

Wycombe District Local Plan Examination

Hearing Statement on behalf of ERLP 1 Sarl

Former Molins Factory, Saunderton

Representor Number: WDLP19-0875

Matter 6: Green Belt Session

29 June 2018

LICHFIELDS

16508/DL/ZT
16139553v3

1.0 Introduction

1.1 This Hearing Statement has been prepared on behalf of ERLP 1 Sarl in respect of their landholding at the site of the former Molins Factory, Saunderton. This site, which comprises Brownfield Previously Developed Land (PDL) within the Green Belt and Chiltern AONB forms Policy 3 of the Bledlow cum Saunderton Neighbourhood Plan (BSNP) which supports the redevelopment of the site. Specifically, the BSNP states in the explanatory text that “*a mix of uses such as residential, retirement housing, small scale businesses and community facilities would be welcomed.*”

1.2 Our Hearing Statement for Matter 2, establishes that the assumption the emerging Local Plan makes about the quantum of housing which can be delivered on the site is too low; and the current policy position is more likely to inhibit rather than facilitate delivery. Those points will not be repeated in this Hearing Statement, but they form important context for the issues addressed here.

2.0 Responses to Inspectors Questions

Q3: Do exceptional circumstances exist to justify the proposed revision of the Green Belt boundaries?

2.1 We note that within the WDC Topic Paper 2: Housing (October 2017) addresses the exceptional circumstances which they consider exist to justify the removal of specific sites from the Green Belt (paras 6.37 to 6.38). In essence the Councils stance is that “*exceptional circumstances will exist where (in addition to passing steps 1 to 3)¹ the scale of unmet need balanced against the contribution a site makes to the function of the Green Belt weighs in favour of release.*”

2.2 The Topic Paper goes on to state specifically that Step 4 requires the following steps to be satisfied, in summary

- 1 The location must be capable of contributing to sustainable development – i.e. it must be a logical extension to an existing settlement in Tiers 1 – 4 within the Settlement Hierarchy
- 2 The site is capable of removal from the Green Belt having regard to the purposes for including land in the Green Belt, the general extent of Green Belt and the requirement for permanent and robust boundaries;
- 3 If proposed for housing the site must be a deliverable or developable site;
- 4 The OAN is not being met from other sources of supply and the scale of unmet need

2.3 We note that this analysis has no strict basis in planning policy, although concur with the HTP (para 6.37) that there is no specific prescribed national definition or methodology for assessing the Green Belt or for assessing whether exceptional circumstances exist. WDC’s interpretation however risks imposing too strict criterion on this assessment. Importantly their approach attaches no weight to the importance that national planning policy (NPPF para 111) places on requiring that “*planning policies and decisions should encourage the effective use of brownfield land*”.

¹ Step 1: Is the location capable of supporting sustainable development? Step 2: Is the site capable of removal from the Green Belt? and Step 3: Is the site otherwise developable? – WDC Green Belt Assessment Part 2 – September 2017

2.4 As expanded upon in the Hearing Statement for Matter 2 the SoS has emphasised, in respect of our clients site in the context of the earlier appeal SoS DL (para 35) that *“the proposal will also bring a derelict previously developed site back into active use which is afforded considerable weight”*.

2.5 Notwithstanding this, given the compelling evidence regarding housing land requirements and the potentially harmful sustainability impacts that arise from exporting unmet need to locations within AVDC (as expanded upon in our commentary in our clients Hearing Statement regarding Matter 2) we consider that exceptional circumstances do exist for the proposed revision of the Green Belt boundaries *in general*.

Q4: What are the exceptional circumstances, as required by the NPPF (paras 79 – 86) that justify the proposed revision of the boundaries of the Green Belt?

2.6 As set out within our Hearing Statement in response to Matter 2 our clients site is identified for development within the BSNP but it is not the subject of a wider allocation comparable to Allocation RUR12 (which falls within a Tier 5 settlement and is allocated for redevelopment despite being retained within the Green Belt). The Molins site is not proposed for Green Belt release within the emerging WDLP either.

2.7 There are two options which should be considered: either allocating the land within the plan, with a set of criteria which makes clear that the quantum of development permitted should be sufficient to deliver the restoration of the site and other policy objectives, while remaining deliverable or alternatively, releasing the land from the Green Belt, with a criteria based policy governing development. Such criteria will need to recognise the site’s sensitive location within the AONB and require that development respects that context.

2.8 The release of the land from the Green Belt is amply justified by the fact that it is a site which has been the subject of substantial development, over a long period of time. While the Council has judged it to perform well against Green Belt purposes, that assessment seems largely to have ignored the fact that it is brownfield and that its redevelopment is relied upon in the plan. There are exceptional circumstances here (in addition to the District wide reasons identified above). They can be summarised as follows.

- The allocation of the site within the BSNP for redevelopment (within the constraints imposed by the limitations of the Neighbourhood Plan)
- The benefits of the sites redevelopment recognised by WDC and the Secretary of State ²

2.9 Furthermore, when considered against the WDC criteria summarised alone.

- 1 The location must be capable of contributing to sustainable development – the Secretary of States comments address this³
- 2 The site is capable of removal from the Green Belt – see annex 1 which assesses the release of the site from the Green Belt against the five purposes (NPPF para 8)

² See IR accompanying SoS planning appeal ref APP/K0425/W/15/3135297 para 23 *“the Council and Appellant company are in agreement that the site is capable of redevelopment and would benefit from some redevelopment”*
SoS DL letter (para 35) *“the proposal will also bring a derelict previously developed site back into active use which is afforded considerable weight”*

³ See SoS DL (para 21) *“taking into account that the site is PDL, along with the previous and extant uses of the site, the wishes of the community expressed in the NP and the willingness of the appellant company to adopt, promote and fund an appropriate travel plan. He also agrees with the Inspector that harm by reason of conflict with planning policy is reduced”*.

- 3 The site must be a deliverable or developable site – it is recognised as such within the BSNP – any concerns about deliverability are routed in the limitations imposed by WDC reliance on the NP process; and
- 4 Our responses to the questions raised in respect of Matters 2 and 3 highlight the potentially under deliverability within WDC’s anticipated housing supply (in part through the prospects that the site will not be delivered for housing absent a Local Plan allocation). It also notes that AVDC proposals for accommodating unmet need will not form sustainable development.

2.10 Accordingly, modifications to the Local Plan (as summarised above) which lead to a larger residential yield from this site will be appropriate.

Annex 1: Assessment of site against Green Belt Criteria

This annex briefly assesses the impact that an alternative development of this PDL site would have in the context of the purposes of the Green Belt (NPPF para 8o).

- i **To check unrestricted sprawl of large built up areas** – any development would not arise near to a large built up areas and furthermore would be located on previously developed land, as defined within the glossary of the Framework, it would therefore not be unrestricted.
- ii **To prevent neighbouring towns merging into one another** – The sites redevelopment would not result in neighbouring towns or villages merging into one another.
- iii **To assist in the safeguarding of the countryside from encroachment** – whilst a development would sit within an area of countryside it would be wholly located on previously developed land and no encroachment would occur. The detailed design of the buildings including landscaping/tree planting would result in a development that would comfortably sit within the countryside context. Furthermore, a residential development would be a significant reduction in overall development compared with the approved data centre proposals.
- iv **To preserve the setting and special character of historic towns** – Residential proposals would have no impact on any historic town or village or on its setting indeed the removal of the brownfield/areas of hardstanding improves the setting of local villages.
- v **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land** – whilst the site is not within an urban setting, the proposals would, if approved, recycle derelict land.

Source: Proof of Evidence – Vanessa Ross of Arc for St Congar in respect of the SoS Appeal (August 2016) updated by Lichfields (June 2018)