

Cheltenham Borough Council
Cabinet – 24th June 2014

**Identifying potential for Local Green Space designations within
Cheltenham**

Accountable member	Leader – Councillor Jordan
Accountable officer	Tracey Crews, Head of Planning
Ward(s) affected	All
Key Decision	No
Executive summary	Implementing the recommendations of Council regarding the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) on 9 th April 2014 – this report concerns the adaptation and use of Cotswold District Council's Local Green Space Toolkit to determine where areas suitable for designation in the future Cheltenham Plan exist. Because a key element of the Local Green Space designation in the National Planning Policy Framework (NPPF) is that a green area to be designated must be 'demonstrably special to a local community and hold a particular local significance', work with the local communities within the borough to initially identify and propose areas is suggested.
Recommendations	<ol style="list-style-type: none">1. Agree the use of the Local Green Space Toolkit, amended as appropriate. Changes to be agreed with the Leader of the Council prior to publication,2. Agree the consultancy brief, and3. Action officers to undertake the procurement process to commence the works required to support local communities wishing to identify sites considered suitable for Local Green Space designation.

Financial implications	<p>The main financial cost outside of CBC officer time will be in hiring consultants to facilitate the community meetings alongside the Council's participation and engagement team, and working with interested communities to apply the toolkit to assess possible candidate areas for designation. Consultants will also be expected to write a report detailing the outcomes of this work and making recommendations for the Cheltenham Plan. An initial estimate of the cost of this work is around £6,000 based on a calculation of the time thought likely to complete and the day rate of consultants in this area; however the exact cost will come through the tender process. There is currently no budgetary provision but funding will be considered as part of the outturn report to Council in July 2014.</p> <p>Contact officer: Paul.Jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>The designation of Local Green Space is discretionary, should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period and only be used in respect of areas meeting the criteria within paragraph 77 of the National Planning Policy Framework, that is:</p> <ul style="list-style-type: none"> - 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. <p>This work will go towards the evidence of consultation on aspects of the Cheltenham Plan which is a requirement of producing any Development Plan Document and consideration of designating Local Green Spaces as part of the Cheltenham Plan.</p> <p>Contact officer: Peter.Lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>There are no HR implications</p> <p>Contact officer: Richard.Hall@cheltenham.gov.uk, 01594 812634</p>
Key risks	<p>This work is considered of low risk overall. However there is a political risk following the recommendations of Council on the 9th of April (see below) which could lead to reputational damage and/ or negative publicity for the Council if the actions subject to this report are not implemented.</p> <p>“Designate Local Green Spaces where appropriate as part of the Cheltenham Local Plan. We would particularly wish to evaluate the potential for Local Green Space designation in Leckhampton and North West Cheltenham, where green areas of particular local significance are known to exist.”</p>

Corporate and community plan Implications	There are no obvious implications regarding the corporate plan.
Environmental and climate change implications	Because this study is an implementation of a requirement expressed in Policy SA1 of the Pre Submission JCS, which has been subject to full Sustainability Appraisal, it does not require further assessment. The assessment of policies SA1 and INF4 of the JCS showed them to have a positive effect in regard to the provision of Green Infrastructure.
Property/Asset Implications	There are no property or asset implications Contact officer: David.Roberts@cheltenham.gov.uk, 01242 264151

1. Background

- 1.1** Local Green Space is a relatively new planning designation which was introduced in 2012 through the publication of the Government's National Planning Policy Framework (NPPF), with further advice provided in 2014 through the publication of the national Planning Practice guidance (PPG). It is part of a wider group of environmental designations which are designed to protect and enhance the Borough's Green Infrastructure. Local Green Space can only be designated as part of a Development Plan Document. The most recent Development Plan Document which the Council has consulted on is the Gloucester Cheltenham and Tewkesbury Joint Core Strategy, the Pre Submission draft of which was agreed by Council in April for consultation later this year.
- 1.2** The Pre submission Draft JCS sets out the importance of Green Infrastructure as a key policy in both place shaping of new developments, access to recreation and health opportunities, and support for biodiversity. Submissions made to the Draft JCS on Local Green Space have helped inform these parts of the plan and are now included within the agreed Pre Submission version, in particular policies INF4 and SA1 which make specific reference to and requirements for the designation.
- 1.3** During the writing of the current version of the JCS there was much consideration as to whether it would be appropriate to designate areas of Local Green Space within that document. However the pre submission JCS is a strategic document; its role is to set out the development and economic vision and strategy for the JCS area, identify requirements for strategic allocations, create a framework of sustainable cross boundary development policies and amend the Green Belt map. Alongside the JCS will sit the Cheltenham Plan, the main aim of which will be to deal with local, rather than strategic designations. Legal advice was taken as to the appropriate part of the development plan to designate Local Green Space. This confirmed that it was most appropriate in the context of the Cheltenham Plan.
- 1.4** Therefore it was agreed that the allocation of Local Green Space was a matter better suited to the Cheltenham Plan particularly because the NPPF characterises the Local Green Space designation as a local designation, when it states that it:
- Will not be appropriate for most green areas or open space
 - (must be) demonstrably special to a local community
 - The green area concerned is local in character and is not an extensive tract of land
- 1.5** The JCS's approach on this issue is in accordance with the recently published national Planning Practice Guidance which states that: "Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. 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."
- 1.6** At the Council meeting of the 9th of April 2014 on the Pre Submission JCS the following recommendation of the leader was agreed: The Council resolved to: "Designate Local Green Spaces where appropriate as part of the Cheltenham Local Plan. We would particularly wish to evaluate the potential for Local Green Space designation in Leckhampton and North West Cheltenham, where green areas of particular local significance are known to exist. We further resolve that, with immediate effect, any planning application to be determined on strategic sites in Cheltenham will comply with the requirements of the JCS including policies SA1 and INF4 in regards to the identification of Local Green Space."
- 1.7** Following on from this recommendation it is clear that we should quickly seek to identify which areas across the Borough would meet the criteria set out for Local Green Space in paragraphs 76 - 78 of the NPPF and in national Planning Practice Guidance. This will ensure that we have a robust evidence base for making any designations in the Cheltenham Plan, and will assist in

evaluating areas set aside for this purpose in the masterplanning of Strategic Allocations.

2. Reasons for recommendations

- 2.1** One of the most significant elements of the Local Green Space designation is that it is a way to provide special protection against development for green areas *of particular importance* to local communities, whilst complimenting sustainable development and investment in sufficient homes, jobs and other essential services.
- 2.2** It is clear from the NPPF at paragraph 76 that the designation of Local Green Space should be driven by local communities who identify areas of particular importance to them. Therefore in identifying appropriate areas for consideration there should be both a 'bottom up' (where local communities bring areas to the attention of the Council) as well as a 'top down' (where the council proposes areas to designate to communities) approach. It is also important that this discussion with communities takes place at a Borough wide level, rather than in a piecemeal way where some communities may not be aware that they could identify land to benefit from the designation and so could be left out.
- 2.3** To assist with this in their area, Cotswold District Council (CDC) have produced a 'toolkit' which is designed to support local communities in putting forward their local open spaces for assessment. The toolkit asks a series of questions and facilitates thinking about the suitability of a location through a flowchart of considerations.
- 2.4** Agreement has been achieved that will allow Cheltenham borough Council to make use of and modify the CDC toolkit for the purposes of its own Local Green Space assessment. This will greatly expedite the process of consulting communities and has the benefit of having been already tested and found effective. Using this toolkit, we will be able to begin discussion quickly with the Borough's communities, facilitated by the Neighbourhood Co-Ordination Groups with help from the Cheltenham Participation and Engagement Team.
- 2.5** We would seek to partner with specialist community engagement consultants to bring together community groups to look at the revised toolkit alongside maps of potential areas of search for Local Green Space. The experience of consultants in this field would have the benefit of ensuring that consultation output was concise and focussed, and given the sensitivity of this issue would be useful in ensuring that any potential areas identified for designation were evaluated fairly at the meetings. It would also free up officer time which is currently limited given work on the JCS and other elements of the Cheltenham Plan.
- 2.6** We would seek to tender for the above, and would allow flexibility in the way the work would be approached by the consultants to ensure best value for money, but as a rough structure we would be looking for:
 - Early engagement with local community groups, parish councils etc. to listen to their views on which areas of green space they deemed special and could benefit from this protection. The consultants would capture any ideas which the community group already had on this topic, and then present some maps and suggestions for areas for consideration. If the local group agreed that this would be worthwhile, the consultants could assist with the completion of the toolkit.
 - The consultants would then generate a report capturing the outcomes of the events and which areas the groups considered and whether the community felt there were any strong candidates for designation. The report would include outputs from the toolkit.
 - The planning policy team would at the same time be assessing development needs which the Cheltenham Plan would be required to deliver and likely / necessary locations to meet those needs.

- The planning policy team would also meanwhile be evaluating which areas were already designated or protected in some other way – such as playing pitches, areas currently in Green Belt/ AONB etc. where designations such as Local Green Space would not increase protection.
- After this sifting process by planning officers, the Cabinet could then be presented with a list of potential areas that should be further investigated with a view to designation in the forthcoming Cheltenham Plan, including further dialogue with communities wherever required.

3. Alternative options considered

- 3.1** Consideration was given as to whether officers of the Council could lead the consultation elements of the study. However currently officers are constrained by other work priorities, and this is a discrete piece of work which could be done well by external support. Consideration was also given to an option of providing relevant materials to Parish Councils and Neighbourhood Co-Ordination groups and inviting them to contact us should they wish further assistance. The drawback of this approach would be that it may elicit a sporadic response and may lead to some communities not feeling fully supported in their aspiration to protect such land.

4. Consultation and feedback

- 4.1** This work has come as a result of consultation and feedback from the public through responses to the Draft JCS and members through Scrutiny Task Group and at Council. The proposal to further investigate Local Green Space designations in the area should therefore accord well with the feedback we have received.

5. Performance management –monitoring and review

- 5.1** The results of the tendering exercise will be reviewed and monitored to ensure that the successful tender is appropriately carried out. The delivery of the Cheltenham Plan and other Borough Development Plan documents is monitored in the Local Development Scheme.

Report author	Contact officer: Philip.Stephenson@cheltenham.gov.uk, 01242 264379
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Local Green Space toolkit 3. Counsel advice 4. Tender Brief
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Any environmental risks	TC	27.5.14	1	1	1	Accept	This project is part of the JCS which is subject to full Environmental Assessment – no environmental risks were identified with this work.	N/A	TC	N/A
	If this work is not quickly carried out the Council could be subject to limited reputational damage and/ or negative publicity because the work was requested as part of a Council resolution.	TC	27.5.14	2	3	5	Reduce	By actioning the recommendations in this report the risk will be reduced or eliminated	Autumn 2014	TC	Team risk register
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											