

Examination in Public Statement Stage 2 - Matters and Questions

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

behalf of:
The Gow Family



1.0 Introduction

- 1.1. McLoughlin Planning is instructed by The Gow Family (hereafter referred to as the respondents) to make written representations to the Vale of White Horse Local Plan Examination in respect of its land and development interests in the village of Appleton.
- 1.2. This document sets out the respondents' position in respect of the Stage 2 questions for Matter 5, notably Questions 5.1, 5.3 and 5.4. By way of background, the respondents control part of Site 7 shown in the Green Belt review and this statement relates to promoting the respondents landowning interests only. Material submitted to-date has been on the basis that the respondent's land is deliverable without the need for that Part of Site 7 outside of its control.

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. The respondents' position is that the exceptional circumstances exist in general terms, 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.
- 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 and the 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, it is the respondents' position that the need to accommodate the level of housing required, along with the mix of sites needed creates the exceptional circumstances requiring the assessment of the green belt. A fact supported by paragraph 11.3.9 of the Sustainability Appraisal. Finally, in further supporting the position that exceptional circumstances exist, 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."

- 1.7. The second part of the question is whether those circumstances justify the plan's revised green belt boundaries. In dealing with this issue, the respondents consider that the revisions to the boundaries are justified for the following reasons.
- 1.8. 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 which confirms that the "general extent" of green belts has already been established.
- 1.9. 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 the respondents recognise the need for a green belt review, they are 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.
- 1.10. In deciding to review the green belt, whilst the SA does provide a critique of CP13 in that the release of nonstrategic 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 and that 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). The respondents' 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 Appleton of new housing, which in turn will limit population growth and result in an ageing population structure (further detail on this is provided in the response to Matter 8).
- 1.11. 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.
- 1.12. 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 the respondents have the following comments.

- 1.13. The respondent's interest is in land at Appleton ([land adjacent to the road of site 7](#) in the green belt review), against the tests in paragraph 85, the respondents' position is as follows:

First Bullet point

- 1.14. The release of the site from the green belt is entirely consistent with the Local Plan strategy and the role and function Appleton has.

Second Bullet point

- 1.15. The respondents recognise 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 fourth Bullet points

- 1.16. The respondents do not 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

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

Sixth Bullet point

- 1.18. See answer to question 5.3.
- 1.19. 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.

- 1.20. The respondent's position is that the Plan does not adequately identify the revisions to the green belt that it proposes, rather it is the 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 the respondents' land at Appleton, it forms part of site 7, which is shown on Page 3 of the document. The respondents support the removal of site 7 from the green belt (in accordance with the plan appended to the back of this Statement) for the reasons set out above and in previous submissions.



1.21. 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)

1.22. The term "local Green Belt review" is defined by paragraph 5.40, footnote 51, which makes explicit reference to the Kirkham Landscape Planning Ltd Terra Firma Consultancy (2014) report, which form Core Documents NAT01-02-03. Therefore, assuming the adopted of Policy CP13 as drafted, the sites included in the green belt review will be automatically released from the green belt. This then provides the necessary accuracy for the definition of the revised green belt boundaries.

Question 5.4 Is policy CP13 soundly based?

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

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

1.24. Each is addressed in turn below

Positively prepared

1.25. Policy 13 is the Plan's key policy regarding green belt review and the release of land from the green belt for development. Whilst the respondents support 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.

1.26. 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, which 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 going some way to be 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).



- 1.27. The respondents request that the policy to be modified along the following lines:

Suggested Modification

“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

Appleton – land at Eaton Road. – (Use the plan appended to this Statement)

Is the policy justified?

- 1.28. 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.
- 1.29. 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 indication 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?

- 1.30. The respondents are of the view that the policy, whilst badly 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?

- 1.31. 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 7 in CD NAT03, it should be removed from the green belt (to the extent shown on the plan appended at the back



of this Statement). 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"

- 1.32. This is strictly not relevant as Appleton is not a "large built up area" however, in terms of the site itself and how it performs, it is adjacent and well related to the urban area of the village. It is well contained and defined by existing physical boundaries, which provide logical limits to development. As a result, development will not "sprawl".

"The prevent neighboring towns from merging into one another"

- 1.33. 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"

- 1.34. Appleton is something of a linear settlement. 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 that of an area of transition between development and the wider countryside. The site therefore, could be released from the Green Belt, without compromising this objective.

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

- 1.35. In heritage terms, Appleton has a defined conservation area, which is to the south of the in the historic core of the village. The approach to the village from the north is represented by post war housing as is somewhat conventional in its feel. In contrast, the site to the south (site 25 in CD NAT03) is immediately adjacent to the village conservation area and it is considered this would have a more direct impact on the setting of the village. In addition access is very restricted at present and could not handle more traffic). So whilst Appleton is not a town, the release of the site will not compromise heritage objectives of the Framework.

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

- 1.36. 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

- 1.37. Therefore, given the above conclusions on Green Belt and the other concerns about ensuring the delivery of housing in the village, it is recommended that the Plan firstly removes land from the Green Belt and allocates it for housing development. As per the plan appended to this document.
- 1.38. The need to make allocations in the Plan is underlined by the 5th bulletpoint, 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.

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Figure 2: Pond locations and numbers

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LEGEND

- Site boundary
- Pond



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