

**Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood  
Development Plan: Regulation 16 Consultation**

**Representation by Newcastle-under-Lyme Borough Council**

**June 2019**

This response relates to the Regulation 16 Draft Neighbourhood Plan and is limited to representations relevant to those matters which fall within the scope of the Examination.

<b>Section</b>	<b>Comments</b>
<b>Local Green Space and Policy COM2: Local Green Space</b>	The Borough Council consider that there are far too many proposed Local Green Space designations and that many of them are unlikely to meet the NPPF criteria. Many are linear routes such as public rights of way which are protected under separate legislation, along with roadside verges, of fairly ordinary value that are not, in the opinion of the Borough Council demonstrably special or possess some elements of local significance to meet the NPPF criteria. If verges are part of local character they could be conserved and enhanced through other policies and actions that might not be part of the Neighbourhood Plan. The supporting text to this policy makes reference to enabling small scale storage and changing facilities to support a sports or recreational use, an open-air shelter to support use for community events, or fixed play and/or outdoor gym area equipment, however most of the proposed designations are not recreational or play areas. To designate so many spaces seems excessive when so many of them would rarely be used for any other purpose than for highway visibility or general amenity. Further commentary can be found later in this representation
<b>Policy COM3: Developer Contributions</b>	The policy does give a position on local priorities (but does not explain how they have been derived) and approaches financial contributions from a perspective that is out of line with national policy. No mention for example is made of the statutory criteria which Section 106 contributions are required to meet – and the policy guidance in the NPPF on such contributions. The policy will raise an expectation that will not be able to be met in practice
<b>Section 2.7.2 Policy HG2: Housing Mix</b>	The Borough Council acknowledge this policy to be compatible with the current Core Spatial Strategy policy CSP6 which applies a 5 dwelling threshold to the rural areas- that policy indicating that new residential development within the rural areas, on site of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. However the NPPF (paragraph 63)states that provision of affordable housing should not be

	<p>sought for residential developments that are not major developments, other than in designated rural areas. For housing development major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The Neighbourhood Area is not a designated rural area as described under section 157 (1) of the Housing Act 1985.</p>
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### **Proposed Local Greenspace Designations**

Local Green Space designation through neighbourhood plans is a way for local communities to provide special protection against development for green areas of particular importance to them

Paragraphs 99 to 101 of the 2018 NPPF set out the government's policy for the designation of Local Green Spaces and enable local and neighbourhood plans to allow communities to identify and protect green areas of particular importance to them through designating land as Local Green Space. It states that designation should '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 updated, and be capable of enduring beyond the end of the plan period'. It states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) 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
- c) local in character and is not an extensive tract of land.

It further states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

The NPPG indicates that if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. The NPPG goes on to indicate that one potential benefit in areas where protection from development is the norm (eg villages included in the Green Belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

Whilst the Neighbourhood Plan does contain a map showing the extent of the Green Belt (Map 4) the Neighbourhood Plan does not include either a map of the Neighbourhood Area showing all of the proposed Local Green Spaces or alternatively a separate map of each parish showing such designations (both of which were suggested to the Qualifying Body by the Borough Council) so assessment of this consideration is made difficult. However a number of Local Green Spaces are proposed within the Green Belt, and there is no express justification provided within the Neighbourhood Plan as to what additional local benefit would be gained by designation as Local Green Space in such circumstances.

The NPPG indicates that Local Green Space designation will only be appropriate for green areas if they are demonstrably special and hold particular local significance. The green area will need to meet the criteria set out in paragraph 100 of the NPPF. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments,

or urban spaces that provide a tranquil oasis.<sup>1</sup> Spaces do not have to benefit from rights of public access and a designation does not confer such a right.

The NPPG does indicate that provided land can meet the criteria at paragraph 100 of the NPPF there is no lower size limit for a Local Green Space.<sup>2</sup>

The Neighbourhood Plan proposes the designation of 85 Local Green Spaces (LGSs).

This representation of the Borough Council groups the sites together depending on their characteristics. It refers to all of the proposed Local Green Spaces. Some of the Local Green Space are linear routes focussed on public rights of way; highway verges and visibility splays; utilities; agricultural land or woodland; open space or recreational sites; or memorials; The representation provides comments accordingly as follows:

### **Linear routes focussed on public rights of way**

LGSC1, LGSC5, LGSM6, LGSM7, LGSW28,

The NPPG<sup>3</sup> indicates that there is no need to designate linear corridors simply to protect rights of way, which are protected under other legislation. Whilst information is provided as to the function of such routes, they are all linear corridors and planning guidance states that there is no need to designate linear corridors simply to protect rights of way that are already protected under other legislation. The Borough Council also notes that in some cases an actual area of land is indicated (although at a scale of map which leads to ambiguity) and in other cases the LGS is indicated as a line of an undetermined width. The Borough Council does not wish to make any comment on whether the criteria listed in paragraph 100 are met or not

### **Highway Verges and Visibility Splays**

LGSC2, LGSC3, LGSC4, LGSC7, LGSC9, LGSC10, LGSC11, LGSC12, LGSC13, LGSC14, LGSC15, LGSC16, LGSM1, LGSM2, LGSM3, LGSM4, LGSM5, LGSM8, LGSM9, LGSM10, LGSM11, LGSM14, LGSM15, LGSM16, LGSM17, LGSM18, LGSM19, LGSM20, LGSM21, LGSM24, LGSM26, LGSW1, LGSW2, LGSW3, LGSW5, LGSW6, LGSW7, LGSW8, LGSW12, LGSW13, LGSW14, LGSW15, LGSW16, LGSW20, LGSW21, LGSW22, LGSW24, LGSW26, LGSW29, LGSW30, LGSW31, LGSW32, LGSW34, LGSW35, LGSW36, LGSW37 & LGSW38

The Borough Council does not consider that these above highway verges and visibility splays pass the tests in paragraph 100; because it is not considered that they are demonstrably special to the local community and hold any particular local significance because of their beauty, historic significance, recreational value, tranquillity or richness of their wildlife.

For the avoidance of doubt the Borough Council, in the light of the comments that it made at Regulation 14 stage and the additional text now provided wishes to indicate that with respect to the following it raises no objection to the inclusion of LGSM12, LGSM13, LGSW4; LGSW18;LGSW23 and LGSW27

### **Utilities**

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<sup>1</sup>Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 013 Reference ID: 37-013-20140306

<sup>2</sup> Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space – Paragraph : 016 Reference ID:37-016-20140306

<sup>3</sup> Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space – Paragraph :018 Reference ID: 37-018-20140306

#### LGSC6 Reed Bed at Baldwins Gate Sewerage Works

The Borough Council does not consider that the Severn Trent reedbed passes the tests in paragraph 100; because it is not considered that it is demonstrably special to the local community and holds any particular local significance because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

#### **Agricultural Land or Woodland**

#### LGSC8 Green Gap at junction of Moss Lane and A51, Hill Chorlton

This is an agricultural field with highway frontage in Hill Chorlton.

The Borough Council does not consider that this field passes the tests in paragraph 100; although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife. The Borough Council therefore does not support the designation of this field as Local Green Space.

#### LGSM23 Beech Tree Copse at Maerfield Gate Farm

This is a small fenced copse of mature Beech and Sycamore trees, covered by a Tree Preservation Order, located in an elevated position amongst grazing land, visible, at a distance from the A51. It is described as an important feature within the landscape of the Neighbourhood Area, including viewpoints in Baldwins Gate, and as providing a legible point for reference and navigation.

The Borough Council considers that this copse, although protected by a Tree Preservation Order and visible within the landscape does not pass the tests in paragraph 100. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. The Borough Council therefore does not support the designation of this copse as Local Green Space.

#### LGSM25 Sandy Low Plantation

This is a small, fenced, mixed plantation of Pine and broadleaved tree, covered by a TPO, elevated within a large field adjacent to and visible from the A51 and Woodside. It is described as a significant feature in the wider landscape of the Neighbourhood Area and as providing a legible point for reference and navigation.

The Borough Council consider that this copse, although protected by a TPO and visible within the landscape does not pass the tests in paragraph 100. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. The Borough Council therefore does not support the designation of this plantation as Local Green Space.

#### LGSW9 Woodland on Whitmore Heath

The Borough Council considers that this woodland passes the tests set out in paragraph 100; and is demonstrably special to the local community.

#### LGSW10 Raddle Hill

The Borough Council consider that this woodland passes the tests set out in paragraph 100; and is demonstrably special to the local community.

#### LGSW19 Green Gap Fair Green Road

This is described as a small, triangular field of pasture land that provides definition and visual separation between the Baldwins Gate village envelope and a small group of cottages in the Open Countryside. It is bounded to the north-east by the school playing field and farmland, to the south by Open Countryside and dwellings, west by local right of way (see LGSW28). The site is visible from PRow Whitmore No. 7, which forms part of a local walking route.

The Borough Council does not consider that this field passes the tests in paragraph 100 although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance recreational value, tranquillity or richness of their wildlife. The Borough Council therefore does not support the designation of this field as Local Green Space.

#### LGSW40 Poplar Trees at Swallow Hill, Camp Hill

Described as a row of mature Poplar trees on a high ridge to the north-west of Baldwins Gate and overlooking the valley. The trees are prominently visible from many points to the south and south-east, up to 7.5km distance. The Neighbourhood Plan considers that they contribute significantly to the wider landscape of the Neighbourhood Area and beyond, and provide a legible point for reference and navigation within landscape.

A line of trees is a not a green area or green space. The Borough Council does not consider that these pass the tests set out in paragraph 100 of the NPPF. The Borough Council therefore does not support the designation of these trees as Local Green Space

#### LGSW41 Dismantled Railway Line Manor Road, Baldwins Gate.

The Borough Council consider that the dismantled line could pass the tests set out in paragraph 100; and could be demonstrably special to the local community.

## **Greens, Open space or recreational sites**

### **LGSC17 Chapel Chorlton Village Green**

The Borough Council consider that the village green passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW11 Whitmore Village Hall Playing Field**

The Borough Council considers that this playing field passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW17 Jubilee Gardens, Baldwins Gate**

The Borough Council considers that Jubilee Gardens passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW25 Baldwins Gate Primary School Playing Field.**

The Borough Council considers that this open space/recreation facility passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW33 Chapel Green, Baldwins Gate**

The Borough Council considers that this areas role as a small informal village green passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW39 Lakeside Estate, Baldwins Gate**

The Borough Council considers that this open space passes the tests set out in paragraph 100; and is demonstrably special to the local community.

### **LGSW42 Whitmore Cricket Ground**

The Borough Council consider that this recreation ground passes the tests set out in paragraph 100; and is demonstrably special to the local community.

## **Memorials**

### **LGSM22 Maer War Memorial**

The Borough Council support the Local Green Space designation for the Memorial and consider that it meets the criteria set out in paragraph 100 of the NPPF.