

Examination in Public Statement Stage 2 - Matters and Questions

In respect of:
Matter 5: Proposed Revision of Green Belt Boundaries

behalf of:
The Rosconn Group
875595



1.0 Introduction

- 1.1. McLoughlin Planning is instructed by The Rosconn Group to make written submissions to the Vale of White Horse Local Plan Examination in respect of its land and development interests in the village of Wootton on land to the West of the Parish Church of St Peter.
- 1.2. This document sets out Rosconn's position in respect of the Stage 2 questions for Matter 5, notably Questions 5.1, 5.3 and 5.4.

Question 5.1 - Do the exceptional circumstance, as required by the NPPF exist to justify the plan's proposed revisions of the boundaries of the green belt, having particular regard to:

(c) The land to be removed from the Green Belt, but not allocated for any particular use?

- 1.3. Rosconn's position is that the exceptional circumstances exist, in the Plan as well as in response to question (c).
- 1.4. The starting point for the review of the green belt is paragraph 83 of the Framework. This allows for Local Plans to review the boundaries of a green belt through the Local Plan review process. There is no other platform for the alteration of the green belt. Finally, in further supporting the need for a review, the decision of *IM properties V Lichfield*, paragraph 91 have to be considered. This states that:

"It can be seen that there is no test that green belt land is to be released as a last resort."
- 1.5. Given that the platform has been established by paragraph 83, it now turns to what constitutes 'exceptional circumstances'. In this respect, Case Law in the *Gallagher v Soulhill MBC* case has made it clear that the mere fact of a local plan review is insufficient justification for a green belt review in the first place (paragraph 125). However, as paragraphs 28 and 29 of the Court of Appeal Decision for *Hunston v SSCLG*, Sir David Keene observed that the lack of housing supply can be seen as a very special circumstance as well as understanding what the planning context is for which the shortfall is seen in.
- 1.6. In Vale's case, Rosconn's position is that the:
 - need to accommodate the level of housing required over the plan period.
 - The development strategy proposed by the Plan.
 - Mix of sites needed.



- 1.7. Creates the exceptional circumstances requiring the re-assessment of green belt boundaries and is further supported by paragraph 11.3.9 of the Sustainability Appraisal.
- 1.8. The second part of the question is whether those circumstances justify the Plan's revised green belt boundaries. In dealing with this issue, Rosconn consider that the revisions to the boundaries are justified for the following reasons.
- 1.9. Once exceptional circumstances have been justified in paragraph 83, paragraph 84 provides the necessary guidance in terms of the review process for dealing with adjustments to the boundary. This has to be read in conjunction with paragraph 82 that confirms that the 'general extent' of green belts has already been established.
- 1.10. In setting the scene for a review, paragraph 84 requires the "consequences for sustainable development" have to be considered. As set out in other papers, whilst Rosconn recognise the need for a green belt review, it is critical of the approach adopted by the plan with no evidence to support a Part 1 and Part 2 approach or to set a strategic site threshold of 200 units. Therefore, the Plan has failed to consider the full consequences of its Part 1 and Part 2 split and this is dealt with in more detail below.
- 1.11. In deciding to review the green belt, the SA does provide a critique of CP13 in that the release of non-strategic sites will result in a minor positive effect (SA page 187). This shows that the Plan has gone some way to consider the consequences in terms of meeting the need to promote sustainable development. The release of non-strategic housing sites is an important part of the case for green belt review in that it helps the plan meet other Framework objectives, such as the need to promote sustainable rural development (paragraph 55). Rosconn's concern is that failure to release land now for non-strategic sites could mean that there is no need to allocate such sites through the Part 2 process of the Local Plan as the housing numbers have been taken up elsewhere. This lack of housing means that there will be consequences for sustainable development in the green belt, by depriving Wootton of new housing (further detail on this is provided in the response to Matter 8).
- 1.12. The third part of the question relates to the justification of the land to be removed from the green belt, but not allocated for a particular use.
- 1.13. As set out above, there are the exceptional circumstances to warrant the review of the boundary and the SA makes it clear that the purpose of CP13 and its associated green belt review is to allow for non-strategic development sites to be released to assist in meeting the rural housing needs. However, paragraph 85 of the framework



makes is clear what LPAs should do in defining boundaries, and Rosconn has the following comments.

- 1.14. Rosconn's interest is in land at Wootton (Site 9 in the green belt review), against the tests in paragraph 85, Rosconn's position is as follows:

First Bullet point

- 1.15. The release of the site from the green belt is entirely consistent with the Local Plan strategy and the role and function Wootton has to fulfil in being designated as a Larger Village in the Local Plan. Such a designation clearly requires the village to accommodate additional development.

Second Bullet point

- 1.16. The Rosconn recognises that there is no longer a need to keep the land in question permanently open, as a result, it should be removed from the green belt.

Third and forth Bullet points

- 1.17. The Rosconn do no consider the site to be "safeguarded land" and perform some longer term housing function. In making the decision to release the site from the green belt, the plan is effectively looking for it to be developed in this Plan period.

Fifth Bullet point

- 1.18. In respect of Wootton, there is no need for the green belt boundary to be further altered.

Sixth Bullet point

- 1.19. See answer to question 5.3.
- 1.20. Against these criteria, the 18 selected sites in the green belt review have to be allocated for development. There is nothing in the Framework tests which would allow for the release of land from the green belt for no apparent planning purposes, the first bulletpoint of paragraph 85 makes that clear in that reviewing boundaries are for ensuring consistency with the need for sustainable development. The need to allocate these sites is further endorsed by the findings of the SA.

Question 5.3 does the plan adequately identify the revisions to the green belt that it proposes.

- 1.21. Rosconn's position is that the actual Local Plan document does not adequately identify the revisions to the green belt that it proposes. Instead it is clearly a role of the Green Belt Review Phase 3 Report to identify the precise extent of the proposed changes to the green belt. In the case of Rosconn's land at Wootton, it is Site 9, which is shown on page 9 of the document. Rosconn supports the removal of Site 9 from the green belt for the reasons set out above and in other submissions.



- 1.22. In terms of how the revisions to the green belt currently work, Policy CP13 states:

"The Oxford Green Belt area in the Vale, as amended following the local Green Belt Review, will continue to be protected to maintain its openness and permanence."

(my emphasis)

- 1.23. Assuming that the Plan is adopted, the green belt will be modified in accordance with the term "local Green Belt review". This is defined by paragraph 5.40, footnote 51 of the Local Plan which directs the reader to the Kirkham Landscape Planning Ltd Terra Firma Consultancy (2014) report, which forms Core Documents NAT01-02-03. Therefore, assuming the adoption of Policy CP13 as drafted, the sites included in the green belt review will be automatically released from the green belt. Clearly, there is a need for the Plan to be modified to incorporate the findings of CD NAT01-02-03 into the actual Local Plan document.

Question 5.4 Is policy CP13 soundly based?

- 1.24. In order for Policy CP13 to be soundly based, it has to be

- Positively prepared.
- Justified.
- Effective.
- Consistent with national policy.

- 1.25. Each is addressed in turn below

Positively prepared

- 1.26. Policy 13 is the Plan's key policy regarding green belt review and the release of land from the green belt for development. Whilst Rosconn supports the policy in so far as it relates to the need for a green belt review, it is considered that the policy could benefit from re-wording to make it clearer as to what is proposed and how the policy can be subsequently found sound.

- 1.27. The first test of soundness is that it is positively prepared. This is the key weakness of the policy in that it is clear in first paragraph of the policy will allow for the revision of the green belt, as per Core Documents NAT01-02-03. It needs to be revised so that it becomes a specific part of the policy and the plan to see these sites released for housing. This then ties into the SA that makes it clear that policy has a "minor benefit" in delivering housing on non-strategic sites in rural areas. This shows that the policy is positively prepared in assisting the Council in meeting its housing needs, but it is not worded in a robust way to make it clear that exactly this is what it is



seeking to achieve (despite the evidence base of material showing what it is there to achieve).

- 1.28. The Rosconn request that the policy to be modified along the following lines:

“The proposals map for the Oxford Green Belt area in the Vale will be amended in accordance with the findings as set out in the local Green Belt Review. Sites will be released from the green belt to assist the Plan in meeting the objectively assessed housing need.

Development will be permitted in and adjacent to the following settlements (as per the modified green belt boundaries), in accordance with Core Policies 3 and 4

Wootton – Land adjacent to St Peter’s Church.” – Use red line plan appended to this Statement.

(this modification is without prejudice to other sites)

Is the policy justified?

- 1.29. Submissions above and in conjunction with other matters have made reference to the evidence base and consideration of reasonable alternatives along with the fact that the 2-part Local Plan process has not been supported by evidence.
- 1.30. In terms of considering reasonable alternatives, the SA fails to consider the negative impacts of not allowing for development in Green Belt areas. Paragraph 3.3. of the SA makes it clear that the scope of the SA is that it assumes the Plan is implemented “as written” and that there are no specific consideration of the risks associated with a two-part local plan approach. This highlights a weakness with the SA in terms of how it deals with non-strategic development sites in the green belt, when the Local Plan makes it clear in Policy CP13 that there is a need to release land from the green belt. The SA considers policy CP13 as having a “minor positive”, but there is no specific detail as to which settlements will benefit from this policy, or how the housing will be delivered. To overcome this issue, the suggested modification gives greater clarity to the policy’s overall aim.

Effective?

- 1.31. Rosconn is of the view that the policy, whilst poorly worded, is effective in delivering what is proposed, provided it is interpreted the “right” way to allow land to be released from the green belt. Further modification to the policy is necessary to ensure that there is absolute clarity with the policy and what it is looking to achieve.



Is the Policy consistent with national policy?

- 1.32. In this case, submissions above have made it clear that the policy does comply with the provisions of the Framework and in the case of Site 9 in CD NAT03, it should be removed from the green belt. To underline the point, the following review of the site's performance is set out below:

"To check the unrestricted sprawl of large built up areas"

- 1.33. This is strictly not relevant as Wootton is not a "large built up area" however, in terms of the site itself and how it performs, it is bounded by development on three sides and well related to the wider urban form of the village. It is visually well contained by residential properties fronting onto Boars Hill and Cumnor Roads. To the north is a mature tree line and this northern boundary would mean that any development does not extend any further north than the northern limits of existing properties of Old Barn House and Farm Field (to the north east of the site).
- 1.34. As a result, development will not "sprawl".

"The prevent neighboring towns from merging into one another"

- 1.35. As with the first objective, the site is adjacent to a village, which is located away from the major urbanised area of Oxford and Abingdon. It does not sit in any visually strategic gap between the two, so development will not lead to the merging of towns either physically or visually. In terms of dealing with the point of merging smaller settlements, given the visual containment of the site, this is not considered to be an issue.

"To assist in safeguarding the countryside from encroachment"

- 1.36. Wootton is a nucleated settlement, with elements of linear development. This site is visually very well contained and defined by existing boundaries, with development on three sides. As a result, it does not have a countryside feel, but rather one of urban fringe. The site therefore, could be released from the Green Belt, without compromising this objective.

"To preserve the setting and special character of historic towns"

- 1.37. The site's development has been assessed through the SHLAA and this is not considered to be an issue.

"To assist in urban regeneration, by encouraging the recycling of derelict and other urban land"

- 1.38. Given the Plan's housing target and open acceptance of greenfield housing allocations, it is clear that there will be a requirement for Greenfield sites to be released. In turn, this necessitates the need to consider green belt sites as well.



Conclusions on question 5.4

- 1.39. Rosconn's position is that whilst Policy CP13 has a number of flaws (whilst not fatal to the operation of the policy), these flaws can be addressed to make the policy sound. The key issue with the Policy is to ensure that those sites proposed to be released from the green belt are allocated for housing development so that there is a clear purpose for releasing the land in the first place.
- 1.40. The need to make allocations in the Plan is underlined by the 5th bulletpoint of paragraph 157 of the Framework, as it specifically requires sites to be allocated for development. In terms of PPG guidance, paragraph 002 makes it clear that there is a need to show what is going to happen, where, when and how. By failing to allocate all the sites required in Part 1, there is uncertainty about 1,000 units of housing land supply in the District. This is important in respect of the release of green belt non-strategic housing sites in the District. Core Documents NT01-02-03 makes a series of recommendations for releases to take place. This satisfies the "what" test and in some part the "where" test in paragraph 002. However, as the Plan does not make any prescriptive allowance for the release of green belt sites, it is not possible for the Plan to pass the "when and how" test. Through the proposed modification, it allows considerable certainty to be brought to the plan about where green belt sites will be released for development.



2.0 Location Plan

Land East of Wootton





McLoughlin Planning
North Warehouse
Gloucester Docks
Gloucester
GL1 2FB
01452 835 614
www.mplanning.co.uk