Tiverton Neighbourhood Plan

LOCAL GREEN SPACES REVIEW APRIL 2021















Evidence for Tiverton Neighbourhood Plan

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1. INTRODUCTION

- 1.1. This document has been prepared to support the emerging Tiverton Neighbourhood Plan. It provides an assessment of the open spaces within the neighbourhood area, to ascertain whether they meet the criteria for designation as Local Green Space (LGS) and, if so, to make recommendations for their designation.
- 1.2. Figure 1.1 shows a map of the Neighbourhood Plan Area.

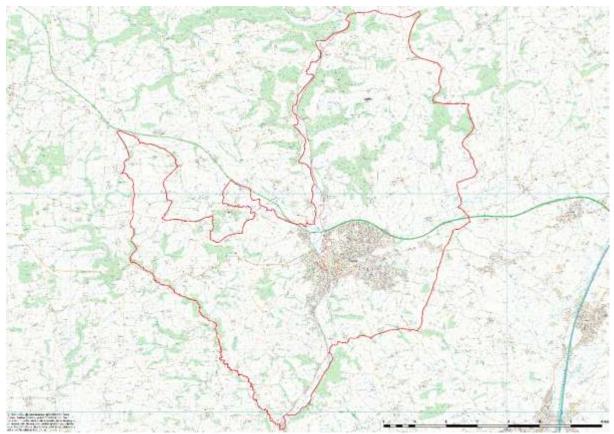


Figure 1.1: Map of the Tiverton Neighbourhood Plan designated area

Policy Context

1.3. The assessment has been carried out in accordance with the paragraphs 99 to 101 of the National Planning Policy Framework dated February 2019 (NPPF)¹.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF Feb 2019 revised.pdf

It has also had full regard to the guidance provided in the National Planning Policy Guidance² and the Locality Toolkit for Local Green Space designations³.

National Planning Policy Framework

1.4. Paragraphs 99 to 101 of the NPPF relate to Local Green Space:

"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. (para 99)

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

Policies for managing development within a Local Green Space should be consistent with those for Green Belts." (Para 101)

1.5. The online planning practice guidance⁴ is maintained by central government and provides further detail on how the NPPF should be interpreted and used when preparing planning policy documents and determining planning applications.

Locality Toolkit

1.6. The Locality Toolkit⁵ "Neighbourhood Planning – Local Green Space. A Toolkit for Neighbourhood Planners" was used to guide the assessment process. Two particularly pertinent paragraphs are set out below:

"One of the basic conditions for neighbourhood plans is achieving sustainable development. The social, community, economic and environmental benefits of green spaces help to make local places sustainable.

² https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space

³ https://neighbourhoodplanning.org/toolkits-and-guidance/making-local-green-space-designations-neighbourhood-plan/

⁴ https://www.gov.uk/government/collections/planning-practice-guidance

⁵ <u>https://neighbourhoodplanning.org/toolkits-and-guidance/making-local-green-space-designations-neighbourhood-plan/</u>

The impact of development on green spaces as part of new development will often be significant factors in considering whether development is sustainable. Planning for green spaces needs to be considered as an integral part of the wider planning for the area.

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

2. IDENTIFICATION OF POTENTIAL LOCAL GREEN SPACES

- 2.1. As a starting point, the group has gathered existing audits of green space and created a long list of sites to analyse and to understand whether or not they might be further assessed as suitable for Local Green Space designation.
- 2.2. Sources of green space information are:
 - Green Infrastructure Assessment, MDDC (2013)
 - Audit of green space completed by the Working Group
 - Additional green spaces identified by the local community via:
 - Community Survey
 - Social Media Activity
 - Exhibitions and events (including Zoom)
 - Feedback from the Green Spaces Working Party
- 2.3. The long list of identified spaces in shown in Appendix A.

3. METHODOLOGY

- 3.1. The methodology comprises three stages, to understand which sites within the Tiverton Neighbourhood Plan area should be designated as Local Green Spaces.
- 3.2. The resulting shortlist which comprises 31 sites will be included in the Tiverton Neighbourhood Plan.

Stage 1 - Desktop Evaluation

- 3.3. Stage 1 of this evaluation involved a desktop assessment of each of the identified longlist of green spaces against a series of initial criteria to assist in narrowing down the list to those sites that might be suitable for LGS designation.
- 3.4. The criteria applied are as follows:

	Criteria	Assessment outcome
1	Does the site have planning permission for development (which would result in the loss of that space)	YES – site not suitable for LGS designation.
	and has construction of that development commenced?	NO – site can proceed to STAGE TWO.
2	Is it agricultural land that is not adjacent to a built-up areas or where there is no public or permissive right	YES – site not suitable for LGS designation.
_	of way over it?	NO – site can proceed to STAGE TWO.
3	Is it a verge or other small piece of land on or adjacent to the highway?	YES – unlikely to be suitable for LGS designation, but could be included in Green Infrastructure policy.
		NO - site can proceed to STAGE TWO.
	Is it a strip of land where the only public interest is that a public right of	YES – unlikely to be suitable for LGS designation, but could be
4	way passes across it?	included in Green Infrastructure policy.
		NO - site can proceed to STAGE TWO.
5	Is the site already protected? Main designations are set out in Figure 3.3.	YES – if LGS is unlikely to offer any additional benefit,

Criteria	Assessment outcome
	designation as an LGS is unlikely to be suitable. However the site could be included in Green Infrastructure policy.
	NO - site can proceed to STAGE TWO.

Figure 3.1: Stage One criteria

- 3.5. Some green spaces already have a protective designation assigned to them. The Stage One analysis sets out where this is the case, to understand if an LGS designation would offer any additional benefit. If it would not, then the area has been excluded from the LGS process. Additional commentary is provided, however, where the site might be considered through a different policy of the neighbourhood plan, for instance as part of the wider network of Green Infrastructure.
- 3.6. The main designations considered are set out below in Figure 3.2:

Village Green Status

Village Greens receive considerable statutory protection under the following two statutes, the Inclosure Act 1857 and the Commons Act 1876.

Section 12 of the Inclosure Act 1857 makes it a criminal offence to:

- wilfully cause injury or damage to any fence on a green;
- wilfully take any cattle or other animals onto a green without lawful authority:
- wilfully lay any manure, soil, ashes, rubbish or other material on a green;
- undertake any act which causes injury to the green (e.g. digging turf); or
- undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing a green so as to prevent access.

Section 29 of the Commons Act 1876 makes it a public nuisance to:

- encroach on a green (eg, extending the boundary of an abutting property so as to exclude people from that area);
- enclose a green (ie, by fencing it in, whether or not the effect is to exclude public access);
- erect any structure other than for the purpose of the better enjoyment of the green; or
- disturb, occupy or interfere with the soil of the green (eg, camping) other than for the purpose of the better enjoyment of that green

The above statutes are considered to provide a greater degree of protection than that of LGS designation.

As a result, spaces which are designated as Village Greens should not be designated as LGS.

School Playing Fields

These are protected by Section 77 of the School Standards and Framework Act 1998 (SSFA 1998) which controls the disposal of land that has been used for playing fields for the purposes of a maintained school in the last 10 years and by Schedule 1 to the Academies Act 2010 which applies to any school.

In cases where school playing fields are a potential site for LGS designation, it was considered that if Section 77 of the Act applies LGS designation is not required.

Allotments

Statutory Allotment sites need the consent of the Secretary of State and other criteria to be satisfied before disposal or loss of plots to development. See https://www.gov.uk/government/publications/allotment-disposal-guidance-safeguards-and-alternatives. Nevertheless, allotments are considered important locally and not easily replaceable (for soil richness reasons among others) LGS designation could offer additional safeguarding benefits.

Conservation Areas

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. It is protected by the Planning (Listed Buildings and Conservation Areas) Act 1990 and local and national planning policy.

Development within such areas should protect and enhance the area.

However, this was not considered to give the same degree of local protection to the space as LGS designation.

Cemeteries/burial grounds

Cemeteries, churchyards or burial grounds have special significance to individuals but, to be designated as a Local Green Space, "particular" significance is expected, going beyond the everyday reverence which is paid to such places.

Historic England advises that cemeteries, churchyards and burial grounds are part of a network of green spaces in towns and cities called Green Infrastructure. They offer special places for quiet, reflection and contemplation; and like other green spaces have an important role in mitigating effects of climate change.

Therefore, unless very special circumstances exist, such spaces are not considered suitable for LGS designation.

Local Nature Reserves

Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local

authorities. They are places with wildlife or geological features that are of special interest locally. They offer people opportunities to study or learn about nature or simply to enjoy it.

Figure 3.2: Protective designations

3.7. The Stage One criteria was applied to each of the long-list of sites and the outcome is detailed in Appendix A. Figure 3.3 details the shortlisted 31 sites that were assessed at a high level at Stage Two. Site references are taken from the table in Appendix A to enable easy cross-referencing.

Stage 2 – Evaluation of shortlisted sites against the NPPF criteria

- 3.8. Paragraph 100 of the NPPF states that 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), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
- 3.9. The Steering Group visited the sites and undertook research into their use and value locally. Figure 3.3 provides an overview as to whether each site meets the criteria, and should therefore proceed to Step Three, with a fuller description. These sites were subject to informal consultation in Winter 2020, and received community support.

Site	Site Name	Close to the community?		Demo	onstrably spec	cial?		Local in
No.			Beauty	Historic	Recreation	Tranquil	Wildlife	character
1.	Green space in The Avenue	✓		✓	✓			✓
2.	Westexe Recreation Ground off Wellbrook Street	✓			✓			~
3.	Lowman Green, at the bottom of Gold Street	✓			✓	✓		✓
4.	Leat Street open space	✓		✓	✓			✓
5.	Beech Road Allotments	✓			✓			✓
6.	People's Park	✓		✓	✓			✓
7.	Amory Park, inc. BMX track, off Siddals Gardens	✓			✓			✓
8.	'Community' field on the confluence of the Exe and Lowman	✓			✓			~
9.	Tomswell allotments, near Rackenford Road	✓			✓			✓
10.	Green space, off Rooks Way	✓			✓			✓
11.	Pinnex allotments, off Park Road	✓			✓			✓

Site	Site Name	Close to the community?		Demonstrably special?				
No.			Beauty	Historic	Recreation	Tranquil	Wildlife	character
12.	King Street Allotments	✓			✓			✓
13.	Harrowby Allotments, Lewis Avenue	✓			✓			✓
14.	Green Space to the opposite of 1-4 College View	✓			✓			✓
15.	Green space at Atherton Way, Canal Hill	✓		✓	✓			✓
16.	Hay Park	✓			✓			✓
17.	Cluster of green spaces within the Pinnex Moor Estate	✓		✓	✓			~
18.	Cluster of green spaces within the Moorhayes Estate	✓		✓	✓			~
19.	Palmerston Park estate community space	✓			✓			✓
20.	Green space with play area at Roundhill, Cotteylands	✓			✓		✓	~

Site	Site Name	Close to the community?		Demonstrably special?				
No.			Beauty	Historic	Recreation	Tranquil	Wildlife	character
21.	Adventure playground, Cowleymoor Road	✓			✓			✓
22.	Rugby fields	✓			✓			✓
23.	Open fields on flood plains near the school	✓			✓			✓
24.	Playing field at Blackmore Road Wilcombe	✓			✓			✓
25.	Grounds of Sunningmead Community Centre	✓			✓			✓
26.	Green space at the end of Glebelands Road	✓			✓		✓	✓
27.	Narrow Lane & Howden Road green space	✓			✓			✓
28.	Colley Stream green space	✓			✓		✓	✓
29.	John Street Allotments	✓			✓			✓
30.	Elmore Allotments	✓			✓			✓

Site	Site Name	Close to the community?		Demonstrably special?				Local in
No.			Beauty	Historic	Recreation	Tranquil	Wildlife	character
31.	Ashley Rise Play Area	✓			✓			✓

Figure 3.3: Summary of evaluation of sites against the NPPF criteria

Stage 3 – Full descriptions of the proposed Local Green Spaces

3.10. Full descriptions, including photographs and maps of the 31 sites proposed as Local Green Spaces have been developed and are included in Appendix B. The sites, numbered from 1 to 31 are:

Number	Site Name
1.	Green space in The Avenue
2.	Westexe Recreation Ground off Wellbrook Street
3.	Lowman Green, at the bottom of Gold Street
4.	Leat Street open space
5.	Beech Road Allotments
6.	People's Park
7.	Amory Park, inc. BMX track, off Siddals Gardens
8.	'Community' field on the confluence of the Exe and Lowman
9.	Tomswell allotments, near Rackenford Road
10.	Green space, off Rooks Way
11.	Pinnex allotments, off Park Road
12.	King Street Allotments
13.	Harrowby Allotments, Lewis Avenue
14.	Green Space to the opposite of 1-4 College View
15.	Green space at Atherton Way, Canal Hill
16.	Hay Park
17.	Cluster of green spaces within the Pinnex Moor Estate
18.	Cluster of green spaces within the Moorhayes Estate
19.	Palmerston Park estate community space
20.	Green space with play area at Roundhill, Cotteylands
21.	Adventure playground, Cowleymoor Road
22.	Rugby fields
23.	Open fields on flood plains near the school
24.	Playing field at Blackmore Road Wilcombe
25.	Grounds of Sunningmead Community Centre
26.	Green space at the end of Glebelands Road
27.	Narrow Lane & Howden Road green space
28.	Colley Stream green space
29.	John Street Allotments
30.	Elmore Allotments
31.	Ashley Rise Play Area

4. CONCLUSION

4.1 This report has evaluated a series of sites to determine whether they are suitable for designation as a Local Green Space. A robust methodology has been used, which has resulted in 31 sites being identified. In each case, the landowner has been identified and will be contacted as part of the Regulation 14 consultation on the draft Neighbourhood Plan.

APPENDIX A - STAGE ONE ASSESSMENT OF POTENTIAL SITES

Sites shaded in green are to proceed to Stage Two.

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
Green space in The Avenue	A small green space comprising mature trees and shrubs in the centre of a private housing area. Has been used by local members of the nearby community for relaxation, habitat for local wildlife and historically part of the street scene.	Yes
Westexe Recreation Ground, off Wellbrook Street	Victorian park funded by Heathcote Amory for its workers - a large green space with recreational facilities trees and pond.	Yes
Rotary Way	Concrete walkway alongside the River Exe now known as Rotary Way. Part of the flood plain of the Exe, 7ft wall on the non-river side. It's a flood defence, controlled by the Environment Agency. The Archimedes Screw will be on the weir here and then plans for improved lighting and facilities during the summer (as a leisure facility, with stalls etc. and greater connectivity to 'the beach').	No
Green space at Roundhill, Cotteylands	Informal recreational value and spot for wildlife.	Yes
Green space at Atherton Way, Canal Hill	An important green space which was preserved when the housing was built in this area in the first half of the last century. It provides access to the Grand Western Canal at a wide area where canal boats can turn and can therefore be used for passengers to alight canal boats to the south side of the canal. It is an important space for recreation and dog walking.	Yes

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
Lowman Green, off Station Road at the bottom of Gold Street	Small green space allowing access to River Lowman (possibly known as Lowman Green) with benches ancient trees. Lowman Green gradually been paved over across the years.	Yes
Lawns at Old Blundell's	Lawns in front of Old Blundell's - former school where RD Blackmore was educated now in the hands of National Trust. Part of the Knightshayes Court portfolio and within NT's plans to improve by opening up Old Blundell's to the public. Possible performance.	No
Tiverton Town Football ground	A well-used football club, but potential for this to move to alternative ground in the future. Possible, although may restrict development and might be better to safeguard as a leisure facility. The existing secondary school site (once school has moved) will be developed into sporting facilities, so sufficient provision.	No
Leat Street open space	Open green space in front of houses built for workers at Heathcoats - probably around 1930s. Heathcoats recently planted trees.	Yes
Beech Road Allotments	Town Council owned allotment site.	Yes
People's Park	Park owned MDDC with war memorials, bowling green, children's play area etc. A heritage asset, opened for Queen Victoria's Jubilee. Very well-used, can easily be reached from the town.	Yes
Tiverton Cemetery	Public cemetery	No

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
Green space (near Brickhouse Hill)	This area is grazed by sheep and is very steep - it is a valuable green space in an area rapidly being developed.	No
Football ground, off A396	This is a local football club pitch, privately owned by Elmore FC. Next to Amory Park large space and also a mountain bike area.	No
John Street Allotments	A well-used allotment site owned and managed by the Knightshayes Estate (Heathcotes). Square in the centre of a Victorian development, accessed by two narrow footpaths.	Yes
Elmore allotments, off Chapel Street	Town Council allotment site, very well-used as some people living nearby have small gardens. Few vacancies.	Yes
Amory Park inc. BMX track, off Siddals Gardens	Recreation Ground owned and managed by TC? There is a BMX track here.	Yes
Open field on the Confluence of the Exe and Lowman	Open field left in perpetuity for the use of the people of Tiverton on the Confluence of the Exe and Lowman. MDDC maintains it. Considered to 'belong to the community'. Floods.	Yes
Tomswell Allotments, near Rackenford Road	Allotment site owned by Knightshayes Estate and managed by Tiverton TC, who rent it off the estate. A new housing estate has recently been built beyond the allotments. Potential future development.	Yes
Green space, off Rooks Way	Community open space now owned and managed by local community centre (Moorhayes Community Centre) with car park alongside pub, community centre, shops and nursery. This was previously managed by MDDC, but now run by a small committee,	Yes

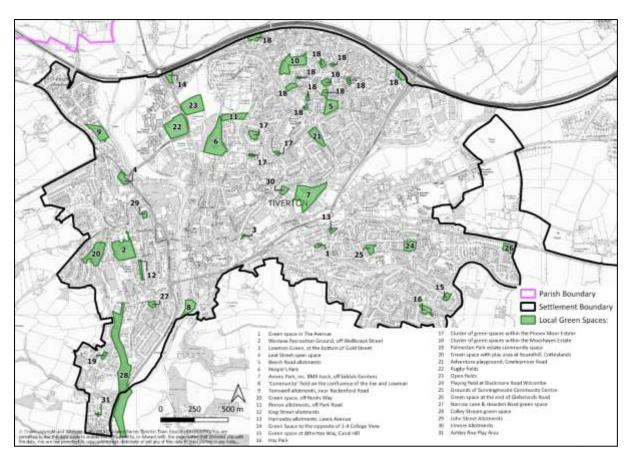
Name of Green Space	Commentary	PROCEED TO STAGE TWO?
	having been passed to local people. Fenced football pitch and various open space, as well as a large car park.	
Green space off Glebelands Road	Significant trees here and forms part of the wildlife corridor It encourages residents to walk and cycle into town rather than using their cars. The space is popular with dog walkers	Yes
Pinnex Allotments, off Park Road	Allotment site owned and managed by TC	Yes
Tiverton Old Cemetery	Formerly allotments, but now retained as a closed cemetery.	No
King Street allotments	Allotments – narrow strip, which are valued by those living in the bungalows backing on to them. Piece of land between Heathcote Primary School and bungalows for older people. TC owned.	Yes
Harrowby Allotments, Lewis Avenue	Recently developed allotment site 14 plots, owned by MDDC and TC pays a peppercorn rent for them and maintains then as an allotment site. Proving popular.	Yes
Bowling Green, The Avenue	Owned and managed by Tiverton Borough Bowls Club. Considered as a leisure facility.	No
Grand Western Canal Country Park	Grand western canal - country park - already protected as a registered country park	No

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
Narrow Lane and Howden Way green space (The Walronds)	A meadow Flood plain and grazing – often used for informal recreation, including exercising dogs.	Yes
Green corridor along Link Road	Green corridor along Link Road – not considered to be a 'green space', but could form part of the route of a new cycle path	GI
Green space, adjacent to river bank	This should be turned into a footpath, alongside the river, but it's part of the factory site and access is only via the factory. But potential riverside access longer term aspiration.	No
Green space to the opposite 1-4 College View	A small area of green space that used by local children for playing. The nearest open space otherwise is some distance away at People's Park. Gardens in this area tend to be very big (old Victorian slum yards).	Yes
Hay Park	Yes, this is a valued area for wildlife and for recreation.	Yes
Pinnex Moor Estate: Oak Close Cherry Close Pinnex Moor Road / Cowley Moor Rd junction	Three green spaces historically part of the estate and are much-valued by those living close by, for informal recreation.	Yes
Moorhayes Estate: 1. Hawks Drive, Moorhayes 2. Webbers Way, Moorhayes no 1	A cluster of spaces designed as part of the original estate as green lungs and information recreational spaces.	Yes

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
 Webbers Way, Moorhayes no 2 Massey Rd / Webbers Way, Moorhayes Redvers Way, Moorhayes Robyn Walk, Moorhayes Everett Place, Moorhayes Rogers Close, Moorhayes Bluebell Ave, Moorhayes Lea Road verges, Moorhayes End of Priory Road, Moorhayes Kestrel Close, Moorhayes 		
Palmeston Park space	Historically part of the area. Gardens tend to be small and often steep. Need for access to flat space for play.	Yes
Green space with a play area at Roundhill Cotteylands		Yes
Grass verge between Beeley Orchard and the Otters	A verge seeded with wildflowers – considered to be a verge.	No

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
beside the A396 (wildflowers)		
Knightshayes Court	This is already protected – National Trust	No
Undergrowth along Old Railway Line	Part of the infrastructure developed as drainage for the surrounding houses.	No
Fields along the river Exe including Bolham Weir	Not considered to be demonstrably special, rather contributing more generally to the setting of the town.	No
Old trainline and area of green between it and Hawks Drive	Part of drainage system, as opposed to a special green space in its own right.	No
Adventure Playground on Cowleymoor Road	A much valued playground that has been in Tiverton for many years.	Yes
Rugby fields	Used for recreational purposes including caravan club events and by the private rugby club.	Yes

Name of Green Space	Commentary	PROCEED TO STAGE TWO?
Open field on flood plains near to the school	Possibly owned by the Knightshayes Estate and let to the rugby club. Tiverton Rugby Club only use – junior training and matches.	Yes
Ashley Rise Play Area	A well-used local facility in the southwestern part of the town.	Yes
Colley Stream green space	An informal nature reserve, valued for it wildlife, including bird species.	Yes
Playing field at Blackmore Road Wilcombe	Popular recreational area with equipment and pitches.	Yes
Grounds of Sunningmead Community Centre	This is a well-used local green space that provides a recreational, tranquil space for locals and users of the centre.	Yes



APPENDIX B - SHORTLISTED LOCAL GREEN SPACES

For the detail of each green space - map, pictures and justification - see ...

www.tivertonneighbourhoodplan.org.uk/documents and look in

TNP Appendix D Local Green Spaces 20210413