

Dear Sean,

You have asked us to advise as to whether the land relating to the application referenced above has been designated as open space / greenspace under Gravesham Borough Council ("Council") policy, and whether the previous Planning Inspector's decision relating to the application land identifies the land for such use.

First, in light of correspondence between you and Council officers, we understand there may be a view that the land is designated for public recreational purposes, pursuant to remarks by the Planning Inspector in their decision on an earlier application on the site (ref APP/K2230/W/21/3272575). Having reviewed this decision, it is our view that this is not the correct interpretation of the decision. We are confident that the Inspector was in fact referring to the recreational use of the nearby SPA. [His point was that increased residential development nearby might increase such recreational use, and accordingly a SAMMS payment would need to be secured as mitigation. Unhelpfully, the Inspector refers to both the application land and the SPA as the "site" in the relevant paragraph, but we believe the intention is clear, and do not see any justification in holding that the intention was to describe the application land as having recreational use.

Second, in terms of designation of the site under Council policy, you have informed us that Council officers have already stated in email correspondence the "*The site is not allocated in the local plan for any particular land use or designation*" and that "*It is not covered by any particular evidence supporting the local plan due to it being below the threshold for assessment*". We note however that officers also stated that the site "*is covered by general policies within the Local Plan such as CS02, CS13 etc*". Having reviewed these stated policies, we are of the view that these policies do not actively designate land for certain uses (open space / greenspace in particular). Rather, they set out policy to be applied land that has already been designated and the Council's strategic aspirations for bring forwarding such land uses, for example where it states "*the Council will work to address these needs by setting standards and considering site allocations in the Site Allocations and Development Management Policies Development Plan Document*". We have not located any policy document nor underpinning evidence base/study which includes the site as open space. Given the de facto use of the site (as an unused and redundant area of land), we consider it unreasonable for the Council to attempt to assert such use of the site to be recreational/amenity, or genuine open space which the public benefit from. We believe CS12 is also relevant but note this also does not actively designate land as green space. It refers to the Strategic Green Infrastructure Network (Figure 19) but note that the application land falls outside of any of the green infrastructure identified therein.

It is also relevant that the Gravesham Local Plan Core Strategy includes Gravesend/Northfleet and Ebbsfleet as "*tier 1- the urban area*" and therefore such areas are deemed, according to their own plan, to be the most sustainable parts of the Borough for residential development. The site falls in such an area. Accordingly, residential development should generally be supported in this location.

To conclude, from our review of the local plan we have seen nothing that designates the application land as open space / greenspace / recreational space; nor in our view does the Inspector's report identify the land for any of these uses. Accordingly, we do not think it would be relevant to determine the live application on such a basis.

Kind regards,
Spencer

Spencer Tewis-Allen
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Please note I do not work on Wednesdays.

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