

# **South Gloucestershire Core Strategy Examination in Public**

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Day 1    Tuesday 19<sup>th</sup> June 2012

## **Matter 6: Green Belt**

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On behalf of

**Deeley Freed Estates and Skanska Residential UK (DFSR)**

## **MATTER 6 – GREEN BELT**

### **1. In preparing the CS has the Council adequately explored the potential of land within the Green Belt to meet identified and future development needs?**

- 1.1 Our submission is, as set out in Matter 8, that the local planning authority has not fully identified its housing development needs.
- 1.2 Bristol City Council has no additional capacity within its boundary to provide development to assist South Gloucestershire to meet what we believe to be its under-provision.
- 1.3 The Green Belt Boundary is extremely-tightly drawn around the built-up area and, from our knowledge of the area, we accept that there are limited options for new development of any scale within the inner boundary of the Green Belt and none at all for development of Strategic scale.
- 1.4 For the reasons set out in our answer to Question 2, we believe that the local planning authority has employed a thorough, reputable and NPPF-compliant process to identify locations where the Green Belt boundary should be altered.
- 1.5 However, since we submit that the requirement for housing provision should be greater than is included in the draft Core Strategy, it follows that we believe that further reputable examination is still required of the potential for the Green Belt to be altered in sustainable locations in order to accommodate that requirement.
- 1.6 Therefore, the answer to this question, reluctantly, is 'no'.

### **2. Is the Council's approach to its Green Belt consistent with the requirements of the national planning policy framework?**

#### *The NPPF process*

- 2.1 The NPPF sets out a clear process that local planning authorities need to follow when considering alterations to the boundary of the Green Belt. Our understanding of that process is as follows:
  - Once established, Green Belts should only be altered in exceptional circumstances, through the preparation or review of the Local Plan (para 83).
  - When reviewing Green Belt boundaries, local planning authorities should have regard to their permanence so that they are capable of enduring beyond the plan period (para 83)
  - When reviewing Green Belt boundaries, local planning authorities should take account of the need to promote sustainable development patterns (para 84)
  - When defining boundaries, local planning authorities should, amongst other things (Para 85):
    - Ensure consistency with the local planning authority strategy for meeting identified requirements for sustainable development
    - Not include land which it is unnecessary to keep permanently open
    - Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the Development Plan period.
    - Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

#### *Analysis of purpose*

- 2.2 It is clear from the above that an analysis of the up-to-date performance of land against the 5 purposes of Green Belt that demonstrates that land no longer serves all 5 purposes

cannot possibly provide the basis for a decision to remove land from Green Belt because the decision has already been taken at designation that the land *does* serve all 5 purposes.

- 2.3 In this case, the decision was taken in 1955 that the inclusion of land in the Bristol and Bath Green Belt served all five purposes of Green Belt and it must continue to be treated as if it still does unless there are exceptional circumstances for altering the boundary, irrespective of changes in the meantime.
- 2.4 The DFRS land to the west of the A4018 is a good case in point. Since its designation as Green Belt in 1955, the land has been severed from the main Green Belt by the construction of the M5 and:
- It clearly serves no function in preventing coalescence or in preventing sprawl because in both cases, as the WEP report of 2005 noted, the M5 motorway is the clear boundary in this area – stronger than any administrative line can be.
  - Furthermore, as the same report noted, the land does not serve any ‘historic protection’ purpose, either.
  - In addition, the local planning authority’s own 2006 report noted that **‘The impact of this Green Belt Area would be reduced if the undeveloped land around Filton Airfield (not within the Green Belt) was developed as it currently reads as part of a wider open area.’** The fact is that, via the Core Strategy, not only is the land around Filton Airfield to be redeveloped but the Airfield itself is to be redeveloped.
- 2.5 However, none of these points – however powerful - provides the necessary ‘exceptional circumstances’ to justify the removal of the land from Green Belt. They simply provide the background against which the Inspector can assess the degree of harm that would be done to the Green Belt if he determines that the exceptional circumstances exist to warrant an alteration to the Green Belt boundary in a particular location.
- 2.6 In the case of the DFRS land, we say that the harm arising from the removal of the land would be insignificant because it no longer serves the 5 purposes of Green Belt.

*The local planning authority’s process*

- 2.7 In order to have reached the position that they propose to alter the boundary of the Green belt, the NPPF requires the local planning authority to:
- Demonstrate that there are exceptional circumstances that warrant alteration
  - Ensure that the revised boundaries are capable of enduring beyond the plan period
  - Take account of the need to promote sustainable development patterns
- 2.8 For the following reasons, and by reference to the DFRS land to the west of the A4018 as an example, we believe that the Council’s approach is consistent with the NPPF requirements.
- 2.9 By way of background, we point out that the Council has been engaged in reviewing the Green Belt boundaries since before 2000. It has been actively involved in such reviews in all of the following ways:
- < 2000- through submissions to the panel in preparing RPG10
  - 2002 – Joint replacement Structure Plan – one of the commissioning authorities
  - >2004 – draft Regional Strategy

- November 2004 West of England Partnership (WEP)<sup>1</sup> – ‘Your Area: Your vision’
  - October 2005 WEP – approved a report proposing a review of the Green Belt, containing at Appendix 3, a ‘Strategic Assessment of the Degree to which areas within and beyond the Green Belt in the West of England contribute to PPG2 Green Belt purposes’. This report was a contribution to the Regional Strategy process and considered 31 locations on both the inner and outer edges of the Green Belt around Bristol along with a further 10 locations that are currently not in Green Belt.
  - 2006 – the Regional Assembly appointed Colin Buchanan to Strategic Green Belt Review. As with the WEP report, it reviewed 31 locations on the inner and outer edges of the Green Belt around Bristol, along with 4 locations not currently in Green Belt.
- 2006 – South Gloucestershire Council carried out its own Green Belt Review covering 23 locations on the inner and outer edges of the Green Belt and including some sites outside the Green Belt. This Review covered only the Green Belt within South Gloucestershire.
  - 2011 – South Gloucestershire Council carried out a ‘Strategic Green Belt Assessment’ (SGBA) that, in Green Belt terms, essentially revisits and largely restates their 2006 work.
- 2.10 DFSR has consistently said that it disagrees with the methodologies used in some of these studies and, on two occasions, has put forward a review of the land to the west of the A4018 prepared by Illman Young based on a tried and tested methodology. This methodology, we believe, would lead to a clearer understanding of the Green Belt in relation to the five purposes set out in the NPPF. The most up to date review is appended to our February 2012 submission, and the Inspector has that.
- 2.11 However, whilst we can fault their detailed conclusions and the consistency of those conclusions,<sup>2</sup> we cannot accuse the local planning authority of failing to keep its Green Belt under review over the past decade and a half. There can be few parts of this country’s Green Belt that have been assessed as frequently as the Green Belt in South Gloucestershire and the local planning authority has been intimately involved in all of the reviews.
- 2.12 The issue here is not the *amount* of attention that South Gloucestershire’s Green Belt has received so much as the *purpose* of that attention.
- 2.13 The 2006 Review, which was both an input into the Council’s response to the draft Regional Strategy and an early piece of evidence in the preparation of the Core Strategy, made it clear that its purpose was not to recommend which areas of Green Belt could be removed.
- 2.14 That is, in our view, entirely the correct starting point. The purpose of that review was simply to assess for use later in the Local Plan process, the extent to which the Green Belt still serves the purposes of Green Belt. It did not answer, or even ask, the question whether there are exceptional circumstances that justify alteration to the Green Belt.

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<sup>1</sup> South Gloucestershire Council is one of the partner authorities in the WEP ... as is Bristol City Council

<sup>2</sup> At various times, Green Belt Reviews in which South Gloucestershire Council have been participants, have drawn very different conclusions for example, about the DF SR land, asserting in the one study that the land serves only 3 purposes and in another that it serves 5 and in yet another that it serves parts of 4.

- 2.15 That question has, however, been asked – often implicitly, but certainly consistently - throughout the Regional Strategy and the Core Strategy process, with the result that South Gloucestershire Council has been able to conclude that, in principle, there *are* exceptional circumstances that justify consideration of boundary alteration.
- 2.16 The authority's first exceptional circumstance is that there is a need for more housing and employment development than can be accommodated in sustainable locations outside the Green Belt. It is evident generally from our representations that we agree with that conclusion:
- The amount of development that the Core Strategy promotes is, we say, too little, by a considerable way. Even so, the local planning authority has accepted that it cannot locate even the development that it has itself identified without encroaching on Green Belt land. Increasing that amount even further can only serve to reinforce that conclusion. Incidentally, it is a conclusion that the Regional Strategy and the WEP have also reached in their time, as well as the local planning authority.
  - The position that South Gloucestershire finds itself in is not helped in any way by the policy of the adjoining local planning authorities, particularly Bristol City Council. Following the advice of para 84 of the NPPF, South Gloucestershire's first 'port of call' for assistance might reasonably have been the authority on the inner edge of its Green Belt. However, in common with other authorities in the West of England, Bristol has argued that it cannot even meet its own needs and, for example, in the South east of the City, has had to earmark its own Green Belt for potential development. Put simply, Bristol has raised the 'City Full' sign, meaning that South Gloucestershire must solve its own problems with no 'cross-border co-operation'. Indeed, there is a real possibility that Bristol's inability to meet its housing needs may even put additional pressure on South Gloucestershire to accommodate more residents.
- 2.17 All of this indicates that South Gloucestershire's conclusion that they will need to accommodate some development either within the Green Belt or beyond was not just reasonable - it was inevitable.
- 2.18 Paragraph 84 of the NPPF provides very clear guidance as to how they are to go about this but, like everything else in the NPPF, the decision on location of development must adhere to the principles of sustainability that form the 'golden thread' running through the Framework.
- 2.19 South Gloucestershire Council has set out very clearly in its Vision that its priorities for the sustainable location of development are the North Fringe, the East Fringe and Emersons Green and the rural towns of Yate/Chipping Sodbury and Thornbury.
- 2.20 In the SGBA, the local planning authority has applied its priorities for sustainable development and applied the 'urban first' principles set out in its vision to the task of identifying the most appropriate locations for new development.
- 2.21 Wherever possible, and when choices are to be made, the local planning authority's approach *prefers* those locations on the edge of the principal urban area that are well-related to public transport, major employment, retail, social, community and other facilities to locations on the edge of the smaller towns remote from those vital facilities.
- 2.22 That 'sustainable location' analysis was then applied to the 23 Green Belt areas and conclusions were reached on the very clear basis of selecting those areas that, in the local planning authority's view, are in the most sustainable location.
- 2.23 This is clearly set out in the Stage 2 analysis of the SGBA. In DFSA's view, this approach is entirely in accordance with the NPPF in terms of proper Green Belt methodology and with the NPPF in terms of sustainable location for strategic development. If there has been a weakness in the past is it that the process has not been explained as transparently as it now is in the Strategic Green Belt Assessment.

- 2.24 It is noteworthy that in the case of the two areas selected by South Gloucestershire's process (Land at Harry Stoke and land to the west of the A4018), the local planning authority's conclusions had also been the view of the Regional Strategy Panel.
- 2.25 By way of example, in the case of the DFSR land, the local planning authority has identified the land as being in a highly sustainable location. DFSR, of course, endorses that since, as has been consistently asserted since the first representations to the RPG 10 Panel, this land is:
- The best served by buses of any site outside the City Centre
  - Extremely well-related to potential rail based transportation
  - Well-related to the employment areas of the north fringe
  - Well-related to the retail, cultural, leisure and other services of Cribbs Causeway/The Mall
  - Capable of easy integration into the existing urban area.

#### *Conclusion*

- 2.26 Thus, it is evident that the local planning authority has identified areas where the Green Belt can be altered by reference to two exceptional circumstances, both of which DFSR endorses:
- The need for additional development some of which, on the authority's locally-based strategy, needs to be located in Green Belt.
  - The need for development to be sustainably-located, again based on locally-determined priorities.
- 2.27 Given these exceptional circumstances, we believe that the local planning authority's identification of areas for alteration of Green Belt boundaries is entirely rational and that their approach accords completely with the NPPF.
- 2.28 We also agree that the local planning authority has, largely, met the requirements of para 85 of the NPPF since in selecting the altered boundaries, it has:
- Based its decision explicitly on its declared priorities for sustainable development
  - Defined boundaries clearly, using physical features that are readily recognisable and likely to be permanent. In the case of the DFSR land, this is the M5 and Haw Wood.
- 2.29 The work done by the local planning authority in recent months overcomes the deficiency of the Submission draft, in which it was proposed that the land to the west of the A4018 was to be identified as a 'contingency' site, indicating that the Green Belt boundary would need to be reviewed again during the lifetime of the Core Strategy – a position that we maintained was unsound. DFSR is now satisfied that the Post Submission Change and the explanation of the process set out in the SGBA resolves the previous shortcomings.
- 2.30 Thus, the short answer to the Inspector's question is 'Yes', qualified by the answer to Question 3 below.

### **3. How likely is it that existing Green Belt boundaries would need to be changed at the end of the plan period?**

- 3.1 It follows from what we have said about the need for higher levels of development to be accommodated over the plan period that, in order to provide realistically for the housing requirements of the District, sufficient land needs to be identified in the Core Strategy to provide for c.30,000 homes.
- 3.2 We also believe that, by recognising the greater potential of the CPNN and with the evidence of other parties about the availability of other sustainably-located sites, the

Inspector has the information necessary to be able to advise the local planning authority on how to achieve this requirement.

3.3 If the Core Strategy does not identify the full requirement of 30,000, and since the Green Belt boundary is drawn extremely-tightly around the urban area, we believe that the development of the appropriate amount of housing can only happen in one of two alternative ways:

- Taking a 'laissez-faire' approach, it could happen through a process of planning applications and appeals on non-Green Belt sites beyond the outer edge of the Green Belt. This, of course, is the antithesis of the 'plan-led' system.
- If a 'plan-led' approach is to be maintained, then we believe that it will be necessary to schedule a review of the Core Strategy within 5 years, as the true post-recession requirement for housing to support the area's economic recovery becomes evident. This will inevitably include a review of existing Green Belt boundaries.