Questions the requirement for the two sports villages was established through the preparation of the Allocations Development Plan Document (DPD) (LDF03), which was adopted in December 2010.

The Northallerton Sports Village was part of the NM5 allocation in the Allocations DPD for development known as North Northallerton. The site allocated in the Local Plan for the sports village is based on the NM5G part of NM5.

The masterplanning work for North Northallerton as a whole has informed the current masterplanning for the sports village (SD51).

The Sowerby Sports Village was part of the TM2 allocation for development that has become known as Sowerby Gateway. Land was allocated for recreational and community uses on part E of TM2.

The justification for the two sports villages is evident from the Playing Pitch Strategy, 2017 (SD30 and SD30.1) and the Sports Facility Strategy, 2017 (SD36).

Several elements of the Sowerby Sports Village have been implemented, with further elements expected to be completed very soon.

Q12. How have the effects of development on Northallerton Conservation Area been considered as part of the site allocation process? Is the allocation justified?

Council's response

The effects of development of Northallerton Sports Village on Northallerton Conservation Area were originally considered as part of the site allocation process for the Allocations DPD (LDF03).

The masterplan for the sports village shows that elements planned for the part of the site in the vicinity of the conservation area consist of tree planting, cycle track and similar elements which are considered to have a positive impact. It is therefore the council's view that any impact on the conservation area can be appropriately managed through the planning application process.

Q13. For site TIS4, the Council's response to the *Inspectors' Initial Questions* suggests that there is some uncertainty regarding the need for, and release of, the 'safeguarded land'. It appears that this would only be released in the event that a future assessment identifies a need. What is the timescale for the production of this evidence? If the evidence identifies a need prior to the end of the plan period, does the Local Plan provide an appropriate and effective mechanism for managing the release of the land?

Council's response

The Council currently has no established timescale for the production of evidence. The current site is not yet complete and development in and around Thirsk continues at a significant level. The Council considers that the production of evidence should wait until the current site is fully in use to be able to undertake an evaluation of use of the sports clubs in and around Thirsk. At present it is anticipated that the site will be complete by March 2022.

The Council is aware that the site is being developed but will not provide enough pitch space for Thirsk Falcons and the club will need to continue using other pitches around the town. The club's preference is to have all their pitches in one location at a secure site. Currently some of the other sites they use are privately owned and therefore the long term security of their use cannot be guaranteed. The football club has ambitions to grow even further over the next few years. The safeguarding of additional land adjacent to this site means that elements such as a site entrance, changing facilities, fencing etc could be utilised as these will already be in place once the project is complete.

Issue 3 – Local Green Space – Policy CI3

Q1. Are the Local Green Spaces identified in Appendix D justified and consistent with paragraph 99 and 100 of the Framework, the latter of which states that such designations 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.**

Council's response

Yes, an extensive assessment was undertaken for all sites put forward for designation as Local Green Space. The assessment used the criteria as set out in paragraph 99 and 100 of the Framework for the methodology for the assessments undertaken. All details in relation to the assessments of the sites are available in the Local Green Space Combined Recommendations Report (SD25).

Q2. Is the policy consistent with paragraph 101 of the Framework which states that policies for managing Local Green Space should be consistent with those for Green Belts?

Council's response

Yes, the Council considers the policy to be consistent with paragraph 101 of the Framework. It is acknowledged that a Local Green Space designation would be afforded the same level of protection as the Green Belt. This is identified in paragraph 7.39 of the Local Plan.

Q3. What is the justification for suggested modification M97? Why are the changes to the proposed Local Green Spaces necessary for soundness?

Council's response

The modifications in M97 are as a result of the consultation of the Local Green Space Combined Recommendations Report (SD25). The justification for the suggested modification M97 is that the land owners have objected to the sites being designated. Therefore it is considered that these changes are justified and these changes are required for soundness.

Further to proposed modification M97 a further site should also be removed. This is site ref **ALT/S/073/22b/G Land along Hundale Gill running North to**

River Leven Hutton Rudby. This site should be removed as the owner has objected to the site designation.