



# Matter 11: Recreation and Community Facilities

Examination of the Cheshire East Local Plan Site  
Allocations and Development Policies Document

For: Emery Planning

Emery Planning project number: 17-087

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## 1. Introduction

- 1.1 This hearing statement is submitted in relation to Matter 11: Recreation and Community Facilities. The hearing session is scheduled to take place on 3rd November 2021.

## 2. Green/open space protection (Policy REC 1)

**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?**

2.1 No.

2.2 The Glossary to the SADPD repeats the definition of the open space in the Framework as:

*“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

2.3 There is no definition of Green Space within the SADPD or Framework and this term is not clear and unambiguous.

2.4 Paragraph 11.4 of the explanatory text states that Policy REC1 reflects paragraph 97 (now 99) of the Framework which sets out the criteria to be satisfied should development of green/open space be considered. However, paragraph 99 of the Framework is clear that it relates to “existing open space, sports and recreational buildings and land, including playing fields”. Part 1 of the policy should be amended to properly reflect the NPPF.

**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?**

2.5 No.

- 2.6 The detailed information on individual sites has not been made available as part of the evidence base. This can only be obtained by contacting the local planning authority. It is not therefore clear whether the policy is positively prepared or justified.
- 2.7 Emery Planning contacted the council to request quality information on site 12MB (Open Space Assessment reference) and the response received is below:

*"Thanks for your enquiry regarding the open space 12MB. The detailed information on this site currently appears to only be available on the Council's own data base which is in the process of being added to the interactive mapping. It is amenity open space owned and managed by Cheshire East. There is an aspiration to improve the area as it is well used. There are no plans to dispose of the site. There is PROW linking it to the Middlewood Way making it a valuable link to the wider green infrastructure beyond".*

- 2.8 The information provided is incorrect as this land is in private ownership, is extremely overgrown and unusable with no public access.
- 2.9 In the absence of the information on individual sites, the policy cannot be justified.

### **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**

- 2.10 No comment.

#### **• Dyers Mill pond, Bollington**

- 2.11 The pond is a privately owned and managed former mill pond which does not offer any opportunity for sport and recreation. As the pond requires active management its current visual amenity cannot be guaranteed in the long term. Without ongoing management the build up of silt would significantly alter its visual appearance.

#### **• Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford**

- 2.12 No comment

#### **• Car park on land at Radbrooke Hall, near Knutsford**

2.13 No comment.

- **Land to the rear of 43 London Road North, Poynton**

2.14 No comment.

- **Land at Waterworks House, Dingle Lane, Sandbach**

2.15 This site is subject to an extant planning permission for residential development and is currently under construction. There is no justification for the designation.

- **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?**

2.16 No. There is no justification in this regard. This is also not effective and provides no certainty to applicants in assessing the suitability of land for development.

### **3. Indoor sport and recreation implementation (Policy REC 2)**

**Q173. Is Policy REC 2 justified and consistent with the LPS and national policy in:**

**a) Requiring housing developments to contribute towards indoor sport and recreation facilities where they would increase the demand for such facilities, rather than where there is an existing deficiency in the quantum or quality of facilities in the area or the development would lead to a deficiency?**

3.1 No. The policy should only apply where the proposed development results in or exacerbates an existing shortfall in provision of indoor sport and recreation. In the absence of this requirement the policy is not consistent with paragraph 57 of the Framework.

**b) Where there is no existing leisure facility nearby, requiring contributions to be directed to the nearest community facility providing recreational activities, rather than nearby private leisure facilities?**

- 3.2 If the contribution was to be directed to a private facility it is not clear how (a) this would be secured and (b) how this would be to the benefit of the future occupiers of the development and existing residents.
- 3.3 Directing a contribution to the nearest community facility irrespective of type would not meet the tests of obligations at paragraph 57 of the Framework . For example, directing the contribution to a community facility such as a village hall where the contribution was requested in relation to an alternative facility such as a swimming pool would not be justified in relation to the tests set out in paragraph 57 of the Framework.

#### **4. Green space implementation (Policy REC 3)**

**Q174. Is Policy REC 3 justified and consistent with the LPS and national policy in requiring:**

**a) all major employment and other non-residential development to provide open space as part of good design and to support health and well-being, and if so, to what open space standards should it be provided?**

- 4.1 No.
- 4.2 The policy refers to 'green space'. In our view this is not sufficiently clear or precise. The policy should be amended to refer to open space only.
- 4.3 Paragraph 98 of the Framework is clear that planning policies should be based on robust and up-to-date assessments of the need for open space. The requirement for open space should be dependent upon the need in the immediate locality rather than a blanket requirement for all major development.
- 4.4 The expected open space standard should be set out in the plan.

**b) a commuted sum for maintenance of areas of open space of strategic significance for a minimum period of 20 years?**

- 4.5 No. It is not clear whether the requirement for this commuted sum has been assessed in the viability appraisal.

**5. Community facilities (Policy REC 5)**

**Q175. Is Policy REC 5 consistent with national policy and will it be effective in guarding against the unnecessary loss of community facilities? Should the policy stipulate that development proposals which would result in the loss of a community facility, must provide an assessment of the value of the facility and the impact of its loss on local services and demonstrate that the loss is necessary?**

- 5.1 No.
- 5.2 Paragraph 93 of the Framework requires planning policies to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” (our emphasis).
- 5.3 The key therefore is that an assessment is required as to whether a facility is valued, whether its loss would reduce the community’s ability to meet its day-to-day needs, and also whether its loss is necessary. However, REC5 does not identify specific sites of value, or provide for sites to be redeveloped based upon an assessment of the value or viability of a community use. It simply acts as a blanket restrictive policy. The policy is therefore not consistent with paragraph 93 of the Framework.