

31 August 2018

John Rowley  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP

Dear John

**Late Regulation 19 Representation. Local Green Space as it relates to Fiddlers Green Lodge**

I am writing with some observations with regard to the West Cheltenham Local Green Space (LGS) designation in the emerging Cheltenham Plan. In our opinion there is a patent lack of evidence to support the entirety of the suggested LGS but our primary aim here is to remove our client's land from the allocation and ideally the land surrounding it as part of the 'southern leg'.

Please refer to the plan at Appendix A which identifies our client's land. Appendix B identifies our client's land (in red) relative to the proposed LGS and the wider 'southern leg' (in blue). Whilst the Council has excluded our client's house from the LGS, it has not excluded all the land in their private ownership. The LGS designation on our client's land and the wider 'southern leg' makes no sense with regard to the 'tests' for designation set out in the National Planning Policy Framework July 2018 (the Framework). These tests were formerly set out at paragraph 77 of the 2012 version of the Framework. They are now set out in paragraph 100 and remain effectively unchanged apart from a shortening of the sentences.

Paragraph 100 states:

*"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), tranquility or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land."*

We had an exchange of emails in July 2018, these are attached at Appendix C. This exchange effectively confirms that there is no evidence base to explain how the proposed vast area of land currently suggested as the draft West Cheltenham designated LGS meets the above Framework tests. This is because there is no cross reference in your email to anything within the Evidence Base to explain the designation relative to the Framework tests. This is in comparison to other draft LGS designations where there is good evidence.

The only text to support the draft West Cheltenham LGS designation is within the relevant Topic Paper where it states at page 19:

*"Policy A7 of the JCS requires the West Cheltenham Strategic Allocation site to include Local Green Space as part of a network of green infrastructure."*

This text clearly does not provide any justification for the designation relative to the Framework tests. Indeed, if we consider the three bullet points in order, LGS designation should only be used where the land is:

a) In reasonably close proximity to the community it serves;

*It is difficult to understand which community is served by the land which has been identified, particularly the southern 'leg'. The land in the 'southern leg' is in private ownership and is not in the control of the promoters of the West Cheltenham urban extension. There is no public access at all to our client's land, with only one public right of way in the wider 'southern leg' (indicated with a dotted green line below):*



*The complete lack of public access to our client's land illustrates that it is not serving the community (even if a specific community were to be identified). The draft designation for our client's land and the wider 'southern leg' does not therefore meet criterion a) of paragraph 100 of the Framework.*

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), tranquility or richness of its wildlife

*Appendix C sets out that officers consider that the designation meets the tests set out in former paragraph 77 (now para 100). However, there is no evidence at all that the land is demonstrably special to a local community. There is evidence associated with the land represented at Appendix D, but there is none at all associated with our client's land and the wider 'southern leg'. It is therefore impossible for it to hold any local significance for the suggested reasons as no evidence from the local community exists. The draft designation for our client's land and the wider 'southern leg' does not therefore meet criterion b) of paragraph 100 of the Framework.*

c) local in character and is not an extensive tract of land

*The dictionary definition of 'extensive' is 'covering a large area; having a great range'. Given that the draft designation is over 2km from north to south, covering land associated with almost the entire western boundary of Cheltenham (so the entire urban area rather than a specific 'local community') then it is clear that the draft designation cannot be anything other than an extensive tract of land. There is nothing local about this land's character as no community has*

*identified what is special about such a large area. It is respectfully suggested that in order to comply with this criterion the designation should be smaller and truly relate to land which does actually hold a local significance. At present, the draft designation is an extensive tract of land that does not meet criterion c) of paragraph 100 of the Framework. If our client's land and the wider 'southern leg' were removed, and the designation reconsidered in the light of the content of Appendix D then it might become local in character, and be small enough relative to the locality so it is no longer extensive.*

The use of the word 'and' at the end of criterion b) suggests that all three 'tests' need to be met. It is our view that none of the 'tests' are satisfied with regard to our client's land, and the wider 'southern leg'. I respectfully suggest that the Borough Council should make minor revisions to the LGS prior to submission of the Cheltenham Plan to the Secretary of State. In order to remove this objection on behalf of our client, we request that the Council removes our client's land and the 'southern leg' from the draft designation.

We appreciate that the Regulation 19 consultation period has now closed. However, SF Planning has only recently been instructed in this matter and only now is in a position to advise our client on clear failure of the proposed designation to meet the Framework tests.

Given the substantive points highlighted above (i.e. the patent lack of evidence to justify the LGS designation and non-compliance with the Framework tests) we would urge the Council to accept this letter as a late objection. This would afford the opportunity for the designation to be properly reconsidered by both the Council and the Inspector.

To do otherwise would result in severe prejudice to our client through no fault of his own.

If the Council fails to accept our client's representation on the basis of its late submission, then we respectfully request that the content of this letter be placed in front of the Inspector in due course. There are clear evidential failings with this designation as a whole and we will seek special consent to appear at the Examination through the future program officer.

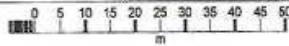
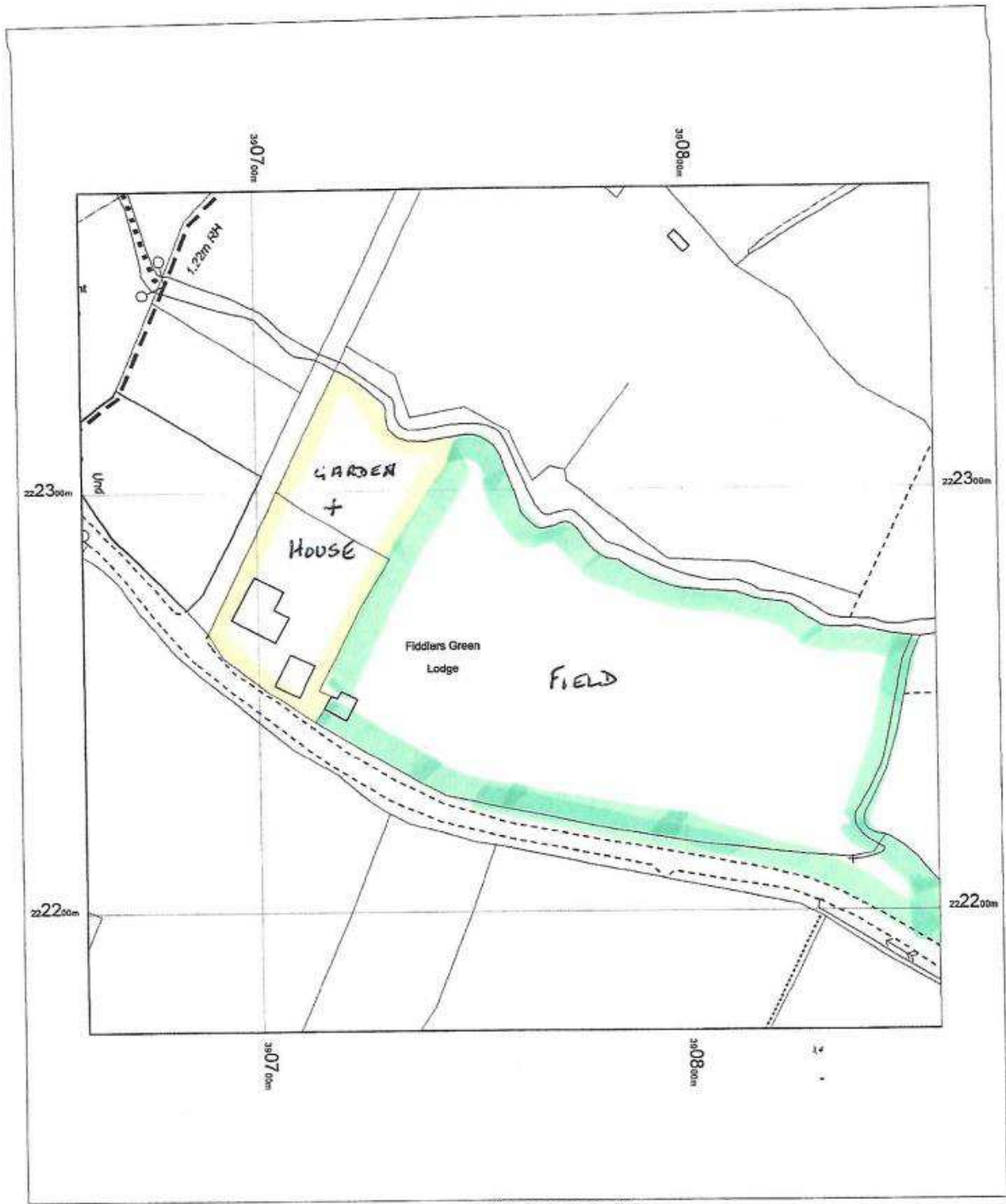
I would appreciate a written response setting out what action the Council intends to take in view of the fact that our client was unaware of the implications of this designation until speaking with SF Planning Limited.

I look forward to hearing from you. If there is anything in this letter that you wish to discuss prior to responding to me then please do not hesitate to call/email me.

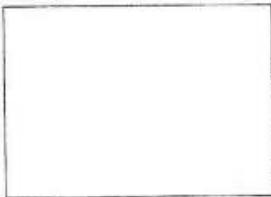
Yours sincerely



## **Appendix A**



~~XXXXXXXXXX~~



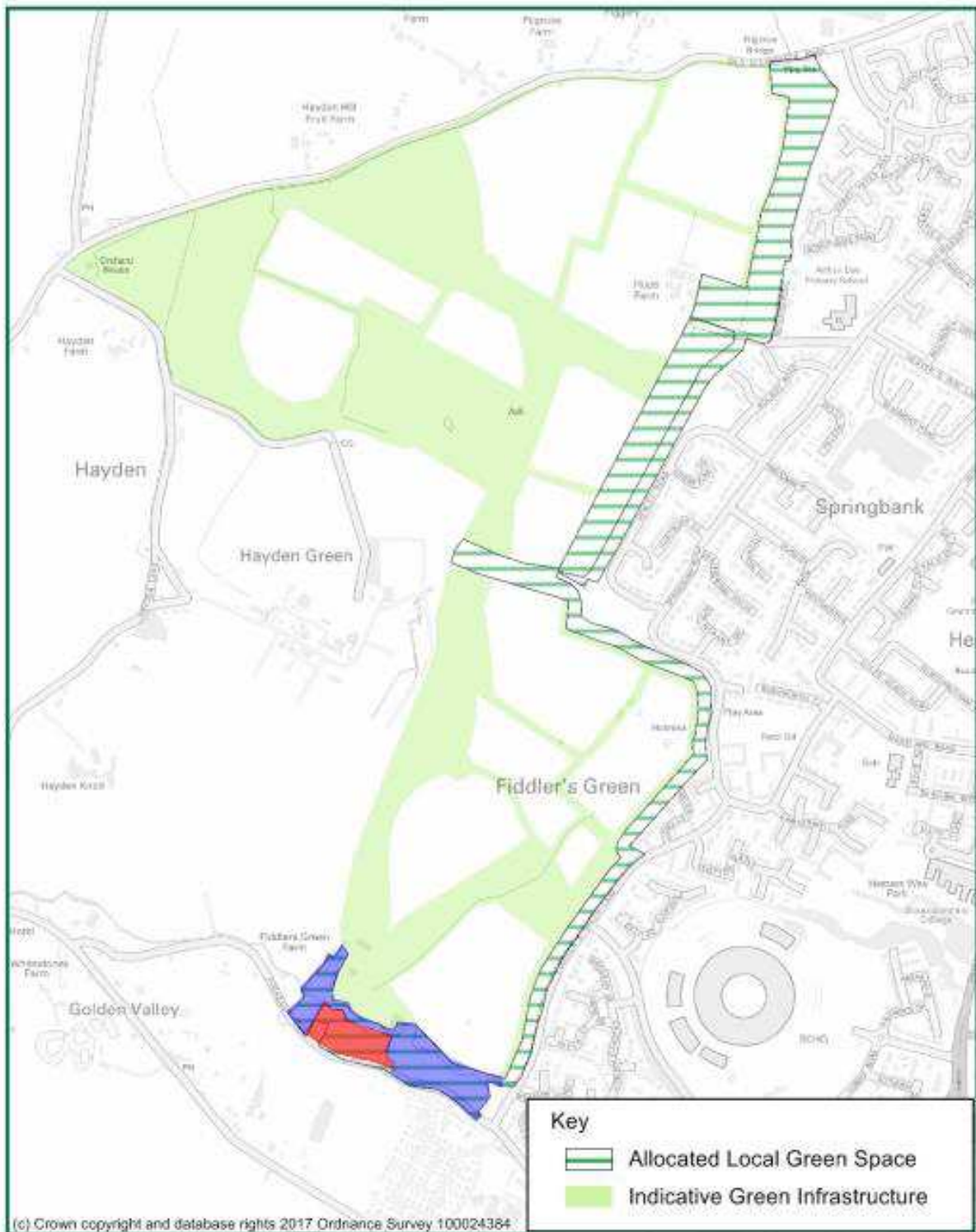
OS MasterMap 1250/2500/10000 scale  
 03 November 2016, ID: HMC-00573426  
 www.themapcentre.com

1:1250 scale print at A4, Centre: 390759 E, 222272 N

©Crown Copyright and database rights 2016 OS  
 100019980



## **Appendix B**



## **Appendix C**



**Mark Godson**

---

**From:** [REDACTED]  
**Sent:** 13 July 2018 12:30  
**To:** [REDACTED]  
**Subject:** RE: Local Green Space - West Cheltenham

[REDACTED]

Sorry for the delay in my response. As you have already found a proposed LGS in West Cheltenham was put forward by the Springbank Neighbourhood Forum. The merits of LGS and general green infrastructure were discussed during the JCS Main Modifications examination hearings. The Inspector decided that the LGS should be a matter for the Cheltenham Plan so did not refer to this in her final report.

The Springbank Forum's proposal was not deemed to be acceptable by officers because it concentrated the green space in only part of the allocation. A compromise was then created and this is what you find in the Pre-Submission document. It is considered that the area meets the criteria in para 77 of the NPPF, however it is also recognised that masterplanning of the allocation is ongoing and that the exact boundaries of the LGS are likely to be a topic of discussion at the Cheltenham Plan examination.

I hope that this makes things a little clearer but please do not hesitate to contact me if you have any further questions.

Kind regards

[REDACTED]

---

**Sent:** 04 July 2018 17:05  
**To:** [REDACTED]  
**Subject:** Local Green Space - West Cheltenham

[REDACTED]

I understand that you are the person to email regarding the above.

SF Planning has just been instructed by the owners of some land within the West Cheltenham strategic allocation who have only just found out (through us) that part of their land ownership is proposed to be designated as Local Green Space (LGS). I know that the consultation on the pre-submission consultation has now ended but I wonder if you could assist me with something?

I am looking at the extent of the proposed LGS allocation at West Cheltenham, and the justification for it as it relates para 77 of the NPPF. I have looked at the relevant Topic Paper dated Jan 2018, and the Local Green Spaces Study Report from 2015. The West Cheltenham proposed LGS does not appear in the latter, and the only clear reference to any justification in the Topic Paper is on page 19 which just repeats what is in the draft Cheltenham Plan:

*"Policy A7 of the JCS requires the West Cheltenham Strategic Allocation site to include Local Green Space as part of a network of green infrastructure."*

I have therefore trawled through all the JCS evidence base and although there is plenty of discussion and evidence associated with the Leckhampton and North West Cheltenham LGS designations, unless I have missed it (?), there is no clear discussion and/or evidence associated with the West Cheltenham proposed LGS. Indeed, the Inspector doesn't even appear to refer to a 'West Cheltenham' LGS in her Final Report. The only thing I can find is an application from Springbank Neighbourhood Forum but this doesn't relate to our client's land.

I would therefore be extremely grateful if you could either point me in the right direction to the evidence which justifies the west Cheltenham LGS with regard to the para 77 'tests', or email me that evidence?

I look forward to hearing from you.

Best regards

[Redacted signature]



[Website](#) | [LinkedIn](#) | [Twitter](#) | [Email](#)

**Head Office:**

12 Royal Crescent | Cheltenham | GL50 3DA

This email (and any attachments) is strictly confidential and is intended for the use of the addressee only. If you are not the addressee please notify the sender at Cheltenham Borough Council (CBC) and delete the message and any attachments. Emails are virus checked, however, CBC does not accept any liability for any loss or damage. The security of any information sent by email to CBC cannot be guaranteed. Any information sent to CBC may be copied to other council officials or outside agencies in line with legislation. [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

## **Appendix D**

Attached separately