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13/01605/OUT residential development of up to 650 dwellings at Leckhampton

I would like to register my very strong objection to this outline planning application on a number of grounds:

1. The application is contrary to the existing, valid Cheltenham local plan.
2. The application attempts to pre-empt the current process of consultation and refinement of the emerging Joint Core Strategy, in which the inclusion of this land at Leckhampton is extremely contentious and to which there are many significant unresolved objections.
3. The application is contrary to the emerging Neighbourhood Plan as described in the concept drafted by Leckhampton with Warden Hill Parish Council
4. The application would pre-empt current applications for Local Green Space (LGS) status to be applied to this land during the plan-making process.
5. The site is not appropriate for development because of its rural character, agricultural value and proximity to the Cotswolds Area of Outstanding Natural Beauty and has been repeatedly rejected for development by inspectors on these grounds
6. The application is therefore in breach of the National Planning Policy Framework (NPPF)

1. The application is contrary to the existing, valid Cheltenham Local Plan

The **Cheltenham Local Plan (2nd review 2006)** is still valid and is relevant to all current planning decisions. This was reinforced at planning appeal as recently as September last year (Appeal Ref: APP/B1605/A/13/2199178).

The **National Planning Policy Framework** is absolutely clear that it aims to ‘strengthen local decision making’ (paragraph 208). It specifies that the planning system must be ‘plan-led’ (paragraph 196) and that **‘for the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework’ (paragraph 211)**. Specifically it says that after March 2013 ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework’ (paragraph 216). As set out later, the protection of the land at Leckhampton is entirely consistent with the core planning principles and key elements of the NPPF relating to sustainability, the empowerment of local people, protecting the countryside and recognising its ‘intrinsic character’, conserving the natural environment and prioritising the use of previously developed (brownfield) land.

The Local Plan sets out the challenge for councillors considering applications on the urban fringe:

‘Cheltenham owes much to its setting at the foot of the Cotswold escarpment. The town’s eastern fringes include the high quality scenery of the escarpment, with landscape and woodlands that are amongst the most attractive in the English countryside...

About 38% of the Borough is countryside. It accommodates the activities of agriculture, forestry and recreation as well as providing habitats for a diversity of wildlife... **The countryside is also under continued pressure from developers, especially for residential development, which threatens to erode its character. These problems are most acute on the urban fringes.**’

Cheltenham Borough Local Plan second review, July 2006, paragraphs 7.1 & 7.2

The Plan then specifically addresses the ‘unallocated land’ at Leckhampton:

UNALLOCATED LAND AT LECKHAMPTON

7.40 Land at Leckhampton has been the subject of development pressure for a number of years. The Inspector considering objections into the Second Review of Cheltenham Borough Local Plan concluded that, “development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB.”

7.41 The Council supports the Inspector’s conclusions and considers that the intrinsic value of the land should be protected as a resource for its recreational, landscape, wildlife and archaeological interest. Any proposals for development within this area will be considered against policies CO 1 (landscape character) and CP3 (sustainable environment).

7.42 In the consideration of growth, land at Leckhampton together with all potential development sites across the Borough will be reassessed within the context of the Regional Spatial Strategy for the South West to inform Cheltenham’s emerging Local Development Framework. This will require cross boundary working with Tewkesbury Borough Council and relevant communities.

Cheltenham Borough Local Plan second review, July 2006, paragraphs 7.40-42

This application runs counter to the intention of the Local Plan set out above, not just in its specific policy on Leckhampton but also in its general approach of protecting the urban fringe countryside around Cheltenham. The application is also in specific breach of the following policies:

- **Policy CP 1: Sustainable development** (objectives O6 and O7)

Development will be permitted only where it takes adequate account of the principles of sustainable development (note 1). In particular, development should:

- (a) conserve or enhance natural resources and environmental assets; and**
- (b) give priority to the use of previously developed land (notes 2 and 3); and**
- (c) make the most efficient and effective use of land (note 3).**

Note 1 to this policy says that ‘each of the principles of sustainable development set out in table 2 may be taken into account as a material consideration in the determination of planning applications.’ Table 2 sets out the principles of sustainable development and includes the following relevant to Leckhampton:

- **protecting sites of archaeological and historic interest and their settings**
- **conserving green space and trees**
- **safeguarding attractive landscape**
- **protecting and creating wildlife habitats**
- **protecting the quality of water, land and air**
- **minimising the risk of flooding**
- **reducing gases causing climate change**
- **using brownfield land before Greenfield**
- **ensuring that specific groups of the population are not disadvantaged by development**
- **protecting and improving personal and community health**
- **promoting and enhancing quality of life**

- **Policy CP 3: Sustainable environment** (objectives O9, O11, O12, O16, O18 and O30)

Development will be permitted only where it would:

- (a) not harm the setting of Cheltenham (note 1), including views into or out of areas of acknowledged importance (note 2); and**
- (b) not harm landscape character (note 3); and**
- (c) conserve or enhance the best (note 4) of the built and natural environments; and**
- (d) safeguard and promote biodiversity (note 5); and**
- (e) not give rise to harmful levels of pollution (note 6) to land, air or water (surface or ground); and**
- (f) minimise the risk of flooding (note 7).**

* This is one of the policies which the Local Plan explicitly states does apply to Leckhampton (see above).

Notes 1 and 3 refer explicitly to the Cotswolds AONB and Note 1 explains that the ‘Setting’ of Cheltenham is defined as those features which create the distinctive sense of place for

the Borough, including the Cotswold escarpment and its green spaces – which are directly relevant to the Leckhampton site which is directly under the Cotswold escarpment and adjacent to and visible from the AONB at Leckhampton Hill. This green space is demonstrably special to local people who have campaigned for it for many years, attracting more than a thousand members to the Leckhampton Green Land Action Group.

Note 4 to this policy explains that conserving or enhancing the ‘best’ of the natural environment means conserving or enhancing features which make a significant contribution to the character, appearance, amenity or conservation of a site or locality. The character and quality of the land at Leckhampton has been repeatedly referenced by planning inspectors. In 1993 **Inspector Brian Dodds** ruled that ‘the land at Leckhampton should be protected for its special historical, landscape and amenity value’. In 2003 **Inspector Mary Travers**, conducting an enquiry into an earlier plan to develop the same land, reported that the area had ‘a gently rolling, topography and an attractive pastoral character that in my view links strongly into the landscape of the AONB.. it is apparent that development would entail a significant intrusion into views of the open countryside and the AONB from the existing edge of the built-up area.. its visual impact on the surrounding countryside would be very significant and that it could not be easily mitigated.”

Even by the recent Amec review commissioned for the JCS team waxed lyrical about the area:

‘Located between the A46 Shurdington Road and the Cotswold AONB, this land forms part of the countryside which separates Cheltenham and Gloucester.

The landform is gently undulating at around 70-80m AOD and land use is mainly pasture. Whilst woodland cover is limited, there is a large network of hedgerows, most of which are very well maintained at a variety of heights with occasional trees. This creates various levels of enclosure, giving an impression of a well-wooded landscape in flatter area. There is a very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered to be a valuable landscape resource. Only a small area has limited intrinsic landscape value where previous character has already been lost.

There are key views from national trail/public rights of way within the AONB to the south of the area from Hartley Hill and Shurdington Hill. The area displays unusual land use patterns with many small holdings, orchards and allotment/market gardens with a good brookline and associated tree cover. The area displays a mosaic of habitat types with good connections to the east, south and west.’

AMEC JCS Site assessment/capacity testing final report, October 2012

- **Policy CP 4 *Safe and sustainable living*** (objectives O3, O4, O16, O23 and O32)

Development will be permitted only where it would:

(a) not cause unacceptable harm to the amenity of adjoining land users and the locality (notes 1- 4); and

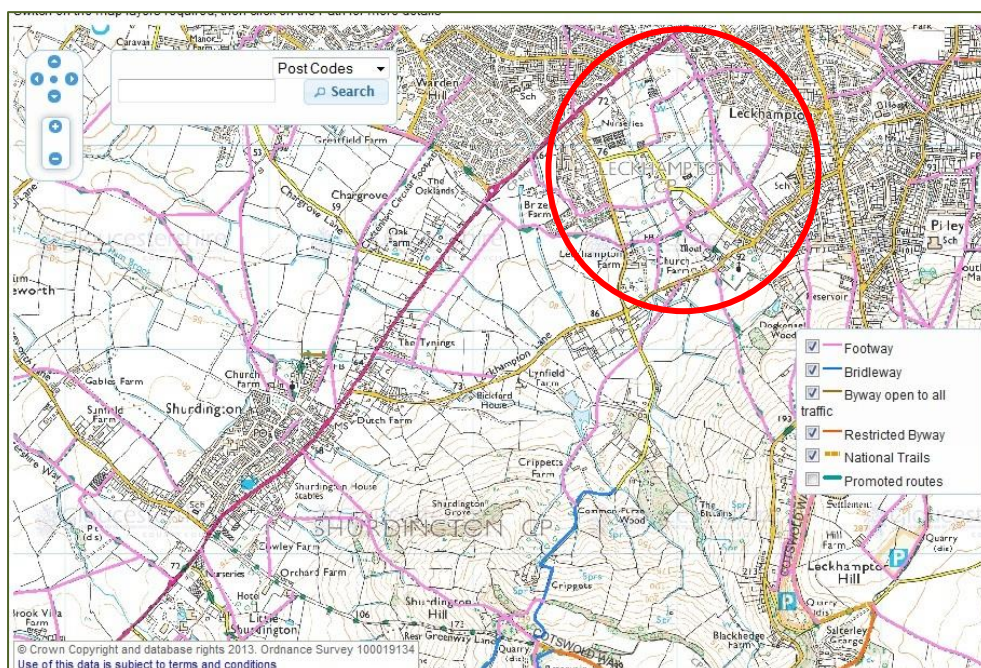
(b) not result in levels of traffic to and from the site attaining an environmentally unacceptable level; and
 (c) make adequate provision for security and the prevention of crime and disorder (note 5); and (d) not, by nature of its size, location, layout or design, give rise to crime or the significant fear of crime or endanger public safety; and
 (e) maintain the vitality and viability of the town centre and district and local shopping facilities.

The application would contravene a) and b) of this policy, first by damaging the unique



network of public rights of way close to an urban population which give access to an area of rural and agricultural character on reasonably flat and accessible land and then by imposing huge amount of extra traffic onto already highly congested local roads. The steep Cotswold escarpment and AONB nearby have many wonderful qualities but accessibility is not one of them, even for those with modest mobility issues (including toddlers and young children as well as older residents). Nor does much of the farmland in the adjacent Green Belt further outside Cheltenham provide anything like the same levels of access with far fewer public rights of way, since they do not share the legacy of

Leckhampton's village history. Even if the development preserves most of the public rights of way, they would no longer provide free access to green space in the same way, thereby removing an amenity which is proven to reduce health inequalities.



The site's unique close network of public rights of way on reasonably level, accessible green land provides an important amenity to an urban population – in contrast to Green Belt farmland further outside Cheltenham or the steep escarpment within the AONB.

The traffic problems that would be caused by the application have been addressed by many other objectors and I share their concerns. This is addressed in more detail later in this letter of objection.

- **Policy CP 7 Design** (objective O2)

Development will only be permitted where it:

- (a) is of a high standard of architectural design; and**
- (b) adequately reflects principles of urban design; and**
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).**

Extensions or alterations of existing buildings will be required to avoid:

- (d) causing harm to the architectural integrity of the building or group of buildings; and**
- (e) the unacceptable erosion of open space around the existing building.**

This application contravenes part c) of this policy as it shows no evidence whatsoever of complementing and respecting the mixed rural , village and period character of Leckhampton but simply extends a set of off-the-shelf modern urban designs into the countryside. It is difficult to imagine a better example of old-fashioned urban sprawl.

- **Policy GE 2 Private green space** (objectives O12 and O18)

The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted.

Note 2 adds that the fact that a site is the most cost-effective development option for the applicant is not justification for an exception to policy GE 2, nor is the present lack of an alternative site.

Note 3 explains that ‘In determining whether a green space has a significant townscape and environmental value, the Council will have regard, among other factors, to its contribution to the following:

- (a) the spacious character of the town;
- (b) the quality of the local townscape;
- (c) the established character of the locality;
- (d) the setting of an important building or group of buildings;
- (e) important landmarks, views and vistas within and out of Cheltenham;

This list of considerations is not intended to be exclusive.’

The Leckhampton site qualifies on many of these grounds, especially a) c) d) and e). It provides a green landscape within the urban area which also provides a setting for views of Leckhampton Hill from the town. The wider site contains an important ancient historical site and the development would remove an important sense of space in the locality which currently benefits residents of Hatherley and Warden Hill, the Lanes and Leckhampton itself. Development here would contribute to the growing sense of continuous urban sprawl.



The extraordinarily open view of Leckhampton Hill from the Shurdington Road within urban Cheltenham (the Lanes and housing around Kidnappers Lane are immediately to the right, Warden Hill is behind the camera and Cheltenham's central built-up area begins just to the left). This view would be completely obscured by the proposed development, adding to everyone's sense of endless urban sprawl and so contravening Local Plan policies CP3, GE2 and CO1.

- **Policy GE 6 Trees and development (objective O12)**

Development which would cause permanent damage to trees of high value (note 1) will not be permitted. The following may be required in conjunction with development:
(a) the retention of existing trees; and
(b) the planting of new trees (note 3); and
(c) measures adequate to ensure the protection of trees during construction works.

Note 1 explains that 'High value' does not mean some exceptional or rare tree but any sound and healthy tree with at least 10 years of life remaining which makes a significant contribution to the character or appearance of a site or locality. There are many trees in the site that would meet this criterion (see photo on previous page and aerial view, right).



- **Policy CO 1 *Landscape character*** (objectives O9, O10 and O12)

Development will only be permitted where it would not harm:

**(a) attributes (note 1) and features (note 2) which make a significant contribution to the character, distinctiveness, quality and amenity value of the landscape; and
(b) the visual amenity of the landscape.**

* This is another policy which the Local Plan explicitly states does apply to Leckhampton (see above).

Note 1 explains that ‘attributes’ of the landscape are defined as being the inherent characteristics of the locality, including openness or enclosure, key views or vistas, topography, and patterns in the landscape such as those defined by historic land uses, roads and lanes, buildings, hedgerows or water courses. Note 2 explains that ‘Features’ include those constituent parts of the landscape that either in their own right, or in combination with landscape attributes, give the locality its particular character and distinctiveness, including for example, trees, hedges, geological or geomorphological features, rights of way, watercourses, ponds and buildings as well as other structures.

This distinctive overall ‘rural character’ of the land at Leckhampton is clear to see in the area itself and has been repeatedly referenced over the years by inspectors at appeal, by the AMEC review, by the Parish Council concept for the Local Green Space designation and, of course, in the Local Plan itself as detailed at the outset of this section.

2. The application attempts to pre-empt the current process of consultation and refinement of the emerging Joint Core Strategy, in which the inclusion of this land at Leckhampton is extremely contentious and to which there are many significant unresolved objections.

Paragraph 216 of **the National Planning Policy Framework** is clear that ‘decision-takers *may* also give weight’ to emerging plans – in our case the Joint Core Strategy (JCS) that will also determine many aspects of the new Cheltenham Local Plan. Three factors are then listed as relevant:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- **The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and**
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The latest draft of the JCS does include development of an urban extension covering the land at Leckhampton but this is hugely contentious and it is quite possible that if even some of a number of factors influence later versions of the JCS that the allocation envisaged at Leckhampton may be sharply reduced or even removed altogether:

- Changes to the JCS housing model to refocus on environmental and social factors not just economic ones, leading to reduced growth rate in housing for inward migration;

- Reduced absolute numbers through more accurate and appropriate modelling, eg ONS spring 2014 figures
- Reduced absolute numbers on the basis that the projected numbers cannot be met sustainably
- Rebalancing towards more dispersed development not urban extensions
- Rebalancing of allocations between Cheltenham and other areas. Cheltenham's projected need in the JCS documents is actually 10,000 not the 10,849 actually allocated. This adjustment alone could remove most of the allocation at Leckhampton.
- Addition to the JCS plan, if necessary, of well-planned new settlements instead of urban extensions, for instance at Sharpness, Highnam or elsewhere.

All of these are being argued for by various submissions to the JCS.

Opposition to the inclusion in the JCS of development at Leckhampton is being argued by:

- Both myself as MP and my principal prospective parliamentary opponent who, between us, are likely to command some 90% of the popular vote at the next General Election (just as the Conservative candidate and I did at the last)
- All elected representatives of the area at District and County level
- Leckhampton with Warden Hill Parish Council
- The Cheltenham Chamber of Commerce which favours development north-west of Cheltenham but wants the southern urban extension ruled out
- The Leckhampton Green Land Action Group which has recruited more than 1,000 local members over the years specifically to protect this land
- Almost every correspondent commenting on the plan in local media such as the Gloucestershire Echo
- Very large number of objections already made to this application and to the inclusion of Leckhampton in the JCS in the recent consultation.

Objections are being made on grounds of:

- Sustainability, including errors in the Sustainability Appraisal process
- The opportunity for the Leckhampton to be designated a Local Green Space
- Loss of amenity, especially to multiple rights of way for less mobile residents such as the very young, elderly and disabled who cannot access more challenging landscapes such as the AONB itself
- Compromising the setting of the AONB
- Health and free recreational value lost and impact on health inequalities
- Negative impact on local traffic congestion and air quality
- Flood risk, particularly to Warden Hill immediately downhill of the site
- Lack of infrastructure
- Climate change impact
- Economic impact of loss of ecosystem services and attractive setting for Cheltenham

In summary there are substantial, widely-shared and unresolved objections to the extremely controversial inclusion of Leckhampton in the latest version of the JCS. These clearly meet the condition in paragraph 216 of the National Planning Policy Framework and so this element of the emerging JCS should not be accorded significant weight.

Furthermore the JCS is far from complete. It is not due for submission to the Secretary of State until winter 2014 and before then we have to see the outcome of the recent consultation, a pre-submission draft and further consultation and an examination in public by the planning inspectorate – during all of which the inclusion, exclusion or reduction of the controversial urban extension at Leckhampton will be a major issue.

The leader of the council, Cllr Steve Jordan, made very clear at the 5 September 2013 meeting of Cheltenham Borough Council¹ which considered the JCS that the process was far from complete and that

- the Parish Council proposal for an LGS designation at Leckhampton ‘will be reviewed and taken into account as a consultation response to the draft JCS’
- ‘All the statistics used as part of the evidence base would be open to challenge during the consultation phase’
- ‘the allocation target for Cheltenham was in the order of 10,000 until 2031 and the Leader’s personal view was that if this figure could be reduced then this would be achieved by taking out one of the urban extensions.’

It would be quite wrong and against the instructions of the National Planning Policy Framework for this process to be plan-led and empowering of local communities to pre-empt the outcome of the recent consultation and all the remaining stages of the JCS process by granting this application and effectively forcing the inclusion of the urban extension at Leckhampton when these matters are explicitly still up for debate and reconsideration.

3. The application is contrary to the emerging Neighbourhood Plan as described in the concept drafted by Leckhampton with Warden Hill Parish Council

Some 600 Neighbourhood Plans are being brought forward in communities nationwide but the concept plan published by Leckhampton with Warden Hill Parish Council in May 2013 represents the only emerging Neighbourhood Plan in the Cheltenham area.

Neighbourhood planning is a key part of the government’s planning reforms and was introduced through the Localism Act 2011, the legislation coming into effect in April 2012. The intent was to hand power down not just to large district councils but also to smaller communities and neighbourhoods and would make the views of local communities material to planning decisions, for instance over ‘where new homes and offices should be built’ (DCLG website).

Paragraph 183 of the National Planning Policy Framework says that ‘Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need’. Neighbourhood plans must be in conformity with the JCS and so if the JCS does include large-scale development in a particular location, a Neighbourhood Plan cannot overturn that. But an emerging Neighbourhood Plan should

¹ http://www.leglag.org.uk/Welcome_files/CBC%20Printed%20minutes%20JCS%20Council%205th%20Sept.pdf

obviously influence the emerging JCS. The first core planning principle of the National Planning Policy Framework (paragraph 17) is that 'Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area'.

Planning committees should therefore give weight to emerging Neighbourhood Plans which are being considered in the current JCS process – as the leader stated in the council meeting on 5 September 2013 – and not pre-empt them by granting applications which would completely undermine them.

The concept plan published by the Parish Council in May 2013 is of exceptionally high quality with detailed attention to many aspects of the site of the application which is part of the area which the Concept Plan argues should be protected through Local Green Space designation.

The Parish Council document includes in detail:

- Residents' views, including opposition to development plans running at 90%+ in local consultation events
- The history of Leckhampton, including the history of 'open' or common meadows and fields in the area of the application site
- The exceptionally rich local ecology, wildlife and habitats. Local wildlife includes five varieties of bat (including two priority species: the noctule and soprano pipistrelle), willow warblers, blue tits, cuckoos, yellowhammers, starlings, adders, grass snakes, hedgehogs and badgers. The concept plan highlights their importance of the traditional hedgerows and orchards in the context of the UK Biodiversity Action Plan.
- Sustainability including highlighting issues raised in the JCS Sustainability Analysis
- Traffic congestion and poor air quality
- Flood risk
- Landscape and visual impact
- Agricultural uses and value
- The area's connection to the nearby urban population

This must be one of the best researched concept plans for a Neighbourhood Plan anywhere in the country. It would be against the whole direction of new national planning policy if it was pre-empted by granting this application.

4. The application would pre-empt current applications for Local Green Space (LGS) status to be applied to this land during the plan-making process.

The land which includes the application site has now at least twice been requested for **Local Green Space status**, by me in my February 2012 submission to the JCS (and again in the most recent consultation) and by the Parish Council with their substantial Neighbourhood Plan concept plan detailed above. It is, to my knowledge, the only land which has been requested for LGS status in the JCS area.

The Local Green Space (LGS) policy originated in a Liberal Democrat policy paper *Our Natural Heritage*, of which I was co-author. It is intended to offer protection to sites that were not necessarily of huge scientific significance or great landscape value and not necessarily serving the specific functions of a Green Belt but nevertheless of great importance to local people – in other words exactly like the land at Leckhampton and potentially other equally valued land close to urban populations.

The policy was then included in the Liberal Democrat manifesto for the 2010 General Election, and then the subsequent Coalition Programme for Government. It was referenced in the government white paper on the environment published by the new government in June 2011, *The Natural Choice*, which called it ‘a new Green Areas Designation that will give local people an opportunity to protect green spaces that have significant importance to their local communities.’²

It is the basis of many ministerial statements that the government has produced a tool that ‘local communities can use to protect open places they value’ (Prime Minister to Dame Fiona Reynolds of the National Trust, 21 September 2011).

It was duly included in the National Planning Policy Framework:

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.

National Planning Policy Framework pp 18,19

² *The Natural Choice: securing the value of nature*, TSO June 2011, para 4.23, p49

So designation can only take place at this moment – as we are producing a JCS and then Local Plans. It is not a tool that can simply be produced whenever an unpopular planning application emerges. Nor does it remove the obligation on local councils to meet other requirements of the NPPF, for instance to try to meet objectively assessed housing need.

But it is designed to **protect** against development those areas which are demonstrably special to local communities. An important footnote to in the NPPF is relevant. The NPPF states at Paragraph 14 that Local Plans should meet objectively assessed needs for housing **unless** specific policies in the Framework indicate that development should be restricted. The footnote on p4 then specifies a list of protections that could be used in this way and they include the Local Green Space designation.

In other words, LGS designation in a JCS or Local Plan can be used to restrict development and reduce the numbers which may be required by the objectively assessed need. The objectively assessed cannot logically be used to rule out LGS designation.

As I detailed in my submission to the JCS consultation, **the land including the application site at Leckhampton meets all the criteria for LGS status set out in the National Planning Policy Framework:**

- The Leckhampton green land is in very close proximity to the community it serves;
- It does not overlap with Green Belt or AONB;
- It is demonstrably special to the local community, having led to the creation of its own pressure group and generated many thousands of petition signatures, letters, emails and individual attendances at meetings over several decades and is the subject of the LGS application in the Parish Council Neighbourhood Plan concept plan.
- It holds significance, for its unkempt rural charm, its animals so close to where children can go to ‘see the pigs’, its history, recreational value, tranquillity and the richness of its wildlife as detailed in innumerable submissions and consultation responses by thousands of local residents over the years.
- It is very local in character (as inspectors have noted) and not an extensive tract of land.

It has been suggested that the land at Leckhampton is too ‘extensive’ to be considered for LGS status. This is categorically wrong.

The NPPF beta guidance now online at <http://planningguidance.planningportal.gov.uk> makes clear “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”.

The original Liberal Democrat policy³ compared the new designation for community value to SSSIs for scientific value while the beta guidance says that it should not used to create “a new area of Green Belt by another name”.

³ Our Natural Heritage (Liberal Democrats, 2009), para 4.2.1

The following size comparisons make it quite clear that areas comparable to or larger than the Leckhampton LGS application area have frequently been protected in a local context as parks or SSSIs and that its area is not remotely comparable to those of Green Belts, which are genuinely extensive:

Leckhampton LGS application area	56 hectares
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Nearest SSSI at Crickley Hill & Barrow Wake	55 hectares
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Famous protected green spaces in Greater London:

Hyde Park	142 hectares
Clapham Common	89 hectares
Kensington Gardens	111 hectares
Green Park/St.James's Park	70 hectares
Hampstead Heath	320 hectares

Famous local protected green spaces:

Pittville Park	33 hectares
Lineover Wood	50 hectares
Dowdeswell Wood	82 hectares

Another famous protected green space, close to the home of planning minister Nick Boles MP:

Burghley Park, Lincolnshire	565 hectares
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Green Belts:

Cheltenham & Gloucester (the smallest in the country)	6,694 hectares
Average for England	114,286 hectares

It has also been suggested to me that LGS designation cannot be made during the JCS process but only during the subsequent creation of Local Plans. This is not the case. The planning minister wrote to me in answer to this specific question:

“It is a matter for the local planning authorities to decide whether they define such areas in their Joint Core Strategy, or in individual Local Plans.”

Letter from Nick Boles MP, Department of Communities & Local Government, to Martin Horwood MP, 18 December 2013.

So, in summary, the application site is included within an excellent and perhaps the only candidate for the government's flagship Local Green Space designation in our JCS area. Application has been made by the Parish Council, supported by the MP and local councillors and is currently under consideration as part of the JCS process. It would be quite wrong and against the intention of the Localism Act and the National Planning Policy Framework to dismiss all of this by granting the application which covers much of the LGS application area.

5. The site is not appropriate for development because of its rural character, agricultural value and proximity to the Cotswolds Area of Outstanding Natural Beauty and has been repeatedly rejected for development by inspectors on these grounds .

Much has been written about the value and character of the green land at Leckhampton which is rich in history, naturally alleviates flood risk to neighbouring Warden Hill and Hatherley and produces local food and local jobs, including the farming of rare local pigs. It has a flourishing ecology, and is rich in biodiversity including five species of bat as well as deer, slow-worms, grass snakes and common toads, and seven bird species on the RSPB red list. Buzzards nested in Lott Meadow this year.

The original JCS Sustainability Analysis p112 concluded that the broad location south of Cheltenham, including Leckhampton, enjoyed:

- 'Sites of biodiversity value' (RED)
- 'Development of the site would be likely to lead to the fragmentation of important habitats' (RED)
- 'The area displays a good mosaic of habitat types which could make mitigation difficult' (RED)
- For overall biodiversity impact, the site shows 'intimate rolling landscape, predominantly pastoral with improved and semi-improved pasture. Good hedgerow condition and good proportion of orchard ... good number of parkland trees and many veteran oaks along with other species. Small pockets of woodland dotted around the site. Area around Leckhampton displays unusual land use pattern with many smallholdings, orchards and allotment/market gardens. Good brookline and associated tree cover.' (RED)

Inspectors have repeatedly rejected appeals by developers, citing the rural character of the land:

- **In 1993** Inspector Brian Dodds ruled that **'the land at Leckhampton should be protected for its special historical, landscape and amenity value. It represents the last example of the gradual transition between the urban area and the countryside which characterised the Regency town.** It should be considered anew for green belt or AONB status, for 'landscape conservation area' status, and as part of a Leckhampton Conservation Area (35A, 129W).
- **In 2003** Inspector Mary Travers, conducting an enquiry on Leckhampton development reported that:

"2.25.11 The site consists of four fields subdivided by substantial hedgerows that are interspersed with hedgerow trees. It has a gently rolling, topography and an attractive pastoral character that in my view links strongly into the landscape of the AONB immediately to the south of Leckhampton Lane. Generally the contours fall from south to north and from east to west and there is a distinct ridge running roughly northwest-southeast through the site- -so that the south-eastern corner is the most elevated part. A public footpath that traverses the northern part of the site forms a link in a network of rural paths to the east and west of the site.

"2.25.12 As can be observed from public vantage points, the site is highly visible from within the AONB, for example from the lower slopes of Leckhampton Hill and

from higher up at the Devil's Chimney. It is also visible partly from the west and in long distance views from the north. There is a substantial hedgerow on the western boundary with the Green Belt but this area drops away towards the Vale of Gloucester. As a result, development on the more elevated south-eastern part of the site would be very conspicuous from the western approach along Leckhampton Lane where it would be seen within the context of the AONB. And looking southwards from the public footpath across the site **it is apparent that development would entail a significant intrusion into views of the open countryside and the AONB from the existing edge of the built-up area. It would also sever the link between the rural footpaths to the east and west of the site and replace it with one of an entirely different character. For these reasons and taking into account the scale of the proposed development, I consider that its visual impact on the surrounding countryside would be very significant and that it could not be easily mitigated."**

- **In 2005, Inspector David Asher was looking into the Cheltenham Local Plan, and concluded "that the development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB."**

Other submissions to the JCS and objections to this application have made more specific points, for instance the Gloucestershire Orchard Trust JCS submission of 20 November 2013 which says that 'the fertile sheltered Severn Vale soils beneath the Cotswold escarpment are among the most favoured sites for orchards of all kinds. The JCS area takes in a substantial part of this zone, and the remaining traditional orchards here are now among the most threatened in the country'. The application site includes just such an orchard site.

6. The application is therefore in breach of the National Planning Policy Framework (NPPF)

Repeated reference has been made throughout this letter of objection to the National Planning Policy Framework (NPPF). This key government document is often quoted selectively by developers and others as if it was a developer's charter. It is not. The key element of the NPPF is often cited as the presumption in favour of sustainable development. But the presumption in favour of *development* was already there in planning law and policy. What the NPPF added, very significantly, was the element of **sustainability**.

The Department of Communities and Local Government itself has made clear:

'The presumption is not a green light for development. All proposals will need to demonstrate their sustainability and be in line with the strict protections in the draft Framework. Strong environmental safeguards remain as part of the planning system, including protecting communities and the environment from unacceptable proposals. The presumption is principally about good plan making. Once a Local Plan is put in place, local decisions should be made in line with it.'

DCLG, National Planning Policy Framework: Myth-Buster, 8 September 2011

This application is incompatible with the current valid Local Plan and the new plan has not yet been agreed so the assumption in favour of sustainable development should not be used in this case.

Weight **may** be given to the emerging JCS – which does, for now, include development at Leckhampton - but paragraph 216 of the NPPF places clear limitations on this including the stage of preparation which is far from complete in our case, and most crucially the extent to which there are unresolved objections to relevant policies. This is certainly true in the case of development at Leckhampton which must be one of the most contentious inclusions in the whole JCS and is part of an urban extension which the leader of Cheltenham Borough Council has clearly stated could be removed at the next stage of the JCS.

A key theme of the NPPF is the empowerment of local communities and neighbourhoods (see the ministerial foreword, paragraph 1, the first core planning principle at paragraph 17 and many other paragraphs throughout the NPPF).

Paragraph 155 gives particular weight to consultation with neighbourhoods – by which it means local neighbourhoods roughly equivalent to parishes:

“Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.”

Weight should therefore clearly be given to emerging Neighbourhood Plans. The Neighbourhood Plan concept submitted by Leckhampton with Warden Hill Parish Council must therefore be seriously considered in this context.

The Local Green Space designation is formally introduced into national planning policy for the first time in paragraphs 76 and 77 of the NPPF, specifically to give local communities a tool with which to protect green spaces close to the urban area which are of special value to them, not just to wildlife and landscape painters. If granted, this application would pre-empt and completely undermine the only LGS designation being considered in the Cheltenham area.

The original reasons for the area’s protection in the Cheltenham Local Plan are also supported by the NPPF. Four of the core planning principles set out in the NPPF right next to the one about meeting development needs, state that councils should:

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside** and supporting thriving rural communities within it;
- contribute to **conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value**, where consistent with other policies in this Framework;
- encourage the effective use of land by **reusing land that has been previously developed (brownfield land)**, provided that it is not of high environmental value;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, **recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);'**

Paragraph 74 says that 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- 'an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

Paragraphs 109 to 125 detail at length the requirements to protect the natural environment including:

- Protecting and enhancing valued landscapes (paragraph 109)
- Recognising the wider benefits of ecosystem services (109)
- Providing net gains in biodiversity (109)
- Preventing new developments from contributing to unacceptable levels of air pollution (109)
- Minimising effects on the natural environment (110)
- Encouraging the use of brownfield land (111)
- Protecting biodiversity, wildlife and landscape value (113, 114, 117, 118)
- Reducing physical pollution (120, 124)
- Reducing light pollution (125)

All of these can be cited in opposition to this application and in conformity with the existing Local Plan.

I urge the council to reject this application.



Martin Horwood MP
Member of Parliament for Cheltenham