

HALTON HOMES

CRAVEN LOCAL PLAN

RESPONSE TO COUNCIL RESPONSE 17TH DECEMBER TO INSPECTORS LETTER 13TH NOVEMBER 2018

1. Introduction

- 1.1. Halton Homes very much welcomes the Inspector's conclusions set out in his interim letter (dated 13th November) that the land west of Hellifield (HE – LGS1) does not meet the criteria set out in national policy for designation as a Local Green Space ("LGS"), and his requirement that the proposed designation should be deleted. Although the Inspector has indicated that his comments do not represent his final findings, we would respectfully suggest that, as the proposed designation has been found to be inconsistent with national policy, it is unsound and a formal conclusion that the designation be deleted should be made by the Inspector.
- 1.2. However Halton Homes are dismayed by the Council's proposed response to the Inspector's interim letter. Instead of implementing the Inspector's clear recommendation to delete the LGS designation, the Council are promoting an alternative approach: proposing the designation of three smaller LGS within the area of the original HE-LGS1. This is a blatant attempt to achieve the same result as the original proposed designation 'through the back door'. Indeed, one is driven to conclude that the Council is steadfastly seeking to incorporate the LGS designation in one form or another in order to create the maximum conflict with the extant planning application which has been submitted by Halton Homes.
- 1.3. The Council are proposing to replace HE-LGS1 with three smaller areas that purportedly reflect the "Flashes" on the Site. These are referenced as:
- HE-LGS7 – Gallaber Pond
 - HE-LGS8 – Dunbars Flash
 - HE-LGS9 – Little Dunbars Flash
- 1.4. We have set out below a number of detailed reasons why these proposed modifications are not sound. This representation should be read in conjunction with the JBA report (Appendix 1), which addresses the evidence upon which the Council now seeks to rely to justify the amended designations.

2. Principle of Modifications and Extensive Tract of Land

- 2.1. Part of the Council's justification for originally selecting HE-LGS1 as the LGS designation was that the area of land had 'clear edges'. The Council explained that the Hellifield was "defined by the A65 to the south, the railway line and Waters Side Lane to the north and Station Road to the east"¹. The Inspector unsurprisingly agreed that HE-LGS1 has 'clearly defined boundaries', and described the area as "self-contained" – something which Halton Homes has never disputed. However, this area of land has, in our view, correctly been judged by the Inspector to

¹ Local Green Spaces Assessment – December 2017, p171

constitute an extensive tract of land, and thus it would be contrary to national policy to designate it as LGS.

- 2.2. That being the case it is wrong in principle for the Council to then artificially select three smaller areas within the “self-contained area” of HE-LGS1 and propose designation of these as LGS in an attempt to overcome this objection. It would entirely undermine the stipulation in national policy that LGS designations should not apply to extensive tracts of land if it was permissible, instead, to allocate ‘separate’ LGS which are either virtually contiguous (as HE-LGS8 and HE-LGS9 are) or close by to one another (as all of the proposed designations are).
- 2.3. On this in principle basis alone we strongly contend that the proposed amended designations are unsound.
- 2.4. Furthermore, the cumulative extent of the LGS’s at Hellifield Flashes under the Council’s amended proposal would be 11.6ha. We consider that, quite apart from the in principle issue raised above, this amounts to an extensive tract of land. In this context it is relevant to note that the Council excluded smaller areas of land on the basis that they amounted to an ‘extensive tract of land’ (see EM-LGS8 – 10.77 hectares; and EM-LGS9&10 – 7.9 hectares)
- 2.5. We retain the view that the scale of the designation as proposed to be modified is still very significant and amounts to an extensive tract of land which in principle would fail the test as the Inspector has already concluded. We would suggest that the same conclusion is entirely appropriate in relation to the Council’s suggested modification.

3. Definition of Boundaries

- 3.1. As noted above the Council originally selected the Hellifield site (HE-LGS1), at least in part, on the basis that it has clearly defined boundaries. Indeed, it is clear from their approach that the Council considered that having clearly defined boundaries was an important ‘ingredient’ of a LGS.
- 3.2. As is evidenced by the JBA report, the proposed designated areas for Dunbar (HE-LGS8) and Little Dunbar (HE-LGS9) do not, on any view, have clearly defined boundaries. They are largely amorphous areas which are not enclosed by physical features on the ground, and which do not follow the contours of the land. It is accepted that Gallaber (HE-LGS7) has a more of a defined boundary.
- 3.3. The lack of defined boundaries for Dunbar and Little Dunbar illustrate the contrived approach of allocating smaller areas within the self-contained Hellifield site. This is an additional reason why the Council’s approach is unsound.

4. Evidence Base/Assessment of Additional Potential LGS sites against Test 3

- 4.1. ‘The evidence base’² which is presented by the Council in respect of ‘Test 3’ is exactly the same for each LGS site area and is materially similar to the evidence base originally relied upon by the Council as justifying the designation of the entire Hellifield site. We address the criteria applied in turn below, but as a general point it is clear that the assessment is simply indiscriminate and fails to address each individual ‘flash’ which are in fact all different.

² Council’s letter (17 December 2018), pp12-13

- 4.2. Therefore, quite apart from the in principle points made above, we submit that the proposed amended designations are unsound on the basis that they are not 'justified' (within the meaning of NPPF, para 182)
- 4.3. The Council has assessed the proposed sites using their methodology in an attempt to show how they meet the relevant tests of the National Planning Policy Framework. JBA Consulting have reviewed the assessments and methodology and prepared a rebuttal note. (Appendix 1). The following section draws upon that note.

Historic Significance – Seattle - Carlisle Conservation Area Appraisal

- 4.4. We note that the Conservation Area Appraisal ("CAA") makes no specific reference to the protection of or the contribution which the Gallaber Pond or Dunbar Flash or Little Dunbar Flash makes to the Conservation Area.
- 4.5. Furthermore, the diagram in the CAA which illustrates the contribution of the local area to the Conservation Area (see figure 1 in the JBA note) indicates that only the very north eastern part of the Hellifield site as a whole contributes to the significance of the CA and, crucially, does not discriminate between the flashes and other areas of the site which the Council are now not seeking to designate
- 4.6. The Council simply has not provided any evidence that the flashes which they now seek to protect by the LGS designation have any historic significance.

Richness of Wildlife

- 4.7. The only 'evidence' relied upon by the Council in relation to this criteria is a bare reference to the fact that "information obtained from the Ecological Data Centre indicates the site is rich in wildlife". No further detail of that information is provided, and no evidence whatsoever is relied upon in relation to the ecological value of the flashes themselves.
- 4.8. In any event, as is explained in the JBA note, and more fully in the ecological evidence supporting the application, the interests of wildlife supported by the Flashes are protected by the extant planning application. It is notable in this regard that, based on the mitigation measures incorporated into the proposal neither the RSPB nor Natural England have any objection to the application.

Recreational Value

- 4.9. It is accepted that two PROWs do run through the site, as illustrated in Figure 2 of the JBA note. However there is no direct access to Gallaber Pond or Little Dunbar and the PROW only allows access to a limited area on the south western edge of Dunbar Flash where bird watching would certainly be available. As it is a proposal of the Planning Application in conjunction with the RSPB that bird hides are provided on the edge of Gallaber Pond to facilitate greater public/recreational access to the pond for bird watching.
- 4.10. Furthermore, at this point we would respectfully ask the Inspector to reconsider the statement in his interim letter that the Hellifield site is a 'well used area of open space'. It is not clear to us from where this conclusion is derived. The only public access to the area is via the existing Public Rights of Way. The existing road is a private road, it is not open to the general public and there are no public rights to access Gallaber Pond. Waterside Road is not a public road. Public access will be

significantly enhanced to the site and to the Railway Station should planning permission be forthcoming for the proposed tourism development. An Ecological Management Company is to be established to manage the site with oversight by a committee upon which the RSPB will have a representative.

Beauty

- 4.11. The Council have provided no evidence whatsoever to support the assertion that the Flashes have beauty value. The professional judgement of JBA's Landscape Architects is that the flashes do not have any particular value from a visual/beauty aspect.

Tranquillity

- 4.12. The CPRE Tranquillity maps are not publically available and have not been provided by the Council. Therefore for this reason alone little, if any, no weight can be attached to this 'evidence'. In any event the Council do not identify the flashes themselves (as opposed to the Hellifield site) as being important in terms of tranquillity.
- 4.13. Furthermore, the JBA note confirms that the flashes only fall within the medium-low or medium area of tranquillity identified on the CPRE maps, which is unremarkable for this area and certainly does not justify designation as a LGS.

Conclusion

- 4.14. The Council have not provided any evidence, let alone robust evidence, to support their assertion that the flashes themselves have a historic interest, beauty, tranquillity and/or recreational value which justify their designation as an LGS.
- 4.15. In truth, the only value of the flashes is in terms of the wildlife interest they facilitate. Once again the Council has provided virtually no evidence in respect of this.
- 4.16. It is simply not necessary or appropriate for the flashes to be designated as LGS to protect the wildlife interests they facilitate. Other policies within the draft Local Plan already protect these interests, most notably Policy ENV4: Biodiversity. On the Council's approach any site with a level of biodiversity interest would be appropriate as designation as an LGS.
- 4.17. Furthermore, the detailed evidence of the ecological interests of the flashes is to be found in the documents supporting the extant planning application for the Hellifield site, and the biodiversity interest of the site (including the flashes) has been fully addressed in the proposal. It is for this reason that neither the RPSB nor Natural England object to the proposal.

5. Planning Application

- 5.1. The masterplan for the extant planning application is provided at appendix 2. The planning application includes 5 ponds which are as follows:
- Pond 1 – 6,300 sq. m/0.63 hectares/1.55acres
 - Pond 2 – 3,050 sq. m/0.305 hectares/0.75acres
 - Pond 3 – 4,500 sq. m/0.45 hectares/1.11 acres
 - Pond 4 – 2,400 sq. m/0.23 hectares/0.56acres

- Pond 5 – 2,300 sq. m/0.23 hectares/0.56acres

5.2. On a practical point, it should be noted that the Masterplan as part of the extant planning application:

- seeks to retain the Gallaber Pond area (HE-LGS7) in full and indeed access to this area will be enhanced as part of the Planning Application;
- acknowledges the Dunbars Flash and Little Dunbars flash by the inclusion of two ponds (Ponds 1 and 4) within these areas; and
- creates three additional ponds which will provide additional ecological value. (Ponds 2, 3 & 5)

An overlay plan illustrating the proposed LGS designations in relation to the Masterplan is contained at Appendix 2 to this response.

5.3. Of all of the criteria referred to above, only biodiversity is of relevance and this is fully addressed in the Planning Application. It is germane to point out that the application has received no objection from the National Park Authority, the RSPB or Natural England.

5.4. Halton Homes therefore, fundamentally disagree that the designation of the 3 smaller areas as LGS need to be recognised or protected by the designation in order to support the wildlife interests of the flashes. On the contrary, should planning permission be granted the wildlife interest will not only be protected but will be enhanced, as will the recreational value of the area.

6. **Conclusion**

6.1. In conclusion the proposed amended LGS designations are unsound for each of the following reasons:-

6.1.1 Designating three smaller LGS's in order to overcome the Inspector's conclusion that the original proposed LGS amounted to an extensive tract of land is wrong in principle;

6.1.2 Taken together the cumulative area of the three LGS's amounts to an extensive tract of land;

6.1.3 Two of the three LGS's lack a properly defined boundary;

6.1.4 The Council have provided wholly inadequate evidence to support their assertion that the flashes themselves have a historic interest, beauty, tranquillity and recreational value which justify their designation as an LGS;

6.1.5 The only relevant value of the flashes in the wildlife interest they facilitate. This interest is protected by other policies in the Local Plan, most notably Policy ENV4: Biodiversity, without the need for designation of the flashes as an LGS. The wildlife interest of the whole site, including the flashes, would also be protected by the extant planning application.

Leeds
LS1 2TW
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