

**RE: DESIGNATION OF LAND AT SOUTH
CHELTENHAM/LECKHAMPTON AS LOCAL GREEN SPACE**

ADVISORY NOTE

INTRODUCTION

1. I am instructed to advise Cheltenham Borough Council ('the Council') in its capacity as local planning authority ('LPA').

BACKGROUND

2. Together with neighbouring authorities¹ the Council has been engaged in the process of preparing a Joint Core Strategy ('JCS'). Once adopted the JCS will form a major part of the Local Plan/development plan for Cheltenham's administrative area.² It is currently ready for publication as a pre-submission draft, subject to the approval of the Council. A meeting is scheduled to decide upon on 9th April 2014 (i.e. Wednesday this week).

THE ISSUE

3. Leckhampton with Warden Hill Parish Council and Martin Horwood, MP for Cheltenham, have submitted representations arguing that land within an area referred to as A6 South Cheltenham/Leckhampton in the JCS should be designated as Local Green Space ('LGS'). It is also argued that the Council has misunderstood relevant principles and the circumstances in which such designations can be made.

¹ I.e. Tewksbury Borough Council and Gloucester City Council.

² Local Plan is term used in the National Planning Policy Framework ('the Framework') to refer to what is referred to in the legislation as the development plan - see in particular section 38 of the Planning and Compulsory Purchase Act 2004.

ADVICE

4. In my view the approach to the designation of LGS within the draft JCS is lawful and consistent with national policy and guidance. On the other hand, I think it is likely that a planning inspector would regard the designation currently proposed as LGS by the Parish Council as being contrary to national policy and guidance.

5. The main reasons for this are that:
 - Land should not be identified as LGS where it would undermine the ability of the Local Plan to provide for sufficient homes, jobs and other essential services (Framework §66, National Planning Guidance). However, it appears likely that this would be the effect of designating the area proposed as LGS in this case since, as the Parish Council acknowledge, the LGS designation it proposes is inconsistent with the site functioning as an urban extension to meet those needs.
 - LGS is not appropriate for most green or open spaces. In particular it is not intended for use as a strategic tool to keep “extensive tract[s] of land” free from development for its own sake but rather as a means only of protecting areas of special local significance (Framework, §77 and National Planning Guidance). For this reason it has a fundamentally different purpose to including land in the Green Belt and should not be used as means of achieving that purpose by the “back door”. Part of the case, however, made by the Parish Council for designating the land relies on wider planning grounds for objecting to the allocation (such as traffic generation) but which are not relevant to the question of whether or not it should be LGS.
 - Because LGS is only intended to be used in relation to areas of special local significance (and then only to the extent that is consistent with sustainable development and meeting identified needs) it will normally be more appropriate to consider such designations at the local level of plan-making, rather than at the strategic level such as in the JCS. The current draft of the JCS is consistent with that because it envisages, and indeed

encourages, the identification of areas of LGS within strategic allocations when the District Plans are prepared (see policies INF4 and SA1).

6. In my opinion, therefore, there is no reason that the Council should defer making a decision on the draft JCS on any of these grounds.

CONCLUSION

7. I advise accordingly. Should anything further arise please contact me in chambers.

JOHN HUNTER

Kings Chambers

8th April 2014