



Hearing Statement
Matter 11
Recreation and Community Facilities

On behalf of:
Cashtal Properties Ltd

In respect of:
Cheshire East
Site Allocations and Development Policies Document
Examination in Public

Date:
September 2021

Reference:
MA/CPL/014-06/R002m

1.0 Introduction

- 1.1 This Hearing Statement is submitted in respect of documents INS/10 and INS/11 as they pertain to Matter 11, which are all focused upon the REC policies regarding Recreation and Community Facilities. A key thrust of our response in this respect is the policy framework as it will pertain to the long-term use of the former tennis courts sited in the strategic site allocation LPS33.
- 1.2 This comprises responses to the following questions from INS/10 and INS/11:
- Q172 (REC1)
 - Q178 (REC1)
- 1.3 The Inspector may be aware that we issued representations to the consultation version of this Plan which challenged the decision to identify the tennis courts within site LPS33 as being Protected Open Space for the emerging Plan period. We continue to conclude that this approach is inconsistent with the advice of the NPPF. Regrettably, at this point the submitted Plan continue to promote this approach and has not (to date) clarified why this is the case.
- 1.4 We are therefore compelled to prepare and submit this Statement to assist the Inspector to draw out this information from the Council at the Examination.
- 1.5 We reserve the right to respond to the Council's comments regarding INS/10 and INS/11.

Responses to Key Questions

Matter 11 Recreation and Community Facilities

Q172 *Is Policy REC 1 justified, effective and consistent with the LPS and national policy in protecting open space in Cheshire East of recreational or amenity value? In particular:*

- a) *Is the inclusion of term 'green space' clear and unambiguous, is it clearly defined in the SADPD and is it consistent with national policy for the protection of open space?*
- b) *Is the methodology used to define open spaces for protection robust and are the areas of land identified on the Policies Map as protected open space justified, based on proportionate evidence?*
- c) *Is the identification of the following areas of land as protected open space justified based on their current status?*
 - *Land at Goddard Street, Crewe*
 - *Dyers Mill pond, Bollington*
 - *Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford*
 - *Car park on land at Radbrooke Hall, near Knutsford*
 - *Land to the rear of 43 London Road North, Poynton*
 - *Land at Waterworks House, Dingle Lane, Sandbach*
 - *Land at Pownall Park, Wilmslow*
- d) *Is the protection of incidental open spaces and amenity areas which are not identified on the Policies Map justified and effective, and is it compliant with Regulation 9(1)5 which requires the Policies Map to illustrate geographically the application of the policies in the Plan*

2.1 Policy REC1 is concerned with the identification and protection of important green and open space. Policy REC1 nevertheless advises that these requirements could apply to land without designation on the adopted policies map. By implication, the designation on the DPD mapping suggests justification of a site's function as an important green and/or open space.

2.2 In response to Q172 part A, we make no extended response but it appears that there is reference to numerous typologies but their characteristics are not identified clearly – so our response must be to conclude that the term “green space” is not clearly defined.

2.3 In response to Q172 part B, the methodology is not robust and decisions taken to identify land are unjustified. Whilst we have a principal interest in the land at Total Fitness (discussed under Q178) it is evident that there are numerous sites where the identification of parcels appears poorly considered and unsound. Obvious examples include Goddard Street in Crewe (subject of planning approval and unavailable) and the land at Total Fitness Handforth Dean.

- 2.4 The land at Total Fitness (TF) is essentially the former tennis courts delivered as part of the TF scheme dominated by the large two-storey gymnasium building and associated car park. All three components are private land and have never been made available for community use.
- 2.5 The draft policies map identifies the former tennis courts (omitting the building and land) and perhaps relies upon document ED18B (Outdoor Sports Technical Appendix 2019) which refers to the facility (under ID 476 / 32 HA).
- 2.6 This identifies the tennis courts as being in “regular / frequent” usage. In reality, these courts have not been in regular use since 2017 and are not available for letting. This is because usage and demand for the facilities was low and did not justify ongoing maintenance or staffing. The site should not be designated as protected open space because it is neither a community asset nor a private sports facility which is in active use.
- 2.7 We also note the long list of other sites where the status of these facilities aligned to this designation is being challenged. This presents strong evidence that the methodology is not robust and that the consequent decisions to make allocations is unsound.
- 2.8 In respect of Q172 part D, we can see that it may not be straightforward for all sporting facilities to be identified on a policies map that has value from a Sport England perspective. As worded, policy REC1 can “catch” proposals regardless of designation. If the Council is minded to pursue this policy component then it reduces the need to identify land as protected open space, perhaps other than those instances where the evidence to justify allocation is absolutely compelling. For many sites identified under REC 1, this is simply not the case.

RECOMMENDATION

- a) The REC 1 designation for land at Total Fitness at Handforth Dean should be removed.
- b) REC 1 designations should also be removed from other sites unless there is strong evidence that they are in active use for these purposes.
- c) Definitions for the typologies should be provided and the language within REC 1 should be tightened up accordingly to provide clarity and consistency with the NPPF.

Q178 Is the identification of the land adjacent to Total Fitness, Handforth Dean as protected open space under Policy REC 1 justified based on its current use and status?

- 2.9 Policy REC1 is concerned with the identification and protection of important green and open space. By identifying the TF land, this implies that the land serves that function and is so important that it warrants designation as an important green and/or open space.
- 2.10 We have set out in our response to Q172 part B that the methodology to identify this site (and other sites) is evidently lacking in robustness and that consequent decisions are unjustified.
- 2.11 The land at TF is essentially the former tennis courts delivered as part of the TF scheme dominated by the large two-storey gymnasium building and associated car park. All three components are private land and have never been made available for community use. The draft policies map identifies the former tennis courts and relies upon document ED18B (Outdoor Sports Technical Appendix 2019) which refers to the facility (under ID 476 / 32 HA).
- 2.12 This identifies the tennis courts as being in “regular / frequent” usage. In reality, these courts have not been in use since 2017 and unavailable for letting. This is because demand for the facilities was low and did not justify maintenance or staffing. The designation as protected open space should be deleted because it is not a sports facility which is in active use.
- 2.13 When we look to the Council’s base evidence in terms of the provision of sporting facilities, this is comprised of:
- Green Space Strategy (ED18);
 - Cheshire East Playing Pitch Strategy (ED19); and
 - Cheshire East Indoor Built Facilities Strategy (ED20)
- 2.14 The Playing Pitch Strategy provides a detailed assessment of existing facilities and future requirements for the core sports such as football, but this list excludes tennis. Document ED19 provides no advice in terms of the supply and requirements for tennis facilities.
- 2.15 The Indoor Built Facilities Strategy (ED20) provides no advice in terms of the supply and requirements for tennis facilities. It does identify requirements for facilities re badminton and swimming for a range of settlements, including Handforth. The demand for any such facilities is only referenced in the context of substantial housing growth over the Plan period which would be dominated by the LPS33 Garden Village scheme.
- 2.16 Paragraphs 7.19-7.29 are focused upon the Handforth area and identify local provision, key issues and then a series of recommendations. There is absolutely no mention of this facility as

being important and justifying designation as protected open space. In this, the key policy direction is the delivery of new sporting facilities in connection with the LPS33 scheme and the key focus of this is:

- 11 a side grass pitches
- 9 a side 3G all weather pitches

2.17 The only possible piece of justification in the Council's evidence base for the identification of the tennis courts as protected open space is the entry within ED18B. However, as identified above this is entirely flawed because this does not function as a regularly used and valued sporting facility and it has never been given over to community usage.

2.18 Moving on to the realisation of the LPS33 scheme, a major application is under determination and this does include sporting facilities which reflect the requirements set out in the Local Plan and rehearsed within the more recent evidence base documents. The application material identifies the location of these facilities and these do not rely upon the land housing the former tennis courts. Having reviewed the EIA application in some detail, there is also no commentary that suggests any reliance or assumption that these tennis courts would come back into use and be needed by the new residents from the new garden village.

2.19 We also note that in the Masterplan which underpinned the identification of the LPS33 site for allocation in the Local Plan Strategy, the tennis court land was identified as part of the proposed local centre and would presumably be redeveloped in time. None of this is assistive of any argument that the site warrants designation as a protected open space.

2.20 Put simply, there is no robust justification from the Council's evidence base that would warrant the continued designation of this land as protected open space.

RECOMMENDATION

- a) The REC 1 designation for land at Total Fitness at Handforth Dean should be removed.