

# **Gedling Borough Council**

## **Safeguarded Land**



**March 2016**

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## **1. Introduction**

- 1.1 Safeguarded land is land between the Green Belt and urban area. It has been removed from the Green Belt to meet development needs beyond the plan period. It is not allocated for development and planning permission for its permanent development should only be granted following a review of the Local Plan.
- 1.2 A number of sites were designated as safeguarded land in the Replacement Local Plan (adopted 2005) for a variety of purposes. Through the preparation of the Local Planning Document (as set out in the Site Selection document) it has been considered whether to allocate these sites for development. For those sites that have not been allocated, decisions have been made regarding their future status.
- 1.3 This report sets out the policy background to safeguarded land and the approach that has been taken to determining the future status of existing safeguarded land that is not proposed for allocation in the Local Planning Document (Part 2 Local Plan). This will include considering whether the site should be included within the Green Belt or whether it should remain as safeguarded land. Alternative designations which are appropriate to the context of a specific site will also be considered.

## **2.0 Policy Background**

- 2.1 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. The purpose of safeguarded land is to provide land to meet longer term needs stretching beyond the plan period. The NPPF also identifies that safeguarded land is not allocated for development; planning permission for its permanent development should only be permitted following a Local Plan review which proposes the land for development.
- 2.2 Safeguarded land is considered necessary in Gedling Borough for a number of reasons. Firstly it provides a degree of permanence to the Green Belt boundaries put in place by the Local Plan and means that future reviews of the Green Belt may not be needed. Secondly, it ensures that the need to define Green Belt boundaries using defensible features on the ground does not result in large sites being developed all at once where this would cause problems for local infrastructure. Thirdly, it provides flexibility and allows for the non-delivery of allocated sites to be addressed without a fundamental review of the whole Local Plan.
- 2.3 For Gedling Borough the Local Plan comprises two parts; the Aligned Core Strategy (ACS) and the Local Planning Document. The ACS was prepared together with neighbouring authorities and sets the strategic framework across Greater Nottingham. The Inspector who examined the ACS said in paragraph 117 of her report that “it would be appropriate for the Councils to identify such

land in their Part 2 Local Plans". Paragraph 3.3.6 of the ACS provides further guidance on safeguarded land within Gedling Borough.

- 2.4 As well as identifying the land to be safeguarded, the LPD will also provide the policy that will be used when determining planning applications. Policy LPD XX 3 - Safeguarded Land sets out that planning permission for the development of Safeguarded Land will not be granted except where development is temporary or would otherwise not prejudice the ability of the site to be developed in the longer term. This ensures that if the site is needed for development in the longer term it is available and free of significant constraint.

### **3.0 Methodology**

- 3.1 The Site Selection document considers whether to allocate the areas of safeguarded land designated by the previous Local Plan (the Replacement Local Plan adopted in 2005) for development. In some cases it has not been appropriate to allocate the sites, due to a variety of reasons. In these cases the future status of the sites is considered.
- 3.2 In order to do this, consideration has been given to three options:
- Inclusion within the Green Belt;
  - Suitability of other designations; and
  - Retention as safeguarded land.

Consideration will also be given to the need to make amendments to the boundaries of safeguarded land to reflect any changes since the land was originally designated.

#### *Inclusion within the Green Belt*

- 3.3 The Courts have held<sup>1</sup> that exceptional circumstances are required for any revision of the Green Belt boundary, whether the proposal was to extend or reduce the Green Belt. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration. The circumstances necessary to add to the Green Belt could not arise unless the reasons which caused the land initially to be excluded from the Green Belt was thereafter clearly and permanently falsified by a later event. The fact that, after the definition of the Green Belt boundary, the local authority or an inspector might form a different view on where the boundary should lie, however sound that view on planning grounds, could not of itself constitute an exceptional circumstance which necessitated and therefore justified a change to include the land in the green belt. The fact that the site may not be currently suitable for development is also not sufficient to justify changing Green Belt boundaries.
- 3.4 Due to this, there need to be additional circumstances' which result in a change from when the Green Belt boundary was originally defined in order to amount to the exceptional circumstances necessary to justify a change. This could include subsequent development or changes to boundaries elsewhere which have affected the contribution that the site makes to the purposes of the Green Belt.

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<sup>1</sup> *Gallagher Homes Ltd v Solihull Borough Council* [2014] EWHC 1283 (Admin)

- 3.5 The contribution the safeguarded land makes to the purposes of the Green Belt (as defined by Paragraph 80 of the NPPF) has been assessed using an approach similar to that used for the Green Belt Assessment (July 2015). Together with commentary of any changes in circumstances since 2005 (when the current Local Plan was adopted) these assessments will be used to determine whether the best course is to include the sites in the Green Belt.

*Suitability of Other Designations*

- 3.6 In some cases the safeguarded land may also have other designations attached to it. This could include Protected Open Space or nature conservation designations such as a Local Wildlife Site or Local Nature Reserve. In these cases the additional designation of the land as safeguarded may not be appropriate or necessary.

*Retention as safeguarded land*

- 3.7 In 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 offer the best solution. It is important for developers, landowners and local residents to be given certainty over the future of the site and what could happen to it. Additionally, where the site is large it is best that its development is considered through a Local Plan review; this ensures that matters such as impact on infrastructure, impact on landscape and flooding can be considered thoroughly and with the benefit of independent examination. While safeguarded land can be developed outside of a review of the Local Plan (where there is no Five Year Land Supply and the presumption in favour of sustainable development is applied) this should be seen as an unusual occurrence.

- 3.8 As is set out in the NPPF (paragraph 85) safeguarded land is identified to meet longer term development needs. However, following the approach taken in the Replacement Local Plan, safeguarded land is also to be used as a planning tool where development of the site is not considered appropriate but inclusion within the Green Belt or other designations are not appropriate. In these cases the site will be designated as safeguarded land but the longer term development is not envisaged.

- 3.9 Consideration has been given to the inclusion of a new 'open countryside' designation which could be applied to sites of this nature as an alternative to using safeguarded land. Given the small number of sites and the small land area affected, it is not considered appropriate to add additional designations which will add complexity to the Local Plan.

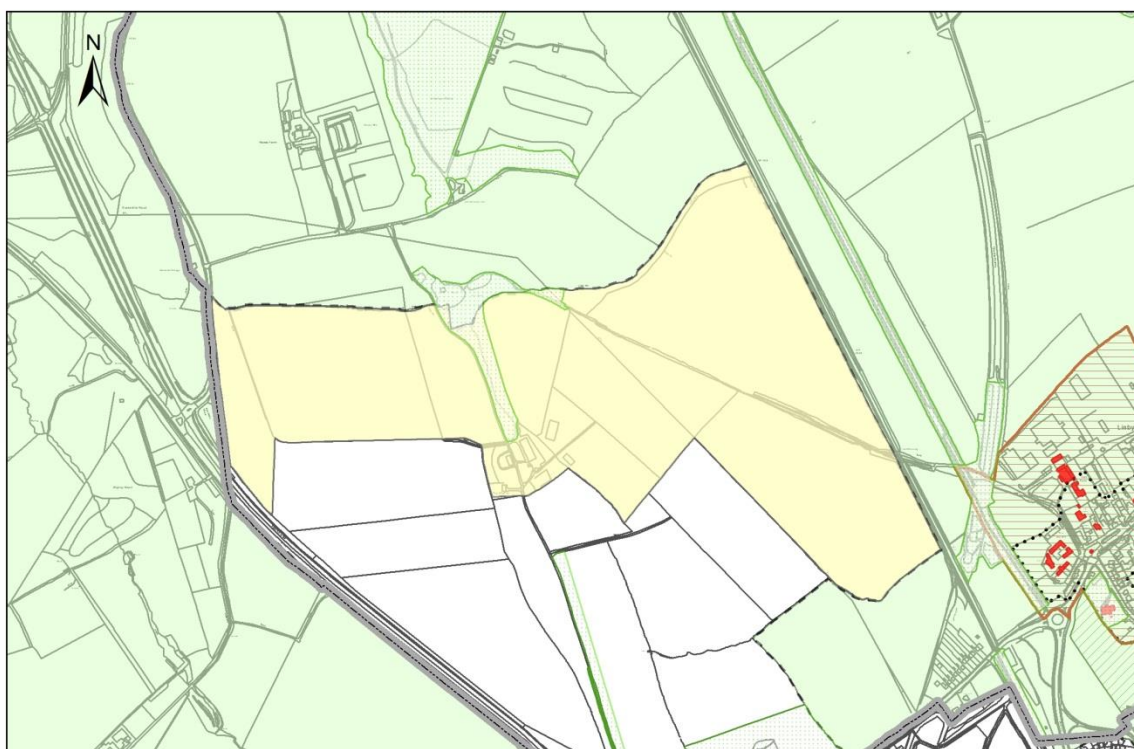
## **4.0 Results**

- 4.1 Five areas of safeguarded land remain unallocated for development following the Site Selection process. These are:
- Top Wighay Farm;
  - Mapperley Golf Course;

- Glebe Farm, Lambley Lane; and
- Lambley Lane/Spring Lane.

Consideration is given to the future status of these sites below.

## Top Wighay Farm



Top Wighay Farm

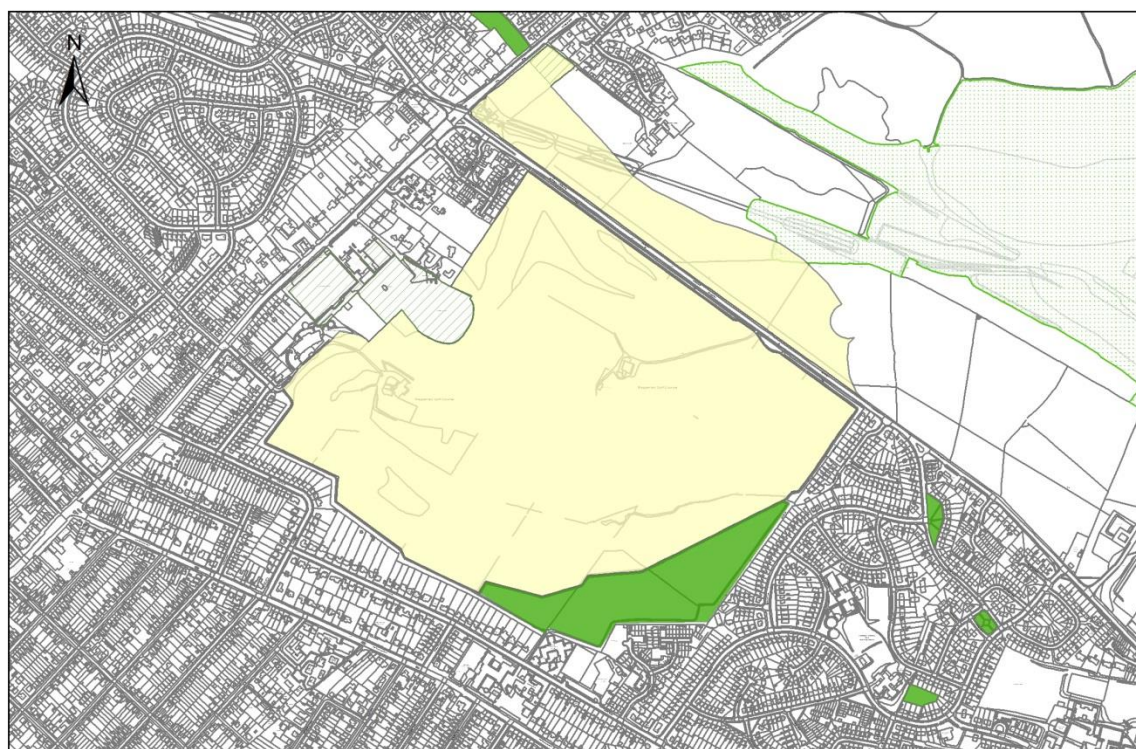
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Safeguarded Land  
 Protected Open Space - Public  
 Protected Open Space - Private  
 Local Wildlife Sites  
 Listed Buildings  
 Conservation Areas  
 Green Belt  
 Green Belt Infill  
 Borough Boundary

Inclusion Within the Green Belt	The site contains no inappropriate development and inclusion in the Green Belt would decrease the risk of coalescence with Linby and Newstead. However, the Green Belt was previously considered to be sufficient not to lead to coalescence in this location. The railway line offers the most defensible Green Belt boundary. Overall it is not considered that there are exceptional circumstances sufficient to alter the existing Green Belt boundaries.
Suitability of other designations	A small part of the site is designated as a Local Wildlife Site although this designation doesn't cover the whole safeguarded land and is not appropriate to use.
Retention as Safeguarded Land	The site adjoins the Top Wighay Farm Strategic Allocation. The site is large and, if developed will primarily impact on infrastructure located within Hucknall which is within Ashfield District. It will be important that any decisions about future development include close working with Ashfield District Council to ensure that appropriate mitigation (new provision or contributions) is made; this is best looked at through a Local Plan review.
Changes to boundaries	None required – boundaries were considered through the ACS process.



## Mapperley Golf Course



Mapperley Golf Course

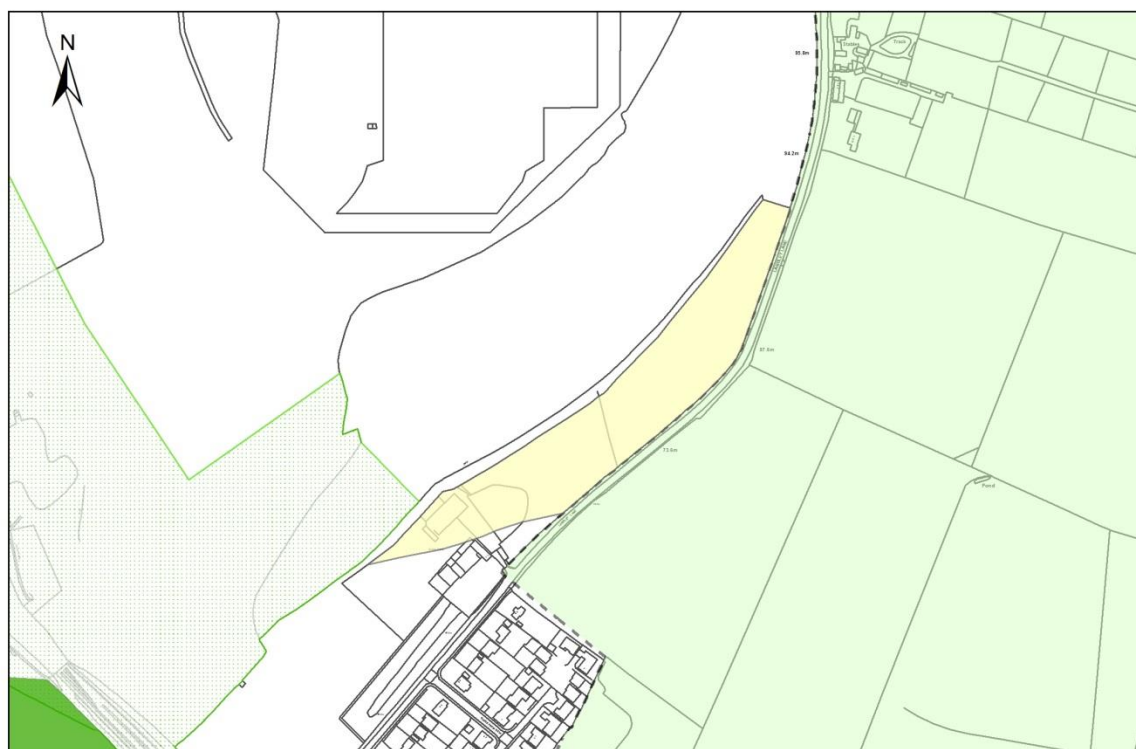
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Safeguarded Land
  Protected Open Space - Public
  Protected Open Space - Private
  Local Wildlife Sites
  Listed Buildings
  Green Belt
  Green Belt Infill
  Conservation Areas
  Borough Boundary

Inclusion Within the Green Belt	The site cannot be included in the Green Belt as, although free from inappropriate development, it does not connect to the wider Green Belt or make a significant contribution to the purposes of the Green Belt to amount to 'exceptional circumstances'.
Suitability of other designations	The site is in use as a Golf Course and will be protected as Open Space. This would restrict its development for non-Open Space uses unless alternative provision is made elsewhere.
Retention as Safeguarded Land	Given the size of the site and impact on infrastructure it is considered that retention as safeguarded land is necessary in addition to protection as Open Space, to ensure that the allocation of the site (if made available for development) could only be considered through a Local Plan review.
Changes to boundaries	Yes – the route of the Gedling Access Road runs through the safeguarded area to the north of Arnold Lane; it is not considered necessary to continue to safeguard this part of the designated area as there will be limited land left over and proposals are not considered to require consideration through a review of the Local Plan.



## Glebe Farm, Lambley Lane



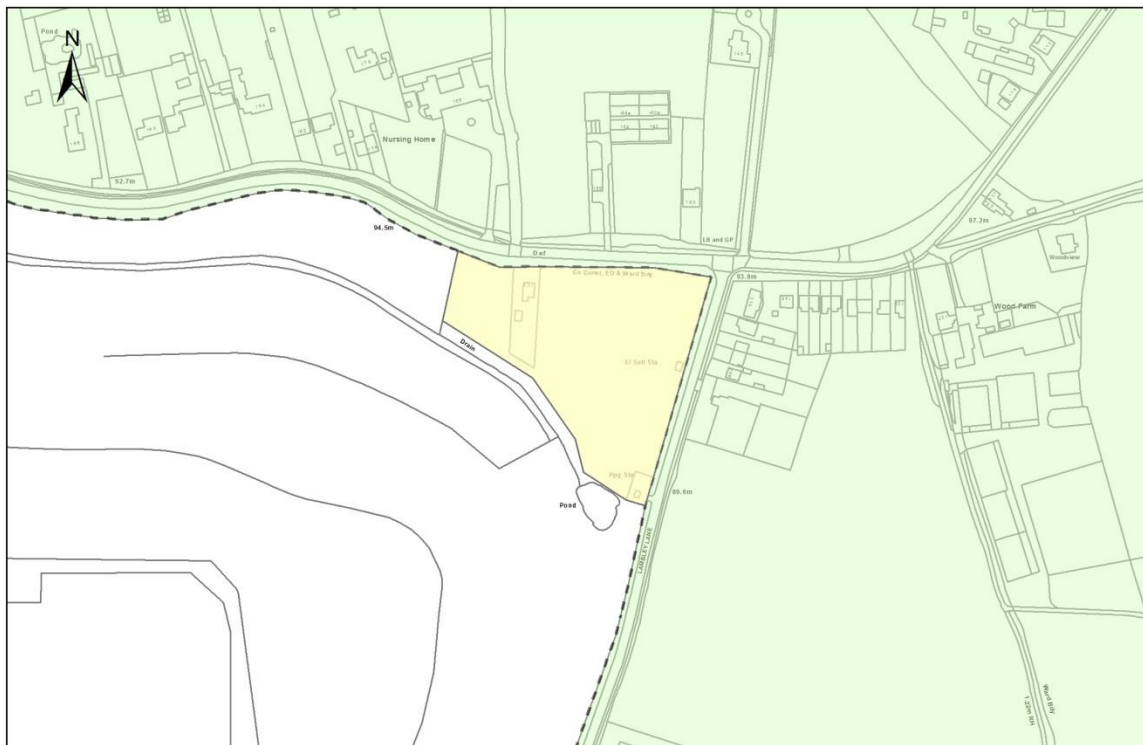
Glebe Farm, Lambley Lane

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Safeguarded Land
  Local Wildlife Sites
  Green Belt
  Listed Buildings
  Green Belt Infill
  Conservation Areas
  Borough Boundary

Inclusion Within the Green Belt	The Green Belt assessment recognises that the site makes some contribution to the purposes of the Green Belt but was previously removed and Lambley Lane forms a strong defensible boundary. There has been no significant change in circumstances and it is not considered that there exist the exceptional circumstances required to amend Green Belt boundaries at this location.
Suitability of other designations	No other designations apply.
Retention as Safeguarded Land	The site cannot be included in the Green Belt and no other designations apply. As development is not appropriate (as set out in the Site Selection Document) designation as safeguarded land represents the most suitable approach. It is not envisaged that the site will be developed in the future and, as such, the Safeguarded land designation is being used as a 'planning tool' in this instance.
Changes to boundaries	No – the southern boundary may be affected by the route of the proposed Gedling Access Road but until this is built no change will be made.

## Lambley Lane/Spring Lane



Lambley Lane/Spring Lane, Gedling

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Safeguarded Land  
 Protected Open Space - Public  
 Protected Open Space - Private  
 Local Wildlife Sites  
 Listed Buildings  
 Conservation Areas  
 Green Belt  
 Green Belt Infill  
 Borough Boundary

Inclusion Within the Green Belt	As shown in the Green Belt assessment the site makes a substantial contribution to the purposes of the Green Belt. However, it was previously removed from the Green Belt and Spring Lane makes a strong defensible boundary. There has been no significant change in circumstances and it is not considered that there exist the exceptional circumstances required to amend Green Belt boundaries at this location.
Suitability of other designations	No other designations apply.
Retention as Safeguarded Land	The site cannot be included in the Green Belt and no other designations apply. As development is not appropriate (as set out in the Site Selection Document) designation as safeguarded land represents the most suitable approach. It is not envisaged that the site will be developed in the future and, as such, the Safeguarded Land designation is being used as a 'planning tool' in this instance.
Changes to boundaries	None required – no changes since original designation.

## **5.0 Conclusions**

It is considered that safeguarded land is the most appropriate designation for the following sites.

- Top Wighay Farm;
- Mapperley Golf Course;
- Glebe Farm, Lambley Lane; and
- Lambley Lane/Spring Lane.

These sites will be designated as safeguarded land and any application for their development will need to be in accordance with Policy LPD 16 of the LPD.

Additional new areas of safeguarded land may also be designated by the LPD.

The justification for these new areas is set out in the Site Selection Document.

## Appendix A – Green Belt Value Assessment Matrix

The Matrix provides a grading system for the assessment of the Green Belt value. Higher scoring sites are the most important in Green Belt terms.

Purpose / Impact	★	★★	★★★	★★★★	★★★★★
<b>Check the unrestricted sprawl of settlements</b>	The site has two or more boundaries adjoining a settlement or rounds off an existing settlement. The site is well contained by strong physical features which can act as defensible boundaries and does not extend over topographical features.		The site has two or more boundaries adjoining a settlement but is not well contained and there are weak or no features to act as defensible boundaries.		The site does not adjoin a settlement, or has only one boundary with a settlement, or forms a long limb into open countryside. There are weak or no features to act as defensible boundaries. The site is visually disconnected from any settlement.
<b>Prevent neighbouring settlements from merging into one another</b>	Development would not reduce the size of the gap between settlements, or would result in only very limited reduction.		Development would result in a moderate reduction in the size of a gap between settlements.		Development would result in a complete or virtually complete
<b>Assist in safeguarding the countryside from encroachment</b>	The site includes a large amount of existing inappropriate developments which have caused a significant degree of encroachment.		The site includes some existing inappropriate developments which have caused some encroachment.		The site does not have any inappropriate developments and therefore no encroachment.
<b>Preserve the setting and special character of historic settlements</b>	The site will have no adverse impact on one or more conservation areas or heritage assets associated with settlements.		The site will have a moderate adverse impact on one or more conservation areas or heritage assets associated with settlements.		The site will have a significant adverse impact on one or more conservation areas or heritage assets associated with settlements.
<b>Assist in urban regeneration</b>	It is considered that all sites in the Green Belt assist in urban regeneration. This is not considered to be a matter of difference between Green Belt sites and therefore this Green Belt purpose is not scored as part of the Framework.				

## Appendix B – Assessment of Green Belt Value

Site	Top Wighay Farm	
	Score (out of 5)	Justification
Check the unrestricted sprawl of settlements	2	The site has two boundaries with the Top Wighay Farm development site. Strong defensible boundaries exist to the east (railway line) and west (A611); a track exists to the east which offers an alternative defensible boundary; boundaries to the north are weaker.
Prevent neighbouring settlements from merging into one another	2	There would be a moderate increase in the gap with Linby and a minor increase in the gap to Newstead. The existing gap was considered acceptable by previous Inspector.
Assist in safeguarding the countryside from encroachment	5	The site has no inappropriate development.
Preserve the setting and special character of historic settlements	2	The area to the east is close to the Linby Conservation Area but limited impact on the setting of Linby due to topography and railway line.
Total	11/20	

Site	Mapperley Golf Course	
	Score (out of 5)	Justification
Check the unrestricted sprawl of settlements	1	The site is surrounded on three sides by the urban area with strong defensible boundaries. The site does not connect to existing Green Belt.
Prevent neighbouring settlements from merging into one another	1	Development would not lead to the merging of settlements.
Assist in safeguarding the countryside from encroachment	5	Buildings are connected with the Golf Course or are farm buildings – considered not appropriate within the Green Belt.

Preserve the setting and special character of historic settlements	1	No impact on the setting of a historic settlement.
<b>Total</b>	<b>8/20</b>	

<b>Site</b>	<b>Glebe Farm, Lambley Lane</b>	
	<b>Score</b> (out of 5)	<b>Justification</b>
Check the unrestricted sprawl of settlements	5	The site is to the north of the approved GAR which, once complete, will form a strong defensible boundary. The site would form a long limb into the countryside. Lambley Lane to the south forms a strong defensible Green Belt boundary
Prevent neighbouring settlements from merging into one another	3	Development would lead to a moderate reduction of the gap to Lambley which is exacerbated by ribbon development along Spring Lane.
Assist in safeguarding the countryside from encroachment	5	No inappropriate development.
Preserve the setting and special character of historic settlements	1	No impact on the setting of a historic settlement.
<b>Total</b>	<b>14/20</b>	

<b>Site</b>	<b>Lambley Lane/Spring Lane</b>	
	<b>Score</b> (out of 5)	<b>Justification</b>
Check the unrestricted sprawl of settlements	5	The site does not adjoin a settlement, although there is significant ribbon development along Spring Lane. Development would increase urban sprawl although Spring Lane acts as a strong defensible boundary.
Prevent neighbouring settlements from merging into one another	5	Due to the degree of ribbon development along Spring Lane, development of this site would result in significant harm to the gap between the urban area and Lambley .



Assist in safeguarding the countryside from encroachment	4	The site itself is open and free from development although there is a significant amount of ribbon development in the area.
Preserve the setting and special character of historic settlements	2	Close to Lambley with the potential to affect the setting of the Conservation Area.
<b>Total</b>	<b>16/20</b>	

**Appendix C – Photographs**

**Top Wighay Farm**



**Top Wighay Farm**



**Top Wighay Farm**



**Top Wighay Farm**



**Top Wighay Farm**



**Top Wighay Farm**





**Mapperley Golf Course**



**Mapperley Golf Course**





<b>Glebe Farm</b>	 A photograph showing a green field with a wooden fence in the foreground. A blue rope is hanging on the fence. In the background, there are trees and a cloudy sky.
<b>Lambley Lane</b>	 A photograph showing a green field with a cloudy sky in the background. There are some trees and bushes in the foreground.