



## PROTECT MIRRLEES FIELDS FROM DEVELOPMENT

Planning Appeal by MAN Energy Solutions UK Ltd

Appeal Reference APP/C4235/W/3325351

Mirrlees Fields, Stockport

### **Closing Statement**

Protect Mirrlees Fields from Development

14<sup>th</sup> November 2023

Tara Hughes

Rule 6 party

## **1. Introduction**

This is the Closing Statement of Protect Mirrlees Fields from Development (Rule 6 Party). We have attended every day of the inquiry into the appeal by MAN Energy. For brevity and ease of reference we are summarising the main issues, and key points that have arisen from them, as we have witnessed them throughout this process.

## **2. Main Issues**

The following main issues were examined over the course of the inquiry.

### **2.1 Open Space**

Mirrlees Fields is a Strategic Open Space in an area already severely underserved by greenspace. If the proposed development was allowed this deficit would increase, from losing the fields and by increasing the number of people in the area.

Due to the impact of the proposed development on Open Space being such a crucial issue, we were disappointed that the Appellant brought forward a landscape planner to give evidence on the subject. The witness admitted that he had over-reached his area of expertise and conceded that some of his evidence should be removed but then refused to answer many further questions.

We heard that Mirrlees Fields meets the Fields in Trust standard (CD5.8) because it is of sufficient size, located in an accessible location and is in close proximity to dwellings. This means that the loss of existing open space for recreation should only be allowed under exceptional circumstances.

We have shown that Mirrlees Fields has been in continuous recreational use since 1905, firstly associated with the factory on site, and since 1986 this has been freely accessible to the public with nothing to physically stop them or tell them otherwise until MAN put up signs in 2012.

### **2.2 Supply of Housing Land**

We learned that Stockport has had a deficit in housing land supply for many years but is now in the position of demonstrating a 4.08 years supply. This shows that the Mayoral Development Corporation is successfully building homes that people need, rather than executive homes that some developers want to build, and a lot of schemes are coming forward.

We believe this is positive for the people living and working in Stockport and argue that the proposed additional 200 homes on Mirrlees Fields would make very little impact on this measure and would have no impact whatsoever for the people that are in most need (due to the building types proposed).

### **2.3 Public Rights of Way**

There is an important PROW that would have to be diverted onto the housing estate if this development was allowed. We maintain our opposition to this in principle as we have not

heard any evidence to justify degrading the nature of the path and ignoring the experience of users of the right of way.

We argue that the housing development and necessary redirection of the PROW would have a major adverse effect on the landscape and visual amenity of users of this Strategic Recreational Route.

#### **2.4 Health and Wellbeing**

There is a mental health crisis in the UK. In our evidence we examined the link between mental health and open space, which clearly demonstrates that open space is essential for good mental health, and that a paucity of open space encourages poor mental health.

We have heard evidence from one of our members about the very positive impact that Mirrlees Fields has had on his mental health in times of extreme difficulty. Unfortunately, we witnessed the level of emotional distress resulting from being challenged on this attachment and the thought that he may lose the fields.

Additionally, 40% of schoolchildren have seen a decline in their mental health and urgent referrals to CAMHS services are three times the norm. It is crucial that this generation ensures that there is sufficient open space to protect the mental health of the current generation of children, and those who follow.

Children need open space; space to run, fly kites, kick a ball, etc., and most of these activities would not be possible in the remnants left over from this development. It is heavily wooded, boggy, adjacent to a railway line and not 'open' space. It would also have to be closely managed to reduce damage from excessive use.

Mirrlees Fields is a safe place for all the community, from the youngest in prams, children, walkers, joggers, to elders with walking sticks or mobility aids. This is because it is so well used, throughout the day and the week and the year. This results in a great sense of community ownership and very high levels of informal surveillance.

For these reasons we argue that Mirrlees Fields is an irreplaceable asset to the mental health and wellbeing of the whole community.

#### **2.5 Ecology**

One of the biggest issues with the Appellant's claims about ecology are that the green chain would not be negatively affected by the housing development, in fact, we were told that not only would the green chain not be choked by having the development blocking the only linkage running north-south, connecting the two railway lines, but that the movement of wildlife would benefit because animals like to creep along edges and so building houses there provides them with more edges to creep along.

This is a ridiculous suggestion. It is plainly obvious that the development would create a huge obstacle in the middle of the green chain. Arguing that wildlife would benefit from having properties and paths and boundaries in their territories and hunting grounds is, frankly, absurd.

The other major issues involve the Biological Net Gain, whether the Appellant thinks they legally have to take a precautionary approach (they think they don't so they won't) and how on earth the ecological value could be improved by squeezing in an additional 786 people (and their dogs and cats) into a much smaller space.

The Appellant agrees that the site already has evidence of disturbance from human use and dog walking in several places, including those that make it difficult to determine badger paths from human paths (CD1.41). The Appellant argues that fencing and signage should be used to prevent excessive trampling. This is in direct conflict with their claims that the residual fields would be publicly accessible and that they would be encouraging wider use of the fields.

We share the concerns about this issue with Cheshire Wildlife Trust and the Greater Manchester Ecology Unit, and we do not consider that the Appellant has addressed these issues at all. If the development were to go ahead, the ecological value would be severely negatively affected, or the public use of the fields would have to be severely restricted. It is not possible to increase the ecological value and increase the number of people into a significantly reduced space at the same time. Fencing off the retained grassland is totally inconsistent with the Appellant's claim of improved recreational use.

The CWT evidence that grassland enhancement to the levels being claimed would be difficult in an urban setting are based on their practical experience along with a knowledge of Mirrlees Fields itself, therefore their opinion should carry significant weight in determining whether the claims of the BNG enhancement of the Appellant are credible.

The Appellant's BNG claim relies on achieving enhancement of all of the retained grassland, and this is extremely unlikely. The baseline grassland condition for the area that the Appellant wishes to develop for housing was downgraded between the Appellant's own clear and unambiguous BNG statements of the current grassland condition (moderate) and the condition score subsequently entered into the detailed BNG metric for the calculation of net gain (fairly poor). CWT have repeatedly asked for this error to be corrected or explained.

For all these reasons the BNG of 13% should be considered unsafe and speculative.

## **2.6 Arboriculture**

The matter of disagreement is the status of T1/T9 as a veteran tree. The Council's case officer reviewed the evidence and decided that it was a veteran tree. If T1/T9 is a veteran tree then the Appellant must demonstrate a *wholly exceptional* reason to remove the tree, without reference to either the condition of the tree or the compensation arrangements.

We heard evidence from the Appellant that their methodology defines veteran trees by girth and age as a disqualifying factor (CD9.5.1). We agree with the Woodland Trust that this is not a correct approach to conferring veteran status to a tree. We were told that the key phrase that trees "*become ancient or veteran because of their age, size, or condition...*" should be interpreted as "*age, size, and condition*" despite the following sentence of the government (PPG) guidance stating that "*Not all of these three characteristics are needed to make a tree ancient or veteran*". We do not agree with the Appellant's suggestion.

Furthermore, we have significant concerns about the RAVEN methodology that was chosen by the Appellant. We have concerns that the use of RAVEN can deliberately misinterpret the NPPF definition and can lead to the bypassing of planning policy so that irreplaceable veteran trees, that are seen as a constraint to development, can be destroyed.

Neither do we agree that the statement “*veteran trees may not be very old...*” should be interpreted as “*veteran trees may not be very old...*”. This was a petty argument about something quite important. The Appellant accepts that T1/T9 is a tree ‘with veteran characteristics’. We argue that this is because it is indeed a veteran tree.

We have not been presented with any evidence of ‘wholly exceptional reasons’ for the destruction of veteran tree T1/T9.

We do not accept that the planting of saplings, which take 20+ years to mature enough to support biodiversity to be a satisfactory replacement for the trees that would be removed by this development.

## **2.7 Strength of Public Feeling**

David Kemp represented MFFG on the first day of the inquiry and admitted that he couldn’t speak for the local community, and was representing their 748 facebook members who “*have confirmed a willingness to consider compromise*” (IP1). This represents less than 41.5% of the over 1,800 MFFG members that were repeatedly referred to throughout the inquiry (CD13.5).

MFFG surveyed their members in July 2020 and found that 76% of their members wanted to protect the whole site (rather than accept ‘the compromise’), so they raised money for a fighting fund and submitted a very strong objection to the planning application on 22/10/21 (CD3.2).

It is not known when or why the committee of MFFG had a change of heart, but it is known that the dramatic change in policy was not put to the members or the trustees in 2022 in any general or other meeting, and MFFG still have a restricted fighting fund of £3,804.33 called ‘Protect the Fields’ (CD13.2).

Protect Mirrlees Fields from Development was born in 2020 with the one, consistent, unchanging goal of protecting Mirrlees Fields from development. Most of the committee and many of the 1,000 facebook members are long-term MFFG members (CD3.2). We unreservedly agree with David Kemp’s judgement that supporting this development is “*unpalatable*”.

Table of objections vs support for the planning application (source:CD3.2)

<b>Objections</b> to the planning application	email	271
	portal	153
	petition	5,129
		<b>(5,553)</b>
<b>Support</b> for the planning application		2
		<b>(2)</b>

As can be seen from the number of objections and supporting comments for the planning application (CD3.2), the housing development was very unpopular. Our petitions in August 2020 (CD6.12) and July 2023 (CD7.3) show that this remains to be the case for the vast majority of the local community.

It was suggested by the Appellant that there was an *equivalence* between the two groups, and they in some way cancelled each other out. This is categorically not true.

### 2.8 Planning Balance

We have some sympathy with the Council’s position regarding the lack of a current Local Plan. It’s clear that this is the result of significant upheaval in national legislation (Localism Act 2011, NPPF 2012, 2018, 2019, 2021) and the regional political shenanigans that saw Stockport as a partner in the Greater Manchester Spatial Framework from 2014 until they ducked out at the last minute in December 2020, and the GMSF went on to become Places for Everyone (except Stockport).

Unfortunately, this means that the protection of Mirrlees Fields has not been strengthened in some time and so it has become vulnerable to this planning application.

We agree with Mary Robinson MP that Mirrlees is a “*green gem in Stockport*” and a “*significant important open space..of high quality and value*”, and that protections should remain in place (IP2). However, we argue that had the Local Plan been developed that Mirrlees Fields would have benefited from further protection to safeguard this greenspace, and in the event of this appeal being unsuccessful, that is exactly what we will endeavour to achieve.

Despite the longstanding nature of Stockport’s saved policies, we do not agree that they should be disregarded. It’s inappropriate and opportunistic to assume that the policies and designations would be subject to massive changes that would favour the Appellant. In reality, the policies may have changed little or changed in ways to thwart the Appellant.

We particularly disagree with the Appellant’s argument that the policies that provide environmental protection should be disregarded due to the housing land supply not being met. This measure is obviously increasing and is very close to the target.

### **3. The Fallback**

A substantial amount of the inquiry related to the fencing that the Appellant installed around the fields shortly after planning permission for this development was refused by the council. At the Local Area Committee in December 2022, Jon Suckley stated that MAN Energy wanted to dispose of Mirrlees Fields because it was costing them £10,000 a year. By Day 7 of the inquiry this figure had risen to £20,000-£30,000 per year plus around £1,500 per month on repairing fences.

The threat of the Appellant to erect a permanent 2 metre high, opaque, impermeable fence around their land to deny access to local residents who have freely given their time and energy over the years to help maintain and improve the fields, at an estimated £150,000 capital cost plus additional regular repairs plus maintenance and insurance casts doubt on the earlier claim that this was a money-saving measure.

We find it incredible that MAN are prepared to expend huge resources on erecting and repairing fences for any other reason than out of spite or because they think it will help their appeal. The planning application was refused when there was no fence restricting access onto the whole site, that has been freely accessed by all for over 35 years. If this tactic of fencing is successful, this could be replicated by every vindictive landowner up and down the country.

The Appellant argues that it needs the fallback fence to secure the site if the appeal fails so that it can sell it to a developer. It's unclear why a developer would want to buy a site that has had planning permission refused, is a Strategic Open Space, and is likely to be protected even further from policies of environmental protection, let alone the negative consequences of having the fence, such as restricting the constant use and informal surveillance that makes Mirrlees such a safe place.

If this threat of the fallback fence is carried out by MAN we would urge intervention from Greater Manchester Police Design for Security, PROW officers, and the emergency services with regard to the resultant kettling of PROW users in the no-man's land between two Berlin Walls. Additional involvement would be sought from Natural England and other wildlife organisations regarding the separation of wildlife from their habitat and hunting grounds, including the species that are present on Mirrlees Fields that are designated protected species.

If the appeal is unsuccessful, we would urge MAN Energy to co-operate with Mary Robinson MP, CWT, and the local community to come to a sensible understanding and to recognise that the fallback is a choice.

### **4. Alternative Futures**

While other individuals can't imagine any future for Mirrlees Fields apart from as a site for housing development, we have carried out initial research into an alternative, secure future for the fields (CD7.3). Our vision would not be an unreasonable one, given that community organisations are already successfully developing and maintaining nature reserves and greenspaces across the UK, and that Cheshire Wildlife Trust has previously stated that Mirrlees Fields has the potential to be designated as a Site of Biological Importance (CD3.2, CD4.44).

There are existing networks and mechanisms, and most of all the community will, to safeguard and improve the fields and continue to achieve the most sustainable future for the people, plants, and animals that rely on Mirrlees Fields.

## 5. Conclusions

We are very disappointed that the Land Trust is unwilling to commit to the draft Section 106 Agreements. The Land Trust involvement is the only benefit of the proposed development to the local community. This charity has been promoted from the beginning as an answer to the problem posed in the Mirrlees Fields Spatial Plan and written into our SOCG with the Appellant. This puts into question their commitment. If the Land Trust withdraws it puts the local community in the unpleasant position of having an unknown body taking charge of the remaining open space.

The Appellant's argument throughout this inquiry has been that Mirrlees Fields is not a valued landscape, is a vacant site, of low quality and therefore no public interest and no specific harm was identified. We disagree profoundly with these statements and argue that the proposed development would have a significant and detrimental impact on the community, now and for future generations. Furthermore, the loss of wildlife habitat and hunting grounds and the interruption of the green chain could result in major negative borough-wide consequences for biodiversity.

While we are grateful for the opportunity to take part in this process, we have found the experience to be extremely difficult. Due to the timing and urgent deadlines it wasn't possible to find a planning consultant and so we have had to take this challenge on ourselves, as complete amateurs. We have been exasperated with the sheer volume of documents and pages of documents submitted by the Appellant, often at the last minute, from the initial planning application to throughout the length of the inquiry.

We have also found the format at times unnecessarily aggressive. We don't see what is to be gained from badgering witnesses, surely evidence can be robustly tested without intimidating people, such as a *viva voce* setup as used in academic research.

Potential improvements for future inquiries would include recognition that planning consultants are not available throughout August, and that all parties should abide by the prescribed limits for documents and have them submitted on time.

Notwithstanding the challenges we have experienced throughout this process, we remain very grateful for the opportunity to stand up for our much-loved greenspace in the heart of our community. We came to fight for the meadow, and the Mirrlees Oak, and the buzzards, and for everyone that benefits from them. We are thankful for the unwavering support from our local community over the last 3 and ½ years.

Finally, we would like to commend the inspector for her patience (of a saint) and her understanding and fortitude in the face of our inexperience. All of this wouldn't have happened so smoothly if it wasn't for Yvonne Parker, who has been an excellent, efficient, and very approachable Programme Officer.