



MID DEVON LOCAL PLAN REVIEW 2013 – 2033

Proposed Submission (incorporating proposed modifications) Examination

Inspector: Paul Griffiths BSc (Hons) BArch IHBC

Main Hearings - Hearing 4: Tuesday 19th February 2018

Matters and Issues

Development Management Policies

Statement of Mid Devon District Council

ISSUE 22	Does Draft Policy DM24 (Protection of Local Green Space and Recreational Land / Buildings) go too far, particularly in relation to the reference to Green Belts?
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22.1 Policy DM24 is consistent with relevant policies in the 2012 NPPF and as such does not go too far, including in relation to reference to Green Belts.

Recreational Land and Buildings

22.2 Policy DM24 criteria a), b) and c) are consistent with paragraph 74 of the 2012 NPPF.

22.3 Criterion a) includes the additional words “including requirements within the parish for alternative forms of open space, sports or recreational use”. The inclusion of these additional words is justified in that it recognises the finite supply of land that is suitable for open space, sports or recreational use. Therefore alternative open space, sports or recreational uses should be considered before other forms of development.

22.4 Criterion b) includes the additional words “prior to the commencement of the development”. The inclusion of these additional words is reasonable and is justified to make sure that provision is maintained and that the users of open space, sports and recreation land are not adversely affected. This requirement will form a starting point for the determination of development proposals and for negotiation with applicants for planning permission. Where such a requirement might adversely affect the delivery of development this can form part of a viability assessment for that development in accordance with LPR

Policy S8 Infrastructure, and that viability assessment can be used to help inform a subsequent S106 planning agreement and terms for the replacement provision.

Local Green Space and Green Belts

- 22.5 National policy applies a level of protection to Local Green Space that is the equivalent Green Belts. This is made clear in the 2012 NPPF paragraph 78 which states “local policy for managing development within a Local Green Space should be consistent with policy for Green Belts”. The ‘very special circumstances’ (as referred to in paragraph 76 of the 2012 NPPF) where development may be allowed in Local Green Space are included in paragraph 89 of the 2012 NPPF, although these considerations may need to be tailored to the specific circumstances of specific LGSs as a matter of planning judgement.
- 22.6 The Local Plan Review designates just seven Local Green Spaces, reflecting the NPPF advice that they are not suitable for most green areas (paragraph 77). Whilst other Local Green Spaces could come forward through neighbourhood plans, they would need to meet the strict tests for designation in the NPPF. The high level of protection is commensurate with the low number of demonstrably special Local Green Spaces.

Policy DM24 and ‘sound’ Local Plan Part 3 Policy DM26

- 22.7 Policy DM24 has been carried forward in a largely unaltered form from Policy DM26 in the adopted Local Plan Part 3 Development management policies DPD (**LDO03**). This DPD was subject to an examination in public in March 2013 and has been found sound by a Planning Inspector for the Secretary of State. Local Plan Part 3 Policy DM26 has therefore been examined in the context of the 2012 NPPF and a substantially unaltered version is now included in the Local Plan Review.
- 22.8 Policy DM24 differs from Local Plan Part 3 Policy DM26 through the:
- Inclusion of the words “including requirements within the parish for alternative forms of open space, sports or recreational use” at the end of clause a).
- A justification for this is provided in paragraph 1.3 above.
- Inclusion of the final paragraph.