

## Issue 8 – Local Green Space

---

1. This statement builds on the letters submitted in responses to previous stages of consultations and responds to the specific questions put by the Inspector in his Key Issues and Discussion Note.
2. The background to this statement is that I, along with a number of others in the Falmouth Avenue area, have submitted representations to the Council seeking the allocation of land off Falmouth Avenue as Local Greenspace (LGS), pursuant to paragraph 76 of the Framework.
3. Having reviewed the Inspectors notes and the current position of the Council it appears that there are essentially 2 matters for discussion as part of this 'Key Issue'. The first is whether or not the plan under-examination should even consider the issue of LGS (or whether that should be left to Neighbourhood Plans). The second is if LGS should form part of the considerations in this plan then does the area of land at Falmouth Avenue meet the criteria set out in paragraph 77 of the Framework. I will deal with each of these in turn.
4. As will be explained it is considered that the plan is **unsound** on the basis that is neither **justified** nor **consistent with national planning policy**.

### **Is the most appropriate way for designating Local Green Space (LGS) through Neighbourhood plans / Why would it be inappropriate to include LGS in PSB2?**

5. One of the Core Planning Principles set out in paragraph 17 of the Framework (indeed the very first Core Planning Principle) is that local people should be empowered to shape their surroundings. The ability for communities to be able to put forward sites for LGS designations is one of the key ways in which the Framework seeks to achieve this empowerment. It is clear that to deny or frustrate that right would be fundamentally at odds with national planning policy.
6. The Framework is clear at paragraph 76 that local communities should be able to identify LGS for special protection "*through **local** and neighbourhood plans*". The NPPG re-iterates this stating that the "*LGS designation is for use in **Local Plans** or **Neighbourhood Plans**.*" This confirms that as a matter of principal local plans can be used for this purpose.

7. The right to utilise a local plan for this purpose is not qualified or caveated and there is nothing in either the Framework nor the PPG which lends any support whatsoever to the District Councils contention that the Neighbourhood Plan route is to be preferred. There is also nothing to suggest that a Council may in any circumstances deny the right of local communities to have the matter considered via either route.
8. It is noteworthy that in the consultation version of the plan in 2015 (Examination doc P2-G1) the Council did clearly consider the plan an appropriate vehicle to allocate LGS. Its reasons for changing its mind so dramatically in the submission version are not entirely clear but the Council's originally intended approach confirms that as a matter of principle the Council accepts that the Local Plan can allocate LGS.
9. It is understood that in a number of cases the Council did not receive sufficient responses from the public to judge whether the sites that it had identified could be allocated. That may be the case for some sites but that was clearly not the case for Falmouth Avenue. Here, local residents have gone to great effort to support the request, writing in large numbers and submitting hundreds of sworn statements confirming the communities use of the land. The lack of such a response elsewhere does not justify flatly refusing to consider those few cases where information is clearly available.
10. The Councils suggestion that Neighbourhood Plans are the most appropriate place to consider LGS (and therefore that it should be excluded in its entirety from the Local Plan) is fundamentally flawed. It relies on an assumption that there is a statutory requirement to have a Neighbourhood Plan and therefore that in all cases such a plan will exist. This is clearly not the case.
11. There is no Neighbourhood Plan for the Falmouth Avenue Area. None exists and importantly non is even proposed. It might be reasonable for the Council to argue that where a NP was in production **and** at a significantly advanced stage, then it would be preferable to leave the decision on LGS to that NP. However that is simply not the case here. In the case of Falmouth Avenue, the Local Plan is the only available option for the community to exercise its legitimate right to have LGS considered.
12. In reality what the Council is saying to the community, and to this examination, is that if the residents of this area want to have an area considered for LGS then they must declare a Neighbourhood Area, Draft a Neighbourhood Plan, re-consult the community (the views of whom are already well known), hold a referendum and adopt a NP – all solely to enable the designation of a single small piece of land.
13. It is ludicrous to suggest that such a gross waste of time and money is more appropriate than considering the matter here and now. This situation is made all the worse by the fact that the Council, through its consultation version of the plan in

2015 created a legitimate expectancy that LGS would form part of it. Even if the community were to embark on this costly and unnecessary process now – there would be unlikely to be any outcome for a further 2 years.

14. In respect of Falmouth Avenue at least, the Councils suggested approach is unreasonable, impractical and wholly unnecessary. It is clearly not the most appropriate strategy when considered against reasonable alternatives and as such is not **Justified** rendering the plan **unsound**.
15. Furthermore, in denying the community the right to have LGS considered (or at best imposing the considerable burden of having to prepare a Neighbourhood Plan exclusively for that purpose), the approach is wholly inconsistent with paragraphs 76-78 of the Framework which seek to empower local communities in the planning process. Accordingly the plan is not **consistent with National Policy** and is also **unsound** on that basis.

#### **Does the site Falmouth Avenue site Qualify as LGS?**

16. The question of whether the site meets the criteria for designation pursuant to paragraph 77 of the Framework has to a large extent already been covered in the previous representations from myself and others, including Falmouth Action Group. I do not intend to repeat those arguments here as the Inspector will already have that evidence on file.
17. That evidence addresses all 3 of the criteria relating to proximity, value to the community and scale / character. Regrettably to date the Council has not itself undertaken or provided any analysis of its own for any of the sites proposed. It is not known at this point whether the Council considers that the site at Falmouth Avenue meets some, all, or none of the criteria for allocation. All we have to go on is the brief commentary at paragraph 2.34 of the plan which queries firstly the level of evidence and secondly the motivation for the request.
18. Dealing with the latter first. The motivations of those seeking LGS are quite frankly nothing to do with the Council's judgment here and it would appear that the Council has mis-directed itself as to the proper tests. The whole purpose of LGS, stated quite clearly and openly at paragraph 76 of the Framework is that it *“enables local communities to rule out new development other than in very special circumstances”*. It is because the land is special to the community that they are seeking to protect it using a policy designed specifically for that purpose. There is nothing objectionable in that.
19. The Council speculates and hypothesises in paragraph 2.34 about *‘general expressions of opposition to further local development’*. If this were true then one would expect all of the fields surrounding this part of Stafford to have been similarly

put forward, including the area to the rear of Falmouth Avenue subject to recent planning applications from Hallam Land or the strip of land to the east of the site alongside the railway subject to an application from Baden Hall Enterprises (no doubt both to be discussed in relation to Issue 3). In reality, across the Borough requests for LGS have been extremely selective – confirming that communities really have identified the land, and only that land, that is demonstrably special to them.

20. In terms of evidence, it is unclear what more could be done. Many, many individual letters have been submitted along with witness statements from hundreds of users of the land concerned explaining how they have used the land and why it is so special to them as a recreational and wildlife resource at the heart of the community. If this level of evidence does not demonstrate that the land is special to the community then it is difficult to envisage how any site could ever meet the criteria for designation. The evidence clearly supports designation and to adopt any other approach would mean that this element of the plan would not be **justified and unsound**.

21. There really can be no dispute that the land is in close proximity to the community. Given that it is much smaller than areas of land proposed for LGS allocation by the Council in its 2015 version of the plan it is also assumed that the Council does not dispute that it is not an extensive tract of land. It is also not open countryside adjacent to a settlement which the NPPG suggest ought not be allocated.

22. This land is a perfect example of why LGS was introduced and sits squarely with the expectations of the Framework. Not to allocate it would clearly be at odds with the thrust of national policy and would be **unsound**.

Mr R Thorley

20 Falmouth Avenue

July 2016