

Proof of Evidence – Public Open Space – Rev. Steven Hanna

LAND OFF SPRUCE CLOSE, EXETER

PINS ref. APP/Y1110/W/22/3292721

Exeter Greenspace Group (Rule 6 Party)

June 2022

1. Executive Summary

- 1.1. The proposed development would involve bisecting the green at the top of Juniper/Spruce Close to create an access road. This green is designated Public Open Space and is a highly valued residential amenity and community asset which residents use for play, exercise and community building. The bisection of this green by a two-way busy road will strip the green of all its community, recreational and amenity value.
- 1.2. Policy L3 (d) of the Exeter Local Plan First Review 1995-2011 (ELPFR)¹ states that development of open space will only be permitted if the loss is “outweighed” by a replacement of **at least equal value**. This is reflected in NPPF Policy 99.
- 1.3. The appellant proposes to compensate for this loss by providing three fields to the northwest of the development site for public recreation in perpetuity. The LPA has concluded that this provision satisfies the requirements of Policy L3. This proof of evidence sets out why I do not agree with this view.
- 1.4. It is my opinion that the proposed new Valley Park is not of equal value to the open space that would be lost to development. I cannot see that any qualitative assessment in terms with compliance with Policy L3 was undertaken by either the appellant or the LPA during the preparation and the consideration of the planning application.
- 1.5. This proof evidences the extremely high recreational, community and amenity value of the Spruce Close green. While the new Valley Park would be bigger in size, it would not support the same uses as the current green, and therefore is not of at least equivalent quality or value. It is my view, therefore, that this gives rise to a conflict with Policy L3.
- 1.6. This proof also provides evidence that the most westerly field in the replacement open space is already designated as a Valley Park.² While this does not mean it is publicly accessible, its status means that the appellant’s claims of providing “substantial green infrastructure” are overstated.³ It also means that the argument that this provision will protect against further development are overplayed. Further, while there are no formal public rights of way recorded, it is my view that the well-worn desire lines across the higher fields evidence long-term (> 20 years) community use. It is my view that, when assessed

¹ Exeter Local Plan First Review (CD-DP5)

² ELPFR Proposals Map (CD-DP9)

³ Appellant Statement of Case pg 17 (CD-ID2)

alongside Lord Denning’s landmark judgement, these may qualify as rights of way.⁴ At the very least this evidence of long-term use dilutes the appellant’s argument that this scheme would provide “significant recreational gains” for the community.

- 1.7. I conclude that the development conflicts with Policy L3. It is my opinion that these conflicts should be accorded significant weight in the overall planning balance.

2. Introduction to Witness

- 2.1. My name is Rev. Steven Hanna. I am a former statistical analyst at the Bank of England. I am a resident of Pinwood Meadow Drive.
- 2.2. I spoke as the community’s representative at the planning committee meetings where the proposed development was discussed. I am presenting evidence in a lay capacity.

3. Relevant Documentation

- 3.1. This proof should be read in conjunction with the following documents:

3.1.1. EGG Statement of Case [CD-ID7]

3.1.2. Statement of Common Ground between EGG and the appellant (still in draft at the time of writing) [CD-ID12]

3.1.3. The following Proofs of Evidence:

3.1.3.1. On landscape impact [CD-MB1]

3.1.3.2. On appropriate location (CD-GB1]

3.1.3.3. Planning balance (summary) [CD-ID12]

- 3.2. This proof is supported by the following appendices:

3.2.1. Methods Statement by the Rule 6 Party [CD-GB8]

3.2.2. Pseudo-anonymised raw data from house-to-house surveys [CD-GB9]. Identifiable data will be made available directly to the inspector for verification but will not be made publicly available to comply with GPDR

3.2.3. Thematic analysis of online objections: Open Space [CD-SH4]

4. Assessing the value of the Spruce/Juniper Close green and the impact of development

⁴ <https://publications.parliament.uk/pa/ld200607/ldjudgmt/jd070620/godman-2.htm> (CD-SH3)

- 4.1. The green at the top of Spruce/Juniper Close is designated public open space and a highly valued community asset. Our resident survey (GB CD9) of 86 households, representing 212 residents, demonstrates that 92% of households reporting using the green for a variety of uses, including meeting friends, exercising, dog walking and children's play. For residents living in the Pinwood Meadow side of the estate 100% of households used the green, a full breakdown of their uses is shown in CD SH5. Data collation and methods are detailed in the Methods Statement provided in CD GB8.
- 4.2. Appendix CD SH6 includes a range of photos that depict the green as a much-loved, leafy, and tranquil space on which children can play unaccompanied and neighbours can come together. They include photos from the recent Platinum Jubilee celebration during which residents brought tables to the green, chairs, at least one gazebo, bunting, a fire pit, various table umbrellas and copious amounts of food (brought over during several trips). I was at the Jubilee event. Alongside people sitting and talking, some children played Frisbee and also football with a goal-post net that had been brought out. I have played football and Frisbee with my own children on the green several times. I have also allowed my own children to ride their bike on the green and exercise on the green unsupervised, knowing it to be a safe space.
- 4.3. It is my conclusion, both from the data and personal experience of living in the area, that the green there has extremely high community, recreational and amenity value and the loss of it would be felt very strongly by local residents and leave a real gap in the community.
- 4.4. The proposed development would involve bisecting the green to create an access road. While original plans to have the access road run through the middle of the green were amended to move it further east, I do not believe that this changes the fact that any busy two-way road will fundamentally alter the character of the green, which is currently a tranquil space at the top of a quiet cul-de-sac.
- 4.5. Residents are clear that the green will lose its value as open space if developed. Those whose children currently play unaccompanied on the green –mine included – certainly would not allow them to do so if a road ran through it. 92% of households who use the green said they would cease to use it if a road were to bisect it. The primary reasons for this are that a) it will no longer be a safe place for children to play and b) noise and pollution from the road would destroy the tranquility of the green. For more on this see CD SH7. Houses that front directly onto the green have serious concerns for the safety of their

children who are used to playing freely (see proximity of the proposed road to houses in photo gallery provided in CD SH6).

- 4.6. Concern about the loss of the green is also reflected in a vast number of objections submitted by residents during the consultation period [Appendix CD SH4]. Of 468 objections made, 119 (25%) commented on the specific loss of use of the spruce close green and 273 (58%) commented generically about the loss of green space. It is therefore clear that this development would cause the loss of a significant community asset. As a Local Green Space, the NPPF is also clear that it should be managed in line with Green Belt policies.⁵ This means that development that harms local green spaces should only be approved “in very special circumstances.”⁶

5. ELPFR Policy L3 and assessing the value of the proposed compensatory public open space

- 5.1. Policy L3 (d) of the Exeter Local Plan First Review 1995-2011 (ELPFR) states that development of open space will only be permitted if the loss “is outweighed by its replacement in the area by open space of at least equivalent recreational, community, ecological or amenity value.” This reflects Policy 99 (b) of the National Planning Policy Framework (NPPF). Policy L3 and NPPF Policy 99 therefore apply here.
- 5.2. To compensate for the loss of the green, the appellant proposes to provide alternative open space on the site, as well as three fields to the northwest, west and northeast.⁷ This open space equates to 10.47ha of public open space, approximately 80% of the land affected by the application.⁸ The LPA concludes that this compensatory space would satisfy policies L3 and NPPF 99.
- 5.3. However, there is no mention in the application materials or planning committee report of any qualitative assessment of the Spruce green and the compensatory space having been carried out to assess compliance with L3 and NPPF 99. NPPF 99 states that any loss in POS should be replaced by equivalent or better provision in terms of “quantity and quality.” And, while the proposed new Valley Park meets that in terms of quantity, I don’t believe that it does so in terms of quality.

⁵ NPPF 102 (a-c), 103 (CD-NPP1)

⁶ NPPF 147 (CD-NPP1)

⁷ Revised Indicative Masterplan (showing New Valley Park) (1101 Rev B) (CD-PA33)

⁸ ECC Planning Committee report of 6th September 2021 (CD-DD3)

- 5.4. While I acknowledge that the proposed compensatory open space is greater in size than the Juniper/Spruce green, it would not support the same uses as the Juniper/Spruce green nor replace the lost amenity value for residents of Pinwood/Spruce/Juniper. 82% of households surveyed in this area said they would not be able to use the Valley Park in the same way they use the green. Of particular concern is the distance of the Valley Park – three fields above the green or a 300m walk with a 20m ascent - which makes it unfeasible for children to play unaccompanied in the way they can on the safety of the green and wouldn't allow for communities to congregate in the way they currently can.
- 5.5. It is also likely that the steep incline and the fact that the compensatory POS is out of sight of the community and would entail climbing through two fields of development would make residents who currently enjoy using the green less inclined to travel to it. I was told by some older residents that the public open space for the current estate used to be lower down the hill until it was built on to develop Ilex Close. Older residents feel as though green space keeps being moved further and further away from them with each development until it is no longer accessible (Appendix CD SH4 Portal Objection #141.) We can already see the connection between distance and usage by the fact that the green is used more heavily by residents of Pinwood/Juniper/Spruce than by those in Celia Crescent.⁹
- 5.6. It is therefore my view that the proposed Valley Park – while of significant scale – does not however have a recreational, community and amenity value that is equal to that currently provided by the Spruce green. It is also my view that the provision of a LAP and a LEAP within the development are there to serve new residents rather than those in surrounding areas. I therefore disagree with the view that this should be seen as part of the compensatory space. As such, I do not believe this development satisfies the requirements of LS3 and NPPF 99.

6. Overstating of green infrastructure benefit

- 6.1. The appellant claims that “the substantial new public open space that is proposed in the form of a New Valley Park is a local community benefit that contributes significant additional weight on the benefits side of the planning balance.”¹⁰ They also make claims of delivering “substantial green infrastructure.”¹¹

⁹ Survey results showed that 100% of residents of the Pinwood side used the Spruce/Juniper green whilst only 65% of residents from Celia Close used it.

¹⁰ Appellant Statement of Case para 3.48 (CD-ID2)

¹¹ As above, para 4.1 (CD-ID2)

- 6.2. The NPPF defines green infrastructure as “a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.”¹² As per this definition, the three fields being offered as open space already exist as green infrastructure, they do not represent an addition. And it could also be argued that formalising access/footpaths across them as part of a Valley Park could in fact harm the existing green infrastructure. In addition, this scheme involves the loss of substantial green infrastructure – including the two development fields and the green open space – which as I’ve stated above is subject to green belt policies.
- 6.3. Secondly, it is pertinent to note that the ELPFR proposals map shows that the most westerly of the three higher fields already has Valley Park status.¹³ While I acknowledge that this does not mean it is publicly accessible, it is important to clarify that that land already has special status.
- 6.4. The LPA comments that the New Valley Park proposal “is a material consideration that weighs in favour of the application, as it will retain the fields further up the slope in perpetuity, which contribute much more significantly to the landscape setting of the city, and removing the risk that these could be developed for housing at some point in the future.”¹⁴ While I agree that it would certainly be advantageous to have all three fields made public open space in perpetuity, we nonetheless believe that, given the altitude of these fields in relation to the ridge line, it is highly unlikely that planning permission ever be granted in any case (as is implicitly acknowledged by the council officer stating that they “contribute much more significantly to the landscape setting of the city.”) Furthermore, building in some of the field furthest west is already prohibited on account of its Valley Park.
- 6.5. Finally, both the appellant and the LPA acknowledges that, while the land is privately owned, the three higher fields have been used informally by residents for recreation for a long time.¹⁵ Our survey [Appendix CD GB9] demonstrates that 79 of the 86 households interviewed use the higher fields, 40 of which have used the fields for over 20 years. Residents all describe being able to access the fields through an unlocked gate, stile or

¹² NPPF glossary (CD-NPP1)

¹³ ELPFR Proposals Map (CD-DP9)

¹⁴ Planning Committee Report, 11th October 21, pg. 28 (CD-DD4)

¹⁵ Appellant Design and Access Statement (CD-PA4) and planning committee report 11th October 21, pg 27 (CD-DD4)

directly from the bridleway. We were also given permission to share with the inquiry photos taken in or around 1989 showing a young family using the fields, even with cattle in them fenced off, but nonetheless still showing some access to the field by the public and also evidence of footpaths in trampled grass (Appendix CD SH6.) Access was uncontested during all of this time, until the application was submitted at which point all access points have been fenced off. It is my view that this evidence of long-standing use would have allowed the community to submit a village green status application or seek to formalise rights of way. While I am not a lawyer, I also think a landmark ruling by Lord Denning on rights of way may well apply here.¹⁶

7. Conclusion

- 7.1. I have outlined our case that the proposed development does not meet the requirement of Policy L3(d) and NPFF 99. The baseline recreational, community and amenity value of the Spruce/Juniper green was not assessed or examined against the value of the compensatory open space. It is my judgement that the Spruce Close green is a key community and residential amenity and has very high value as such. All evidence suggests that a new valley park – while advantageous – would not replace the amenity value lost by the destruction of the green. I believe this conflict should be given substantial weight in the overall planning balance.
- 7.2. I have also argued that the appellant's claims of contributing to green infrastructure are exaggerated and that on balance, this development would harm green infrastructure more than it would add to it. We do not therefore think this element should be given significant weight in the overall planning balance.
- 7.3. We also believe that contribution to the overall green infrastructure has been over-stated given that part of the western field already has Valley Park status. We also believe that the prospect of future development on any of these higher fields has been overstated and would be resisted and rejected, even without them being given in perpetuity as open space, given their position on the ridge line and the acknowledgement of their significance to the landscape setting of the city.

¹⁶ <https://publications.parliament.uk/pa/ld200607/ldjudgmt/jd070620/godman-2.html> (CD-SH3)