

John Rowley

From: Jamie Lewis <JLewis@ridge.co.uk>
Sent: 24 May 2019 10:10
To: John Rowley
Cc: 'Philip Hardwick'
Subject: RE: Local Green Space designation consultation

Dear John,

Thank you for meeting with myself and my client on 17 May to discuss the issue of the Cheltenham Plan policy for Local Green Space (LGS) and the Inspector's Post Hearing Advice (PHA) note insofar as it affects my client's land at North West Cheltenham.

We understand that Cheltenham Borough Council (CBC) is preparing modifications to address the Inspector's comments on this and other issues.

To be clear my client will not enter into a SoCG to include LGS on their land.

The reasons for this are as follows:

The Inspector, in her paragraphs 26, 27, 28 and 29, is very critical of the approach to LGS designation adopted by CBC. At paragraph 28 the Inspector makes it clear that protecting areas from development is not the primary reason for seeking LGS designation and that there is nothing in the NPPF to describe their use 'for the strategic containment of settlements'. At paragraph 33 she identifies a need for robust justification to designate large areas of land, such as at North West Cheltenham.

Paragraph 35 of the PHA deals in detail with the Inspector's concerns regarding the North West Cheltenham LGS designation and the Inspector identifies an agreed area of 5.9 ha in a SoCG between the developers, Swindon Parish Council and Save the Countryside signed in April 2016 (My client's land was not included in that SoCG). She then states that this remains a significant area for LGS designation and is only justified on the basis of the scale of new and existing development. This cannot logically be interpreted as a request to include further land within the LGS.

As discussed, the SoCG was prepared on the basis of an active planning application by Persimmon/Bloor and reflected the Masterplanning that had been undertaken.

My client's land is not subject to a planning application and any such application will not be forthcoming before a review of the Cheltenham Plan at the earliest. Therefore there is no masterplan to identify open areas between the existing and proposed development of my client's site, not that existing development adjoins my client's land.

Should the Council have a different interpretation of the Inspector's PHA, then I suggest that the Inspector be asked to clarify.

Kind regards

Jamie Lewis
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For Ridge and Partners LLP

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6 June 2019



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Dear John,

Home Farm, Swindon Village LGS

Further to our meeting on Friday 24th May in which we discussed matters surrounding the LGS concerning our clients land at Home Farm, Swindon Village. Please find below our constructive comments in this regard which I hope you find of assistance.

This representation deals with the potential designation of LGS at Swindon Village and around Home Farm following the EiP hearing sessions that were undertaken in February of this year. These were subsequently followed by an interim note from the Inspector where she has asked the Council to re-examine LGS in the Cheltenham Plan as she raised concerns that the methodology and overall assessment for LGS designation has not been sufficiently rigorous to comply with national policy and guidance. As a result of these comments, I understand you're seeking further views from landowners and their representatives as to how the LGS should be considered to understand if the LGS as set out in the emerging Cheltenham Plan is appropriate. This representation concentrates on the potential LGS around Home Farm, Swindon Village.

Background

In her post hearing advice on LGS, the Inspector is clear that there is no evidence that the LGS at North-West Cheltenham is justified and there are no particular features of this area of countryside that are so special as to justify its long-term protection as an extensive area of LGS. As above, the only area she felt that could be justified as LGS was the 5.9ha identified through a Statement of Common Ground (SoCG) between the developers, Swindon Parish Council and Save the Countryside in April 2016. This did not include the land at Home Farm as this was not in the control of the developers. That said, an area of LGS has been proposed around Home Farm but the designation of this has not been justified. Through the Cheltenham Plan EiP, Swindon Village Parish Council have sought to designate Home Farm as a whole as LGS and again, there is no justification for this.

During the JCS EiP Inspector Ord suggested that the sports ground and allotments around Swindon Village could be included as LGS but that any further designation should be considered through the emerging Cheltenham Plan and consultation with the landowner. To date no consultation has taken place, so this opportunity to input into the designation of LGS is appreciated providing a realistic approach is taken into any designation.

Planning Policy Implications

The NPPF 2012 is clear at paragraph 77 that LGS 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)

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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 (NPPF 2012) 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."*

In the case of Home Farm and its surrounding environs, the Borough and Parish Council are suggesting an extensive tract of land for designation as LGS. The information submitted by the Parish Council and the supporting text for the policy in the emerging plan provides no justification as to why these extensive areas of LGS have been allocated and should be removed as a consequence in line with the Inspectors initial findings on these matters.

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 Home Farm is not of local significance as the site is currently an agricultural field and it is not of historic significance nor is it of recreational significance as it is private land. Furthermore, the areas identified in the emerging Cheltenham Plan and by the Parish Council more recently represent extensive tracts of land that are not local in character.

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. Therefore, the allotted LGS at Home Farm is arbitrary and unjustified as it does not take account of other areas of open space that will be provided such as that agreed in the SoCG referred to above and does not warrant LGS protection.

Accordingly, the Council's LGS designation for Home Farm 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 which is recognised by Inspector Burden in her post hearing advice.

In simple terms, the scale of the LGS is excessive and contrary to the NPPF and PPG and we object to its proposed provision around Home Farm as shown in the Cheltenham Plan and this should be removed. Similarly, the land shown as LGS by Swindon Village Parish Council is also contrary to policy and should be disregarded.

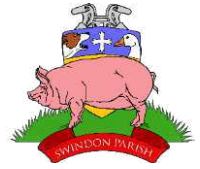
Way forward

At this stage, there is no justification for the LGS currently shown around Home Farm in the emerging Cheltenham Plan and by the Parish Council to be included in the emerging Cheltenham Plan and it should be removed altogether. However, it is recognised and as we discussed in our meeting that a pragmatic approach should be taken in order to move matters forward so a point of agreement can be reached on this matter. Consequently, reducing the LGS would seem appropriate for the reasons already stated, however we are open to further dialogue on this matter.

I trust this letter clarifies the landowner's current position in relation to LGS around Home Farm and that this representation will be appropriately considered as part of the revisions to the LGS within the emerging Cheltenham Plan. However, should you wish to discuss the matters raised in this representation please do not hesitate to contact me.

Graham R. Jones MBA MCIOB MRICS MRTPI
Associate Director

A handwritten signature in black ink, appearing to be "Graham R. Jones", written over a horizontal line.



Response to Inspector Burden's Post Hearing advice on the Soundness of the Cheltenham Plan 3/5/2019

Summary

Multiple stakeholders have been working on the LGS designation process since 2014, throughout the process of the Joint Core strategy and its examination in public by Inspector Elisabeth Ord. The stakeholders include Swindon Parish Council, Save the Countryside, other campaign groups and interested parties working with Cheltenham Borough Council and engaging in consultation with land owners and developers. The stakeholders gathered a very large amount of evidence that the LGS met all the criteria of the NPPF. This evidence included more than 100 survey responses, letters from MPs and councillors, letters from local organisations, consultations with school children and teachers, large numbers of signatures declaring the local space special, reports from national bodies confirming the natural and cultural heritage of the area, and a Statement of Common Ground with one of the developers.

This evidence was presented to Inspector Ord as part of the JCS hearings. It was then examined robustly in the presence of all stakeholders including the developers. Eventually the size was reduced by 48% to ensure it was not an extensive tract of land and Inspector Ord determined the final size and location of the LGS. *Importantly, Inspector Ord reduced the number of houses in the strategic allocation by 500 to make room for a green buffer zone.* Any reduction in the size of this zone would directly contradict Inspector Ord's decision and the JCS, a document which was accepted by the Secretary of State and could lead to an unauthorised number of houses being built in the area. ***The JCS cannot be retroactively revised through an inspection of the Cheltenham Local Plan.***

While the Inspector clearly indicated the size and location of the LGS, she left the exact boundaries to be determined through the Cheltenham Local Plan. Cheltenham Borough Council respected this decision, determined boundaries that were in line with Inspector Ord's directive, and included the LGS on the Cheltenham Local Plan.

This document contains responses to Inspector Burden's comments and further details which confirm the robustness of the process that determined the LGS which can be seen in the Appendix. Should further clarification be required we welcome the opportunity to meet with Inspector Burden.

Responses to Inspector Burden's report

Inspector Burden's report contains the following statement

26. Having reviewed the Council's assessments for the designation of LGS proposed within the CP, I am concerned that the methodology and overall assessment for LGS designation has not been sufficiently rigorous to comply with national policy and guidance.

We can demonstrate below that the methodology and assessment was very rigorously performed and complies fully with NPPF guidance.

History of events & document submission

2014	We (Swindon Parish Council and Save the Countryside) were contacted by the Gloucestershire Rural Community Council who were working with Cheltenham Borough Council to identify areas of potential Local Green Space
During 2015	We worked closely with GRCC to prepare an application for LGS in line with the NPPF criteria.
13/1/ 2015	Swindon Parish Council submitted the first Local Green Space application for an area of 47ha. This submission contained a very large amount of evidence demonstrating how the LGS area complied with the criteria of the NPPF (<i>Appendix document 2</i>)
5/1/2016	Revised local green space application submitted. Inspector Ord had ruled that the area of 47ha was an extensive tract of land and asked that it be significantly reduced. We therefore reduced the area of land down to an essential core.
13/1/16	JCS Hearing. We presented evidence at the hearing that the reduced area of LGS was not an extensive tract of land relative to the allocation area and that it fulfilled all the other criteria of the NPPF. We also led Inspector Ord on a site visit with developers so that she could assess the claims made.
24/1/2016	Submission of further revisions to the LGS application by Swindon Parish Council. Inspector Ord had asked for the LGS area to be 'indicative' areas where the size and location of the areas were indicated but the exact boundaries were left to be decided by the Cheltenham Local Plan. We therefore resubmitted the application with indicative areas marked by ovals. Along with these revisions, we submitted other evidence including landscape sensitivity reports. (<i>Appendix document 3</i>)
4/2016	Inspector Ord asked us to work with developers to identify areas of common ground, i.e., areas within the indicative spaces that the developers agreed would be suitable for LGS. We worked with Bloor and Persimmon via email to agree a Statement of Common Ground, which reduced the size of one of the indicative areas. Note: Inspector Ord eventually overruled this Statement of Common Ground and granted the full area instead.

- 20/4/2016 As requested by inspector Ord, we arranged a meeting between representatives from Swindon PC, STC, Zurich and the Brockhampton Lane Consortium.
- Attendees: Neville Surtees of Barton Willmore (representing Zurich)
 Jamie Lewis of Hunter Page (representing the Brockhampton Lane Consortium)
 Peter Allen, Swindon Parish Council
 Arran Stibbe, Save The Countryside
 Helen Wells Save The Countryside & Swindon Parish Council
- Outcome: The representatives of Zurich and the Brockhampton Lane Consortium refused to identify boundaries for any LGS areas.
- 22/4/2016 We issued a statement sharing the outcome of the meeting and asking the Inspector to make the decision in light of this outcome and the Statement of Common Ground with Bloor and Persimmon. (*Appendix Document 5*)
 Note: the NPPF is clear that LGS designation is not dependant on the agreement of the owners.
- 5/9/2016 Inspector Ord made the decision on the size and location of the local Green Space and reduced the number of houses to be built in A5 by 500 so that a green buffer would extend around Swindon Village (ref para 179 of her findings).
- 27/11/2017 The final LGS was decided by Inspector Ord (24.5ha), which was a 48% reduction on the original application, so not an extensive tract of land. The Inspector provided a diagram (originally drawn up by Bloor and Persimmon) which showed the location and size of the LGS. This LGS area was clearly indicated in the final JCS document, with a note that the exact boundaries were to be determined by Cheltenham Borough Council.
- Cheltenham Borough Council then accepted Inspector Ord's decision, decided that the boundary would follow the JCS plan without changes, and then included the LGS into the Cheltenham Local Plan.
- 22/1/2019 Joint Statement on Greenbelt and Infrastructure to Cheltenham Borough Council Local Plan (*Appendix document 6*)

Inspector Burden made the following comment:

27. The NPPF sets a significantly high bar for LGS designation given that paragraphs 76-78 state that it "...will not be appropriate for most green areas or open space"; that on such sites new development is ruled out "other than in very special circumstances" and that they are to be managed in line with Green Belt policy.

Inspector Ord had this in mind when she came to her decision on incorporation of LGS into the JCS. She considered all the evidence and determined the area of the LGS in the JCS document which was approved by the Secretary of State.

28. Care is required to ensure that LGS policies are not misused. Whilst it is a consequence of the successful designation of a site as LGS that it will be protected from future development, that should not be the primary reason for seeking the designation. The aim of the policy is to protect areas of particular importance to local communities and there is nothing in the NPPF which describes their use for the strategic containment of settlements or as a strategic designation to protect the countryside. The Council's LGS Study Report, refers to the "threat of development" as an example of the factors to be considered by communities when assessing possible LGS sites, whereas the primary reason for designation should be that the site is of such demonstrable significance to the local community that it should be protected. The use made of Natural England's Accessible Natural Greenspace Standards (ANGSt) in the LGS Study, and comparisons of the scale of LGS to that of SSSIs are unhelpful since it diverts attention from the criteria set out clearly in National policy and guidance.

Working with the Gloucestershire Rural Community Council and Cheltenham Borough Council, Swindon Parish Council and Save the Countryside produced a very large amount of evidence that the LGS area is of special significance to the local community and fulfils all the other criteria of the NPPF. This evidence is valid in its own right and stands whether or not there was speculation about developing the land at the time. *When the LGS application was put in no planning applications had been submitted.* Inspector Ord confirmed that this evidence was valid by designating the area as Local Green Space in a JCS document that was approved by the Secretary of State.

30. Many of the proposed LGS areas will be important to local communities. Open spaces will be used by local communities for informal recreational uses including dog walking and relaxation. However, these are inevitably commonplace activities, in particular within the rural areas around the urban fringe. Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless, the available evidence must sufficiently demonstrate why sites are 'demonstrably special' and of 'particular local significance' to distinguish them from other green areas and open spaces which have similar features in order to reach the high bar necessary for LGS designation.

The evidence showed the area to have demonstrably special value to the local community for reasons such as preserving the identity of the village as a village, preserving the agricultural heritage of the village, protecting views from the village, protecting the historical context of the conservation area, and providing immediately accessible green space for a variety of leisure and health benefits. *See Appendix doc 2* for this evidence. The evidence has already been considered and accepted by Inspector Ord.

33. There are several proposed LGS which cover large areas of land. These include some of the existing PGS such as the King George V Playing Field (11.70ha), Swindon Village (8.89ha) and Pitville Park (19.51ha). Other large areas are proposed at Leckhampton Fields (39.31ha), the North West Strategic Allocation at Swindon Village (24.5ha) and West Cheltenham Strategic Allocation (18.25ha) which were specifically discussed at the hearings. Although there is no definition of an "extensive tract of land" in national policy or guidance, an LGS should be "local in character". To designate areas of land of this scale as being "local in character" would require a robust justification.

The proposed Local Green Space at Swindon Village has an area of 24.5ha, which is less than 7% of the approximately 356ha removed from the green belt for housing in the JCS strategic allocation area A5. In relative terms, therefore, it is not an extensive tract of land, particularly since it will serve both the existing community in Swindon Village and the 4200 new houses.

(See Appendix documents to support this statement)

35. These comments also apply to the proposed area of 24.5ha for LGS at the North West Strategic Allocation. An area was identified through a Statement of Common Ground (SoCG) between the developers, Swindon Parish Council and Save the Countryside in April 2016. The area proposed in

the SoCG amounts to some 5.9ha. This remains a significant area for designation as LGS. However, in view of the scale of new and existing development which it would serve and the buffer which would be provided between the existing and new housing, I consider the area to be justified. Detailed boundaries should be agreed with the developer and the allocation within the CP modified accordingly.

It is absolutely essential that this area of 5.9ha is designated as Local Green Space. However, the size of 24.5ha was determined by Inspector Ord and a corresponding reduction in housing numbers in A5 (by 500) was made as part of the JCS. To reduce the LGS from 24.5ha to 5.9ha would require revisions to the JCS, a document which has already been approved by the Secretary of State. Cheltenham Borough Council only had a mandate from the JCS to determine exact boundaries, not change the entire character and purpose of the green buffer zone.

In addition to this area of 5.9ha own by Bloor and Persimmon, there are also other areas of the LGS which are owned by Zurich (the sports fields) and a group of developers known as the Brockhampton Land Consortium (the remaining fields). Inspector Burden does not mention these areas in her report, so it is ambiguous whether this means that she has accepted these areas in addition to the 5.9ha.

37. The PPG states that landowners should be contacted at an early stage about proposals to designate any part of their land as LGS and have opportunities to make representations. Submissions indicate that a number of landowners were unaware of the potential designation of their land as LGS. The views of landowners should be sought during the LGS selection process and their comments should be robustly addressed within any assessments.

The owners of Home Farm were contacted by SPC/STC early in the process and their responses were passed on to Cheltenham Borough Council. SPC/STC also contacted Zurich, with no response, and have had extensive discussions with Bloor and Persimmon. All LGS documents were seen by all developers, and the developers took part in JCS hearings and site visits and made multiple representations. On the Inspector's orders, all developers met with Swindon Parish Council and Save the Countryside to discuss the Local Green Space and come up with statements of common ground. Outcomes of this process were presented on 22.4.16 (*see Appendix document 5 -response of behalf of STC and PC*)

Appendix

A selection of relevant documents as evidence to demonstrate a robust analysis of the Local Green Space was undertaken.

1. 11/8/2014 Response to Public consultation on the Draft Joint Core Strategy (JCS) from Save the Countryside



JCS - STC response -
11.8.14 HWells.doc

2. 13/1/15 Swindon Parish Council Original Local Green Space application



Swindon Parish
Council Green Space /

3. 17/1/16 Statement on Local Green Space application



revised Local Green
Space Application ver:

4. 12/4/16 Local Green Space Designations diagram as part of Bloor & Persimmon Masterplan for Elms Park Development



21614_9303_LGS01
Concept Plan_Local G

5. 21/4/16 Local Green Space Statement by Swindon Parish Council & Save the Countryside following outcome of common ground meeting with developers



Local green space
Statement re areas AE

6. 22nd January 2019 Joint Statement on Matter 4 Green Belt and Green Infrastructure from Save the Countryside (ID 420) & Swindon Parish Council



Cheltenham Plan
hearing response for

7. Historic England updated statement matter 8 which describes the rural setting of the historically important Mary Magdalene Church in Elmstone Hardwicke



Matter 8 statement -
Historic England upda

8. Supporting letter (Sent by Email) from CPRE regarding Local Green Space Application



Swindon Village
Local Green Space - C

9. Email Correspondence to Planning team regarding next steps for local green space usage and ownership



RE North West
Cheltenham LGS and

10. Email correspondence to Planning team regarding local green space boundary ovals Vs Continuous buffer (before Inspector made final decision)



Fwd RE Clarification
from the Inspector on