

## **Staffordshire Moorlands Local Plan – Main Modifications Consultation October 2019.**

This consultation response is from the “Cheddleton Residents – Save Our Green Space” group in support of retention of Local Green Space (LGS) designations 29 and 30. The Inspector recommended their removal from the Local Plan as detailed in Main Modifications 61 and 73<sup>i</sup>.

The community of Cheddleton was not consulted on these LGS designations or the Inspector’s post hearing advice until late in the Local Plan examination process (mid Feb 2019). Subsequently we presented evidence demonstrating why we consider these sites are important and special to us. In spite of this the Inspector’s recommendation is still that these sites are not “demonstrably special”. We have not been given the reasoning behind this opinion. As part of this latest consultation (October 2019) we have submitted updated evidence, this evidence is similar to many other examples in adopted plans from across the country. Because LGS can only be designated when a plan is prepared or updated (NPPF 2019 para. 99), this consultation is our once in 5-year opportunity to express our views.

In addition, we have detailed our responses to the Inspector’s comments to date (below).

In view of the updated evidence, the responses below and in the spirit of localism, we respectfully ask the Inspector to recognise and endorse the local community’s clear wish to protect these sites by agreeing to reverse his recommendation.

### **SMDC Public Consultations on the Emerging Local Plan.**

During the SMDC public consultations and publication of preferred options these sites were not shown as potentially suitable housing or employment sites. They were shown throughout the process as LGS<sup>ii</sup>, as supported by the independent Landscape, Local Green Space and Heritage Impact Study<sup>iii</sup> (2016, Wardell Armstrong LLP). As far as we were aware public responses were not sought on the LGS designations. Consequently, the community saw no need to comment at that time.

### **Inspector’s Post Hearing Advice.**

In his post hearing advice<sup>iv</sup>, the Inspector made the following points:

Inspector: “...It appears to me that the majority of VOS designations have been carried forward to LGS designations despite the high bar set by paragraph 77 of the Framework in relation to LGS – ‘demonstrably special to a local community’.”

Response: The 2016 study<sup>iii</sup> reviewed these sites against the “high bar” set by the NPPF and found that the sites were suitable for designation because of their high tranquillity and visual amenity value, and some ecological and recreational value. These seem to align well with the NPPF examples of what could make a green area demonstrably special and hold particular significance namely beauty, recreational value, tranquillity and richness of its wildlife. The inspector did not say which of these characteristics he disagrees with. Notwithstanding the study’s findings, the local community had not had an opportunity to demonstrate whether the sites were special to it and, if so, why.

Inspector: “As an example, the two areas that were discussed in Cheddleton and Werrington and which I saw on site have some attributes in providing visual relief and views beyond the

settlement. The fields at Ox Pasture are attractive. However, I do not consider that their designation as LGS is justified on the basis of them being 'demonstrably special.'

Response: As mentioned above the local community had not had an opportunity to demonstrate whether the sites were special to it.

Inspector: "In addition both villages are hemmed in by Green Belt with few opportunities for infill development (windfalls). Similar considerations would apply in other settlements. Providing the equivalent of Green Belt protection to land within settlements which is not 'demonstrably special' would limit opportunities for windfalls and would run counter to the Council's objective of delivering at least 30 dpa through windfalls in the rural area (some 45% of the net housing requirement for the sub-area)."

Response: The modified Local Plan shows a net housing requirement of 698 for the Rural Area up to the year 2033 (Table 7.3). The contribution made by windfall in the same period is 330 i.e. 47% of the requirement for the area. Clearly windfalls will occur sporadically across the whole District, notwithstanding this an equitable contribution from Cheddleton would be  $\approx$  5 dpa (based on 18% of the population of the 12 larger villages (2011 census)).

The brownfield "Staffs Farmers site" in Cheddleton has Planning Applications Committee approval, with S106 pending (Housing Implementation Strategy<sup>v</sup> section 11). That site is expected to provide 25 dwellings, which is the Cheddleton windfall contribution for five years, i.e. up to the next iteration of the Local Plan.

Inspector: "I would recommend that these two designations be deleted and that other LGS designations are reviewed in the light of this advice (MMs)..."

Response: See "Review of LGS Designations" section below.

### **SMDC Review of LGS Designations.**

Following the Inspector's post hearing advice, the Council carried out informal consultation on all proposed LGS designations focussing on the 'Local Significance' element of the NPPF criteria. This consultation was not made public, it was only through the good offices of the Cheddleton Parish Council and our District Councillors that the community finally had an opportunity to say what was important to it and why. For sites 29 and 30 information was submitted by/via the Parish Council and passed to the Inspector<sup>vi</sup>.

In his response<sup>vii</sup> to the informal consultation responses the Inspector said:

Inspector: "In my post hearings advice, I referred to paragraph 77 of the Framework. To reiterate the Framework states that the LGS designation will not be appropriate for most green areas or open space.

Response: In the revised NPPF (2019) the criteria for designating an LGS is no longer prefixed by the sentence "The Local Green Space designation will not be appropriate for most green areas or open space".

Inspector: "The designation should only be used where all three bullet points within paragraph 77 are met."

Response: In respect to bullet points a) and c) these two pieces of land are both in close proximity to the community and neither is extensive. In respect to point b) the local

community has now demonstrated that the sites are special to it through an 825 signature petition and evidence submitted by the Parish Council and numerous individuals.

Inspector: *"In providing the following recommendations I have also had regard to the advice on LGS designations within the Government's Planning Practice Guidance..."*

Response: The relevant paragraphs (see Appendix 1) of the Planning Practice Guidance (PPG) reiterate the bullet points in NPPF (2019) paragraph 100, in particular the primacy of the local community and local discretion.

PPG: In addition, paragraph 007 of the guidance reiterates the NPPF para. 99 statement that designations need to be consistent with local planning for sustainable development in the area.

Response: These open spaces support our community's health, social and cultural well-being through their tranquillity, the beauty of their views, and helping to mitigate the effects of pollution and climate change. They contribute to protecting and enhancing local biodiversity and ecological networks, and to the settings of designated heritage assets. They maintain the separate and distinct rural character of the historic core of the village. Consequently, they highly unlikely to meet the objectives for achieving sustainable development (NPPF 2019 para. 8), and should be protected. Planning permission for development on site 29 has recently been refused on heritage grounds. The decision makers used their prerogative, as supported by court judgments, to define the asset's setting and reject the effect of development on that setting.

PPG: Paragraph 007 goes on to say: "In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making."

Response: The modified Local Plan and the Housing Implementation Strategy propose sufficient land to meet identified development needs, including the current housing shortfall. Sites 29 and 30 are not identified as suitable locations and considering them as windfall is conjecture, therefore, their designation has not undermined plan making. Even if they were sustainable these sites could only make a modest contribution to the District's small sites allowance. The relative insignificance of these two MMs is illustrated by them having been screened out of the Sustainability Appraisal of the main modifications to the Staffordshire Moorlands Local Plan<sup>viii</sup> as they are deemed not to necessitate an update.

Inspector: *"For the reasons given in the post hearing advice I do not support the LGS designations at Ox Pasture West and East, Cheddleton (29 and 30) ...."*

Response: See "Inspector's Post Hearing Advice" section above.

### **Main Modifications – SMDC Consideration**

At a Council Assembly meeting<sup>k</sup> on 26th June the Council approved the latest draft schedule of Main Modifications. The MMs were not debated, although concerns were raised by Councillor Worthington that the local community's views and evidence on the Cheddleton LGS designations had not been respected. In proposing approval of the MMs the Portfolio Holder for Planning, Development and Property expressed his disappointment that "the Inspector has recommended changes to LGS, despite the excellent defence put up by the Parishes and our Officers, detailed and robust justification for retaining LGS."

### **Main Modifications – Community Consultation**

The Cheddleton community is resolute in its opinion that these two small fields should have Local Green Space protection for the reasons outlined above. A petition of 825 signatures, requesting that the Inspector reconsider his recommendation for sites 29 and 30, has been submitted via the Parish Council as part of the consultation process.


In addition, there are many individual consultation responses, which include: a poem about the special nature of the fields written by a local poet; paintings of the sites by a local artist in the 1990s and a vox pop video made by local residents stating why the fields are special to them. These responses demonstrate that the local community have cherished these fields for many years and confirms their continued particular significance to the community.

### **Conclusion.**

Modifications MM61 and MM73 were made solely in response to the recommendations from the Inspector. The District Council, the Parish Council and the local community have supported these designations throughout development of the plan. Although the District Council approved the MMs they were approved en bloc to move the plan examination forward, this doesn't represent a change of mind on the designation of sites 29 and 30.

The deletion of these designations is an unsound modification to our Local Plan in that it is not consistent with national policy and guidance because it doesn't reflect the wishes or intentions of the local community and local authorities. Designation would protect the sites from irreversible harm, and help the Council to meet its statutory obligations in regard to designated heritage assets and protected species.

Cheddleton Residents – Save Our Green Space



## Appendix 1.

### Government Planning Practice Guidance

In the Government's Planning Practice Guidance<sup>x</sup>, the relevant paragraphs are 005, 007, 009, and 013 to 016.

Paragraph 005 reiterates NPPF para. 99 statement that designation is a way of protecting areas of particular importance to local communities.

Paragraph 007 reiterates NPPF para. 99 statement that designations need to be consistent with local planning for sustainable development in the area. It goes on to say: "*In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.*"

Paragraphs 009 reiterates NPPF para. 100 statement that designation is for spaces that are demonstrably special to the local community.

Paragraphs 013 reiterates that green areas will need to meet the criteria set out in para. 100 of the NPPF. It also reiterates the NPPF para. 99 statement that designation is a matter for local discretion.

The criteria in paragraph 100 of the NPPF relating to the size limits of LGS and its proximity to the community are reiterated in paragraphs: 014, 015 and 016.

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<sup>i</sup> [https://www.staffsmoorlands.gov.uk/media/4546/EL10.002-SA-of-SMDC-Local-Plan-proposed-Main-Modifications/pdf/EL10.002 SA of SMDC Local Plan proposed Main Modifications.pdf](https://www.staffsmoorlands.gov.uk/media/4546/EL10.002-SA-of-SMDC-Local-Plan-proposed-Main-Modifications/pdf/EL10.002%20SA%20of%20SMDC%20Local%20Plan%20proposed%20Main%20Modifications.pdf)

<sup>ii</sup> [https://www.staffsmoorlands.gov.uk/media/3359/Council-Assembly--Site-Options-2015-Consultation/pdf/33.1 Council Assembly Site Options 2015.pdf](https://www.staffsmoorlands.gov.uk/media/3359/Council-Assembly--Site-Options-2015-Consultation/pdf/33.1%20Council%20Assembly%20Site%20Options%202015.pdf)

[https://www.staffsmoorlands.gov.uk/media/3373/Council-Assembly--Preferred-Options-Sites--Boundaries-Consultation-2016/pdf/33.2 Appendix 1 - Larger Villages.pdf](https://www.staffsmoorlands.gov.uk/media/3373/Council-Assembly--Preferred-Options-Sites--Boundaries-Consultation-2016/pdf/33.2%20Appendix%201%20-%20Larger%20Villages.pdf)

[https://www.staffsmoorlands.gov.uk/media/3376/Council-Assembly--Preferred-Options-Sites--Boundaries-Consultation-2016/pdf/33.2 Appendix 2 - Larger Villages.pdf](https://www.staffsmoorlands.gov.uk/media/3376/Council-Assembly--Preferred-Options-Sites--Boundaries-Consultation-2016/pdf/33.2%20Appendix%202%20-%20Larger%20Villages.pdf)

[https://www.staffsmoorlands.gov.uk/media/3362/Council-Assembly--Preferred-Options-Consultation-2017/pdf/33.4 Council Assembly Preferred Options.pdf](https://www.staffsmoorlands.gov.uk/media/3362/Council-Assembly--Preferred-Options-Consultation-2017/pdf/33.4%20Council%20Assembly%20Preferred%20Options.pdf)

<sup>iii</sup> [https://www.staffsmoorlands.gov.uk/media/696/Landscape-Local-Green-Space-and-Heritage-Impact-Study/pdf/Landscape Local Green Space and Heritage Impact Study.pdf](https://www.staffsmoorlands.gov.uk/media/696/Landscape-Local-Green-Space-and-Heritage-Impact-Study/pdf/Landscape%20Local%20Green%20Space%20and%20Heritage%20Impact%20Study.pdf)

<sup>iv</sup> [https://www.staffsmoorlands.gov.uk/media/3882/Inspectors-post-hearing-advice---main-modifications-and-related-matters/pdf/Post Hearings Advice - Dec 2018 2.pdf](https://www.staffsmoorlands.gov.uk/media/3882/Inspectors-post-hearing-advice---main-modifications-and-related-matters/pdf/Post%20Hearings%20Advice%20-%20Dec%202018%202.pdf)

<sup>v</sup> <https://staffsmoorlands-consult.objective.co.uk/file/5480630>

<sup>vi</sup> [https://www.staffsmoorlands.gov.uk/media/4323/Local-Green-Space-Designation-Review/pdf/EL6.007 LGS Reassessment Table FOR INSPECTOR 2019.pdf](https://www.staffsmoorlands.gov.uk/media/4323/Local-Green-Space-Designation-Review/pdf/EL6.007%20LGS%20Reassessment%20Table%20FOR%20INSPECTOR%202019.pdf)

<sup>vii</sup> [https://www.staffsmoorlands.gov.uk/media/4358/EL6.008-Letter-to-Council/pdf/EL6.008 Letter to Council - May 2019.pdf](https://www.staffsmoorlands.gov.uk/media/4358/EL6.008-Letter-to-Council/pdf/EL6.008%20Letter%20to%20Council%20-%20May%202019.pdf)

<sup>viii</sup> <https://staffsmoorlands-consult.objective.co.uk/file/5480631>

<sup>ix</sup> [https://staffsmoorlands.public-i.tv/core/portal/webcast\\_interactive/429273](https://staffsmoorlands.public-i.tv/core/portal/webcast_interactive/429273)

<sup>x</sup> <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation>

## Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

### Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:  
29. Ox Pasture West and 30. Ox Pasture East

### How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

### The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

### Comment:

George Jennings

Mother still lives in Cheddleton so regular visitor.

The fields are special to me as when I was you we used to go through the gully to meet friends and catch the bus into town, or get a bag of chips.

If we went to the boat, we'd all come back, dropping people off one by one, until I got to walk the last bit on my own. It was peaceful, and because it was fairly isolated there were great skies at night if it was clear. Also, in the summer the view across the valley is pretty great!

The snow drifts if there was snow were good for playing.

The fields should stay as they are for future generations to enjoy in the same way that I did.

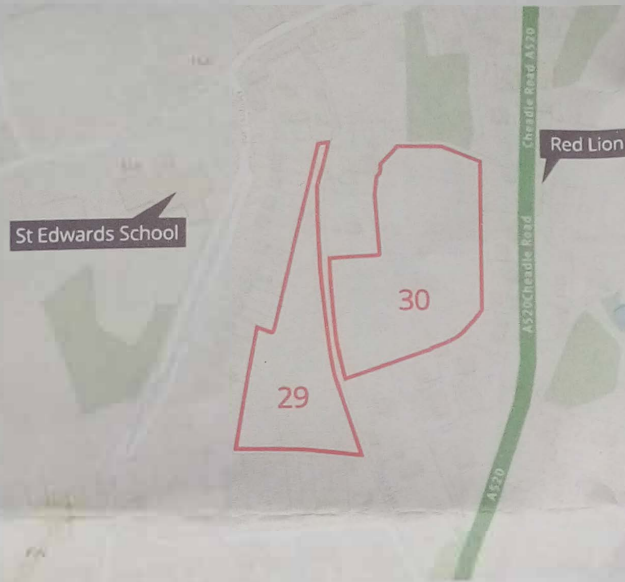
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If you would prefer to make a representation by yourself please email forward plans@staffs.moorlands.gov.uk or by post to Freepost RRU-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit [www.cheddletonresidents.org](http://www.cheddletonresidents.org)

Name : STEVE SPOONER

Address : 

EMF

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Comment

THIS IS THE ONLY FOOTPATH WHICH LEADS TO THE CHURCH, SCHOOL AND COMMUNITY CENTRE, OFFERING BEAUTIFUL VIEWS OF LANDSCAPE, FLORA + FAUNA. THIS WOULD ALL BE DESTROYED IF A HOUSING ESTATE WAS BUILT IN THE HEART OF THE VILLAGE. IT IS A HISTORIC CENTRE AND PRECIOUS.

I HAVE ENJOYED 68 YRS OF WALKING ALONG THE PUBLIC FOOTPATHS IN THE VILLAGE AND IT WOULD BE A TRAVESTY TO DEVELOP IN THIS AREA. IT IS A BEAUTIFUL PLACE OF NATURE + VIEWS I SEE NO BENEFIT TO OUR VILLAGE WITH THE PROPOSED DEVELOPMENT ONLY PERMANENT DESTRUCTION OF A BEAUTIFUL, IRREPLACIBLE + SPECIAL AREA TO MYSELF AND MANY OTHERS. IT'S BEAUTY SHOULD BE PRESERVED FOR FUTURE GENERATIONS TO ENJOY.