

## Staffordshire Moorlands Local Plan – Submission Version

### Representations Form

#### Guidance Notes

Please ensure that you have read the guidance notes for submitting representations before completing this form.

The Local Plan and related background documents can be viewed on the District Council's website, Council offices and local libraries.

Website:

**[www.staffsmoorlands.gov.uk/localplan](http://www.staffsmoorlands.gov.uk/localplan)**

Council offices:

**Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)

**Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)

**Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on Wednesday 11<sup>th</sup> April 2018** to the email or postal address given below:

Email: [forward.plans@staffsmoorlands.gov.uk](mailto:forward.plans@staffsmoorlands.gov.uk)

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

#### **Please note**

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential.

## Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	Mr
First name	BJ	Grant
Last name	Fradley	Anderson
Job title (if applicable)	Developer	
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

## Notifications and Consent

- Please specify whether you wish to be notified of any of the following stages in the Local Plan process **and give consent for use of your personal data** (please tick relevant box/s)

Submission of the Local Plan for independent examination	✓
Publication of the recommendations of the Inspector appointed to carry out an examination	✓
Adoption of the Local Plan	✓
Please tick the box if you consent to storage and use of your personal data in order to contact you about arrangements for the examination and the stages above (if requested).*	✓

**\*IMPORTANT. We need your consent to store and use your personal data to contact you about the Local Plan ONLY. Note this information will only be used by the District Council and Planning Inspectorate and will only be used to contact you about the examination process. It will also be used by the Council to let you know about Submission of the Local Plan for independent examination, Publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan if you have asked to be notified about these stages by ticking the boxes on this representations form. If you choose not to consent, we will not be able to use your information, including your representations.**

**Part B - Representations**

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. To which part of the Local Plan does this representation relate?

	<b>Insert paragraph, policy or map number</b>
Paragraph	
Policy	Policy DC4 and appendix10 (reference 35)
Policies map	Map A4.11 at appendix 4

2. In relation to the policy, paragraph or map that you have identified, do you consider that the Local Plan is (please tick relevant box/s) :

	<b>Yes</b>	<b>No</b>
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

1.The Local Plan seeks to designate a number of sites as being local green space. It is not uncommon for plans to adopt such an approach, however, it is rarely justified. That is certainly the case in the present matter.

Appendix 10 of the Local Plan lists 52 sites proposed as local green space. Fradley Estates (“FE”) objects to the inclusion of its land to the north of Cotehill Road, Werrington as local green space under reference 35 and shown on map A4.11 at appendix 4 of the Local Plan.

2. The NPPF 76 – 77 addresses the application of local green space :

*“76. 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.*

**77. The Local Green Space designation will not be appropriate for most green areas or open space. 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.”

3.It is clear, therefore, that the local green space designation should only be reserved for sites that demonstrate all of the above qualities (denoted by the word ‘and’ within the policy). It is incumbent upon the Local Plan to justify any such designation in accordance with the above tests. By way of example, this was recognised by Inspector Nigel McGurk in the Examination Report relating to the Backwell Neighbourhood Plan 2014-2026 (see Appendix 1).

4.In the report(pages 35 et seq) the Inspector recognised that local green space is a ‘*restrictive and significant policy designation*’ comparable to green belt designation. The Inspector also recognised that, ‘*it is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.*’

5.The Inspector further found as follows:

*“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.”*

6. Whilst the above Inspector’s report was made on the facts of that case, the test applied namely that “*it is entirely reasonable to expect **compelling evidence to demonstrate that any such allocation meets national policy requirements***” is applicable to the present case. In FE’s submission there is no compelling evidence to demonstrate that FE’s site at Cotehill Road meets the national policy requirements.

7. In 2017, the Council commissioned a landscape, local green space and heritage impact study to look at potential candidates for designation as local green space. This included FE’s land to the north of Cotehill Road.

The assessment of potential sites in the Council’s study was undertaken purportedly having regard to the criteria set out in paragraphs 76 and 77 of the NPPF.

The Council’s assessment considered that FE’s land at Cotehill Road meets the above criterion because it has the following characteristics: “recreational value; clear paths, three points of public access. Tranquil, away from roads, some views out to north. Wildlife value in overgrown high level.”

That assessment is, however, incorrect. It assumed that FE’s land has recreational value by virtue of its public use. The land is, however, privately owned land. The public do not have the right to use the land for recreational use. The owner has for a number of years taken a number of steps to prevent third party / public rights being established over the land – these include, for example, submitting a section 31 deposit of statement and map under the Highways Act to prevent the establishment of public footpaths by way of presumed dedication. Any use of the land by the public is therefore unauthorised.

In terms of the characteristics of tranquillity and views, the land is in the middle of an established housing estate and adjoins another parcel of open land. There is nothing demonstrably special (as required by paragraph 77) as to its tranquillity or its views which justify a local green space designation. The plain facts are that it is a parcel of land not dissimilar to many others, which is privately owned and over which the public do not have authorised access and which FE as landowner believes could be developed to make a contribution to meeting the housing needs of the local area. The site is clearly in a sustainable location and well placed to make a positive contribution to meeting the future housing needs of Werrington.

In relation to wildlife, again there is nothing demonstrably special about the

wildlife present on site and indeed the Council's assessment provides no justification other than a short bald assertion that there is some wildlife value in overgrown areas. That applies to any overgrown area and certainly does not constitute "compelling evidence" that the site is demonstrably special.

8. It is clear from a proper evaluation of FE's land that its characteristics do not distinguish it from any other unbuilt areas of land in the Council's district, and do not provide a sound justification for concluding that the land is demonstrably special to the local community and holds a particular local significance by reason of meeting all of the criteria in paragraph 77 of the NPPF. There is simply no compelling evidence to demonstrate why FE's land is demonstrably special as required by the NPPF. For those reasons the Local Plan is not justified on the evidence, is not consistent with national policy and therefore wholly fails the test of soundness.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Local Plan should be modified by the deletion of the FE site (reference 35 )as a local green space proposal listed in appendix 10 of the plan and the map at A4.11 of appendix 4 of the plan should be modified to exclude that designation from the FE site.

(Continue on a separate sheet / expand box if necessary)

**Please note**



Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at submission stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please tick one box only)

<b>No</b> , I do not wish to participate at the oral examination	<input type="checkbox"/>
<b>Yes</b> , I wish to participate at the oral examination	<input checked="" type="checkbox"/>

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

It is important for FE to have the opportunity to test the Council's unsubstantiated proposal at the examination and to adduce any additional technical evidence it considers relevant. Without that opportunity being provided FE's position is likely to be prejudiced.

(Continue on a separate sheet / expand box if necessary)

**Please note**

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

7. Signature:

8. Date: