

# Cheltenham Plan EiP Hearing Statement Matter 4

## Submission on behalf of Gloucestershire County Council Education Department

Representor ID No. 439. Comment ID No. 1321.



1. McLoughlin Planning have been instructed by Gloucestershire County Council Education Department to attend Matter 4 of the Cheltenham Borough Local Plan EiP, in relation to Green Belt and Green Infrastructure. This submission is to be read in conjunction with the submissions made in respect of Matter 3 including the Statement of Common Ground. Specific questions to be responded to are Question 5 and Question 8 as set out on the Inspector's MIQ Document.

*Question 5 – there are significant areas of LGS identified at Leckhampton Fields and Swindon Village. Is there any evidence that an area of 39.91 or 24.5 hectares could be considered not to be "an extensive tract of land"?*

2. In response to this question, it is the County Council's position that the proposed Local Green Space designation at Leckhampton Fields comprises an "extensive tract of land". It is clear from Enquiry Document EB022 that the local community's view of Leckhampton Fields strongly supports the designation of LGS. However, the guidance in paragraph 77 of the Framework is clear in that there is a series of criteria all of which must be complied with. Turning to the criteria, it is clear that from bullet points 1 & 2 considerable evidence from the Local Community has been put forward. However, in terms of the third bullet point and the test of whether the site is an "extensive tract of land", it is also clear that there is no compelling evidence to suggest that the LGS cannot be considered as anything but an extensive tract of land.
3. Evidence demonstrating that this is to be considered as an extensive tract of land can be found at Section 3.2 of EB022, Page 4 and Section 3.3. In the first instance, the LGS toolkit reference to the fact that the ministerial view of LGS is one that is actually designated as a Site of Special Scientific Interest. An example is sited at Charlton Kings Common, along with two other substantial SSSI's at Leckhampton Hill and Crickley Hill covering 63 hectares and 55 hectares respectively. The issue here is this relates to a particular scientific interest which is not necessarily bound by the tests of not being an extensive tract of land. Simply put, if the scientific interest extends over a 63 hectare area then it necessarily follows that it should be treated as such. In the case of Local Green Space, it is clear from bullet point's 1 & 21 of paragraph 77 that there is a need to justify the interests, value and proximity of the space but the final bullet point serves as a safety check to ensure that extensive tracts of land are not identified. On this latter

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point, Section 33 of the LGS toolkit makes reference to the term “Country Park” in the second paragraph. The County position is that by reflecting on the use of South Cheltenham being referred to as a “County Park” inevitably draws comparisons with extensive tracts of land. Finally, a useful reference point can be found in the Backwell Neighbourhood Plan Examination, which was conducted by Examiner Nigel McGurk. In this case, the Examiner was faced with a Local Green Space designation at an area called Farley Fields and Morelone Field, an area semi-rural in character extending to some 19 hectares in size. In that instance, the Examiner drew the conclusion that 19 hectares was an extensive tract of land. This was justified by providing a comparable with the size of your average football pitch. In this instance, the Examiner noted that some 23 full size football pitches could readily fit into an area of 19 hectares. If the same reasoning is applied here, it necessarily follows that well in excess of 23 football pitches can be provided in this area. This is nothing less than an extensive tract of land.

Therefore, in light of the above, and with specific reference to the County Council’s land interests at Farm Lane, the inclusion of County land as Local Green Space cannot be maintained because of the failure of the Borough Council to adequately justify the extent of land included in the LGS designation.

*Question 7 – For Leckhampton Fields, guidance was provided by the JCS Inspector in our Report. She stated it would be for the Cheltenham Plan to identify the detailed boundaries of the LGS. Can the scale and extent of the proposed LGS be fully justified in accordance with the JCS and National Policy Guidance.*

4. In respect of the County Council’s land interests at Leckhampton Fields for a new School, it is the County’s position that the LGS designation cannot be fully justified in accordance with the JCS, National Policy Guidance and the NPPF. This necessitates further revision of the Leckhampton Fields LGS designation and the County is seeking this as part of its Proposal’s for main modifications.
  
5. In terms of justifying the County’s position, it is necessary to identify the relevant points in the JCS and National Guidance. In this instance, paragraph’s 1.5, 2.15 and Strategic Objective are considered to be particularly relevant, along with Policy INF4. In terms of National Guidance, paragraph’s 76 & 78 need to be assessed as well as the provisions of

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paragraph 89. Further reference should be taken from the Ministerial Statement on Planning for Schools.

6. Local Green Space designation by its very nature confers significant control over development. Paragraph 76 of the Framework introduces a test of very special circumstances over development in areas of LGS equivalent to that of it being in the greenbelt. With such control inevitably comes responsibility in that the Plan has to ensure that it is assisting in delivering sustainable development. Paragraph 76 does not simply allow the Local Authority to designate an extensive area of LGS without having regard to the need for sustainable development, in providing homes and employment and critically, other essential infrastructure and services.
7. In this case, as in Matter 3, the County's position is that there is critical need for a new Secondary School in South Cheltenham. In paragraph 76 terminology, the County would view the provision of a new School for which there is an evidenced numeric demand as an "essential service". Given the above, if the Local Green Space designation were to be maintained, this creates an inevitable conflict between the community aspiration for Local Green Space and the statutory responsibility on the County Council to provide sufficient school places. In providing a case for a School, it is necessary to examine the role of the Cheltenham Plan as a daughter document to the JCS.
8. The JCS Inspector's Report is clear in identifying responsibility on the Cheltenham Plan to provide the extent of Local Green Space in the Leckhampton area. However, any such provision has to be done in the context of the following:
  - Paragraph 1.5.
  - Paragraph 2.15 – Vision for Cheltenham.
  - Strategic Objective 9.
  - Policy INF4.
9. The above Sources of Guidance contained within the JCS make it clear that there is a responsibility on the Cheltenham Plan to make the necessary provisions to meet the needs of the Borough in terms of a wide form of development. In the case of Policy INF4, there is a clear need for infrastructure to be centrally located to the population it serves and for

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it to be easily accessible. It is the County's concern that the LGS designation essentially sets up a conflict whereby the needs for a new School (for which there is considerable Policy support at both National and Local level in terms of the JCS) is countermanded by the requirements of LGS Policy. The County position is that it is better to avoid conflict completely by having a positive Policy in place allocating a site for School development consistent with the requirements of the JCS and National Guidance identified above. The benefit of such an approach is that it provides certainty in the decision taking process, rather than leaving the decision of whether a new School should be provided in this location as a matter of interpretation and balance of Planning Policy. Therefore, to avoid this from taking place, with the inherent risks and uncertainty that will result, this necessitates the removal of the County land from the Local Green Space designation.

10. In submissions made in respect of Matter 3, the Inspector will be aware of the County's change of position. Notwithstanding this, the Inspector should also note that as part of the submitted Local Plan, the County land in the Leckhampton Fields LGS was intended to be used for school playing fields and recreation facilities associated with the School in any event, irrespective of whether it was identified as Local Green Space or not. This is significant in that the identification of the County land in the submitted Plan as LGS in the first instance, inevitably means that there will be some form of control and restrictive access across the County land. The fact that a Public Right of Way across the site is noted. However, these can be diverted as part of development proposals and given the use of the site for school sports and recreation, there would be a safeguarding issue arising from public access which could be brought to support the closure or redirection of any footpath. In addition, Policy MD5 does not provide any detail as to whether that would also include pavilion buildings, changing facilities, floodlit areas, secure pitches and a whole series of other pieces of infrastructure which can be typically associated with a well specified school playing pitch facility. It is inevitable that the character of the County land included in the LGS designation would significantly change irrespective of whether it was used as a School (now the County position) or simply as the playing fields for the School (as per the submitted Local Plan). This is equally recognised by the Borough Council in the Statement of Common Ground.
11. In light of the above, the County respectfully seek the removal of the County land from the LGS designation covering Leckhampton Fields and that the plan be modified to

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subsequently allocate the whole of the County land for the provision of a new Secondary School, as per the Matter 3 submissions.