
Cheltenham Plan Examination in Public

Hearing Statement – Matter 4 – Taylor Wimpey
Strategic Land (Representor ID: 536; Comment No:
846,1356)

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1. Introduction

- 1.1. Savills is acting as agent for Taylor Wimpey Strategy Land (TW) in relation to Church Farm, Leckhampton (herein 'the Site').
- 1.2. For the sake of clarity TW have control over land known as Church Farm, Leckhampton (Site Location Plan is at Appendix 1) and have previously submitted representations on this matter to both the Preferred Options and Pre-Submission consultations on the Cheltenham Plan. As per Examination Guidance the contents of these representation will not be repeated, but may be referred to for to better illustrate points being made.
- 1.3. This Hearing Statement addresses the specific matters raised in relation to Matter 4, specifically Green Infrastructure, rather than Green Belt, as set out by the Inspector in the Agenda relating to the hearing sessions scheduled for 26 and 27 February 2018.
- 1.4. This Hearing Statement should be read in the context of previous submissions made by Savills on behalf of TW. These comprise representations on the Preferred Options Draft dated 20 March 2017 and the Pre-Submission Draft dated 4 April 2018.
- 1.5. The structure of this statement follows the order of the specific questions set out by the Inspector in the Matter 4 agenda in relation to Green Infrastructure. However, the Hearing Statement will only respond to questions that are relevant to the interests of TW and the Site.
- 1.6. For clarity, all references to the NPPF relate that that published in March 2012 unless explicitly stated.

2. Main Issue – Green Infrastructure

1. **Policy INF3 of the JCS deals with Green Infrastructure and seeks to deliver a “series of multifunctional, linked green corridors across the JCS area”. Does the approach adopted in the CP through Policies GI1, GI2 and GI3 deliver that requirement in a manner consistent with national policy as set out in the NPPF paragraphs 76 and 77 and accompanying guidance in Planning Practice Guidance (PPG)?**

- 2.1. While it is acknowledged that Green Infrastructure is a multi-faceted concept this Hearing Statement relates only to the designation of Leckhampton Fields as Local Green Space (LGS 1) for brevity. As such the focus of these representations will be on GI1 – Local Green Space which allocates an area of 39.31 hectares of land known as Leckhampton Fields
- 2.2. As correctly identified by the Inspector in their Question 1 paragraphs 76 and 77 are the most crucial in determining if land is suitable for designation as LGS.
- 2.3. Paragraph 76 in essence states that the designation of LGS cannot be done in isolation but must be “consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services”.
- 2.4. Cheltenham Council acknowledges through its Five Year Housing Land Supply Position Statement (August 2018) (SD010) that it can only demonstrate a 4.6 year supply. This is a significant reduction and is symptomatic of strategic level development, in this case the Green Belt releases at North West Cheltenham and West Cheltenham, failing to deliver in a timely fashion.
- 2.5. The Five Year Housing Land Supply Position Statement (August 2018) states that as the Council can demonstrate a 6.5 year supply when excluding the strategic sites from both the supply and requirement, and this is an indication that below the strategic level delivery is strong. However, this is not the case. In arriving at a 6.5 year supply the Council has used the Liverpool Method as a basis of its calculation. The Inspector permitted the use of the Liverpool Method owing to the reliance on strategic sites within the plan that necessitate longer lead in times. If this strategic layer is removed from the calculation, so is the justification for the use of the Liverpool Method and the default Sedgefield Method should be used, in accordance with the PPG (Paragraph: 044 Reference ID: 3-044-20180913).
- 2.6. As such, the Council can only demonstrate a 4.6 year supply of housing land overall, and only a 3.9 year supply when strategic sites are removed from the requirement and supply.
- 2.7. The upcoming review of the JCS is likely to require additional housing allocated to make up for the current shortfall and more housing is potentially required through allocations in the Cheltenham Plan. However, in allocating the final significant piece of land that is not Green Belt or designated as AONB for LGS, the Council is effectively limiting the scope of a potential allocation, when in full knowledge of the need for homes. As such this is contrary to paragraph 76 of the NPPF and Paragraph 007 (Reference ID: 37-007-20140306) of the PPG.
- 2.8. Should the area be allocated as LGS there is every chance therefore that it would be reviewed in the near future to accommodate housing. Therefore it is contrary to the NPPF’s requirement for LGS allocations being able to endure beyond the end of the plan period (paragraph 76).

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2.9. Paragraph 77 of the NPPF is explicit that the LGS designation “will not be appropriate for most green areas or open space”. In order to be considered appropriate for allocation the land must meet all of the following tests. These have been listed along with a commentary on Savills’ view as to conformity with the tests.

NPPF Question	Meets Test?	Response in respect of Leckhampton Fields (LGS 1)
77. The [LGS] designation should only be used: <ul style="list-style-type: none"> Where the green space is in reasonably close proximity to the community it serves; 	Yes	It is considered that as the allocation abuts existing housing on all sides, including the new Redrow development to the west, and is traversed by public rights of way it is considered that the land is reasonably well related to the community geographically.
<ul style="list-style-type: none"> Where the green area is demonstrably special to a local community and holds 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 	Questionable	There are some doubts over how special the land is in terms of landscape, heritage, nature and recreation value of the site in the context of it being next to a vast expanse of AONB on its southern border and playing fields to the east. However, there is a clear view from some members of the community that this land has importance and this should be acknowledged.
<ul style="list-style-type: none"> Where the green area concerned is local in character and is not an extensive tract of land. 	No	The site is circa 40 hectares which very clearly represents an extensive tract of land on the edge of Cheltenham. This is discussed in further depth below.

2.10. The NPPF is explicit that LGS must not relate to ‘extensive tracts of land’. The PPG notes that when it comes to scale, there is “...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” before adding that paragraph 77 of the NPPF 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”. [Savills emphasis].

2.11. LGS1 is 14.81 hectares larger than the second largest proposed LGS allocation, which is at the North West Strategic Allocation. In terms of LGS not related to Green Belt release sites it is 19.8 hectares larger than Pittville Park. Indeed, the land is so large that it includes several private homes within the designation and a road wide enough for 2 cars to pass. It is clear therefore that LGS1 is at a much larger scale than all other proposed LGS and adjacent to the settlement edge. The allocation of this site as LGS would in essence ‘fill the gap’ of open land not allocated as Green Belt or AONB and therefore represent precisely the ‘back door’ to Green Belt by another name prohibited by the PPG and NPPF.

2.12. Leckhampton Fields at 39.31 hectares, is plainly an extensive tract of land. This assessment is further supported by recent examinations into various draft Neighbourhood Plans (NP). The first being the Backwell NP whereby the Examiner found two proposed LGSs at Farleigh Fields and Moor Lane Field to constitute extensive tracts of land given their respective sizes of 19 and 32 hectares. Accordingly, the Examiner concluded that the their proposed LGS designations had failed to show regard to national planning policy and required their removal. To further highlight the unsuitability of these sites as proposed LGSs, the Examiner noted that Farleigh Fields, at 19 hectares, was capable of accommodating

at least 23 full size football pitches. Whilst Backwell Parish Council sought to argue that it was appropriate to have larger areas in rural/semi-rural areas, the Examiner disagreed and noted that there was no such distinction for rural/semi-rural in the NPPF. The Examiner also reiterated the need, because of their restrictive nature, to demonstrate through compelling evidence exactly how proposed LGS designations meet the national policy tests. A copy of the Examiner's Report is attached at Appendix 2.

2.13. In addition to the Backwell NP, the following Examiner's Reports into draft NPs make similar points, finding several proposed LGSs to constitute 'extensive tracts of land' and as such, fail to meet the required tests:

- The Alrewas NP (Examiner's Report dated August 2015) – the Examiner removed the proposed LGS designations affecting two sites of 2.5 and 3.9 hectares respectively, having found these to constitute extensive tracts of land by virtue of their size and there being no compelling evidence to demonstrate why the sites were demonstrably special to the local community. The Examiner's Report is attached at Appendix 3.
- The Sedlescombe NP (Examiner's Report dated January 2015) – the Examiner found the proposed LGS at Street Farm, stretching 4.6 hectares across an area of open land, to be extensive in size and therefore contrary to national planning policy. The Examiner's Report is attached at Appendix 4.
- The Tatenhill NP (Examiner's Report dated November 2015) – the Examiner considered that at 9.2 and 4.3 hectares respectively, sites to the north and south of Branston Road, proposed to be designated as LGS through the NP, constituted extensive tracts of land and instructed their removal from the draft NP, given their inclusion failed to meet the basic conditions. The Examiner's Report is attached at Appendix 5
- The Oakley and Deane NP (Examiner's Report dated December 2015) – the Examiner concluded that a proposed LGS designation on a site of just over 5 hectares to be contrary to national planning policy. The Examiner's Report is attached at Appendix 6.
- The Wivelsfield NP (Examiner's Report dated August 2016) – the Examiner concluded that proposed LGS allocations on sites of 3.6 hectares and 8.6 hectares. The Inspector pointed to PPG paragraph 13 which listed "sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis" as potential LGS allocations. The Inspector stated the areas suggested are notably smaller than the fields promoted in the NP. The Examiner's Report is attached at Appendix 7.
- The Faringdon NP (Examiner Report dated August 2016) – the Examiner concluded that Humpty Hill at 5.6 hectares on the edge of the town was an extensive tract of land and it was subsequently deleted as a LGS allocation. The Examiner's Report is attached at Appendix 8.

2.14. Having regard to the above, it is considered that LGS1 covers an extensive tract of land and so it cannot be said that designation is permissible under national planning policy.

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

2.15. Based on recent correspondence with the landowners it is apparent that they have not been consulted in terms of Church Farm, Leckhampton.

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?

2.16. As previously stated the key part of national policy and advice that is contravened in the allocation of LGS1 under G11 is that it is an extensive tract of land. The Study Reports do nothing to justify the allocation of Leckhampton Fields in the context of its size. I consider relevant elements of these reports below in relation to this point.

Local Green Spaces Study Report Part 1

2.17. Section 4.2 of the report discussed the size and nature of sites. It seems to be attempting to relate the size of Key Wildlife Sites (KWS) and SSSIs in Gloucestershire to the larger LGS allocations, including Leckhampton Fields. However, the report itself accepts that KWS and SSSI allocations bear no relation to the NPPF and PPG considerations on LGS particularly in terms of size. As such it is not clear why this is raised.

2.18. The Report goes on to list Local Plan examples of large Local Green Space allocations. These are briefly discussed below:

- Havant Local Plan (Allocations) – July 2014 – While there are some larger allocations for Local Green Space in Havant, these are not clearly listed within the Plan as to their size or specific location (they are also not listed in the Council's evidence). Furthermore, there is no detailed discussion on the relative merits of any of the LGS allocations within the Sustainability Appraisal or Inspector's Report dated 7 July 2014. However, it appears that the larger allocations may be Country Parks or similar and therefore already be formal publically accessible open space prior to allocation.
- Lake District National Park Local Plan Part 2 – November 2013 – It is acknowledged that the Lake District National Park has allocated some larger parcels of land as LGS. However, the largest this remains approximately half the size of Leckhampton Fields according to the LGS Study Report. Furthermore the direct comparison between land within a national park and world heritage site and the land in question here does not seem appropriate.

2.19. The report also lists Neighbourhood Plan allocations for LGS that are of a particularly large size. Those listed include a nature reserve in Bersted at 30 hectares where the boundary was originally set based on ecological reasons, 2 footpaths in Broughton Astley of 8.65 hectares and 11.5 hectares, and a 6.5 hectare site in Tattenhall, where the Inspector in the same examination deleted 2 LGS allocations for being extensive tracts of land (see above). These examples are small in number in relation to those where sites much smaller than 40 hectares have been deemed to be extensive tracts of land.

Local Green Spaces Study Report Part 2

- 2.20. Section 3.2 of the report assesses if the site is an ‘extensive tract of land’. The first point made relates to comments by Martin Horwood, who was MP for Cheltenham until 2015, that despite there being no reference in the NPPF or PPG, LGS allocations are “in the same category as those designated as SSSI”.
- 2.21. Notwithstanding the fact that there is no reference in policy there are a fundamental flaws in this logic which I have listed below in bullet point form for brevity:
- The Guidelines for the Selection of Biological SSSIs - Part 1 is clear that SSSIs are allocated on their biodiversity and conservation merit and there is no lower or upper threshold in terms of size. This is different to LGS which are subject to an upper threshold, ie that they cannot be an extensive tract of land.
 - While examples of SSSIs in Gloucestershire listed are of a similar, if not slightly larger, size to Leckhampton Fields, other SSSIs in the county are much larger than this. The Cotswold Commons and Beechwoods SSSI for example measures 665.5 hectares, and the Severn Estuary SSSI is 15,950 hectares. These are very clearly extensive tracts of land, but following the logic in the LGS Study Report Part 2 would be suitable as a LGS designation.
- 2.22. Much of the remainder of the section states the location of the land and its context within the surrounding area and therefore is of limited relevance as this relates more to proximity to communities than size.
- 2.23. Paragraph 52 of the NPPF, which relates to the development of new settlements and significant extensions to towns and villages following Garden City principles is referenced. This has no relevance as there is no such large scale development in Leckhampton.
- 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”?**
- 2.24. This question has already been answered in full in relation to previous questions above.
- 7. For Leckhampton Fields, guidance was provided by the JCS Inspector in her report. She stated it would be for the CP 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 and guidance?**
- 2.25. The JCS Inspector’s considerations in terms of Leckhampton are detailed at paragraph 185 of her report dated 26 October 2017. This is in the context of the Inspector removing the proposed strategic allocation and suggesting that the site could be suitable for an allocation of around 200 (not strategic level) and some Local Green Space.
- 2.26. The Inspector is clear in relation to the housing element that the figure of 200 was an approximation and the actual capacity should be determined through a thorough assessment of site capacity as part of the Cheltenham Plan. The Council claims to have undertaken this exercise in arriving at the mixed use allocation.

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- 2.27. However, no such evidence has been produced to justify the extent of the LGS allocation in Leckhampton.
- 2.28. As previously discussed the LGS Study Report Parts 1 and 2 fail to adequately justify LGS allocation at Leckhampton Fields. Furthermore, the Council's evidence in their Topic Paper on LGS's (NS007) only consideration is that the JCS Inspector said that the criteria have been met.
- 2.29. These considerations were fleeting as they were not in the context of LGS actually being designated, as this is not the JCS's role. The role of allocating LGS falls to the Cheltenham Plan and as demonstrated within this Hearing Statement and previous representations, LGS1 does not meet all of the criteria required as per paragraph 76 and 77 of the NPPF, or the guidance within the PPG.

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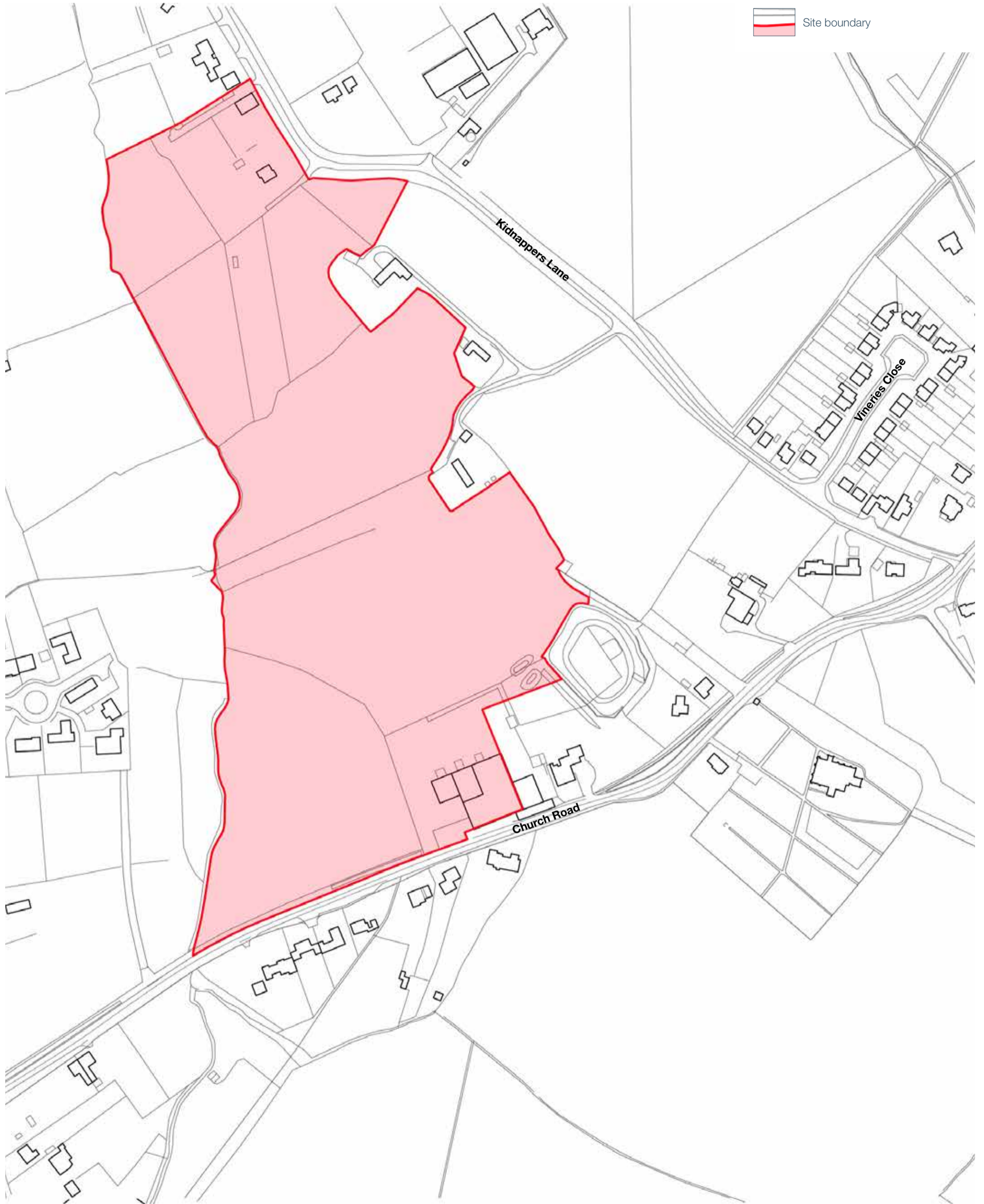
Appendices

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Appendix 1 Site Location Plan



Church Farm, Leckhampton

on behalf of Taylor Wimpey, Strategic Land

drawing no.	SK01	drawing	Redline plan	job no.	OXPL388999
revision		drawn by	SW	date	17 March 2017
scale	NTS	checked by	SW		



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URBAN DESIGN



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Appendix 2 Backwell Neighbourhood Plan Examiner's Report

“BACKWELL FUTURE” BACKWELL NEIGHBOURHOOD PLAN 2014 - 2026

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

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

Nigel McGurk

Erimax Land, Planning and Communities

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October 2014

Local Green Spaces

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

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

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

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

The Framework is explicit in stating that

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

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

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

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

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

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

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

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

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

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

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

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

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

I recommend the following modifications:

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

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Appendix 3 Alrewas Neighbourhood Plan Examiner's Report

ALREWAS NEIGHBOURHOOD PLAN

Alrewas Neighbourhood Plan Examination,
A Report to Lichfield District Council

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

Nigel McGurk

Erimax Land, Planning and Communities

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August 2015

Policy 4.3 states that development must comply with the requirements of the Town and Country Planning Act. This is simply a fact and there is no need to repeat a legislative requirement in the form of a neighbourhood planning Policy.

- **Delete Policy 4.3**

Policy 4.4 requires any development in the Conservation Area, or adjacent to it, to avoid impacting on “*important rural views.*” There is no substantive information determining what the “*important rural views*” are that require protection and as such, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal.

The Policy then goes on to require that “*any development*” avoids “*impacting on the setting of buildings of historic interest.*” Again, this approach fails to have regard to national policy as it applies to heritage assets. I recommend:

- **Delete Policy 4.4**

Policy 4.5 requires all development proposals to demonstrate that they will not have a direct or indirect adverse effect on the Cannock Chase Special Area of Conservation (SAC). Were the Neighbourhood Plan to be made, it would form part of the Development Plan along with the Lichfield Local Plan. Policy NR7 of the Lichfield Local Plan already sets out the requirements contained in Policy 4.5. It is not the role of the Neighbourhood Plan to repeat existing policy. I recommend:

- **Delete Policy 4.5**

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

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

The Neighbourhood Plan identifies two areas of Local Green Space – one to the northern edge of the village and another to the west. During my site visit, I observed that both sites covered relatively large areas of land.

The Local Green Space designation is an extremely important one. Having regard to the Framework, the development of Local Green Space, other than in very special circumstances, is ruled out. The Local Green Space designation affords protection consistent with policy for Green Belts. Effectively, Local Green Space, once designated, provide protection comparable to that for Green Belt land.

The Framework is explicit in stating that

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

Taking this into account, it is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. These requirements are set out in paragraph 77 of the Framework and require that: the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

With regards the latter point, I note above that both sites covered relatively large areas of land, especially in relation to the overall size of Alrewas village. In the absence of any substantive evidence to the contrary, I consider that this introduces conflict with the requirement for Local Green Space not to comprise an extensive tract of land.

In addition to the above, no compelling evidence has been presented to demonstrate that each of the specific green areas are demonstrably special to the local community and that each specific green area holds a particular local significance. For land to be designated as Local Green Space, this *must* be demonstrated. The Neighbourhood Plan fails to do this. It does not have regard to national policy.

Consequently, I recommend:

- **Delete Policy 4.6 and associated plan**

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Appendix 4 Sedlescombe Neighbourhood Plan Examiner's Report

SEDLESCOMBE NEIGHBOURHOOD PLAN 2014-2028

Sedlescombe Neighbourhood Plan Examination,
A Report to Rother District Council

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

Nigel McGurk

Erimax Land, Planning and Communities

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January 2015

Policy 7: Local Green Space

Policy 7 seeks to designate two Local Green Spaces, Red Barn Field and Street Farm.

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

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

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

The Framework is explicit in stating that

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

With consideration to the above, it is essential that, when designating Local Green Space, plan-makers can clearly demonstrate that the requirements for its designation are met. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance (for example, because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and it is local in character and is not an extensive tract of land.

The designation of Red Barn Field is justified on the basis that it is in close proximity to the community, is local in character and is not an extensive tract of land. It is considered to be demonstrably special to the local community and to hold a particular significance due in particular to its recreational value and role as a nature park and important wildlife habitat.

Having considered the evidence and visited the site, I agree with each of these justifications. Consequently, the designation of Red Barn Field has regard to the Framework and meets the basic conditions.

Street Farm is also held to be in close proximity to the community, to be local in character and not to comprise an extensive tract of land. Whilst I agree with the first two points, I find the latter point to be more contentious.

Street Farm is many times larger than Red Barn Field. It stretches across an area of open land which I consider can only be described as extensive. In observing Street Farm, I noted that several full size football pitches, with land around each of them, could easily fit within it.

The Framework is explicit in stating that a Local Green Space designation is not appropriate for most green areas, or open space, and it is therefore reasonable to expect compelling evidence to demonstrate that any such designation meets national policy requirements. There is no substantive evidence to demonstrate that Street Farm is not an extensive tract of land.

In this regard, I consider that there is direct conflict with national policy and that, consequently, the proposed designation of Street Farm as Local Green Space does not meet the basic conditions.

Further to the above, the justification for the designation of Street Farm goes on to state that “it is demonstrably special to the local community, especially as it is under a significant threat of development.” I note in this regard that the Framework does not refer to “threat of development” as an example of local significance. In addition, and taking into account the extensive nature of Street Farm, Planning Practice Guidance is clear that Local Green Space designation “should not be proposed as a ‘back door’ way to try and achieve what would amount to a new area of Green Belt by another name.”

Consequently, I am not satisfied that the proposed designation of Street Farm as Local Green Space meets the basic conditions. The facts that it provides a green gap and that many local people “supported keeping this whole meadow as a green space for the period of the Plan” are factors in support of its designation, but they do not amount to meeting all of the requirements for the designation of Local Green Space.

I recommend the following:

- **Policy 7, delete “...and land at Street Farm...” and re-word to “...as Local Green Space and will resist proposals for any development on the land other than that necessary for utility development.”**
- **Delete para 91**
- **Re-word para 92 “The site is in close...It is local in character and not an extensive tract...under threat.”**
- **Delete Paras 93 and 94**
- **Delete Community Feedback box**
- **Delete Street Farm designation on Inset A and re-word Key to “Local Green Space”**

Cheltenham Plan Examination in Public

Hearing Statement – Matter 4 – Taylor Wimpey Strategic Land (Representor ID: 536; Comment No: 846,1356)



Appendix 5 Tatenhill Neighbourhood Plan Examiner's Report

TATENHILL NEIGHBOURHOOD PLAN 2012 - 2031

A Report to East Staffordshire Borough Council
of the Examination into the Tatenhill Neighbourhood Plan

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

Nigel McGurk

Erimax Land, Planning and Communities

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November 2015

Landscape and Countryside (LC) Policies

The second sentence of Paragraph 8.2 is incorrect. There is no evidence to demonstrate that national or local planning policy requires local character to be enhanced. This would be an onerous requirement that may not be relevant, or achievable, in all circumstances. Consequently, ensuring that this occurs does not have regard to national policy, nor is it in general conformity with the strategic policies of the development plan. I recommend:

- **Para 8.2, delete second sentence**

Policy LC1 – Key Views and Vistas

Policy LC1 requires all new development to protect and/or to enhance key views, vistas and gateways. This has regard to national policy and is in general conformity with adopted strategic local policy, which, together, protect local character.

There is no policy requirement for development to enhance Conservation Areas and Paragraph 8.4 should therefore reflect this. I recommend:

- **Para 8.4, line 3, change to “*and/or enhancing*”**

Subject to the above modifications, Policy LC1 contributes towards the achievement of sustainable development and meets the Basic Conditions.

Policy LC2 – Local Green Spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

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

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

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

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the

community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

Policy LC2 seeks to designate “Local Green Spaces.” It refers to these as being shown on the accompanying proposals map. The Proposals Maps do not form part of the Neighbourhood Plan, but have been included as Appendices. This is inappropriate – especially where the Maps include designated areas of land.

Further to the above, the quality of the Proposals Maps is very poor. They are difficult to read, they do not show boundaries in any great detail and they lack general detail. In short, they are inappropriate for inclusion in a Neighbourhood Plan. With specific regard to the designation of Local Green Space, it is essential that each Local Green Space is identified in such detail that all boundaries are clearly visible at a legible scale.

For the reasons given above, I recommend below that a new series of Proposals Maps are produced, using an Ordnance Survey base and that these are included within the Neighbourhood Plan itself, rather than as Appendices to it.

The final paragraph of Policy LC2 does not accurately reflect Local Green Space policy, as set out in the Framework. Rather than have regard to the Framework, it seeks to introduce a new approach to Local Green Space. No evidence has been provided to support such a significantly different approach to that set out in the Framework and Policy LC2 fails to meet the basic conditions in this regard.

The supporting text provides a disjointed summary of Green Belt policy. This is neither helpful nor necessary, but adds much confusion.

Policy LC2 seeks to designate six areas of Local Green Space. These are listed in the Policy but are not individually identified with any clarity on the Proposals Maps. This is inappropriate. Not least given the importance of the designation, each Local Green Space should be clearly labelled.

Policy LC2 goes on to refer to “*these green spaces.*” This fails to have regard to national policy. The Framework, in paragraphs 76 to 78, refers to the ability of local communities to designate “Local Green Space,” rather than “green spaces” in general.

Appendix 4 is entitled “Local Green Space Justification Table.” This appendix sets out why, in the opinion of Tatenhill Parish Council, the proposed areas of Local Green Space meet the requirements of the Framework.

Three areas of Local Green Space are proposed for Rangemore. The Recreation Area/Bowling Green is demonstrably special to the local community because of its recreational value. Land to the south of the Church and School, and land to the rear of Rangemore Club comprise two sites demonstrably special to the local community

largely because of their historic significance. All three sites are in close proximity to the community they serve and comprise land that is local in character and not extensive.

Land to the south of Cedars, Tatenhill and land opposite The Old Rectory, Tatenhill comprise sites demonstrably special to the local community largely because of their historic significance. The two areas of land are in close proximity to the community they serve and comprise land that is local in character and not extensive.

The two remaining sites comprise land to the north and south of Branston Road, Tatenhill. The sites are immediately adjacent to one another, separated by Branston Road. The smaller of the two sites, to the south of Branston Road, comprises 4.3 hectares. Relative to the size of Tatenhill village, this is a very large site.

By way of example, Policy H1 of the Neighbourhood Plan refers to the delivery of approximately 25 dwellings during the plan period. At a suburban average of 30 dwellings per hectare, all of these dwellings would fit on to less than one third of the site to the north of Branston Road. Furthermore, during my site visit, I estimated that the site was the size of at least five full size football pitches and that the majority of the urban area of Tatenhill village would fit within it.

Taking all of the above into account, it is my view that, relative to the Neighbourhood Area, the proposed Local Green Space to the south of Branston Road comprises an extensive tract of land. Consequently, its designation fails to meet all of the tests set out in the Framework and does not meet the basic conditions.

The proposed Local Green Space to the north of Branston Road is more than twice as large as that to the south. There is no doubt whatsoever that this is an extensive tract of land. In addition, it is located some considerable distance away from the community that it “serves.” The proposed designation of land to the north of Branston Road fails to meet all of the tests set out in the Framework and does not meet the basic conditions.

Whilst for the reasons given above, the designation of these two sites fails to meet the basic conditions, I am also concerned with the reasoning behind the “justification” for the proposed designation of these two sites.

National policy is unambiguous in establishing that the Local Green Space designation will not be appropriate for most green areas or open space. Much of the case for both sites being demonstrably special to the local community appears to be founded on the land being undeveloped and providing a “buffer” to the nearby settlement of Burton on Trent. Indeed, the justification refers specifically to “visual separation.” However, the land is not unique in this regard, as there are many hectares that “visually separate” Tatenhill from Burton.

Furthermore, the Framework provides specific examples of why a site might hold a particular local significance – because of its beauty, historic significance, recreational

value, tranquillity or richness of its wildlife. There is no compelling evidence to demonstrate particular local significance for either site in any of these respects. Whilst I note that some information relating to local history has been presented, much of this could relate to many parts of the wider area and I note that Historic England, the body responsible for the protection of England's heritage assets, has not provided any substantive evidence in support of the proposed designation.

Taking the above into account, there is little in the way of compelling evidence to demonstrate that land to the north and south of Burton Road is, in the context of the Framework, demonstrably special and locally significant.

For all of the reasons set out above, the proposed designation of the two sites as Local Green Space does not meet the basic conditions.

I acknowledge that many members of the local community wish to prevent future development on these two sites. However, this is not a factor that means that the sites pass the necessary tests set out in the Framework.

Taking the above into account, I recommend:

- **Change title of Policy LC2 to “*Local Green Space*”**
- **Produce new Local Green Space Proposals Maps. These should be on an Ordnance Survey base and show the boundaries of the Local Green Space designations in clear detail. Each Local Green Space should be clearly labelled.**
- **Move the Proposals Map from the Appendices into the body of the Neighbourhood Plan. This Map includes the boundary of the Neighbourhood Area and it is important that this is included within the Neighbourhood Plan.**
- **Policy LC2, change first paragraph to “*The following areas of land are designated as Local Green Space: (delete second sentence, which is unnecessary)*”**
- **Delete the fourth and fifth bullet points. For clarity, the land to the north and south of Branston Road is not designated as Local Green Space**
- **Delete final paragraph and replace with “*Within Local Green Space, development is ruled out other than in very special circumstances.*”**
- **Remove Appendix 4 from the Neighbourhood Plan. Delete Paragraphs 8.7, 8.8, 8.9 and the last sentence of Paragraph 8.10.**

Subject to the above, Policy LC2 meets the basic conditions.

Cheltenham Plan Examination in Public

Hearing Statement – Matter 4 – Taylor Wimpey Strategic Land (Representor ID: 536; Comment No: 846,1356)



Appendix 6 Oakley and Deane Neighbourhood Plan Examiner's Report

OAKLEY AND DEANE NEIGHBOURHOOD PLAN

Oakley and Deane Neighbourhood Plan Examination,
A Report to Basingstoke and Deane Borough Council

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

Nigel McGurk

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December 2015

Policy 10 – Protection and Enhancement of the Environment

The first two parts of Policy 10 seek to introduce a number of requirements relating to ancient woodland, trees, hedgerows and Local Green Space. The last part, P10.3, is confusing. It seeks to retain something that doesn't exist, as well as retain non-designated existing woodland as something called "*natural green (space)*." Natural green space is not defined anywhere in the Neighbourhood Plan and there is no indication of what such a designation would mean for development proposals.

The protection afforded by Policy 10 to ancient woodland, veteran trees and hedgerows does not allow for circumstances whereby the need for and benefits of development clearly outweigh any loss arising. Consequently, this part of Policy 10 fails to have regard to national policy, as set out in Paragraph 118 of the Framework.

In making the recommendation below, I note that planning policy affords significant protection to ancient woodland and veteran trees, and aims to conserve and enhance biodiversity.

Policy 10 seeks to designate Local Green Space. It states that "*Green areas that are demonstrably special...are designated Local Green Space (see Appendix A)*." Paragraph A.1.2 of Appendix A states "*These are the designated Local Green Spaces...and the demonstrably special reasons for designating them (see also Map 5)*." Three separate tables under three different headings then follow, containing eleven different sites, along with a "*Reason for designation*" alongside each site.

Appendix A then includes a further table, under the title "*Green Gap*." This is split into four separate sites, with a further "*Reason for designation*" alongside each. Map 5, entitled "*Local Green Spaces, Green Gap and Views and Vistas in Oakley*" shows 15 separate designations, under a Legend, whereby seven allocations are named as "*Local Green Spaces*," four designations as "*Accessible natural green space*" and four designations as "*Green Gap*."

In addition to the above, Map 5 also includes land labelled as "*Green pathway*" which relates to a proposal in Policy 12.

I set out all of the above, as it demonstrates that, in practice, if not intentionally, Policy 10 only actually seeks to designate seven areas of Local Green Space. However, I note that the tables in Appendix A provide a "*Reason for designation*" for fifteen separate sites.

As set out, the approach to Local Green Space is unclear and inappropriate. It is further obfuscated by the absence of clear plans showing precise boundaries for each proposed Local Green Space.

Local Green Space is a restrictive and significant policy designation. The Framework states that

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

and goes on to state, explicitly, that

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

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Whilst Policy 10 is poorly conceived and drafted, I recognise that there is community support for the designation of Local Green Space. Consequently, with the exception of the areas identified in the Appendices as D1 to D4, Green Gap – an entirely separate designation to Local Green Space and the subject of a separate Policy in the Neighbourhood Plan (and which, I note, mainly comprise extensive tracts of land, designated for the purpose of providing *“visual and physical separation”*) – I have considered whether each of A1-A2, B1-B5 and C1-C4 meet the Local Green Space tests set out in the Framework.

Of these, A1-A2, B1-B4 and C1-C4 all meet the tests set out in the Framework, including being demonstrably special for reasons of beauty, recreational value, tranquillity and richness of wildlife.

However, I note that B5 is some considerable distance from, rather than within reasonably close proximity to, the community it serves. Furthermore, it comprises an extensive tract of land. On further assessment of B5, I note that large areas of farmland are included in the proposed designation, as well as a cricket ground. For these reasons and in the absence of detailed and substantive evidence to the contrary, I am not satisfied that the proposed designation of B5 has regard to the Framework. The designation of B5 as Local Green Space does not meet the basic conditions.

The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Further, the Framework is explicit in stating that the development of Local Green Space will only be permitted in very special circumstances.

However, Policy 10 seeks to introduce its own version of Local Green Space policy, not least by introducing some kind of requirement for “*replacement Local Green Space.*” In so doing, as worded, Policy 10 fails to have regard to national policy.

Taking all of the above into account, I recommend:

- **Replace Policy 10 with a completely revised Policy 10 “*Local Green Space is designated at the sites shown on the plans below, for the reasons set out in the supporting text. Development of Local Green Space will only be permitted in very special circumstances.*”**
- **Create new plans, identifying the precise boundaries of each Local Green Space and show these plans after Policy 10. For clarity, the Local Green Space designation is afforded to A1, A2, B1, B2, B3, B4, C1, C2, C3 and C4. B5 is not designated as a Local Green Space.**
- **Provide the first three tables set out in Appendix A (excluding B5) in the supporting text to Policy 10.**

Subject to the above, Policy 10 contributes to the achievement of sustainable development and meets the basic conditions.

There has been an objection to the designation of C3 as a Local Green Space. However, C3 meets the tests set out in the Framework and I note, specifically, that as a narrow band of land close to Oakley, it is neither extensive nor a considerable distance from the community it serves. The fact that the site is subject to a non-adopted policy of an emerging plan does not prevent it from being designated as a Local Green Space.

I note, in the above regard, that a Local Green Space designation provides protection comparable to that for Green Belt land and that, as such, the designation does not prevent all forms of development.

Cheltenham Plan Examination in Public

Hearing Statement – Matter 4 – Taylor Wimpey Strategic Land (Representor ID: 536; Comment No: 846,1356)



Appendix 7 Wivelsfield Neighbourhood Plan Examiner's Report

Wivelsfield Parish Neighbourhood Plan 2015 – 2030

Submission Version

A Report to Lewes District Council of the Examination into the Wivelsfield Parish Neighbourhood Plan 2015 – 2030.

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

**Jeremy Edge BSc (Hons) FRICS MRTPI
Edge Planning & Development LLP**

August 2016

5) Working in partnership with other organisations to increase walking, cycling and public transport access to the countryside.

5.34 Policy 6 applies Core Policy 8 to the specific rural characteristics of the Parish. As stated in the Plan and Basic Conditions Statement, Policy 6 encourages management and maintenance of rural infrastructure and to enhance bio diversity. This policy has not surprisingly scored highly in the Sustainability Appraisal against the environmental objectives as the aim is to contribute to and enhance the parish's green infrastructure and biodiversity, with no adverse impacts being identified and a significant positive impact against the ecological objective.

5.35 Support for this policy has been provided by CPRE Sussex in its Regulation 16 consultation reply and there were no objections to this policy were made as part of this consultation.

5.36 Accordingly, I am of the opinion that this policy is appropriate for development management purposes without amendment.

5.37 **Policy 7: Local Green Spaces**

5.38 I now consider Policy 7, concerning the proposed designation of Local Green Spaces. This policy matter generated considerable interest prior at the pre-submission consultation (Regulation 14) and subsequently during the Regulation 16 consultation, following the publication of the examination version of the Plan. The examination version of the Plan included five Local Green Spaces shown on Policies Map M, the draft Plan policy being framed as follows:

Policy 7: Local Green Spaces

The Neighbourhood Plan designates Local Green Spaces in the following locations, as shown on the Policies Map M below:

- i. Land to the south of Green Road and west of Wivelsfield Primary School;**
- ii. Land to the south of South Road;**
- iii. Land to the east of Eastern Road;**
- iv. Land to south of Antye House and east of Orchard Close;**
- v. Land on north-west boundary of Parish;**

Proposals for development on the land that is not ancillary to the use of the land for public recreational purposes or that it not required for statutory utility purposes will be resisted.

5.39 Unqualified support was given by Mr Kay on behalf of CPRE Sussex for all of the proposed 5 sites in meeting the selection criteria. He described the sites as being highly valued by residents and contributing to Wivelsfield's sense of place. Whilst not objecting to the actual sites proposed in the submission version of the Plan, a number of residents objected to the way in which the proposed sites were selected and scored for inclusion as Local Green Spaces. Such concerns were raised by Audrey Wende, Mr and Mrs Whelan, Petra and Jean Carroll, Richard and Sue Morris and Ruth Forsyth in this regard. The comments raised by Mr & Mrs Whelan alleged that posters promoting Green Spaces (shown in the Consultation Statement at Appendix F, P44), were insufficiently distributed around the village, and failed to explain the relevance or importance of identifying Green Spaces. This criticism claimed that even at the time of the Submission version consultation of the Plan, *"most residents towards the East and North of the village are unfamiliar with the principles and purpose of Green*

Spaces. Proposals for allocating green spaces are consequently based on an insufficient evidence base and still appear to be creating a green belt on large tracts of land to the south of the village. 87 % the community survey responses indicated accessible and open spaces are important which the current spaces are not.” The Regulation 16 consultation made by Victoria Wood, similarly criticised the scoring system in relation to the possibility of the inclusion of Bluebell Wood. Jeremy Harding similarly raised concerns and objection to Policy 7 during the pre-examination consultation of the plan indicating that the site selection was made upon an inadequate evidence base.

5.40 Detailed objections were raised by Boyer Planning and Gladman in relation to the proposed Local Green Space designations. In the light of the policy concerns raised during the Regulation 16 consultation, I requested that the Local Green Spaces proposed should be considered at the Hearing at which matters relating to SEA were also discussed. The Hearing took place on 9th May 2016 in Wivelsfield Church Hall. Boyer Planning, Gladman and Jeremy Harding were invited to this session together with representatives of the Parish Council and Lewes District Council. In the event Gladman declined to attend. The agenda relating to the Local Green Space policy consideration posed two questions:

- For each of the Local Green Spaces, do they meet the three criteria for designation in paragraph 77 of the NPPF?
- In the event that any or all of the proposed Local Green Space designations came into effect, how would the land be managed?

5.41 Prior to the Hearing I had managed to view the proposed Local Green Spaces with the exception of site iv, Land to south of Antye House and east of Orchard Close, which I viewed accompanied by representatives of the Parish Council, District Council and Boyer Planning during the mid-morning adjournment prior to the session at which the Local Green Spaces were considered.

5.42 The national planning context for designating Local Green Spaces is set out in the NPPF at paragraphs 76 and 77. There is further guidance provided in the NPPG at paragraphs 005—022 inclusive. The effect of designating Local Green Spaces is “able to rule out new development other than in very special circumstances.” (NPPF, paragraph 76) and the guidance at paragraph 77 advises that Local Green Space (LGS) designation “will not be appropriate for most green areas or open space.” The national policy sets out three tests to assist in determining whether land should be designated as LGS. The clear advice in NPPF paragraph 77 is that:

“The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is 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
- where the green area concerned is local in character and is not an extensive tract of land.”

5.43 In addition, the NPPG at paragraph 014 explains that; “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.” In relation to new residential development, the NPPG advises that this may include green areas planned as part of the development and that they “.....could be designated as Local Green Space if they are demonstrably special and hold particular local significance” (NPPG paragraph 12).

- 5.44 The objections from Gladman raised in relation to the proposed areas of LGS in the Wivelsfield Neighbourhood Plan focused on the size of the proposed areas of land being individually between 3.5 and 8.6 ha in extent pointing to other neighbourhood plans where proposed areas of LGS were found to be unacceptable based on areas less than those promoted in the Wivelsfield Neighbourhood Plan. I note that the guidance in the NPPG indicates that at paragraphs 15 and 16 that there are no hard and fast rules over the size of LGS and size will be a matter for local discretion and judgment, but there is no minimum size. To comply with the third test in the NPPF at paragraph 77, suitable LGS sites, should be local in character and not comprise an extensive tract of land. I further note that the examples given relating to land that might be included within areas of LGS in the NPPG at paragraph 13, “....could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.” These areas suggest sites that are smaller than the fields that are promoted in this neighbourhood plan.
- 5.45 The consideration given to the assessment of the proposed areas of LGS in Boyer Planning’s Regulation 16 consultation response has reviewed and expressed doubt as to the rigorousness of the approach adopted by the Steering Group in making the LGS allocations in the draft Plan. This has been echoed by other local respondents as I have indicated in paragraph 5.39 above. The Consultation Statement records the call for areas that might be suitable as Green Space / Local Green Space, although it is not apparent that the general public were made aware at the time of the criteria for determining whether land should be designated LGS, or what this might mean in relation to future use and management.
- 5.46 Running through each of the proposed LGS sites during the Hearing, I was advised that Site i), Land to the south of Green Road and west of Wivelsfield Primary School, had been strongly supported by East Sussex County Council during the Regulation 14 consultation due to the proximity to the village primary school which overlooks the sweep of this attractive landscape close to the centre of the village. I was also advised that the landowner has entered into a stewardship scheme in relation to this site and Site iii in the event that LGS designation was to occur. The site is close to the war memorial and I was further informed by the Steering Group that it is seen as being an integral part of the village, performing the function of a visually sensitive gap.
- 5.47 Concerning LGS proposed site ii) Land to the south of South Road the adequacy of the evidence base was questioned by Mr Ross of Boyer Planning and Mr Harding. Mr Ross considered the site to have no special qualities, no recreational value and no special ecological or wildlife value and therefore it did not qualify as LGS in relation to the NPPF tests in paragraph 77. By contrast, my attention was drawn to Lewes District Council’s Settlement Study 2013⁴ and the fact that this had been common

⁴ Lewes District Council and South Downs National Park Rural Settlement Study, January 2013

land since 1626. The Rural Settlement Study describes the landscape character as being gently undulating with areas of cover from hedgerows, hedgerow trees and small woods, with larger tracts of woodland to the eastern and southern sides of the settlement, some being designated as ancient woodland. The effect is to shorten some of the views southwards and provide an element of containment from the wider landscape. The study explains that much of the existing settlement pattern of Wivelsfield Green is fragmented and dispersed, created with the gradual merging of two discrete areas of development. The western part of the village being predominantly linear in form transitory in character and largely centred around the recreation ground, while the eastern side has developed with the infilling of land between two roads and feels more central due to the built form and the location of many of the villages facilities.

- 5.48 Proposed LGS Site iii, being land to the east of Eastern Road, comprises a backland field. Whilst it may be regarded as special to those who occupy dwellings that back onto it, I am not persuaded from my inspection of the locality that this landholding meets the tests in paragraph 77 of the NPPF other than being in close proximity to the community which it serves. I note that proposed LGS Sites i and iii appear contiguous and that the western end of Site ii is separated by a short distance of about 100 metres by dwellings fronting Hundred Acre Lane, South Road and the Primary School from Site i. Whilst it might be argued that each of these three areas have distinct landscape characteristics, were these three sites to be designated as LGS, this would effectively create an extensive tract of open land to the south of the designated settlement area which would not be the intention of NPPF policy.
- 5.49 None of the comments in the Rural Settlement Study 2013 lead me to conclude that there are overriding special qualities in relation to historic significance, recreational value, tranquillity or richness of wildlife that would warrant designation of these sites as LGS. However, Site i has a demonstrably special quality to the local community to the extent as explained to me at the Hearing that it creates a visually sensitive gap between Wivelsfield and Wivelsfield Green thereby enhancing the distinctiveness of the two settlements and is therefore of particular local significance. It offers an attractive outlook due to the fold in the landscape, appreciated in the Regulation 14 comments by East Sussex County Council in supporting this designation. A stewardship scheme is in place for the effective management of this land as LGS in the future. For these reasons I recommend that Site i would be appropriate to designate as LGS, but not Sites ii and iii.
- 5.50 In relation to Site iv comprising Land to south of Antye House and east of Orchard Close, this site appears to have a greater affinity with Burgess Hill than Wivelsfield. At the Hearing I was advised that the land has archaeological interest dating back to the iron age. On the basis of the site inspection, I formed the view that there are no qualities of a contemporary nature which would render the proposed designated area particularly special. I am aware that East Sussex County Council submitted a “non-duly made” representation after the closure of the Regulation 16 consultation relating to archaeology and attaching a brief paper entitled “Wivelsfield Neighbourhood Plan - Heritage and Archaeology Summary”, prepared by Casper Johnson MCifA FRSA FSA County Archaeologist (March 2016). Despite being a late submission, I accepted the information regarding the archaeological significance of the wider area. I note that the Heritage and Archaeology Summary does not call for the safeguarding of archaeological sites from development which LGS would provide in the Theobalds Farm area, but that due to the “... *the concentration of work around Theobalds Farm in the west of the parish, for example, and the important discoveries that have been made, there is a need for careful*

archaeological assessment and evaluation of sites for proposed developments to ensure, in accordance with NPPF policies, that archaeological interest is considered at the earliest opportunity.” I further note that in the Regulation 16 replies made by ESCC there is no express support for Policy 7 and in particular the inclusion of Site iv as LGS. I therefore conclude from the submission made by ESCC in the form of the Heritage and Archaeology Summary, that there are many potential sites of interest throughout the parish, but that Site iv is not sufficiently or demonstrably special to require enduring protection from future development. Accordingly, I recommend that Site iv be deleted from proposed LGS designation.

- 5.51 I visited proposed LGS Site v, comprising Land on north-west boundary of Parish, prior to the Hearing on 9th May, this is close to the southern built up extent of Haywards Heath. There are striking views of the South Downs across this part of the Western Weald gained from the footpath network in this area near to this proposed LGS. Were it to be designated, the community served would be largely Haywards Heath rather than Wivelsfield. At the Hearing there was discussion about future neighbouring development of 175 dwellings and emerging proposals for a country park which might incorporate the proposed LGS. In considering this site, I have had regard to the “Haywards Heath Town Council Neighbourhood Plan: Our Bright Future – Submission Doc”⁵ which I understand to be subject to independent examination. At the Wivelsfield NP Hearing, I was advised that Site v is owned by Mid Sussex District Council and that there was considerable co-operation between the various neighbouring parish and district councils about future land use strategy. A common aim as indicated in the Haywards Heath Town Council Neighbourhood Plan is that coalescence of settlements should be avoided. This would be aided in the case of the Haywards Heath NP by Policy 5, which would introduce a (fragmented) but significant Green Corridor as a girdle around the settlement (see figure 4 of the Haywards Heath NP). It would appear that on the southern margin of the town, this would be contiguous with the proposed LGS Site v in the Wivelsfield Neighbourhood Plan. Erroneously, I note that at paragraph 2.23, the Haywards Heath NP refers to Haywards Heath as having, “... a boundary with Wivelsfield Parish which is located in East Sussex and they have recently published their NP, which includes **a Country Park** immediately to the south of Hurstwood Lane.” Haywards Heath Town Council Neighbourhood Plan, Objective 10B, explains the proposal for a modest country park arising from the proposed allocation of land for a new cemetery and allotments contained within a park setting and maintaining an attractive rural setting.
- 5.52 At the Hearing I was advised that Site v was owned by Mid Sussex District Council and that the council would administer the LGS if designated.
- 5.53 Notwithstanding the ambition to create a nearby Country Park, I am not convinced that Site v is demonstrably special and holds a particular local significance sufficient to warrant designation as LGS. As the site is owned by Mid Sussex District Council and is contiguous with other land which the community in Haywards Heath may choose to layout and use as a country park, it occurs to me that due to the size of Site v, taken together with the neighbouring putative country park landholding, it would be preferable for this site to be formally incorporated within the proposed country park, rather

⁵ Haywards Heath Town Council Neighbourhood Plan: Our Bright Future – Submission Doc
http://www.midsussex.gov.uk/media/76733/haywards_heath_neighbourhood_plan.pdf

than designated as LGS in terms of land use planning considerations. I am concerned that Site v is already large and taken together with the emerging country park it would be part of and function as an extensive tract of land and thereby fail the test for designation as LGS under NPPF paragraph 77. This decision should not necessarily hinder the joint working between the District Councils and Parishes to create a country park straddling the respective administrative boundaries, but LGS is not an appropriate mechanism in this instance. I therefore recommend that Site v is deleted from Policy 7.

- 5.54 Finally, if these recommendations are accepted, I have reservations about the possible effect of the land use planning control that this policy would impose on Site i, as there may be circumstances in the future where development proposals may be forthcoming that would maintain the openness of the land as LGS, but may not necessarily involve uses that would be, “ancillary to the use of the land for public recreational purposes” or required for statutory utility purposes. The site is not currently in public ownership. If the site is designated as LGS it will probably remain in private ownership and remain controlled by the existing stewardship agreement. I therefore recommend that Policy 7 should be revised as follows:

Policy 7: Local Green Spaces

The Neighbourhood Plan designates land to the south of Green Road and west of Wivelsfield Primary School, as shown on the Policies Map M as Local Green Space.

- 5.55 I also recommend that Policies Map M will require appropriate revision.

5.56 **Policy 8: Allotments**

Proposals to establish new allotments will be supported provided they are in a suitable location to serve the local community and can accommodate satisfactory road access and car parking.

As a condition of planning the LPA is encouraged to demand the provision of allotments associated with sites that come forward within the Parish.

- 5.57 The Basic Conditions Statement confirms that Policy 8 supports the provision of allotments at suitable locations accords with Core Policy 8 in preventing the loss of allotment space and adds to the development plan by increasing provision.

- 5.58 The Sustainability Appraisal also demonstrates that the policy scored well against the sustainability framework, in particular against the environmental objectives and that no modifications were made to the policy following the Draft Neighbourhood Plan or SEA consultation. There were no objections raised regarding this policy during the Regulation 16 consultation.

- 5.59 In the light of there being general support, no objection and this policy being demonstrably sustainable, I conclude that this policy is acceptable for development management purposes without amendment.

6.0 **Summary**

Cheltenham Plan Examination in Public

Hearing Statement – Matter 4 – Taylor Wimpey Strategic Land (Representor ID: 536; Comment No: 846,1356)



Appendix 8 Faringdon Neighbourhood Plan Examiner's Report

Faringdon Neighbourhood Plan 2015-2031

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

**Andrew Ashcroft
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Director – Andrew Ashcroft Planning Limited

Policy 4.10C Allotments

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

Policy 4.10D Local Green Spaces

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

Replace the policy with the following:

The following areas are designated as local green spaces:

(List sites)

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

Incorporate the various detailed maps into a single appendix

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

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

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

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

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

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

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