

Cheltenham Plan Examination.

Comments on behalf of Mr and Mrs Jeffreys (Representor ID: 576).

This short written statement comprises the response of Mr and Mrs Jeffreys to the questions posed by the appointed Inspector (as amended 14 January 2019). It should be read in conjunction with our original letter (ref. ID 1394 and ED006b).

Firstly, I wish to express gratitude from Mr and Mrs Jeffreys to both Cheltenham Borough Council and Inspector Burden for allowing our late representation to be heard. We also welcome the amendments to the 'Matters, Issues and Questions' on 14 January 2019. We hope that the additional comments here will be constructive and allow for the West Cheltenham LGS to be amended to the satisfaction of all parties, and more importantly to be of a smaller size which is truly close to the community it serves, and truly special to that community; all commensurate with the requirements of national policy.

We also acknowledge that it is appropriate to refer to the 2012 version of the NPPF only. The provisions of paragraph 77 of the 2012 NPPF are little different to those set out at paragraph 100 of the 2018 NPPF as quoted by SF Planning at representation ID 1394 (also found at ED006b).

Matter 4: Green Belt and Green Infrastructure

Main Issue: Green Infrastructure

1 Policy INF3 of the JCS deals with Green Infrastructure and seeks to deliver a "series of multifunctional, linked green corridors across the JCS area". Does the approach adopted in the CP through Policies G11, G12 and G13 deliver that requirement in a manner consistent with national policy as set out in the NPPF paragraphs 76 and 77 and accompanying guidance in Planning Practice Guidance (PPG)?

The West Cheltenham designation is not consistent with paragraph 77 of the NPPF for the reasons set out at representation ID 1394.

2 Have all the landowners of sites proposed for LGS been consulted?

No, Mr and Mrs Jeffreys have recently been made aware that other land owners were not notified by the Borough Council relating to the southern 'leg' of the proposed LGS at West Cheltenham as identified at Appendix B of representation ID 1394. This may be as a result of the apparent impression given to Cheltenham Borough Council that all the land at West Cheltenham is under the control of the site promotor when it is not. For example, Mr and Mrs Jeffreys have experienced numerous instances of surveyors entering their land without consent over the past few months.

3 To what extent does the Council's Local Green Spaces Study Report parts 1 and 2 provide the justification for the designation of the sites listed in Table 8 of the CP as LGS in accordance with National policy and advice?

The Council's Local Green Spaces Study Report parts 1 and 2 provide no justification at all for the designation of the proposed West Cheltenham LGS. This is because it does not feature in this document. Please refer to ID1394 (ED006b) for the difficulties that we have experienced in finding any relevant evidence base to explain how the proposed West Cheltenham LGS is justified relative to paragraph 77 of the NPPF.

4 Are there any sites identified as LGS apart from the sites at Leckhampton Fields and Swindon Village which do not meet the criteria in National policy and advice?

The West Cheltenham designation is not consistent with paragraph 77 of the NPPF for the reasons set out here and at representation ID 1394.

5 Table 8 of the CP proposes significant areas of LGS to be identified at Leckhampton Fields, the North West Cheltenham Strategic Allocation at Swindon Village, and at the West Cheltenham Strategic Allocation. Is there any evidence that areas of 39.91, 24.5 or 18.25 ha could be considered not to be "an extensive tract of land"?

There is currently no evidence to suggest that these areas could not be considered to be 'extensive tracts of land'. Indeed, the evidence that does exist from other Examinations provides evidence that much smaller areas have, in the past, been considered to be 'extensive tracts of land'. I refer here to Appendix A and Appendix B to this statement.

Appendix A is an extract from the Independent Examiners Report for the Faringdon Neighbourhood Plan in the Vale of White Horse District. Paragraph 7.89 makes reference to parcels of land at 2.4 and 4.6ha in Sedlescombe and Airewas which were considered to be extensive tracts of land. The Independent Examiner for the Faringdon Neighbourhood Plan was considering a 5.6ha site known as 'Humpty Hill'. Paragraph 7.91 of the Report concluded that 5.6ha of land is an 'extensive tract of land'.

Appendix B is an extract from the Independent Examiners Report for the Backwell Neighbourhood Plan in North Somerset. Pages 34 and 35 refer to two proposed areas of LGS of 19ha and 32ha. The Examiner was left in no doubt that 32ha is an extensive tract of land. With regard to the 19ha site Examiner also concluded it would be an extensive tract of land, with the comparison that twenty three full sized football pitches would easily fit into an area of that size.

Paragraph 015 of the PPG [Reference ID: 37-015-20140306] states that blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Given the conclusions above, it is respectfully suggested that there should be no doubt that all three of the identified LGSs are 'extensive tracts of land', and it is also possible that other LGS in the Cheltenham Plan that are 2.4ha or larger should also be identified as such.

8 Is the scale of the LGS proposed at West Cheltenham justified?

No for the reasons set out above and in representation ID 1394. We respectfully request that the West Cheltenham LGS be deleted or substantially amended to remove our client's land.

Word Count – 987

Appendix A

Faringdon Neighbourhood Plan 2015-2031

**A report to Vale of White Horse District Council on
the Faringdon Neighbourhood Plan**

**Andrew Ashcroft
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Director – Andrew Ashcroft Planning Limited

Policy 4.10C Allotments

- 7.78 The policy sets out support for the development of new serviced allotments in the town. It also sets out a requirement for housing developments over 20 dwellings to contribute either on or off site to the delivery of new allotments. The Plan provides evidence of the extensive use of existing allotments and the scale of the waiting list.
- 7.79 In these circumstances the policy meets the basic conditions.

Policy 4.10D Local Green Spaces

- 7.80 As set out earlier in this report the preparation of additional information on the proposed designation of local green spaces over and above that included in the original submission plan sits at the heart of the current version of the submission plan. The Town Council is to be congratulated on its response to the initial examiner's report. The submitted Plan is now available with an encyclopaedic level of detail on the proposed local green spaces.
- 7.81 I looked at the various sites on my visit to the Plan area. I assessed the sites against the criteria set out in paragraph 77 of the NPPF based both on the evidence submitted in the Plan and my own observations of the various sites.
- 7.82 In their different and distinctive ways, I can see that they are the type of sites that the authors of the NPPF had in mind. The Faringdon Folly Circular Woodland is an iconic feature of the town, an exemplar local green space and is well worth the trek to see both the Folly itself and the spectacular panoramic views. Sites a- f and h-k proposed in the Plan as local green space meet national planning policy as set out in the NPPF. The policy itself is unclear on the implication of the designation of the various parcels of land as local green space. I address this matter in a recommended modification below. I can see that in all cases there is a detailed plan in the various appendices to supplement the more limited locational detail set out in figure 12. I recommend that the more detailed plans are incorporated into a single appendix for clarity purposes.

Replace the policy with the following:

The following areas are designated as local green spaces:

(List sites)

Development on land designated as Local Green Space will only be permitted in exceptional circumstances where it can be clearly demonstrated that the development will not conflict with the purpose of the designation.

Incorporate the various detailed maps into a single appendix

- 7.83 The remainder of this part of the report concentrates on the proposed designation of local green space at Humpty Hill. This was the subject of a hearing in July 2016. I took the view that a hearing was necessary in order to ensure the adequate examination of the proposed designation. Details of the organisation of the hearing and the statements

submitted are set out at appendices 1-4. I wish to acknowledge my thanks to the three parties concerned for the courteous and professional way in which the hearing was conducted. In a similar fashion I record my thanks to the Town Council for making the Pump Rooms available for the hearing. I set out below my findings on the three principal matters considered at the hearing and which arise directly from paragraph 77 of the NPPF. In order to satisfy national planning policy and therefore to meet the basic conditions any proposed local green space needs to meet all three criteria.

- 7.84 It was agreed after the written submissions had been exchanged that the land at Humpty Hill meets the 'proximity' test. I share the view reached by all parties that the site is in reasonably close proximity to the community it serves. It sits to the immediate west of the town and is in walking distance of significant tracts of Faringdon. On this basis this point was not addressed at the hearing.
- 7.85 Different views were expressed at the hearing on the issue of the extent to which the site is 'demonstrably special to the local community and holds a particular local significance'. The case for the landowners was in essence that the Town Council had not reasonably demonstrated that the site met these exacting requirements. It was argued that the local comments in Appendix 7 of the Plan were a recycling of earlier comments made either on a planning application for residential development on the site and/or for the village green application. The owner's agent also drew my attention to commentary in the Consultation Statement that only one representation had been raised on any of the local green spaces proposed in the pre-submission version of the Plan.
- 7.86 I am not convinced by this argument. Whilst there has been an overlap between local comments on the different processes and applications this is entirely natural and predictable. In addition, there is significant and varied commentary in the Plan about the special significance that this site holds to the local community. In any event I have to assess the comments in the Plan as submitted. There was no direct evidence presented at the examination to challenge the representations and commentary from the persons concerned. On the balance of the evidence I conclude that the site is demonstrably special to the local community and holds a particular local significance.
- 7.87 As with the previous matter the debate at the hearing was polarised on the extent to which Humpty Hill is local in character and is not an extensive tract of land. The case for the owner was that the 5.6ha field is extensive in scale and sits as part of the wider agricultural landscape. The case for the Town Council is that the site is a self-contained field which is distinct from its wider context by virtue of its field boundaries and boundary trees. The hearing was advised of how other examiners had addressed similar circumstances elsewhere and the working criteria that the Town Council had used to decide whether or not a proposed local green space was or was not an extensive tract of land.
- 7.88 On the balance of the evidence and commentary at the hearing I am satisfied that Humpty Hill is local in character. It is an identifiable parcel of land with which the local community associate. Whilst it sits within the wider Corallian Ridge landscape its topography and location are very local within the context of the town itself. As the Town

Council argued at the hearing (on the point raised in paragraph 37-015-20140306 of the Planning Practice Guidance) the proposed designation Humpty Hill as an area of Local Green Space is neither a blanket designation of open countryside nor a back door way to achieve what would amount to a new area of Green Belt by another name. It is telling that no other similar parcels of agricultural land are proposed as local green space in the FNP either on the western side of the town or indeed elsewhere.

- 7.89 The debate on whether or not Humpty Hill is an extensive tract of land raised a further series of contrasting points. It was agreed as a matter of fact that the proposed local green space was a visually self-contained parcel of agricultural land extending to 5.6 ha in size. The agent acting for the owner drew my attention to reports produced by another examiner (in Sedlescombe and Alrewas) where similar parcels of agricultural land (and of sizes between 2.4 and 4.6 ha) were considered to be extensive tracts of land. As such they were recommended for deletion from the plans concerned as local green space.
- 7.90 The hearing looked in detail at the contents of paragraph 15 of chapter 37 of the Planning Practice Guidance (ID: 37-015-20140306) which sets out guidance on the point of the scale and size of a local green space. The Guidance is very clear that 'there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed'. On this basis it would be inappropriate to take an examiner's judgement on proposed local green spaces elsewhere as a definitive guide on the extent to which Humpty Hill is or is not an extensive tract of land.
- 7.91 Nevertheless having looked at the site both on my initial visit to the town in May and then on the morning of the hearing I have concluded that land at Humpty Hill is an extensive tract of land. It is 5.6 hectares in size and on the day of the hearing was partially-overgrown grazing land. Paragraph 77 of the NPPF indicates that local green space designation will not be appropriate for most green areas or open spaces. Whilst the circumstances are not identical it is also clear that other similar parcels of land elsewhere in other emerging neighbourhood plans have been considered by another examiner to be extensive tracts of land.
- 7.92 In summary whilst I have concluded that Humpty Hill meets most of the criteria set out in paragraph 77 of the NPPF to be designated as a local green space the Plan has failed to demonstrate that it is not an extensive tract of land. In order to be identified as a local green space any parcel of land needs to meet all the factors concerned. On this basis I recommend that Humpty Hill is deleted from the list of proposed local green spaces in the policy. As I have mentioned earlier the site has been the subject of other statutory process in recent years. In recommending this modification to the FNP I am doing so purely on the basis of the examination of the FNP against the basic conditions in general, and the criteria for the designation of local green spaces in the NPPF in particular.

Delete 'g. The Site known as Humpty Hill (see Figure HH1)' from the schedule in the policy.

Appendix B

“BACKWELL FUTURE” BACKWELL NEIGHBOURHOOD PLAN 2014 - 2026

A Report to North Somerset Council
of the Examination into the Backwell Neighbourhood Plan

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

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October 2014

Local Green Spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. It goes on to state that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.” (Para 76)

The Neighbourhood Plan identifies two areas of Local Green Space – Farleigh Fields and Moor Lane Fields.

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land.

The Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Taking all of the above into account, it is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

I observed the two sites allocated as Local Green Space and the topic was considered in some detail at the Neighbourhood Plan Hearing. Moor Lane Fields extends away from the western side of Backwell and Farleigh Fields is located on the eastern side of the settlement. Farleigh Fields is relatively unusual in that, whilst outside the settlement boundary of Backwell, it is surrounded by, largely ribbon, development on all sides.

Whilst both included attractive countryside and contained public footpaths, I observed that the most striking thing about Farleigh Fields and Moor Lane Fields was their substantial size. In this regard, it was established at the Hearing that Farleigh Fields comprises at least 19 hectares and Moor Lane Fields, at least 32 hectares. Taking the latter of these first, there is no doubt in my mind that an area covering some 32 hectares is “an extensive tract of land.”

Consequently, the proposed allocation of Moor Lane Fields does not have regard to national policy, which states that the Local Green Space designation should only be used where the area concerned “is not an extensive tract of land.”

I note that, in support of both of the Local Green Space designations, Backwell Parish Council considers that the sites are not extensive “relative to the rural or semi-rural area in which they are located.” However, the Framework does not make any such distinction – it does not state, for example, that Local Green Spaces should not be extensive, except in rural or semi-rural areas.

In the case of Farleigh Fields, it is my view that 19 hectares also comprises an extensive tract of land. To provide some perspective, at least twenty three full size football pitches would easily fit into an area of this size⁶.

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements. Specific to demonstrating that Farleigh Fields, and Moor Lane Fields are not extensive tracts of land, no substantive or compelling evidence has been presented.

A wide variety of arguments were put forward, both in favour of and in objection to the Local Green Space allocations. Whilst I acknowledge these, I find that the direct conflict with national policy, above, means that the Local Green Space Policy does not meet the basic conditions. Furthermore in this regard, I am mindful that nowhere does national policy suggest that a failure to meet policy requirements should be balanced against other considerations when designating Local Green Space. Plainly, the fact that there may be other benefits arising from a Local Green Space designation does not mitigate against, or overcome a failure to meet, a policy requirement.

Notwithstanding the above and my decision below, I do recognise that an enormous amount of work has gone into considering Farleigh Fields and Moor Lane Fields. It is clear from the evidence provided that both areas include attractive, sensitive and well-loved areas of land and there is no doubt in my mind that there are parts of both areas that have been demonstrated to be special to a local community, for a variety of reasons. In seeking to designate Local Green Space, the Neighbourhood Plan was responding to local support – evidenced through a robust consultation process - for the protection of green areas and open space, regarded as special. Whilst individually, or together, these factors do not overcome the failure to meet a specific policy requirement, they are nevertheless important local considerations that have emerged through the Neighbourhood Plan process.

My recommendation below does not mean that the areas for which Local Green Space designations were sought will automatically become available for development. National and local planning policy protects the countryside from inappropriate development. As pointed out by North Somerset Council, this examination only considers the merits of Farleigh Fields and Moor Lane Fields as Local Green Spaces – not as potential housing sites.

⁶ Based around FIFA standards, at 0.62 ha (30 pitches would fit into 19 ha) at 0.82 ha (23 pitches would fit into 19 ha).

I recognise that plan-makers and members of the local community will be disappointed with the recommendation below. However, with regards the significant work that has been undertaken in relation to Local Green Spaces, it is worth emphasising that neighbourhood plans are not the only mechanism through which local communities can seek to make such designations. This can also be achieved through local plans. It may be that the work already undertaken provides a basis for the future promotion of Local Green Spaces that do not conflict with policy criteria.

I recommend the following modifications:

- **Delete section 12 Local Green Spaces. For the avoidance of doubt, I recommend that the Neighbourhood Plan does not contain a Local Green Space policy**
- **Delete Local Green Space Map**
- **Rather than lose sight of the aspiration, I recommend that an addition is made to paragraph 6.15 of the Neighbourhood Plan. This should state that:**
 - *“The community consultation undertaken during the preparation of the Neighbourhood Plan highlighted that two areas of land at Moor Lane Fields and Farleigh Fields are valued by the local community for reasons including their character, recreational value and the richness of wildlife. Backwell Parish Council will work with North Somerset Council to establish how recognition of their valuable features may, in future, be incorporated into the development plan.”*
- **Add, below revised para 6.15, “Community Action: Backwell Parish Council will seek to promote the allocation of appropriate areas of Local Green Space at Moor Lane and Farleigh Fields in the development plan.”**