

21st January 2019

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Dear Tracey

Matter 4 of the Cheltenham Plan Examination Statement (Representor ID: 570 and comment ID: 1278)

This response in relation to Matter 4 of the proposed Examination Hearings into the Cheltenham Local Plan has been prepared by Ridge and Tetlow King Planning on the behalf of the West Cheltenham Consortium (Northern Trust Company Ltd, Barberry Cheltenham and Midlands Land Portfolio Ltd) in relation to their land interests at West Cheltenham. I would be grateful if the Inspector could be provided with a copy of this statement.

As you will be aware, the site is allocated for development within the Joint Core Strategy under policy A7 for

- i. *"Approximately 1,100 new homes*
- ii. *Approximately 45 hectares of B-class led employment land to be focussed upon a cyber security hub and other high technology and high 'Gross Value Added' generating development and ancillary employment uses;*
- iii. *All development should be employment led, delivery of housing must be in tandem with employment development;*
- iv. *A **comprehensive masterplan** and development strategy for the Strategic Allocation, set within the context of safeguarded land at West Cheltenham, which includes:*
 - a. *A delivery strategy for employment focussed land release*
 - b. *A positive impact on the regeneration of neighbourhoods in West Cheltenham*
 - c. ***Integrates built form and a comprehensive network of accessible green infrastructure, including local green space**". (our emphasis)*

The West Cheltenham Consortium is currently preparing a planning application, which is anticipated to be submitted in Spring/Summer 2019 to Cheltenham and Tewkesbury Borough Councils.

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

Whilst the West Cheltenham Consortium is aware of the proposed LGS allocation, they have not been actively consulted on the proposal. The Consortium is currently undertaking extensive and detailed pre-application discussions with the LPA on their forthcoming planning application for the site. The LPA have seen and are aware of the draft masterplan for the site, together with the justification for this. The proposed LGS allocation is not in accordance with the evolving masterplan.

Whilst the Consortium is aware of the proposals, there appears to be no justification or reasoning for the LGS put forward within the Cheltenham Plan for this site.

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 18.26 hectares could be considered not to be 'an extensive tract of land'?

The response focuses solely on the West Cheltenham allocation. The NPPF 2012 is clear at paragraph 77 that LGS the designation should only be used where *"the green area of land concerns is local in character and is not an extensive tract of land"*. The PPG does not specify an upper size limit in relation to LGS, however it 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. 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."* (ref: 37-015-20140306)

In the case of the West Cheltenham allocation, the proposed LGS of 18.25 hectares extends the length of the proposed allocation and extends a significant way into the site thereby reducing the developable area within the allocation. The supporting text for this policy provides no justification as to why these extensive areas of LGS have been allocated and why the LPA consider that a departure from the draft masterplan is justified and should be removed as a consequence.

Planning Inspectors have been highly critical of local authorities who have sought to apply the LGS designation too extensively in their local plans. South Cambridgeshire Local Plan is an example and a copy of the Inspector's interim finding in respect of Policy NH/12 Local Green Space (16 March 2017) is enclosed. The Inspector's report criticises the approach taken by the Council, stating that:

"They have serious concerns that the Council's assessment of the proposed LGS designations has not been carried out with sufficient rigour nor focussed fully on the stringent criteria set out in the framework which sets a high bar given that LGS sites enjoy the same level of protection as Green Belt land." (page 3)

The Inspector discounted a series of sites on the basis that they were not demonstrably special or valued landscapes and consequently they did not meet the LGS tests. It is clear that South Cambridgeshire District Council (SCDC) sought to apply the designation too widely and included anything from small grass verges in housing estates to allotments and agricultural fields. On the basis of the Inspector's recommendations, SCDC has substantially reduced the number of LGS proposals with only 42% of the original sites remaining as LGS.

Cheltenham Borough Council has taken a similar approach to South Cambridgeshire and has proposed 86 separate LGS designations pre-submission local plan which does seem unduly disproportionate on the basis that paragraph 77 advises that the designation will not be appropriate for most green areas or open space. The Local Green Space Topic Paper is not a robust evidence base document and does not justify the Council's approach to the LGS designations. In this regard, the LGS as shown in the emerging Cheltenham Plan where West Cheltenham is concerned should be removed in its entirety and the provision for LGS should be provided in tandem with the development of the West Cheltenham masterplan and forthcoming application.

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

The designation of Local Green Space should not be considered without suitable and substantial justification as policies for managing development within a Local Green Space should be consistent with those for Green Belts (paragraph 78 NPPF 2012). This is a very high threshold to reach. Paragraph 77 (NPPF 2012) is clear that it will not be appropriate for most green areas or open space and to this end the LGS as set out in the Cheltenham Plan is not acceptable and should be removed.

Paragraph 76 of the NPPF 2012 sets out that *"Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances."*

Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period."

Paragraph 77 (NPPF2012) and paragraph 100 (NPPF 2018) goes on further to state that *"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), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land."*

The most recently developed masterplan for the site as part of the planning application proposes secure the provision of approximately 14ha of Local Green Space (LGS) as part of a wider network of open space. A plan of our proposed area of LGS is enclosed. This has been designed specifically to better serve both the new community created through the West Cheltenham development and the existing wider community as a whole. The LGS would consist primarily of an amenity landscape corridor running along the eastern boundary of the site, ranging in size from between 30-75m in width and containing a range of uses including wildlife planting, sports pitches, play areas as well as pedestrian and cycle links. We also enclose images depicting how these spaces could be used by the community. This masterplan has been developed having regard to the constraints of

the site and the detailed requirements within policy A7 of the Joint Core Strategy. This is a comprehensive strategy which will ensure delivery of the site over the long-term.

The proposed LGS Allocation is identified within the 'Local Green Space Topic Paper, The Cheltenham Plan 2011-2031' (January 2018). The only justification provided for this designation of 18.5 hectares is that *"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."*

As has been set out above, the NPPF at paragraph 77 is clear that LGS should only be designated under exceptional circumstance, it plainly states that the land must be of local significance, special to the community for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife, local in character and not be an extensive tract of land.

The proposed LGS at West Cheltenham is not of local significance as the site is currently an agricultural field and it is not of historic significance nor is of recreational significance as it is private land. Furthermore, the 18.5 hectares represents an extensive tract of land and is not local in character.

The NPPF 2012 at paragraph 77 considers the richness of wildlife on the site as one of the criteria. The site is currently farmed agricultural land and as part of the forthcoming planning application extensive ecology surveys have been undertaken on the site over the last couple of years. This has not identified anything of ecological value on the site.

Paragraph 77 is explicit that not all open space warrants LGS protection and that the designation should be used cautiously and not applied unnecessarily to all green spaces. Indeed, the emerging masterplan for West Cheltenham is proposing to provide LGS as part of a wider network of open space (approximately 65ha). Therefore, the allotted 18.5ha of LGS at West Cheltenham is arbitrary and unjustified as it does not take account of other areas of open space that will be provided and do not warrant LGS protection.

Accordingly, the Council's LGS designation for West Cheltenham is excessive in scale and contrary to NPPF and PPG. Consequently, the local plan fails the test of soundness as it is not justified or consistent with national policy.

Not only is the scale of the LGS excessive and contrary to the NPPF and PPG, we also object to the location of the proposed LGS. A key objective of the West Cheltenham masterplan is to design a new community that integrates with existing community by creating a highly permeable development with amenities and facilities, such as open space, which is accessible to all. The Local Plan's West Cheltenham LGS proposals shows a larger belt of LGS on the eastern boundary that will increase the physical separation of the two communities and hinders integration.

Therefore, the local plan proposals undermine the objective of the masterplan to create a mixed and balanced community that integrates with the existing community. This also runs counter to the NPPF's overarching objective of achieving sustainable development.

As has been previously set out within our March 2018 representation (attached), **we strongly object** to the proposed Local Green Space within the emerging Cheltenham Local Plan, which ultimately undermines the allocation of West Cheltenham within the JCS.

Concluding comments

- As is set out above, the provision of green infrastructure is considered to be a key component, and should be an integral part of the development of a comprehensive masterplan for the entire site and this includes the provision of LGS.
- In the case of the West Cheltenham proposed LGS allocation, it is our opinion that the allocation is contrary to NPPF and PPG and should therefore be removed from the emerging Cheltenham Plan.
- The proposed allocation of Local Green Space within the Cheltenham Local Plan appears premature and out of sync with the requirement to provide a comprehensive masterplan as set out in policy A7 of the Joint Core Strategy.

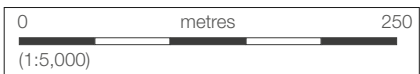
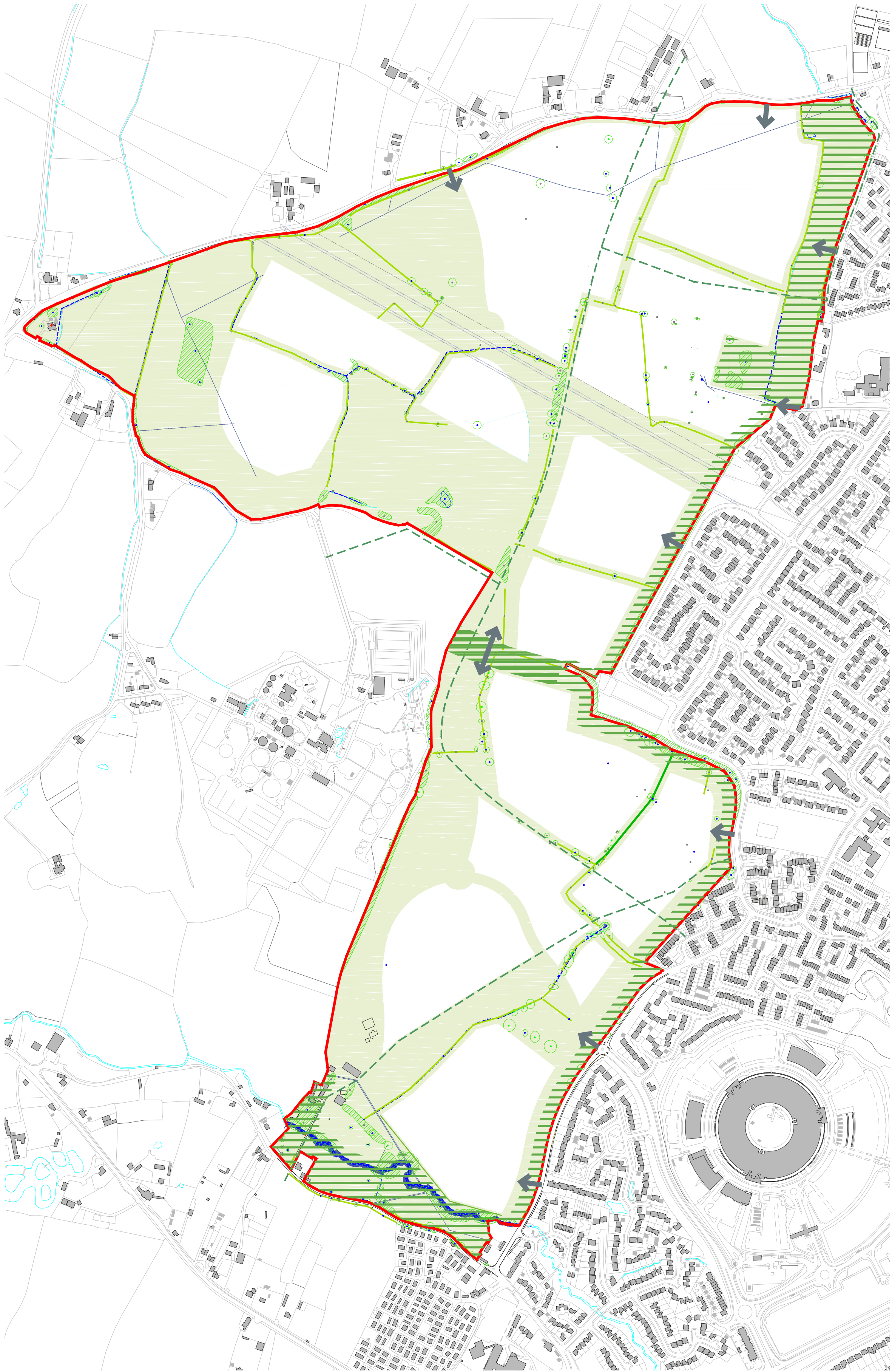
- The sites allocation as Local Green Space will seriously prejudice the masterplan approach and the overall deliverability of the site thereby undermining the entire allocation within the Joint Core Strategy.

As a result, it is requested that the Inspector removes the proposed Local Green Space from the emerging Cheltenham Local Plan in its entirety and continues to develop this as part of the emerging masterplan for the site in line with policy A7 of the Adopted JCS.

I trust this letter clarifies matters and the West Cheltenham Consortiums representatives will be able to answer any further questions at the forthcoming public examination of the plan.

Yours sincerely

Giles Brockbank MRTPI
Partner
For Ridge and Partners LLP





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 Site Boundary

 Potential area to be promoted for allocation as LGS (Total Area: 14.32 Ha)

 Indicative areas of Public Open Space as included within emerging masterplan (Total Area: 65.45 Ha)

 Existing Public Right of Way

 Indicative points of access yet to be agreed (Points of access which may be required to cross LGS Allocation to enable development)



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Client
Bellpark Properties

Project
Land west of Cheltenham

Drawing
Indicative LGS Allocation

Project No.
BELU3001

Drawing No.
xxxx

Revision
03

Date
November 2017

Checked by
NW

Status
DRAFT

Scale
1:5,000 @ A2
1:2,500 @ A0

Turley

LOCAL PLAN EXAMINATIONS CAMBRIDGE CITY and SOUTH CAMBRIDGESHIRE

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16 March 2017

Mrs C Hunt
Planning Policy Manager
South Cambridgeshire District Council

Dear Caroline

Interim Finding in Respect of Policy NH/12 Local Green Space

Following the hearing session on 18 January 2017, which included the consideration of 48 of the 172 sites proposed for designation as Local Green Space (LGS) in accordance with Policy NH/12, the Inspector has now carried out a number of site visits as agreed at the hearing. The Inspector has commented as follows:

Policy NH/12 seeks to respond to the requirements of paragraphs 77 and 78 of the National Planning Policy Framework (the Framework).

The paragraphs state that "The Local Green Space designation will not be appropriate for *most* (Inspector's italics) green areas or open space. The designation should only be used:

- where green space is in reasonably close proximity to the community it serves;
- where the green area is *demonstrably special* (Inspector's italics) to the local community and holds a *particular local significance* (Inspector's italics), for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of wildlife; and
- where the green area concerned is local in character and is not *an extensive tract of land* (Inspector's italics).

Local policy for managing development within a LGS should be consistent with policy for *Green Belts* (Inspector's italics)".

The Inspector's preliminary comments on each of the sites are set out below (in the order in which they were viewed):

LGS Site 016-The Rouses, Bassingbourn

The site is essentially a fairly large grassed field with an overhead power line running diagonally across it. It is located between two of the other proposed LGS designations (NH/12-017 and 018) and is contiguous with both, but is materially different in character to them. From my observations, there is nothing demonstrably special in

respect of this site which would merit the LGS designation, having regard to the criteria set out above.

LGS Site NH/12-070-Foxton

The site comprises a recreation ground and allotment which is well located within the village. The playing field clearly has a recreational value and is served by a pavilion. In my view this recreation area would meet the criteria above although the allotment by contrast would fall short of that objective.

LGS Site NH/12-055-Duxford

This site represents a small grass verge within a modest residential cul-de-sac, a feature which is common in many housing estates. It could not, to my mind, be regarded in any way as demonstrably special and therefore fails to satisfy the LGS criteria.

LGS Site NH/12-144-Butlers Green, Sawston

The site is a grassed area which separates a number of the dwellings facing onto Mill Lane from the highway. Whilst it has some merit in open space terms, I would have expected that consideration might have been given for possible designation as a Protected Village Amenity Area (PVAA) in the context of Policy NH/11 of the Plan rather than a LGS.

LGS Site NH/12-104-Meadows, Bancroft Lane, Little Abington

This is a fairly extensive area of land at Bancroft Farm used as animal pasture and is surrounded by residential development. This site is also referred to in a modification to the Plan as Policy H/1:k- 'Land at Bancroft Farm' in the context of an allocation for housing development. Whilst it would be inappropriate to make any comment at this stage of the examination in respect of the latter regard, I find nothing demonstrably special about the site which would warrant designation as a LGS.

LGS Site NH/12-074-Field between Cox's Drove, Cow Lane and land adjacent to Horse Pound, Fulbourn

This is a large parcel of land on the northern fringe of the village which appears largely unkempt and overgrown. I could see nothing demonstrably special that would enable this site to be designated as LGS.

In this regard, I therefore agree with the findings of the Inspector in regard to appeal decision APP/W0530/15/3139730 who commented that he did not consider the site as a valued landscape in Framework terms, or that it satisfies the criteria for LGS designation.

He also commented that LGS designations should not be applied to sites in sustainable locations, which are otherwise unconstrained and well suited for development of (in that case) new homes. He further stated that the guidance in the Planning Policy Guidance (PPG) [Reference ID 37-007-20140306] that LGS designations should not be used in a way that undermines this aim of plan making. I will refer to this consideration again below.

Sites NH/12-130 and 131-Land to the Rear of The Lane, Over

These two plots of land are contiguous and are separated by a narrow watercourse. The combined sites are surrounded on all sides by residential development, albeit there is a public right of way (PROW) along the south-east boundary of the sites. Both sites are overgrown and unkempt and are screened from the PROW by vegetation and fencing. From my observations, the sites are not demonstrably special and could not be considered as a valued landscape in any respect. They would not therefore warrant a LGS designation.

Site NH/12-057 Meadow Drift, Elsworth

The site is an allotment situated on the northern fringe of the village. It clearly serves a purpose within the village but could not, to my mind, be regarded as demonstrably special in LGS terms.

In light of the above, the Inspectors have given further consideration to the LGS designations as a whole. The Inspectors clearly recognise that it would not be appropriate or practical to visit all 172 sites. However, they have serious concerns that the Council's assessment of the proposed LGS designations has not been carried out with sufficient rigour nor focussed fully on the stringent criteria set out in the Framework which set a high bar given that LGS sites enjoy the same level of protection as Green Belt land.

The Inspectors are also concerned that, as part of assessment of all of the proposed LGS designations, the Council does not appear to have given consideration as to whether alternative designations in accordance with Policy NH/11: Protected Village Amenity Areas (PVAA) or Policy NH/13: Important Countryside Frontage would be more appropriate in terms of the protection to be afforded to the sites.

Notwithstanding the additional information (SC4/SCDC-Supplement 3) and the Cambourne Master Plan Report (May 1995) provided to the Inspectors as requested following the hearing, they are still of the view that the large contiguous tracts of land identified at Cambourne which virtually encircle the village (particularly NH/12-033 and 035) create a conflict with the 3rd bullet point of paragraph 77 of the Framework. Furthermore, the PPG [Reference ID 37-014-20140306] 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". As above, consideration could be given to possible designation of PVAA.

As a consequence of the above concerns, the Inspectors would now expect the Council to carry out a further more rigorous review of all of the LGS designations taking full account of the matters set out above and the PPG guidance.

I look forward to your response as soon as possible. Please do not hesitate to contact me if you have any queries.

Kind regards

Gloria Alexander

Gloria Alexander
Programme Officer