

Gedling Borough Council

Response to Matter 4

Green Belt

Issue 4a: Protection of the Green Belt

Q1. Does the Plan make appropriate provisions for the protection of the Green Belt in accordance with national policy? [Policies LPD 12 – LPD 17]

- 4.1 Yes it is viewed that the Plan makes appropriate provisions for the protection of the Green Belt in accordance with national policy. Paragraph 79 of the National Policy Framework (NPPF) confirms the importance that Government attaches to Green Belt and stresses the fundamental aim of Green Belt policy of preventing urban sprawl by keeping land permanently open. The five purposes of Green Belt are recognised and the Aligned Core Strategy (ACS) (Part 1 Local Plan) Policy 3 The Green Belt confirms that the principle of the Nottingham Derby Green Belt will be retained and verifies that Part 2 Local Plans will review the Green Belt boundary to meet the ACS development land requirements.
- 4.2 It is viewed that Policies LPD 12 – 17 provide clear and detailed guidance on the interpretation of national Green Belt policy in Gedling Borough. Policy confirms that when determining planning applications, substantial weight will be given to any harm to the Green Belt and “inappropriate development” will be approved only in “very special circumstances”.
- 4.3 As highlighted in the response to Matter 1, the Local Planning Document was scoped out against the provisions of the NPPF ensuring complete policy coverage in accordance with national policy. Appendix 1 to the Council’s statement in relation to Matter 1 sets out the results of this scoping exercise.

Issue 4b: Removal of land from the Green Belt

Q2. Has the principle of removing land from the Green Belt already been established in the ACS? If so, does the Plan deviate from the principles set out in the ACS in this regard?

- 4.4 Yes the principle of removing land from the Green Belt has been established in the ACS and it is not considered that the Plan deviates from the principles as set out in the ACS. The Inspector’s report on the ACS (LPD/POL/07) at paragraph 118 states that the ACS should give direction to Part 2 Local Plans to emphasise that non-Green Belt sites have first preference and that sites to be released from the Green Belt must have good sustainability credentials.

Furthermore, a sequential approach to site release as outlined in ACS Policy 3 The Green Belt is consistent with national policy and ensured that it was clear as to which areas of the Green Belt considered for removal at the Part 2 Local Plan stage would be preferred and which would not. The Local Planning Document has been prepared to be consistent with the ACS in this matter.

- 4.5 The Nottingham Derby Green Belt is a long established policy tool and is drawn very tightly around the built up areas. When reviewing the Green Belt boundary, the original purposes of Green Belt as set out in the National Planning Policy Framework (NPPF) were a key consideration. Non Green Belt opportunities to expand existing settlements are extremely limited and therefore exceptional circumstances require the boundaries of the Green Belt to be reviewed in order to meet the development requirements of the ACS and Part 2 Local Plan. As explained in the Green Belt Assessment July 2015 (**LPD/GRE/02**) the Objectively Assessed Housing Need for the Borough could not be met without the removal of land from the Green Belt.
- 4.6 The Government places particular importance on promoting sustainable patterns of development and a lower amount of housing was not viewed to be sustainable when considering environmental, social and economic factors. It is considered that the approach to the proposed distribution of growth is justified and consistent with sustainable development.
- 4.7 In addition, an assessment as to whether any changes should be made to the Green Belt status of settlements and the need for consequential changes to the Green Belt boundary was undertaken. The Green Belt Assessment July 2015 (**LPD/GRE/02**) provided a consideration of the status of the rural settlements and the significance of paragraph 86 of the NPPF which sets out that only where the open character of the settlement makes an important contribution to the Green Belt should the settlement be included within the Green Belt. A review of the three categories of settlements of inset, infill and wash over was undertaken with consideration of the character of each settlement and the contribution to the openness of the character makes to the Green Belt.

Q3. Have exceptional circumstances been demonstrated to enable the removal of land from the Green Belt in order that it be designated as Safeguarded Land in the Plan? [Policy LPD 16]

- 4.8 Once established, the NPPF (paragraph 83) identifies that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The Inspector's Report into the ACS (**LPD/POL/07**) confirmed at paragraph 111 "I agree with the Councils that the exceptional circumstances required for alterations to Green Belt boundaries exist". It was shown that the Objectively Assessed Housing Need could not be met without the removal of land from the Green Belt and that a lower amount of housing was not sustainable when considering environmental, social and economic factors. The Inspector continued to note in paragraph 117 of her report that "On safeguarding, it would be appropriate for the Councils to identify such land in their Part 2 Local Plans to achieve a degree of flexibility in meeting

future development needs and postpone the need for further Green Belt reviews”.

- 4.9 A two stage review process has been undertaken with the ACS providing direction to the Part 2 Local Plan and the emphasis that non-Green Belt sites have first preference and that sites to be released from the Green Belt should have good sustainability credentials.

Issue 4c: Safeguarded Land

Q4. Should Safeguarded Land be allocated in the Plan? If so, has sufficient Safeguarded Land been allocated?

- 4.10 Yes safeguarded land should be allocated in the Plan. Paragraph 85 of the National Planning Policy Framework (NPPF) requires that when local planning authorities define Green Belt boundaries they, where necessary, identify areas of Safeguarded Land in their Local Plans. See also the response to Q2 and Q3 above. The ACS Inspector in para 117 of her report (**LPD/POL/07**) confirmed that it would be appropriate to identify Safeguarded Land in the Part 2 Local Plan and the leaning towards reviewing the Green Belt boundaries very infrequently by identifying enough Safeguarded Land to provide for possible development needs beyond the lifetime of the Plan.
- 4.11 The purpose of Safeguarded Land is to provide land to meet longer term needs beyond the plan period with the essential characteristic of permanence. The supporting document Safeguarded Land (March 2016) (**LPD/GRE/04**) confirms in para 2.2 that safeguarded land is considered necessary in Gedling for a number of reasons, including:-
1. Providing a degree of permanence to the Green Belt boundaries put in place by the Local Plan;
 2. Ensuring that by defining Green Belt boundaries using defensible features on the ground that it does not result in large sites being developed all at once where this would cause problems for local infrastructure; and
 3. Providing flexibility and allowing for the non-delivery of allocated sites to be addressed without a fundamental review of the whole Local Plan.
- 4.12 The Local Planning Document Publication Draft Report of Responses (October 2016) (**LPD/REG/04**) confirms on page 20 that it is considered that all the land that could be designated as Safeguarded Land has been designated as Safeguarded Land. Land around the urban area has generally not been designated as Safeguarded Land to meet longer development needs as any land here that is suitable for development and not required to remain in the Green Belt should be allocated for residential development in line with ACS Policy 2: The Spatial Strategy.
- 4.13 The Site Selection document (**LPD/GRO/05**) considered whether to allocate the areas of safeguarded land designated by the Replacement Local Plan (2005) (**EX/16**) for development. Consideration was given to three options:-
1. Inclusion within the Green Belt;

2. Suitability of other designations; and
 3. Retention as safeguarded land.
- 4.14 The Courts¹ have held that exceptional circumstances are required for any revision of the Green Belt boundary, whether the proposal was to extend or reduce the Green Belt. The Safeguarded Land may also have other designations attached to it and the additional designation of land as Safeguarded Land may not be appropriate or necessary. In some cases where the land is not to be developed, cannot be included within the Green Belt and other designations are not sufficient on their own to offer the necessary degree of certainty over the future of the site, retention as Safeguarded Land may be viewed the best solution.
- 4.15 The Replacement Local Plan also used Safeguarded Land as a planning tool where development of the site was not considered appropriate but inclusion within the Green Belt or other designations was also not appropriate. In these cases the site was designated as Safeguarded Land but the longer term development was not envisaged. The LPD continues this approach. See the response to Q5 below.

Q5. What evidence is there to support the quantum of Safeguarded Land allocated in the Plan? [Policy LPD 16]

- 4.16 As noted above, paragraph 85 of the National Planning Policy Framework (NPPF) states that local planning authorities should, where necessary, designate Safeguarded Land. However, no guidance is offered as to how to calculate the appropriate amount of land to allocate.
- 4.17 As confirmed in the Local Planning Document (LPD) Policy LPD 16 Safeguarded Land, the starting point for identifying land to be designated as Safeguarded Land was whether, in accordance with paragraph 83 of the NPPF, there were exceptional circumstances to alter existing Green Belt boundaries. Where there have not been exceptional circumstances at specific locations new Safeguarded Land has not been proposed. Where there were exceptional circumstances regard had been had for the need for boundaries of the Green Belt to be robust and set using physical features which were recognisable and likely to be permanent. This has resulted in more land being removed from the Green Belt in certain cases than is needed to meet the development needs for the Plan period.
- 4.18 The Inspector's Report into the Replacement Local Plan (RLP) 2005 (**EX/27A**) considered that Plan should not limit the extent of land to be released from the Green Belt to what was needed for development but considered that a "safety valve" was needed to secure the longer term security of the Green Belt boundaries (page 2-185 of **EX/27A**). It was viewed that by releasing more safeguarded land it would be harder to erode in a piecemeal fashion without a full scale and comprehensive review of the Local Plan. The Inspector was of the view that there was no need to be precise with respects to the amount of

¹ Gallagher Homes Ltd v Solihull Borough Council [2014]EWHC 1283 (Admin)

safeguarded land but there should be enough to avoid the necessity for another review of the Green Belt at the end of the Plan period. At that time the amount identified for the RLP was considered by the Inspector to be “about right”. It is viewed that the overall quantity is more of a judgment based on evidence.

- 4.19 In view of the Local Plan Inspector’s comments, a comparison has been made between the quantity of Safeguarded Land allocated in the Replacement Local Plan which was seen to be “about right” and the quantity of Safeguarded Land for Local Planning Document. For both the Replacement Local Plan and the Local Planning Document, the overall quantity of land allocated for housing as a proportion of the quantity of land identified as safeguarded land is 0.6.
- 4.20 The allocation of Safeguarded Land has primarily been boundary driven rather than by the quantum of land and reviewed on a site by site basis. The LPD confirms that three sites have been identified as being safeguarded for future development. Paragraph 6.6.5 of the LPD confirms that of these sites, Top Wighay Farm and Moor Road may be suitable for development in their entirety but the third area, Oxton Road/Flatts Land Calverton is only considered partially suitable. This is due to the need for the land being retained as a landscape buffer; to protect the setting of a Listed Building and to avoid an area at risk of flooding.
- 4.21 A further four sites have been identified as safeguarded land but it is not expected that these sites will be developed. However it is not considered appropriate for these to be included in the Green Belt or for them to be allocated for development at this time.

Q6. Is the distribution and amount of Safeguarded Land within the Borough appropriate? [Policy LPD 16]

- 4.22 Yes it is viewed that the distribution and amount of Safeguarded Land within the Borough is appropriate. In terms of the distribution, the National Planning Policy Framework (NPPF) is clear in paragraph 84 that when reviewing Green Belt boundaries account should be taken of the need to promote sustainable patterns of development and the need to be consistent with the strategy for meeting requirements for sustainable development. This is confirmed by ACS Policy 3 The Green Belt and the use of a sequential approach to guide site selection. Regard has also been had of the statutory purposes of the Green Belt and the importance of retaining or creating defensible boundaries.
- 4.23 As identified in Safeguarded Land March 2016 document (**LPD/GRE/04**) four areas of safeguarded land remain unallocated for development following the Site Selection process. These areas are:-
- Top Wighay Farm;
 - Mapperley Golf Course;
 - Glebe Farm, Lambley Lane; and
 - Lambley Lane / Spring Lane.

- 4.24 Additional areas of safeguarded land have also been designated by the Local Planning Document. The justification for these new areas is set out in the Site Selection Document (**LPD/GRO/05**).
- 4.25 Please see the response to Q5 regarding the specific quantum of safeguard land allocated.

Q7. Is the allocation of Safeguarded Land at Bestwood Village appropriate? [Policy LPD 16]

- 4.26 Yes. The Green Belt Assessment July 2015 (**LPD/GRE/02**) confirms the results of the assessment for Bestwood Village and identifies that the broad area to the north of the village is of lower value in Green Belt terms than the south of the village.
- 4.27 The Site Selection Document Appendix B – Bestwood Village (**LPD/GRO/07**) confirms the findings of the Green Belt Assessment and that the allocation would accord with the ACS. This document in conjunction with the Housing Background Paper (**HBP/BACK/01**) explains the reasons for the size of the allocation and identification of adjoining land as safeguarded land.

Q8. Is the allocation of Safeguarded Land at Calverton appropriate? [Policy LPD 16]

- 4.28 Yes. The Green Belt Assessment July 2015 (**LPD/GRE/02**) confirms the results of the assessment for Calverton and reinforces that the area to the west of the village is less valuable in Green Belt terms as it is further from the Conservation Area and includes a significant amount of encroachment.
- 4.29 The Site Selection Document Appendix C – Calverton (**LPD/GRO/08**) confirms the findings of the Green Belt assessment in that the site is open with little built development but does have strong defensible boundaries and good connections with the existing settlement. There is no reduction in a gap to another settlement and heritage assets are some distance away.
- 4.30 The Oxton Road/Flatts Lane site at Calverton is only considered partially suitable for future development. Land to the north is to be retained as a landscape buffer, to protect the setting of a Listed Building and to avoid an area at risk of flooding. Due to the need for Green Belt boundaries to follow defensible features these areas cannot be included in the Green Belt. The Site Selection Document (**LPD/GRO/08**) in conjunction with the Housing Background Paper (**HBP/BACK/01**) explains the reasons for the size of the allocation and identification of adjoining land as safeguarded land.

Q9. Is the allocation of Safeguarded Land at Top Wighay Farm appropriate? [Policy LPD 16]

- 4.31 Yes. The Safeguarded Land March 2016 (**LPD/GRE/04**) provides consideration of the status of the site on page 5 of the document and offers a narrative as to whether the site should be included within the Green Belt;

whether the area should have some other designation; whether it should be retained as safeguarded land and what boundary changes would be required. The area was originally allocated as safeguarded land in the Replacement Local Plan 2005 and was reconfirmed in the adopted Aligned Core Strategy.

- 4.32 Paragraph 3.3 of the Safeguarded Land (March 2016) document confirms that the Courts² have held that exceptional circumstances are required for any revision of the Green Belt boundary, whether the proposal was to extend or reduce the Green Belt. The Court confirmed that once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration.
- 4.33 The Site Selection Document Appendix – Urban Area and Adjacent to Hucknall May 2016 (**LPD/GRO/06**) confirms that consideration was given to the allocation of the existing Safeguarded Land at Top Wighay Farm for development, in particular as an alternative to the Hayden Lane site. Paragraph 3.14 of that document noted the prospect of additional development coming forward later in the Plan period and the consideration needed to be given to which part of the Safeguarded Land would be released without exceeding the 1300 homes target at set in the ACS.

Q10. Is it appropriate that some Safeguarded Land is protected from development as it is not suitable and/or available for development as suggested in proposed MM9? [Policy LPD 16]

- 4.34 Yes it is viewed appropriate that some Safeguarded Land is protected from development as it is not suitable and/or available for development. The Report of Responses (October 2016) (**LPD/REG/04**) confirms that part b of the policy continues the approach taken to Safeguarded Land as used in the Replacement Local Plan. The approach operated well for the Replacement Local Plan and is well understood by both developers and landowners. An alternative policy approach was considered but it was viewed that this would add further complexity to the Local Plan. It was viewed that it would be more suitable to roll forward the current approach which was supported by the Inspector who examined the Replacement Local Plan and considered it was appropriate to use safeguarding as a planning tool. The reason sites are not considered suitable for development is set out in the Site Selection Document (May 2016) (**LPD/GRO/05**) and sites are also considered in Safeguarded Land (March 2016) (**LPD/GRE/04**). However, the suitability of sites for development would be considered through a future review of the local plan.
- 4.35 Proposed change reference **MM9** confirms the proposed approach and provides clarification over the distinction between Safeguarded Land that is removed from the Green Belt and protected from development for the plan period in order to meet longer term development needs and areas removed from the Green Belt and protected from development by reason of it not being suitable or available for development.

² See footnote 1

Conclusion

4.36 The Borough Council considers that the LPD Green Belt policies are consistent with the fundamental aim and purposes of the Green Belt as set out in the National Planning Policy Framework and that the proposals for alteration to Green Belt boundaries are justified by exceptional circumstances. The ACS Inspector has confirmed that the LPD should identify areas of Safeguarded Land by removing land from the Green Belt that is not required for development before the end of the plan period.

Further Proposed Changes

4.37 No further proposed changes are being proposed at this stage.