



Mirrlees Fields Friends Group (MFFG) Response to Planning Application to develop Mirrlees Fields DC/081719

MFFG response

1. In 2017 MFFG submitted, in response to the consultation on the Stockport Local Plan Issues Paper, a detailed proposal that Mirrlees Fields should be designated as a Local Green Space within the definition in the National Planning Policy Framework. **It remains our position that we believe Mirrlees Fields is a unique landscape and habitat which is a much-loved community space that should be preserved and protected.**

2.1 The Site is designated as “Strategic Open Space” for the purposes of Core Policy CS8 of the Council’s Core Strategy (2011) (“the CS”) and saved policy UOS1.2 of the Stockport Unitary Development Plan (2006) (“the UDP”). The Site is also designated as “Green Chain” for the purposes of saved policy NE3.1 of the UDP.

CS8 states: “3.290 In general terms development that does not safeguard the permanence and integrity of areas of Strategic and Local Open Space will not be allowed. There may, however, be situations in which other factors determine that the need to continue to protect existing assets are outweighed by the interests of achieving sustainable communities, in particular with regards to delivering mixed communities, meeting wider leisure needs, improving participation in the use of recreation facilities and improving parks. In such situations the objective of achieving sustainable communities may be best served by the development of limited areas of open space. Such development must be designed to meet a high standard of sustainability and pay high regard to the local environment.

2.2 We note that MAN accepts (see Planning Statement para. 12.7) that the proposed development would conflict with the development plan taken as a whole, because of the identified conflict with policies UOS1.2, NE3.1 and CS8 regarding open space and the green chain.

2.3 However, MAN argues that the local policies are inconsistent with the NPPF and should be considered to be out of date.

2.4 In our view, the green chain policy is consistent with the paragraphs of the NPPF which support the provision of “green infrastructure”: see e.g. paras. 20(d), 92(c), 154(a) and 175. Policy CS8 is conceded to be “broadly consistent” with the NPPF (para. 8.31 of the Planning Statement), albeit it is claimed that policy CS8 is “more onerous” than NPPF para. 99 because it requires each area of the borough to meet the “Fields in Trust” “6 Acre” standard. We are not persuaded that MAN are correct to say policy CS8 is inconsistent with para. 99 of the NPPF.

2.5 The question arises whether “other factors determine that the need to continue to protect existing assets are outweighed by the interests of achieving sustainable communities, in particular with regards to delivering mixed communities, meeting wider leisure needs, improving participation in the use of recreation facilities and improving parks”

3.1 The MFFG constitution obliges us to consider the long term solution being offered in the application. The principal charitable purposes of the charity as defined in our constitution are as follows

- (1) To work in partnership with the landowners and other relevant organisations to bring the area known as Mirrlees Fields into wider community use.
- (2) To ensure Mirrlees Fields becomes a well-managed and safe public space that will enhance the quality of life for local people.

3.2 We have given due consideration to the proposal that the Land Trust takes ownership of the remaining area of the Fields, and we think that this is a good solution, if SMBC is minded to approve the building of houses on the site, provided this is guaranteed by a S106 agreement which requires the transfer of ownership before any development takes place.

3.3 We would also be **seeking reassurances that the S106 agreement would not be subject to any amendment and could not be appealed by any party**. We understand that legislation allows for changes to S106 agreements but a firm reassurance is needed that the essential features of the proposal (1) that the Land Trust becomes the landowner of the remaining area of Mirrlees Fields and (2) payment of an endowment of 1.27m to the Land Trust, will be fulfilled. This is an essential requirement in the light of widespread scepticism among residents that this aspect of the proposal will be implemented.

3.4 We understand the challenges of how best to protect privately owned land from development. We recognise that the future for the land at Mirrlees Fields, if the current application is rejected, and while it is in private ownership, is uncertain.

3.5 Furthermore, we know the costs associated with management of the land are considerable and this is, in part, why the Council has shied away from ‘ownership’ and was opposed to any Town Green application when this potential course of action was discussed with Officers and Councillors alike several years ago. This proposal is supported by a landowner that wishes to preserve a large proportion of the current site and the provision of a revenue stream for maintenance, management, enhancement and upkeep. Our charitable objectives require us to be sympathetic to a proposal which offers a long term solution for a significant proportion of the site. At this time, we do not recognise any other viable alternative model that would provide this security for Mirrlees Fields.

4.1 The issue is that the protection offered is not for the whole area for which we argued should be a Local Green Space. The whole of the ‘big field’ would be lost.

4.2 This is a significant harm in terms of townscape impact, which is accepted by MAN’s expert consultants but assessed as being “minor adverse” in the case of the Bramhall Moor Industrial Area and MAN Energy Solutions (TCA 5 and 8), and “minor adverse” in the case of Mirrlees Fields itself (TCA 1): see para. 10.59-10.61 of the Planning Statement. The latter is considered to be “minor” overall because, although 18% of the TCA will be lost, there will be the retention of 21.64 hectares of open space, the conversion of it to publicly accessible open space, the containment of the space by built form, and the abundance of screening woodland, together with the beneficial effects of the proposed management of the space, habitat enhancements, and improved footpath networks. This

judgment as to the extent of the harm is obviously open to dispute. We think the townscape impact of a loss of 4.4 hectares of open fields is hard to characterise as “minor”.

4.3 First, we think the characterisation of the loss being 18% and the retained area at 82% of the total is misleading. The figure for the retained green space includes the open green spaces between the houses in the development, but these are not part of the area to be taken over by the Land Trust. Also, much of the 82% is not accessible for public use whereas the whole of the current field is available and is well-used. The loss is closer to 33% in our estimation.

4.4 We also argue that the big field is a special place in social and ecological grounds, and that the status of the open area is grossly under-estimated in the application. Socially this is the place where the majority of users of the fields meet. It is where ball games can be played, picnics are held, kites are flown, and walkers feel safe because they are visible. It is crossed by the Fred Perry Way (see below) and is a unique landscape precisely because it is open to the sky.



4.5 Stepping Hill, which is already worse off than other areas of the borough, would be further deprived of open green space. As we have noted above, conflict with policy CS8 is openly acknowledged and accepted by MAN.

4.6 The ecological value of the open field is also under-estimated in the application. Part of the ecological importance of Mirrlees Fields is the ‘mosaic of habitats’ - woodland, scrub, wetlands and open grassland.

As the Greater Manchester Ecology Report (2008) found, ‘Although no individual aspect of the site’s flora and fauna are significant in regional county or district terms, the site supports a wide variety of habitats which provides structural habitat diversity and a range of micro habitats. Mirrlees Fields provides a significant area of semi natural habitat for a wide variety of faunal species within the densely developed Stockport ASICS corridor and provides a wildlife corridor function for animals.’

4.7 The losses of grassland, scrub and the overall mosaic of the site have not been suitably mitigated for.

4.81 Our conclusion is that to preserve the characteristic mosaic of habitats it is essential that a substantial part of the 'big field' should be retained. We consider the area taken by the housing to be too large given the importance of the big field in the social life of the community and its ecological significance.

4.82 In our view, the proposal, as currently formulated, is to be opposed due to the quantum of development. The number of units (which we understand to have been increased at Council officer request) cannot be justified by local or national planning policy.

4.83 While the proposal results in the loss of the whole of the big field, it is our considered view that the benefits brought by the development do not outweigh the harms. A proportionally smaller development with proportionally smaller harms may be viewed differently.

5. We also wish to make a number of detailed comments on the application:

5.1 We reject the arguments in the application that because Mirrlees Fields is privately owned that it cannot be a Strategic Open Space. We note that large numbers of people have accessed the Fields without permission, without force and without secrecy which has made the Fields a de facto public space. Our survey of 2017 recorded the usage of the Fields by local residents. It is widely accepted that the usage has increased since 2017 especially during the lockdown, demonstrating the importance of the site for public health.

5.2 The issue of reserved matters for the bulk of the application is unacceptable. Assurances would need to be sought now that ensured the green chain linkage to Happy Valley was maintained through restricting the location of dwellings, enclosed gardens and roadways in key areas. Likewise, there needs to be a planning condition requiring for 'zero carbon in use dwellings', complete with electrical vehicle charging facilities, without domestic gas boilers to mitigate against the negative impact of air pollutants (specially NOX and other vehicle exhaust emissions) that would come from the development.

5.3 The proposal to divert the Fred Perry Way through the housing estate is not acceptable. This right of way follows an historically significant route, only slightly modified by the factory site, joining two farms Bramhall House Farm and New Farm which date back prior to the 18th century. Also, as a section of a named route, it receives priority protection with Stockport's rights of way network. We argue that the line of the path should be preserved.

5.4 There will be harm arising from the loss of a significant number of trees (131), including four category A trees. This loss is not given sufficient attention in the application.

5.5 A number of the ecological surveys used in the report are not sufficiently recent to be acceptable in terms of best-practice and contain some specific deficiencies as listed below:

HABITATS

- Desk study data from GMEU is from 2017, this is now over 4-5 years old and considered out of date. Updated desk study data should be sought in accordance with best practice

- Phase 1 habitat survey is in date and gives a good baseline of the habitats present on site. Species listed in the sward are typical species present on site
- Community orchard is mentioned within habitat descriptions however there is no mention of whether this habitat fits the criteria of the BAP habitat (Traditional orchard).
- Within bat result section it mentions “two other trees within G9, noted as mature oaks with veteran characteristics” – No veteran or ancient tree assessments have been undertaken and these trees may be lost to the proposed development.

SPECIES

Bats - Trees

- Ground based roost assessments only focused on trees with potential for removal. Potential for disturbance of roosts in retained trees does not seem to have been considered
- Tree climbing surveys undertaken, no mention of who undertook these surveys and if they were appropriately qualified.
- Tree survey results show that two trees in G9 have moderate potential for roosting bats. No additional surveys of these trees has been undertaken, therefore the current roosting status of these trees are unknown. As bats are a material consideration and these trees (and associated potential roosts) may be lost to the development, additional emergence surveys of these trees is required.

Bat Activity Surveys

- The methodology for bat transect surveys and remote monitoring are based on a site assessment of “low potential” in accordance with Bat Conservation Trust (BCT) guidelines. BCT guidelines state that for low potential sites only three transects and three periods of remote monitoring are undertaken. Given that habitats on site, I would suggest habitats are more aligned to being of moderate quality for foraging, commuting and roosting bats. (See Appendix B of Ecological Assessment report). No explanation or rationale given as to why the “low potential” assessment was made. As the site is of moderate potential for foraging and commuting bats, monthly transects and remote monitoring should have been undertaken during the bat active season.
- Bat surveys undertaken in 2018, with only visual update of habitats in 2020. Transect and remote monitoring surveys are out of date with last transect survey undertaken on 17th Sept 2018 therefore considered over 3 years old.

Great Crested Newts

Methodology

- Early in the report it states “Natural England’s great crested newt (*Triturus cristatus*) licensing method statement template (Form WML-A14-2 (version December 2015) advises that, for developments resulting in permanent or temporary habitat loss at distances over 0.25 km from the nearest pond, careful consideration should be given to whether a survey is appropriate. Although the species may use suitable terrestrial habitat up to 0.5 km from a breeding pond, in this instance a 0.25 km search radius was considered appropriate due to the small scale of the project (a small site).” A 500m buffer would have been more appropriate given the habitats present, good connectivity, large size of the site (~7ha) and in accordance with best practice. Within the updated NE

method statement template (Form WML-A14-2 (Version April 2020)) the NE rapid risk assessment tool (a guide used to inform developers when a GCN development licence may be required) shows that 7ha of habitat permanently lost or damaged, with known GCN breeding ponds >250m distant would still result in a likely offence being caused. Therefore all ponds beyond 250m to a distance of 500m should have been included in scoping and survey.

Results

- The results section does mention ponds identified from aerial imagery located up to 500m from the site so it is unclear which pond scoping methodology has been used, in addition there are no figures showing what ponds have been identified. There are other known ponds within 500m of the site that have not been considered in the report, these are known to local homeowners
- Results state that “GCN eDNA analysis carried out on Ponds 1, 2 and 3 returned negative results, indicating the species was absent. GCN are therefore not considered further within this report.”. All ponds within 500m of the site have not been assessed and some located within 250m have not been assessed nor surveyed. To discount GCN based on the limited data is not sufficient given the excellent quality habitat on site and good connectivity from the site to offsite habitats (namely two railways to the north and south of the site).

Breeding Birds

- Breeding bird surveys are also considered out of date as they were undertaken in 2018 and now is 3 ½ years old. Repeat surveys should be undertaken in order to update the baseline.

6. Conclusion

6.1 Our preference is that whole of Mirrlees Field is protected as a Strategic Open Space as we believe it would meet the policy requirements for designation as a Local Green Space as we argued in 2017.

6.2 We appreciate that Stockport is under pressure to meet targets for new houses and that the fact that Stockport does not meet 75% of its targets means that there is presumption in favour of sustainable development – though recent government pronouncements make it clear that brownfield sites should be used first and, in the face of climate change, that protecting green spaces is also a government priority.

6.3 We cannot support a proposal which would lead to the whole of the ‘big field’ being lost to a housing development, associated hard and soft landscaping and infrastructure. If there were to be a housing development on Mirrlees Fields it should be reduced in scale and density, take-up a smaller area and preserve a significant proportion of the character and grassland habitat of the open field.

6.4 Key aspects of any development should not be left for ‘reserved matters’ discussions between the Council and future developer and should be set out as planning conditions – certainly in light of a lack of confidence in the Council’s ability to reflect the wishes, views and considerations of the local community in reserved matters discussions following their request to increase the scale of development.

6.5 In the absence of no current, realistically viable alternative, we recognise and welcome the protection for the majority of the area under a S106 agreement and the provision of a sustainable

revenue stream for maintenance and management of the site. This aspect of the proposal would bring public benefits in perpetuity, providing that the S106 specifies that the transfer of ownership to the Land Trust with the capital sum of £1.27m take place **before** any development takes place.