

CHELTENHAM BOROUGH LOCAL PLAN 2011-2031

EXAMINATION

HEARING STATEMENT: MATTER 4 GREEN BELT AND GREEN INFRASTRUCTURE

BLOOR HOMES AND PERSIMMON HOMES

Main Issue: Green Infrastructure

1. Introduction

- 1.1 Bloor Homes and Persimmon Homes are promoting the development of Elms Park, the strategic allocation identified at North West Cheltenham (SA5) in the adopted Joint Core Strategy (JCS).
- 1.2 The companies submitted an outline planning application for Elms Park in September 2016 to Cheltenham Borough Council (ref 16/0200/OUT)¹. In the context of Swindon Village, the application site relates to land west of Swindon Village and does not include land to the north of the village which is controlled by the Brockhampton Lane Consortium².
- 1.3 This application was submitted in the context of the progress that has been made with the Examination of the Joint Core Strategy and the various conclusions reached by the Examination Inspector in her Preliminary and Interim Findings in December 2015 and May 2016.
- 1.4 Whilst the outline planning application has yet to be determined, significant progress has been made and the only outstanding issue that requires resolution is highway modelling and off-site highway improvements and the proposed development accords with Policy SA5 in all material respects.

Strategic Planning Policy Context

- 1.5 To provide context to the consideration of Local Green Space at Swindon Fields it is important to recount, albeit briefly, how this designation was considered through the Examination of the Joint Core Strategy.

¹ The same planning application was also submitted to Tewkesbury Borough Council reflecting the fact the Elms Park falls into both Local Authority areas.

² Later in this Statement, references are made to parcels of land which comprise the area of LGS proposed: Bloor and Persimmon's land relates to Areas E – H. Areas A – D relate to Brockhampton Consortium.

- 1.6 The Submission Version of the JCS (November 2014) included as part of the Strategic Allocations Policy (Policy SA1) the following reference: *Strategic allocations which include residential development should seek in all cases to retain and enhance areas of local green space within the boundary of the allocation, which meet the criteria in NPPF Paragraph 77 whilst delivering the scale and distribution of development required by this policy.* At that time there were no individual policies for each of the Strategic Allocations and the Indicative Site Maps did not include any Local Green Space designations.
- 1.7 During the course of the Examination, and in response to representations by amongst others Swindon Parish Council and Save The Countryside (the local campaign group), the prospect of Local Green Space designations within various of the Strategic Allocations were explored. In her Preliminary Findings (16th December 2016), the Inspector concluded that the principle of a Local Green Space designation was appropriate (paras 8, 99-103 refer). It is instructive to note that in reaching this conclusion the Inspector did not accept the area proposed in the Local Green Space application met the necessary requirements of the NPPF (para 100) and the interested parties were asked to consider further an appropriate area to designate.
- 1.8 A further Hearing session was convened in January 2017 to consider Local Green Space further (EXAM 148C³) with associated site visits also conducted at that time.
- 1.9 Following this, further submissions were made by the Parish Council (and others) in respect of the area of Local Green Space at North West Cheltenham (EXAM165A). This is included at *Appendix 1* and illustrates how the Parish Council proposed to reduce the area of Local Green Space in response to the Inspector's preliminary findings. Subsequent to this, the Inspector invited interested parties to agree a Statement of Common Ground in respect of this matter.
- 1.10 Bloor Homes/Persimmon Homes, Swindon Parish Council and Save the Countryside, prepared a Statement of Common Ground as it related to the land controlled by the developers. This was duly submitted to the Examination but is reproduced at *Appendix 2*. Figure 1 below shows a reduced area of land to the west of Swindon Village that parties to the SOCG considered should be provided as green infrastructure.

³ References to EXAM are related to the JCS Examination Library <https://www.jointcorestrategy.org/jcs-examination-document-library>



Figure 1: Area of Green Infrastructure (yellow) agreed as Statement of Common Ground in April 2016

- 1.11 The Parish Council and Save The Countryside made a parallel submission to the Examination recording the satisfactory position reached with Bloor and Persimmon in respect of Parcel E, F, G and H. This is attached at *Appendix 3*. Therein it records the following:

“Concerning areas E, F, G and H. A satisfactory compromise has been reached with the representative of Bloor and Persimmon, who has agreed that houses will not be built in areas H, E, part of G and a 10m corridor along the east of F. We have been very pleased with the co-operation received from the representative of Bloor and Persimmon, and details of the agreement have been submitted separately”.

- 1.12 The Inspector's Interim Findings followed in May 2017 (EXAM232, paragraphs 104-111 refer). At paragraph 110, the Inspector's conclusions are recorded as follows:

“Accordingly, on landscape/visual amenity and heritage grounds, in my judgement a green buffer should remain around the village of Swindon, and this is my recommendation. Swindon Parish Council has indicated what they believe to be an appropriate green area around the village and this could be used as a starting point for the JCS team to amend Indicative Site Layout 5 in the JCS.”

- 1.13 In her final Report, the Inspector provides the following conclusion (paragraph 184 refer): *The strategic allocations of ... North West Cheltenham (A5)... are sound. However, the allocation at North West Cheltenham should ensure that a green buffer remains around Swindon village*

within which Local Green Space may be designated, the detailed boundaries of which are to be left to the forthcoming Cheltenham Local Plan (emphasis added).

- 1.14 The above recounts and illustrates the extent to which the delineation of an area of Local Green Space developed during the course of the JCS Examination and culminated in a position which was to the satisfaction of all parties as the designation related to land west of Swindon Village. Bloor Homes and Persimmon Homes prepared its outline planning application on the basis of the agreement reached with the Parish Council and Save the Countryside in April 2016 with the entirely reasonable expectation that the agreement would be honoured in preparing the Cheltenham Plan.

- 1.15 Within the adopted JCS, Policy SA1: Strategic Allocation Policy states:

Strategic Allocations should seek in all cases to retain and enhance areas of local green space within the boundary of the allocation, which meet the criteria in the NPPF and relevant national guidance whilst delivering the scale and distribution of development required by this policy. This is in addition to the requirements of Policy INF3.

- 1.16 Policy A4: North West Cheltenham states that:

The Strategic Allocation identified at North West Cheltenham (as shown on Policies Map A4 will be expected to deliver:....

xv. Take into account of the indicative Local Green Spaces identified on the Proposals Map with consideration of the special features of that area which makes it suitable for this designation.

- 1.17 Paragraph 5.4.13 of the JCS states:

The indicative site layout for the Strategic Allocation at North West Cheltenham indicates where a green buffer should be retained near Swindon Village when master planning this area in accordance with Policy SA1. The Cheltenham Plan will allocate the specific boundaries of Local Green Space in this area, along with any other Local Green Space to be allocated in the Borough.

- 1.18 The JCS Policies Map provides the following indicative Site Plan for North West Cheltenham.

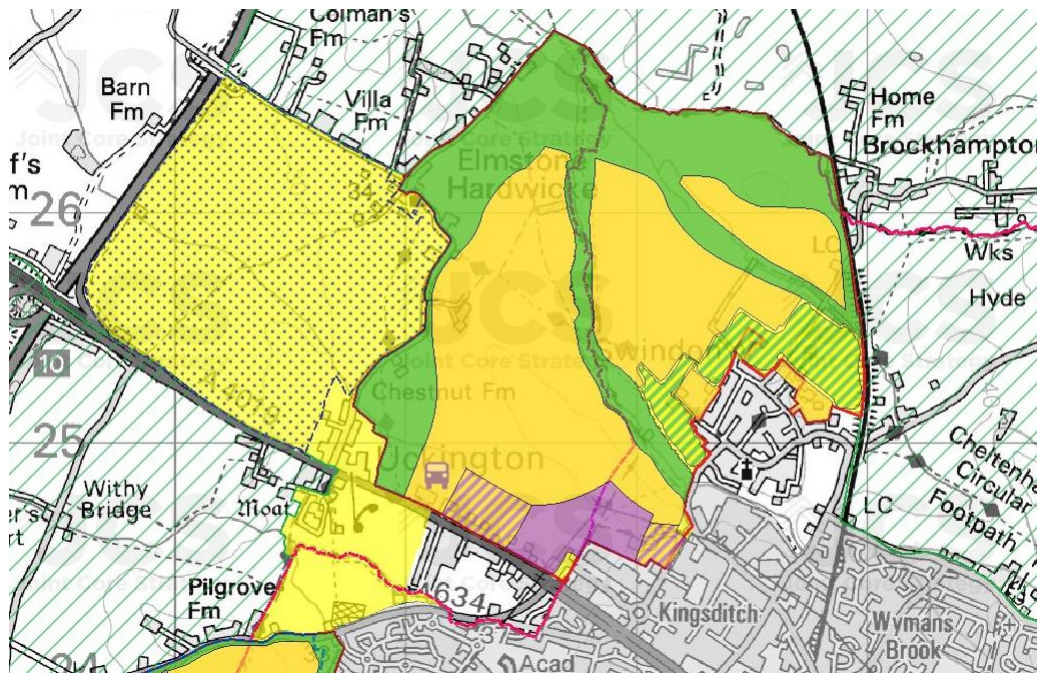


Figure 2: JCS Policies Map (extract North West Cheltenham)

- 1.19 The Submission Version of the Cheltenham Plan, proposes an area of Local Green Space at Swindon Village which has been reproduced overleaf.
- 1.20 Whilst the principle of an area of Local Green Space at Swindon Village is part of the JCS, it is clear from contemporaneous documentation that the area shown on the JCS Policies Map is indicative of a green buffer to be provided around Swindon Village and that the area of Local Green Space is to be designated as part of that area of land through this current Local Plan process. The JCS's Policies Map cannot be interpreted as the defining the area of Local Green Space for the Cheltenham Plan to then enshrine *sine quaestione*.

Planning Practice Guidance

- 1.22 The PPG provides supplementary guidance in respect of Local Green Space highlighting that such areas should be of particular importance to local communities.
- 1.23 The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.
- 1.24 As regards the extent of area, there are no “hard and fast rules” about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, 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.
- 1.25 Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).
- 1.26 Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

2. Inspector’s Question 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?

- 2.1 Table 8 of the Submission Version of the Local Plan lists the proposed Local Green Space designations. The reason given for the designation at Swindon Village is as follows: “*The JCS Inspector said, in her Final Report that, “the allocation at North West Cheltenham should ensure*

that a green buffer remains around Swindon Village within which Local Green Space may be designated, the detailed boundaries of which are to be left to the forthcoming Cheltenham Local Plan."

- 2.2 The 2015 Local Green Space Study Report details 29 applications received from community groups in Cheltenham Borough to designate sites as Local Green Spaces within the CBC Local Plan. The report is divided into 2 parts: Part 1 contains a summary of applications received (EB021), while Part 2 contains the individual toolkits completed by each community (EB022).
- 2.3 Pages 70-72 of Part 1 summarises the toolkit information as it relates to Swindon Fields. Pages 315-367 of Part 2 provides the Application made by Swindon Parish Council related to Swindon Village.
- 2.4 This information pre-dates the discussion of Local Green Space at the JCS Examination between 2015 and 2017.
- 2.5 Critically, this Study and what is sought as a designation through the submitted Application does not reflect the submission made to the Examination by Swindon Village Parish Council in April 2016, which delineates the areas which are considered to be the most special and important to the local community and how these are to be treated in the Statement of Common Ground prepared with Bloor Homes and Persimmon Homes. It cannot therefore be considered to be up to date evidence.
- 2.6 Accordingly, EB021 and EB022 do not provide evidence to justify the designation of the Swindon Fields Local Green Space site listed in Table 8 as delineated on Map 8.
- 2.7 Moreover, there is no evidence provided in the Local Green Space Topic Paper (NS007). Paragraph 1.8 of the Topic Paper states that "*The full list of sites that have been analysed can be found in Appendix B. The table contains information on when and how a site was submitted as well as a reason it was selected or not*".
- 2.8 Table 8 of the Submitted Plan and Appendix B of the Topic Paper provide the same justification for the designation of the area of Local Green Space at North West Cheltenham as set out in para 2.1 overleaf.
- 2.9 Paragraph 16.16 of the Submission Plan offers no further explanation for the boundary of the Local Green Space Designation. Beyond this, which is nothing other than a statement of fact,

there is no evidence of what analysis was undertaken to determine the boundaries of the Local Green Space delineation on Map 8.

- 2.10 Put simply, no evidence has been produced to explain why the areas shown on Map 8 are demonstrably special to a local community and holds a particular local significance as required by NPPF. The plan shown in the consultation document directly reflects the Indicative Plan within the adopted JCS. Plainly, further review of the boundaries of this designation as required by the JCS has not taken place. The Council have plainly misdirected themselves in terms of the need to establish and justify the boundary of a Local Green Space at North West Cheltenham.
- 2.11 As drawn, the proposed Local Green Space is not appropriate in a practical sense. It comprises a wholly irregular boundary that does not reflect physical features that exist on the ground. For instance, there are 'white land' spaces between the inner boundary of the LGS and the adjacent built-up area. Equally, the outer edge of the proposed LGS does not follow boundaries and is drawn through middle of large fields.
- 2.12 On this basis, the Plan relating to North West Cheltenham, accompanying Policy GI1 is not based on proportionate evidence and cannot be deemed 'Justified'.

3. Inspector's Question 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?"

- 3.1 It is without question that an area of 24.5ha is an "extensive tract of land". It is almost equivalent to the size of Swindon Village itself.
- 3.2 As presently delineated, the function of the designation is akin to blanket designation of open countryside adjacent to the settlement which is not appropriate and is a means of retaining an effective area of Green Belt by another name.
- 3.3 This is the position which the Parish Council and Save the Countryside have long pursued despite the April 2016 Statement of Common Ground.

- 3.4 It is instructive to note that EXAM165A submitted by the Parish Council refers to “preserv[ing] a large area of green fields around the village” and in EXAM 165C Save the Countryside hope to save a much larger area either through the LGS mechanism or by retaining an area of Green Belt around the village. It is clear that this remains the overriding reason behind the delineation of the LGS designation which is in direct conflict with the purpose of the designation as set out in the NPPF and the NPPG.
- 3.5 (For completeness, the comments submitted to the Examination in respect of Areas E-H of the Swindon Parish Council proposal in EXAM165A are included at Appendix 4, noting that the Statement of Common Ground superseded this.)
- 3.6 It is instructive to compare the extent of area designated as Local Green Space at North West Cheltenham with other designations in the Submission Version of the Plan. The mean average of the 85 proposed LGS areas is 3.07 hectares. Excluding sites 1, 8, 86, the mean average is 2.18 hectares.
- 3.7 It is also of note that the area of Pittville Park, a town wide recreational resource measures 19 hectares in size. The area of Local Green Space at North West Cheltenham bears no relation to the role, function and character of Pittville Park, yet a larger area of agricultural land without public access is said to be of equal importance.

4. Inspector’s Question 6

Paragraph 5.4.13 of the JCS refers to a green buffer to be retained at NW Cheltenham near Swindon Village, and the CP will allocate the specific boundaries of the LGS in this area. Does the approach in the CP, which designates the area as LGS, comply with the JCS, and National policy and guidance?

- 4.1 No, the approach in the CP does not comply with the JCS, National policy and guidance for the reasons given above. The area proposed as Local Green Space is indivisible from the indicative area of green buffer shown in the JCS Policies Map. Paragraph 6.1.4 of the JCS explains that these are indicative site plans only and it was never the intention that the Local Green Space designation would be the coterminous with the indicative green buffer and there is no justification for this in any event. The Council has misdirected itself by proposing that the

indicative area of green buffer is coterminous with the indicative area of green buffer on the JCS Site Map.

4.2 In summary:

- the area can only be described as an extensive tract of land and as a consequence large areas are not reasonably close proximity to the community it serves.
- no evidence is provided to justify that the area delineated as Local Green Space is demonstrably special to a local community and holds a particular local significance.
- The Parish Council and Save the Countryside agreed in 2016 a different area to that shown in CP as being justifiably designated as green infrastructure.
- The LGS is not of particular significance because of its beauty – an issue debated during the JCS EiP where the Inspector concluded that the more valuable landscape within the area was along the banks of the River Swilgate to the northwest;
- The LGS has no particular local historic significance – again the main historic interest in the area is the Conservation Area with the village itself and the churches further afield⁴;
- The LGS has no particular recreational value as virtually all the fields have high hedges surrounding them or are fenced off with no public access. There are footpaths, but these are protected in any event and not of particular significance;
- The LGS has no particular significance in relation to tranquillity beyond the generic surrounding countryside; and
- The LGS has no particular local significance for wildlife comprising in the main arable fields with some grazing bounded by hedgerows. The main local areas of significance for wildlife are along the watercourse corridors and towards the northwest where there are more hedgerows.

4.3 Moreover, in respect of the submitted planning application, the Land Use and Access Parameter Plan / Illustrative Masterplan (shown overleaf) is based on the area of green infrastructure

⁴ Swindon Village Conservation Area Character Appraisal and Management Plan (February 2007); Figure 5

agreed in the April 2016 Statement of Common Ground with the Parish Council and Save the Countryside.



Figure 4: Illustrative Masterplan incorporating Local Green Space with Elms Park

- 4.4 None of the internal or statutory consultees have raised concern about the separation with Swindon Village as shown on the above plan; illustrating that the land use arrangement proposed is entirely satisfactory in providing a rural buffer to Swindon Village.

OJ/16.158

21st January 2019

List of Appendices

Appendix 1: Swindon Parish Council Submission to JCS Examination (EXAM165A)

Appendix 2: Statement of Common Ground in respect of Local Green Space at North West Cheltenham

Appendix 3: Swindon Parish Council / Save the Countryside joint statement in respect of LGS

Appendix 4: Comments on Areas E-H proposed by Swindon Parish Council in EXAM165A

*Appendix 1: Swindon Parish Council Submission to JCS Examination
(EXAM165A)*

Statement on Local Green Space by Swindon Parish Council

24 January 2016. Unanimously agreed by Swindon Parish Council

Introduction

In 2015, Swindon Parish Council submitted a 53 page Local Green Space application providing evidence of why the green fields around the village are highly valued by residents for their beauty, tranquillity, heritage and recreational value. The application includes comments and letters of support from a large number of residents as well as organisations, councillors and MPs. Following the Inspector's preliminary report and discussions with all parties in the hearings and site visit (13-14 Jan) we have made appropriate modifications to our application, including a significant reduction in area. As requested, this statement details the new areas we are applying for, gives further detailed information about each area and addresses issues of integration. It should be read in context of the extensive body of evidence provided in the original application.

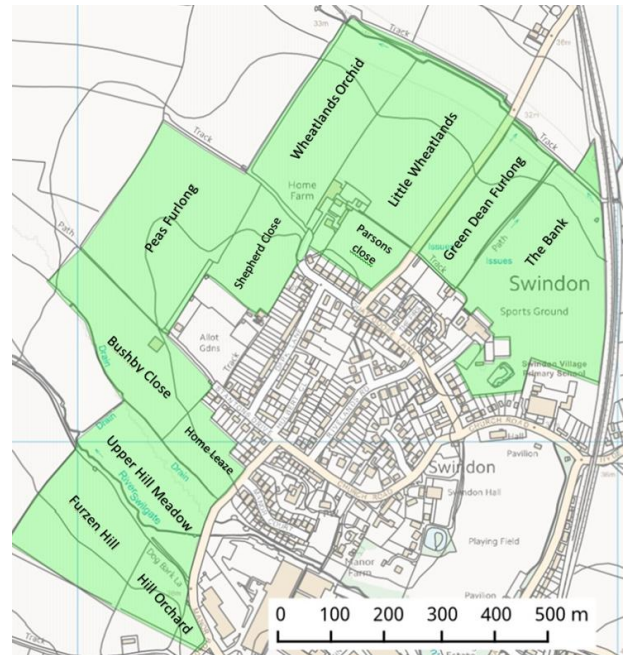


Fig 1: Swindon Village and surrounding fields

Context

With up to 4800 modern houses being planned for the area, Swindon Village offers something unique and important for the future of North West Cheltenham. The conservation area includes historic buildings such as Swindon Hall, Swindon Manor, St Lawrence Church, the thatched Maude's cottage, the old post office and school. There is also the agricultural heritage of Manor Farm, Home Farm, ridge-and-furrow fields, and agricultural land to the west, north and east. This green setting is a part of the history of the village and is essential to the identity of the village as a village, and it is still possible to preserve some of the landscape setting of the village and its agricultural heritage. This is not just for the sake of current residents, but also for the new residents so that they can enjoy the contrast that the village offers to the uniformity of a modern housing estate. Ideally the Parish Council would like to preserve a large area of green fields around the village, and hope that this is still possible. However, we also recognise that the NPPF has clear criteria, so in this statement we have focused only on areas that are most special to the local community and are essential to preserving the character and identity of the village.

Integration

Swindon Parish Council recognises that some integration is desirable, both to boost the viability of current services and facilities within Swindon Village such as church attendance, club attendance and support possible new village shops, and also so that residents can make use of new facilities within the urban extension. The LGS proposed is a highly interconnected area for local people from existing and new communities to mingle from all sides, enjoy outdoor pursuits together for health and wellbeing, and be able to walk for a reasonable distance rather than being confined to small isolated patches of green space.

New Map showing indicative areas for Local Green Space



Fig 2: Indicative Green Space areas

Notes

1. This new map supersedes the draft map used for the Jan 13 hearing and proposes a significantly smaller area. The area is now less than half that requested in the original LGS application.
2. Rather than a fixed boundary, we have given indicative areas in ovals to aid in master planning. The size of the oval gives an idea of the extent of the green space requested and the approximate location. The exact final location, shape and size can then be determined by the master planning exercise and fit into the Cheltenham Local Plan. This is in response to a suggestion made by a JCS authority representative at the 13 Jan hearing.
3. The allotments and playing fields areas have not been included since it is assumed that they will have sufficient protection as Public Green Space in the Cheltenham Local Plan. The Swilgate Floodplain area has also not been included since it is assumed it will be a designated green infrastructure corridor in the JCS masterplan.

Details of Specific Areas

Area A: The Bank, Sports Ground

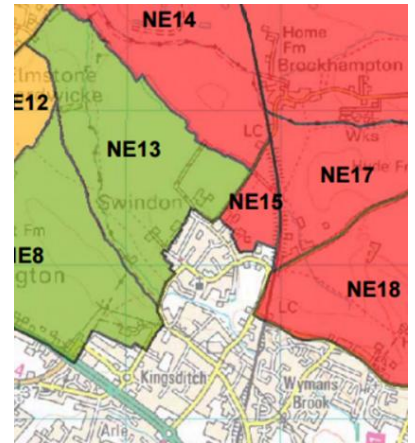


Fig 3: From the AMEC report

NPPF criteria: **Beauty:** exceptionally beautiful views over the Cotswolds Hills, mature hedgerows with large trees at northern and eastern edge. **Recreation:** provides a stunning location for youth football training and matches enjoyed by players and spectators. The Cheltenham Circular route runs along both north and west edges providing a view across the green fields out to the Cotswolds hills. **Tranquillity:** provides a peaceful green setting for Swindon Village Primary school which is immediately adjacent to the sports ground. **Proximity:** Immediately adjacent to village.

Other factors: **Red light:** This field is part of the area NE15 which was given a red light in the AMEC report since it makes a 'significant contribution' as 'land which forms part of the separation of Cheltenham and Bishops Cleave at its narrowest point' (fig 3 above). **Traffic:** the area is unsuitable for development because cars would need to exit directly into the village near the primary school, an area that struggles with congestion at school times.

Integration: The footpath to the east of the field provides a route that connects to the northern green corridor, providing an attractive walking (and potentially cycling) route from across the north of the new housing estate into the village.

Area B: Green Dean Furlong



NPPF criteria: **Beauty:** exceptional views over the Cotswold Hills, mature hedgerows with large trees on the eastern and north edges. **Recreation:** provides a countryside setting for walking along the footpath on the eastern edge, walking and horse riding along the northern edge, and walking, cycling and horse riding along the western edge. **History:** ridge and furrow patterns provide evidence of ancient farming practices and connect the village with its historical roots as a farming community (see figs 4 and 5 overleaf)*. **Local importance:** this field borders one of the entranceways to the village (Brockhampton Lane), and is essential to convey the feeling of entering a village. **Wildlife:** the field is frequented by deer, foxes and large number of bird species. **Tranquillity:** Provides a peaceful setting for quiet contemplation.

Other factors: **Red light:** this field is part of the area NE15 which was given a red light in the AMEC report since it makes a 'significant contribution' as 'land which forms part of the separation of Cheltenham and Bishops Cleeve at its narrowest point' (fig 3 above). **Traffic:** the area is unsuitable for development because cars would need to exit directly into the village near the primary school, an area that struggles desperately with congestion at school times. **Coalescence:** this area is essential to prevent coalescence of Brockhampton and Swindon Village. The identity of both villages is at stake.

Integration: Although this field does not currently have any rights of way directly across it, it has the potential to be an excellent integration area for the two communities for informal sports, community gardens, dog walking, picnics, art, wildlife study and nature appreciation if access could be granted.

* confirmed by Assistant Inspector of Ancient Monuments at English Heritage

Area C: Little Wheatlands



Fig 4: 1998 map of ridge and furrow around Swindon Village. Dashed lines indicate ridge and furrow that is visible at certain times or faint



Fig 5: Satellite photograph showing ridge and furrow in Little Wheatlands and Green Dean Furlong

NPPF criteria: Beauty: views of the Cotswold and the Malvern hills, mature hedgerows to North. **History:** ridge and furrow patterns* provide evidence of ancient farming practices and connect the village with its historical roots as a farming community. **Local importance:** this field borders one of the entranceways to the village (Brockhampton Lane), and is essential to convey the feeling of entering a village. **Coalescence:** this area is essential to prevent coalescence of Brockhampton and Swindon Village. The identity of both villages is at stake.

Integration: This area has the potential to provide an attractive corridor for residents from the west and north of the area to approach the village.

* The JCSHEA notes the “high potential for encountering remains of agricultural activity in the form of ditches, pits and the ploughed out remains of ridge and furrow. Areas of extant ridge and furrow are also still evident”.

Area D: Home Farm and surrounding green space



Home Farm viewed from Wheatlands Orchard



Home Farm viewed from Parson's close

NPPF criteria: **Heritage:** views of the historic Home Farm, which was established in the mid 1800s and represents a classic farm establishment of that period with a particularly fine timber framed barn. **Local significance:** this green area is the essential landscape setting of Home Farm, necessary for preserving its identity and the agricultural identity of the village. **Proximity:** it is immediately adjacent to the village

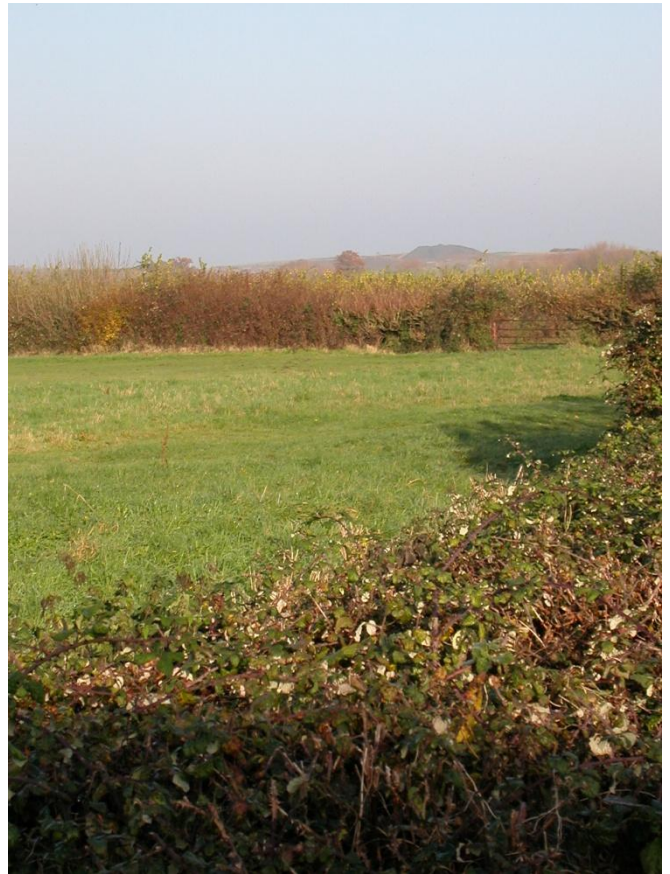
Integration: Given the uniform modern housing throughout the new estate, this area offers an asset of great value to the new community – a green space with traditional farm buildings and a backdrop of distant hills. There is no public right of way across this land, but it can be viewed from Brockhampton Lane and Quat Goose Lane .

Further information: The green areas around Home Farm are essential for preserving the character of the farm and connecting the village to its historic roots as a farming community. The JCS Historic Environment Assessment states that the conservation area has “a strong historical relationship with the allocation area which comprises open agricultural land historically utilised by the assets” and warns that “The village of Swindon, a Conservation Area, will be almost fully encompassed by the development, divorcing it from its former agricultural setting”. The report recommends that “Development should attempt to preserve, and where possible enhance, the character and setting of Swindon Conservation Area...”. MP Lawrence Robertson states “Much of the pattern of the older part of the village was determined by the local agricultural sector, and this application will protect and identify this for the future and as such will enhance the amenity for local residents in not just Swindon Village but surrounding areas as well”

Area E: Shepherd Close

NPPF criteria: **Beauty:** visible from inside the village at the end of Quat Goose Lane, this field is backed by a mature hedgerow and is important in establishing the rural setting of the village. It also provides an excellent view from the track at its northern edge. **Proximity:** this is one of the closest of all the fields to the village since directly abuts the end of Quat Goose Lane.

Integration: This area has the potential to be a high quality green space for intermixing communities in a beautiful natural setting for a range of outdoor recreation. Since it is close to existing allotments, it could also become an allotment area where old and new residents grow food together. It is vital that the hedgerow along the western edge is preserved since it is an integral part of the field and the view. However, for integration, it is possible to place openings in the hedgerow for unrestricted entry.



Area F: Peas Furlong

NPPF criteria: **Local significance:** although there is currently no access to this field, it contributes to the rural character of the area. **Tranquillity:** as agricultural land it contributes to the tranquillity of surrounding areas.

Wildlife: deer, falcon, badgers, foxes, bats, hares and over 20 species of birds have been observed within and around this area. **Beauty:** views of the Malvern Hills and St Mary Magdalene church in the next village.

Integration: This area has the potential to be a key asset of green infrastructure linking areas G and E. This would facilitate the intermingling of Swindon Village residents and new residents living to the north and west of the village.

Further information: The importance of this area is that it completes a ring of green space around the village, which is essential in preserving the identity of the village as a village and providing a suitable environment for old and new communities to mix. CBC's Swindon Village Conservation Area Character Appraisal states "The green environment makes a hugely significant contribution to the quality of Swindon Village...open spaces have to a large degree shaped the rural character and appearance of the area...greenbelt land to the north and west...has sustained the village's physical, predominantly rural setting...".



Area G: Bushby Close



NPPF criteria: **Recreation:** this area is exceptionally popular with walkers, dog walkers, children, scouts and other residents due to being an open access area of grassland. Although the official right of way extends only through the northwest of the field, it is not marked and informal paths testify that the whole area is well used. **Beauty:** this area offers spectacular views of multiple hedgerows, gentle hills to the south, the Malvern Hills in the distance and, importantly, the historic 12th century church of St Mary Magdalene. **Tranquillity:** It offers an exceptionally tranquil rural setting for relaxation and contemplation. **Wildlife:** this meadow displays a profusion of buttercups in summer, and a great variety of other wild plants including red clover and rarer plants such as the English Rose. It is home to buzzards and many other species of birds, deer, foxes, rabbits, and other animals that local residents delight in seeing*.

Integration: This green space will provide an exceptionally good area for local residents to mix with new residents in a variety of outdoor pursuits. It is true that the green corridor along the floodplain of the Swilgate will also provide this but there is one overriding consideration. Currently the area is popular and well used, but if it is significantly narrowed and up to 10,000 new people move into the area it may become crowded, unpleasant and unsuitable for wildlife. The reason why residents like walking in this area is because of a sense of space, and that is in danger of being lost. We strongly recommend that Busby Close be given LGS status, at least in the area indicated, and further if possible.

* The Parish Council has records of the follow bird and plant species sighted in the fields around Swindon Village:

Birds: House Sparrow, Great Tit, Jay, Buzzard, Rook, Crow, Blackbird, Wood Pigeon, Collard Dove, Blue Tit, Missel Thrush, Robin, Wren, Magpie, Green Woodpecker, Common Gull, Kestrel, Dunnock, Mallard, Chiff Chaff, Goldfinch, Greenfinch, Stock Dove, Collared Dove, Goldcrest, Long Tailed Tit, Magpie, Starling, Lesser Blackbacked Gull, Herring Gull, Kingfisher, Sparrowhawk, Willow Warbler, Pheasant, Skylark, Meadow Pipet, Chaffinch, **Plants:** Arun Lilies, White Dead Nettle, Red Dead Nettle, Celandine, Comfrey, Cow Parsley, Goose Grass, Groundsel, Dock, Elephants Ear, Vetch, Crack Willow, Germander Speedwell, Shepherds Purse, Ground Ivy, Ground Elder, Whitlow Grass, Hedge Garlic, Coltsfoot, Broadleaf Plantain, Violet, Blue Aconite, Ribwort Plantain

Area H: Home Lease

NPPF criteria: **Recreation:** although there are no formal rights of way through this field it is well used by walkers, dog walkers and others enjoying the countryside because it is accessible open grassland and links with Busby Close. **Heritage:** this field and Upper Hill Meadow next to it are the most direct connection between the conservation area and its rural setting, being in very close proximity with Swindon Manor. **Local significance:** the field borders Manor Road, which is a major entrance to the village. It is important for the identity of the village as a village to be approached through green fields, and Home Lease plays a key role in this. **Proximity:** this field directly backs onto the houses at the southern edge of the village. **Historic significance:** along with Bushby Close, this area forms the side of a valley that the Yorkist Army passed along on their way to the battle of Tewkesbury in 1471.

Integration: This area has the potential to be an attractive entrance to the village for local people in the new housing estates planned for the west.

Other Factors: A previous planning inspector found that the general area that Home Lease is part of is essential for separating industrial areas from residential areas. The industrial area, with the noisy Spirax Sarco factory, is southeast of this field.

Further Information: The JCS Historic Environment Assessment confirms that “Swindon Village is a Conservation Area, with key views overlooking the allocation area” and that the conservation area has “a strong historical relationship with the allocation area which comprises open agricultural land historically utilised by the assets. Erosion of this setting could significantly affect the historic value of these assets”.



Home Lease from Manor Road



Swindon Manor from Upper Hill Meadow

Appendix

To conclude we offer some quotations from local residents and officials about our original LGS application. For more comments please see the original application:

Martin Horwood, former MP of Cheltenham: I strongly support this Local Green Space application ... I take a keen interest in this as I was responsible for drafting the original Liberal Democrat policy in opposition which became the LGS designation...I know from personal experience how special this area is to local people. I have enjoyed walking through these fields many times with my own family and seen many others do so...it is particularly striking to have seen it enjoyed by so many people of different ages from young people to much older residents.

Laurence Robertson, MP: I am fully supportive of the Green Space Application. This application, if granted, will preserve the rural nature of the Swindon Village Parish area, and will ensure that the feel of the village is maintained.

Cllr Dr Flo Clucas, OBE, Cheltenham Borough Council: The application is a tremendous piece of work...The land that is proposed as local green space...is essential to the wellbeing of the Village and its residents...The application has my full and wholehearted support.

Cllr Bernard Fisher, Cheltenham Borough Council and Gloucestershire County Council: As both County and Borough Councillor for Swindon Village, I wholeheartedly support your application for Local Green Space around Swindon Village to soften the blow of the JCS should it come to fruition.

Cllr Chris Nelson, Cheltenham Borough Council: I fully support Swindon Parish Council's application for Local Green Space designation of the historic fields immediately surrounding Swindon Village. It is clear that these fields are very special and valuable to the local community. What is proposed appears very modest and eminently sensible, given the need to maintain the integrity of this 10th Century Village...

Rachel Smith, leader of Swindon Village Scout Group: We hike [in this Green Space] in both the summer and winter months ... Most of all we can enjoy being able to have the freedom to explore our natural world as it is meant to be, to see nature and to experience the great outdoors. To run, play and to use energy and our imaginations – something that is sadly lacking in today's society and that needs encouraging more than ever before.

Local residents:

- We need space and freedom for our children to appreciate and learn about the countryside.
- Our wildlife is important. If we keep destroying our green spaces nature will suffer in the long term and so will humans.
- Some of the hayfields have not been ploughed or re-sown in many years leading to an exceptionally rich biodiversity.
- The green fields around the village are an essential part of life. Sometimes we take nature's beauty for granted but once lost, it will be forever! We all need the space for our emotional wellbeing, whether young or old.
- These areas are integral to maintaining the identity of the village and should be protected so that all future generations can enjoy the spaces and have the opportunity to experience the village life set amongst these open spaces.
- I feel it is underestimated how important green spaces are to the mental wellbeing of people. Keep the green spaces so at least some small area of tranquillity can be appreciated and welcomed on both a physical and mental basis.

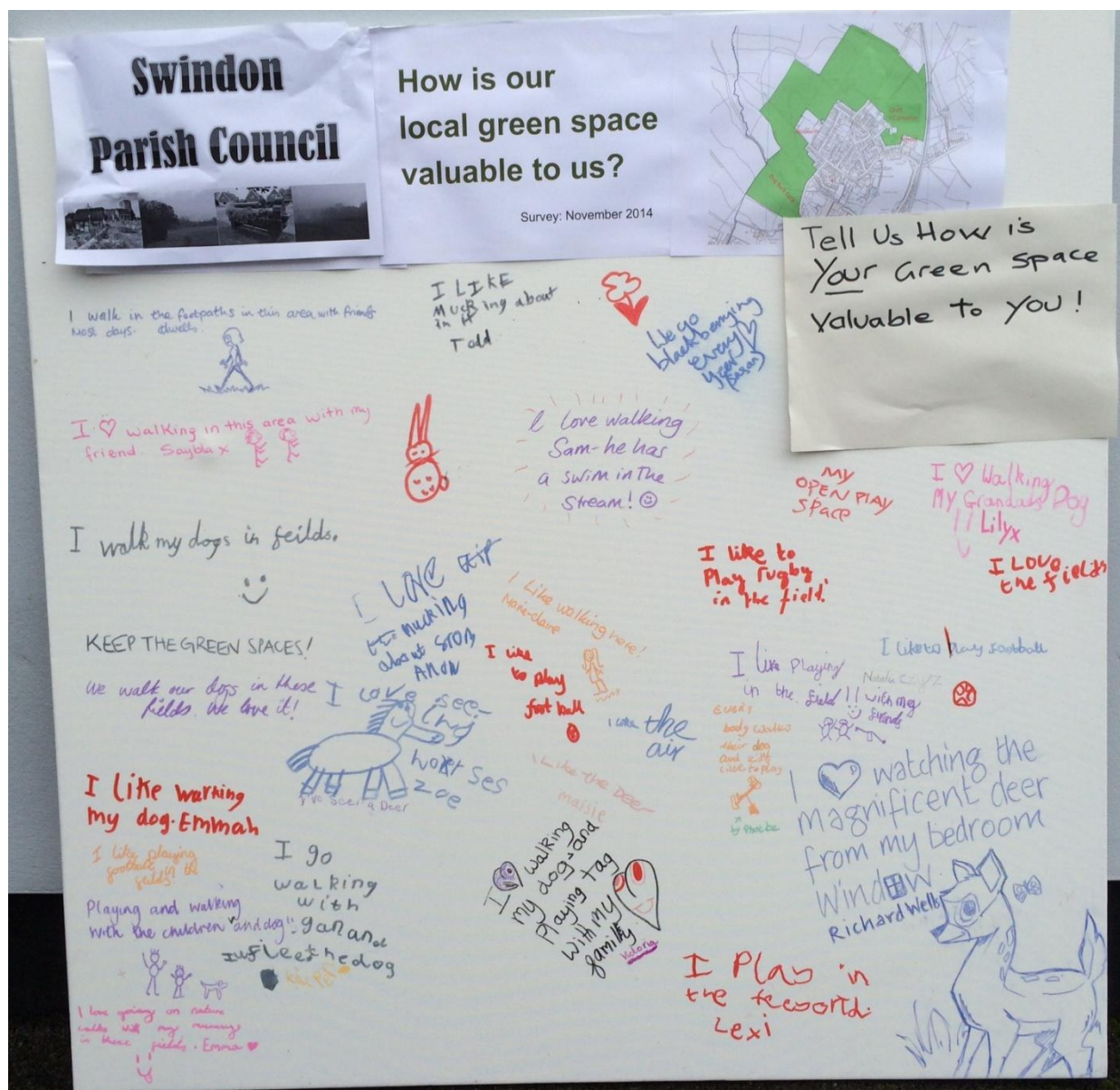


Fig 6: Comments from children at Swindon Primary School

The comments include the following: 'We children need space to run and get exercise and wildlife need a place to live', 'I love the wildlife and I would be distraught if they go', 'We love walking and picking sloes', 'we love to play in the fields', 'I go walking with gran', 'I love going on nature walks with my mummy in these fields', 'I love seeing horses', 'I've seen a deer!', 'I love mucking about', 'I love walking Sam – he has a swim in the stream'

Appendix 2: Statement of Common Ground in respect of Local Green Space at North West Cheltenham (Post April 2016 Hearing Sessions)

GLOUCESTER CHELTENHAM TEWKESBURY JOINT CORE STRATEGY EXAMINATION

STATEMENT OF COMMON GROUND BETWEEN:

BLOOR HOMES AND PERSIMMON HOMES

SWINDON PARISH COUNCIL

SAVE THE COUNTRYSIDE

IN RESPECT OF LOCAL GREEN SPACE AT NORTH WEST CHELTENHAM (SA5)

Following the Hearing Session on the 6th April 2016 which concerned amongst other things Local Greenspace Designations, and at the request of the Examination Inspector, the above parties have further discussed those matters referred to at that session as they relate to land controlled by the Developers (the Elms Park consortium), namely Areas E – H in EXAM165A (Fig 2).

The parties agree that green infrastructure shall be provided to the west of Swindon village.

In particular, no housing shall be located in Area E, Area G (east of the footpath) and Area H.

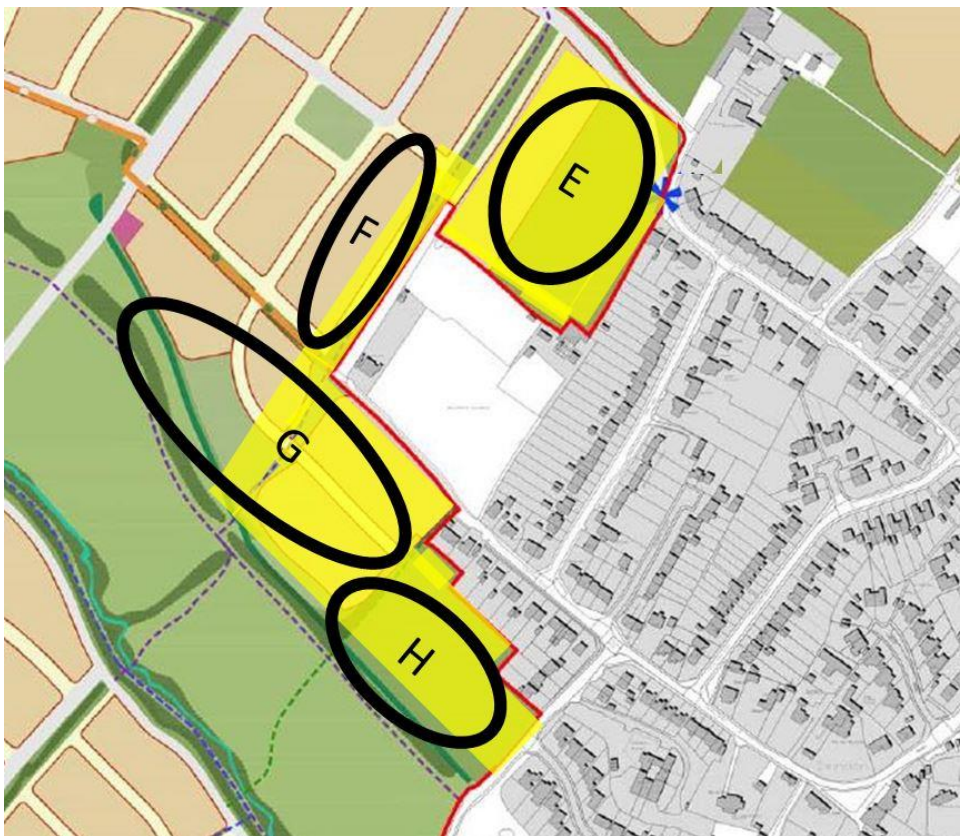
In respect of Area F, new planting is proposed to the west of the existing allotments and a corridor of green space will be provided to the west of this.

A similar corridor of green space will be provided to the west of the footpath in Area G, to create a connected route between Areas H and E.

The depth of this corridor of greenspace is a matter of detailed design but will, in general, be 10m.

The plan overleaf illustrates the agreed proposal – areas delineated in Yellow correspond with the areas of green infrastructure proposed.

Swindon Parish Council and Save the Countryside request that the Inspector and Local Authorities designate the resultant areas of green infrastructure as Local Green Space to protect them into the future.



Appendix 3: Swindon Parish Council / Save the Countryside joint statement in respect of LGS (Post April 2016 Hearing Sessions)

SWINDON PARISH COUNCIL

Contact Clerk - Shaun Cullimore
parish.clerk@swindonparish.org.uk
Morris Hill Crossing, Swindon Lane, Cheltenham



Response on behalf of Swindon Parish Council and Save the Countryside

GLOUCESTER CHELTENHAM TEWKESBURY JOINT CORE STRATEGY EXAMINATION

Outcome of Common Ground Discussions held between Swindon Parish Council, Save the Countryside, Zurich, and the Brockhampton Lane consortium

IN RESPECT OF LOCAL GREEN SPACE IN AREAS A, B, C and D AT NORTH WEST CHELTENHAM (SA5)

Swindon Parish Council and Save the Countryside (SPC/STC) initiated discussions between the above parties on the matter of the Local Green Space application for areas A, B, C, and D. The parties met on 20th April but unfortunately were unable to come to a statement of common ground on the matter. The only agreement was that each party would send a separate response to the Inspector, and this is the response from SPC/STC.

It was not possible to agree common ground with the Brockhampton Lane consortium because, in our opinion, one of representatives was uncooperative and dismissive. At the start of the meeting SPC/STC asked to discuss a list of draft proposals we had put to the developers in writing beforehand, but the representative instead repeatedly stated that the Local Green Space Application and its consideration by the inspector was unlawful, and refused to discuss any specific areas within the site. Another Brockhampton Consortium representative seemed more willing to engage in discussion but no concrete ideas were forthcoming due to the objections of the other.

It was not possible to agree common ground with Zurich because the compromise proposed by the Zurich representative (that Zurich would consider master planning a small area of green infrastructure in the future) did nothing to address the reasons we put forward for the area being designated LGS. In particular, both the positioning and scale of the proposed green area did nothing to remediate the loss of view from the Cheltenham circular route or primary school.

All the representatives of developers firmly ruled out any LGS designation, and instead stated that green areas should only be planned as part of a future master planning process. This is unacceptable to Swindon Parish Council and Save the Countryside who require certainty about the future of these areas.

The meeting concluded that no statement of common ground would be reached and the Inspector would be asked to make a decision on the matter.

We now ask the Inspector to consider the statement below from SPC/STC, alongside those which will be provided by the other parties, and make a decision on LGS designation in the area.

Final Statement on Local Green Space by SPC/STC



The indicative areas: The map above shows the indicative areas of LGS requested by SPC/STC, which represents a significant reduction from our original proposal (see appendix). These are the areas that we identify as being the most special and important for the local community, and our previous documents have shown how they meet the NPPF criteria for LGS.

Initial note: The identification of these areas does not affect our wider position, which is that scale of development in A5 is far too large for the surrounding infrastructure, that the JCS should stage brownfield before greenfield development, and that area of greenbelt loss in A5 and the safeguarded land is excessive and should be significantly reduced.

Concerning areas E, F, G and H. A satisfactory compromise has been reached with the representative of Bloor and Persimmon, who has agreed that houses will not be built in areas H, E, part of G, and a 10m corridor along the east of F. We have been very pleased with the cooperation received from the representative of Bloor and Persimmon, and details of the agreement have been submitted separately.

Concerning areas A and B. SPC/STC believe that we have a particularly strong case for LGS in areas A and B due to the red traffic light on the AMEC report, high landscape sensitivity on EBLO101, the Cheltenham circular route which runs through both areas, the views from the primary school (A), the entryway to the village (B), and the ridge and furrow fields (B).

We would therefore like to request that the Inspector declares areas A and B Local Green Space in their entirety (up to the field boundaries).

An alternative would be to ask the JCS authorities to move the eastern boundary of A5 to Brockhampton Lane, thereby keeping the green belt designation for A and B in place. This would be desirable because more appropriate areas for development have come forward in other parts of the JCS area that are not red-lighted for development. It would also solve the problem of excessive traffic entering the village, would reduce the pressure on the wider infrastructure, and would have no impact on developer funding for schools in A5 if only Bloor and Persimmon have promised to contribute to this funding.

Concerning areas C and D. SPC/STC believe that we have made a strong case for areas C and D as areas of importance for preserving the agricultural heritage of Swindon Village, as high landscape sensitivity (in EBLO 101), as the entryway to the village, and for the ridge and furrow fields. However, these areas could potentially be reduced if it was determined that the proposed area was overly extensive.

We would therefore like to request that the Inspector designates areas C and D Local Green Space, reducing the size of the indicative areas if necessary.

In conclusion we are grateful to Cheltenham Borough Council for asking us to indicate areas of LGS and show how they meet the NPPF criteria, and for the Inspector for considering LGS during the JCS process. We look forward to hearing the outcome of the decision.

Appendix

Original Proposed indicative areas of LGS

Green shaded areas were reduced to the indicative ovals by Swindon Parish Council



*Appendix 4: Comments on Areas E-H proposed by Swindon Parish Council
in EXAM165A (March 2016)*

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Examination

Matter 8 Strategic Allocation A5 Northwest Cheltenham Local Green Space – Update Response March 2016

On Behalf of Bloor Homes and Persimmon Homes – Strategic Allocation A5 Northwest Cheltenham

Overview:

This Statement relates to EXAM docs 165A-E and also responds to issues raised at the Examination Hearing Session ('the session' hereafter) held on 13th January 2016 and subsequent site visit on Thursday 14th January.

In overview we consider that the case for Local Green Space (LGS) around Swindon Village beyond existing open space designations has not been made by Swindon Village Council and others, and that the evidence provided is not sufficiently robust to enable a sound designation to be made through either the Joint Core Strategy or the Local Plan process.

In particular during the recent examination session and site visit the Inspector was quite clear that she wished the village council (and them only) to consider those areas that were particularly special and provide a response clearly defining the boundaries of those areas. At EXAM 165A the revised proposals submitted by the village council simply refer to vague and indeterminate oval-shaped 'indicative Green Space areas' and hence have moved in the opposite direction to that requested by the Inspector.

At EXAM 104 which included our response to the Cheltenham Borough Council Local Plan Issues and Options consultation, we provided the document Annex-Q22 Comments which sets out in detail our consideration of LGS around Swindon Village. We do not repeat the points made here, but urge that 'Annex-Q22' is referred to by the Inspector when considering the case for LGS designation through the JCS.

Document Annex-Q22 includes consideration of the relevant tests for LGS set out in the NPPF at paras 76 and 77 and the PPG guidance at para 37-007/015-20140306 and how the Swindon Village LGS application fails to meet these tests.

We have also reviewed the evidence submitted by Hunter Page (EXAM 165B) and support the approach taken therein.

Finally in overview we note the comments in EXAM 165A relating to the desire to '*preserve a large area of green fields around the village*' and in EXAM 165C submitted by Save the Countryside, to the hope to save a much larger area either through the LGS mechanism or

by retaining an area of Green Belt around the village. It is clear that this remains the overriding reason behind the application for a LGS designation which is in direct conflict with the purposes of LGS designation as set out in our previous note.

Below are specific comments in relation to Areas E-H proposed by Swindon Village Council in EXAM 165A.

Area E: Shepherd Close

As observed during the site visit this is simply a field adjoining the village. There is no access to it and it is surrounded by high hedges that in part obscure wider views. A vehicular track 'Quat Goose Lane' runs alongside to the north before this terminates just beyond Shepherd Close.

There is nothing demonstrably special about this field that would warrant a LGS designation, it is a plain semi-improved grassed field used for grazing that is surrounded by high hedges.

It may well be retained in part in the emerging Masterplan for the NWC Strategic Allocation, but that should not be fettered by the LGS designation of this field.

Area F: Peas Furlong

There is absolutely no justification for this field becoming LGS. As observed during the site visit it is isolated from the village in that between the houses backing onto Dark Lane to the east and the field are the large village allotments, with only the isolated 'Trails End' dwelling at the end of Stantons Drive being in proximity to the field.

The boundary of the back gardens on Dark Lane are circa 150m from Peas Furlong and it cannot be considered to be in proximity to the village.

Furthermore as observed during the site visit and noting that was undertaken at the time of year when there is minimal leaf cover on trees and hedges, there are simply no views into Peas Furlong from the public right of way to the south due to the high and very thick hedgerows and the only function it serves is to provide a pleasant outlook from the upper storey windows of 'Trails End' which is not a sound reason for a LGS designation.

Perhaps tellingly included in EXAM165A is the comment that '*the importance of this area is that it completes a ring of green space around the village*' which is not in accordance with the purposes of LGS designation and does not infer that in itself this area is particularly special.

Area G: Bushby Close

This is an extensive area located at the end of Stantons Drive and extending past the allotments and into open countryside with Peas Furlong to the north. It has an extremely limited physical connection with the village by way of the final property at the western end of Stantons Drive and has limited proximity.

A public right of way extends along the northern side of this area extending from the western end of Stantons Drive, but this is simply one footpath amongst a number in the area including a footpath along the southern side of Bushby Close which connects to the village Conservation Area across Manor Road, and a further public right of way (PROW) along Dog Bark Lane on the south side of Upper Hill Meadow adjacent to the River Swilgate.

These PROWs all enable access to the countryside along their designated routes, each with views of hedgerows, the Malvern and Chiltern Hills and through to the church of St Mary Magdalene in Elmstone Hardwicke, with the additional two PROWs also benefiting from the setting of and access to the River Swilgate and enjoyed by walkers, dog walkers, children, scouts and other residents or visitors.

As such there is nothing demonstrably special about the footpath along the northern side of Bushby Close or Bushby Close itself that would warrant LGS designation – it is one of a number of unremarkable grazed fields located in the River Swilgate valley that are crossed by PROWs extending towards Elmstone Harwicke.

Area H: Home Leaze

Of all the areas E-H, this has the greatest level of connection to the village and at its southern corner to the Conservation Area across Manor Road, albeit the footpath connecting to the Conservation Area is actually located in Upper Hill Meadow adjacent to the south.

There are no public rights of way across Home Leaze, but it is acknowledged that the area is used by local residents albeit it is in active farming use for grazing.

It has the potential for LGS designation especially when combined with Upper Hill Meadow to the south that will be protected from development due to it forming part of the flood plain and the River Swilgate corridor which will be subject to other JCS policies covering Green Infrastructure.

ENDS