

REVISED DRAFT

REPRESENTOR ID WDLP19 0917

WYCOMBE DISTRICT LOCAL PLAN EXAMINATION

STATEMENT ON BEHALF OF MPAC (FORMERLY MOLINS PLC) IN CONNECTION WITH MATTER 6 – GREEN BELT

This document is part of the response by Mpac (formerly Molins plc) to the Inspector's request for further written statements on questions identified by her in the Schedule of Matters, Issues & Questions. This statement relates to *Matter 6 – Green Belt*

1. Are the Green Belt Assessments (GB1 and GB2) soundly based, justified and consistent with national policy?

1. The Council appears to accept that it should seek to meet as much as possible of its objectively assessed housing need within its borders. The Council area has some 48% of its land designated as Green Belt. Given the housing need, the Council accepts that it is appropriate to release Green Belt land for housing to meet its needs. Given the level of need and limited non-Green Belt, if land is suitable for release it ought to be released. We do not understand the Council taking a different view.
2. The Green Belt Assessments (GB1 – March 2016 and GB2 – September 2017) are the Council's analysis of which land should be released. We do not have material concerns about the methodology employed. However, its application has at best been inconsistent and this has resulted in some sites (such as the Former Mpac/Molins Sports Ground) not being released when in the light of their performance against Green Belt criteria (the release of these sites would not cause material harm to the 5 purposes of the Green Belt set out in paragraph 80 of the NPPF) and the need for the Council to meet as much of its need in its area as possible, they ought to have been.

1a) Can the need for housing and employment development be accommodated on deliverable sites within settlement without releasing land from the Green Belt?

3. No and the Council accepts as much. Wycombe accept that their housing need is greater than can be accommodated outside of the Green Belt within their administrative area and therefore amendments to the existing Green Belt boundaries are required given the importance of meeting as much of its OAN as possible within its own boundaries (see Paragraph 4.17 of the Local Plan). Therefore, any site that meets the criteria for Green Belt release ought to be released.
4. National policy in the NPPF places very significant emphasis on a local planning authority, when plan-making (and, indeed, in all aspects of its planning function), seeking to meet the assessed needs of its area. Thus, paragraph 14 of the NPPF insists that "*local planning authorities should plan positively for opportunities to meet the development needs of their area*". They should also "*meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless any adverse impacts*

of doing so would significantly and demonstrably outweigh the benefits". They should only **not** undertake this if "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*". In respect of housing, NPPF paragraph 17 identifies as a key principle that "*every effort should be made objectively to identify and then meet the housing ... development needs of an area*".

5. There is a clear recognition that the Council should "*explore all reasonable options*" and that those reasonable options involve allocating sites in, inter alia, the Green Belt. In order to do so exceptional circumstances must be demonstrated. There is tension in the NPPF between Green Belt policy (permanence) and the clear policy requirement for a LPA to meet its own needs. That is resolved by identifying land that can be released from the Green Belt without causing material harm to the Green Belt objectives and purposes.
6. Wycombe are currently proposing that 20% (2,275 dwellings) of their FOAN is accommodated in Aylesbury Vale District. The Local Plan (Table 4) sets out the "Main Sources of Housing Land Supply" in Wycombe and envisages that the 11 Green Belt release sites will provide between 1,139 and 1,171 new dwellings. Without the proposed release of Green Belt sites, up to 3,446 dwellings of Wycombe's total housing requirements would have to be met in neighbouring local authority areas. Table 4 also includes 1,755 new dwellings on "former reserve sites"¹. The Green Belt release sites equate to 10.71% of dwelling provision within Wycombe District (10,925 dwellings) during the plan period and the "former reserve sites" equates to 16.06%. These sites are anticipated to provide 26.77% of that part of the OAN which Wycombe District Council proposes to meet within its administrative boundaries.
7. It is evidently clear that the Council cannot meet its housing needs without releasing Green Belt land.

1b) Has the capacity of areas within settlement to accommodate growth been robustly assessed and what were the conclusions?

8. In respect of the strategic objective to "Deliver Housing" paragraph 3.16 of the Plan asserts that "*the Plan seeks to optimise the amount of housing, both market and affordable, that is provided in the District within [the constraints of the AONB, the Green Belt and limited local infrastructure]*". There is no criticism of that objective. Indeed, in the Molins inquiry, the Inspector and Secretary of State agreed with it², and national policy requires it³. The Plan will not be sound unless its spatial strategy enables it to meet that objective. The release of more suitable and deliverable sites within peripheral areas of the Green Belt adjacent to existing towns⁴ would enable Wycombe to meet more fully its OAN within its area. This is sustainable development in accordance with paragraph 14 of the NPPF. It also accords with Green Belt policy

¹ Abbey Barn North (High Wycombe), Abbey Barn South (High Wycombe), Gomms Valley & Ashwells (High Wycombe), Slate Meadow (Bourne End) and Terriers Farm (High Wycombe)

² The Inspector indicated that "it is clearly desirable for the Council to meet as much of its FOAN as possible in its own boundaries" (IR paragraph 167). The Secretary of State agreed (DL paragraph 21).

³ Paragraphs 14 and 47 of the NPPF.

⁴ Examples of sites that are suitable for release for housing development include:

- Former Molins Sports Ground, Monks Risborough (Policy PR15). We have made site specific representations to this.
- Land at Heath End Road, Flackwell Heath (WDLP19 – 0966)
- Land at Chapman Lane, Bourne End (WDLP19 – 0966)
- Land off Kingsley Drive, Marlow Bottom (WDLP19 – 0948)
- Land at Oak Tree Road, Marlow (WDLP19 – 0954)

which at paragraph 85 of the NPPF provides “*When defining boundaries, local planning authorities should: ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development...*”

9. Indeed, at the Molins appeal inquiry, with regards the Green Belt the Inspector said (at paragraph 186 of her report:

“It is not for this appeal to short circuit the local plan process. Whilst there is no argument of prematurity being advanced by the Council, this is neither the time nor the place to be considering whether there is justification for release of the appeal site from the GB. That judgement is for the future within the context of the district as a whole”.

10. There was, in short, a very clear steer from the Inspector (with whom the Secretary of State agreed) towards an assessment of the site for housing development in the local plan process. Neither the Inspector’s report nor the Secretary of State’s decision letter raised any in-principle concern to suggest that the site should not be released from the Green Belt through the local plan process.

11. The Secretary of State’s decision indicates without room for doubt that, on a mature planning judgement, there are no non-Green Belt issues constraining delivery of housing on this site. Permission was refused on appeal for, essentially, two reasons. The first was that the release of a site from the Green Belt was a matter to be addressed at the Local Plan and not in an appeal inquiry. The second was that, although the site was capable of housing development, the applicant had not shown that it was capable of the number of units proposed (up to 131).

1c) How were the removal sites identified and assessed?

1d) Was an assessment undertaken of the contribution of each of the removal sites to the Green Belt purposes and what were the conclusions?

2. Is the approach to amending Green Belt boundaries to release sites for development soundly based and is it consistent with the conclusions of the review in respect of their contribution to Green Belt purposes?

12. In all cases The Green Belt Part 2 Assessment (September 2017) sets out the Council’s rationale in terms of “exceptional circumstances” for removing proposed sites from the Green Belt. The “methodology” used by the Council is set out in paragraph 2.4 which states that 4 requirements have to be met to enable a site to be released:

- The location is capable of contributing to sustainable development;
- The site’s removal from the Green Belt could be acceptable having regard to:
 - the purposes of including land in the Green Belt,
 - the general extent of the Green Belt, and
 - the requirement for permanent and robust boundaries;
- The site must also be deliverable or developable for housing in the terms set out in paragraph 47 of the NPPF (footnotes 11 and 12); and
- The OAN is not being met from other sources of supply and the scale of unmet need balanced against the contribution a site makes to the quality and function of the Green Belt weighs in favour of release.

13. The Council’s assessment of the Mpac/Molins site concluded:

- in relation to the performance of Green Belt purposes, it scored “*relatively weakly*” (that is to say it is a good candidate for removal as it does not perform well at Green Belt functions);
- the site “*possess appropriate boundaries to form a new strong and permanent Green Belt boundary*”;
- “*the site is capable of removal from the Green Belt*”;
- the site has “*little links to the wider countryside and is semi-urban in character*”

14. Thus, the proposal to remove the site from the Green Belt passed all the “key points” of the methodology. Indeed, the sites that are now proposed for release from the Green Belt and proposed to be allocated for housing performed no better than the Mpac/Molins site. So, there was no reason related to the performance of Green Belt functions to prevent release of the Mpac/Molins site. However, the site was rejected for further consideration for non-Green Belt reasons.⁵ At the appeal inquiry, the Council acknowledged that “*it would have promoted the release of the site had it not been for these other constraints*” (see paragraph 194 of the Inspector’s Report).

15. The Council revisited its Green Belt Assessment in September 2017. It continues to consider that the Mpac/Molins site is capable of removal from the Green Belt. It now accepts that there are no physical constraints to development. It offers no sports related justification for not releasing the site. Its sole ground for declining to release the site relates to the AONB. That ground is misconceived both in principle and in relation to the judgements involved. We have commented on this point in our Statement to Matter 5.

16. The Council’s approach has been methodologically inadequate in terms of its application in the light of the pressing need for additional housing. It has rejected the Molins site on grounds that have now proved to be false; but has failed properly to reconsider the site. The Council’s inconsistency in approach is not robust or sound planning.

3. Do the exceptional circumstances exist to justify the proposed revision of the Green Belt boundaries?

4. What are the exceptional circumstances, as required by the NPPF paragraphs 79 – 86, that justify the Plan’s proposed revision of the boundaries of the Green Belt?

17. In light of the above, there are undoubtedly exceptional circumstances to justify revisions of the Green Belt boundaries. All parties including the Council accept this. As set out above, the question in this case is how should the Green Belt boundary be redrawn and this requires the site-specific assessments addressed above. Where sites can be released without compromising the essential characteristics of “openness” and “permanence” they should be due to the housing need. Importantly, the NPPF states that where boundaries are reviewed local planning authorities should not include land which it is unnecessary to keep permanently open.

⁵ In full, the explanation was:

“A non-determination appeal has been submitted in respect of 15/07870/OUT.

This was considered at Planning Committee on 29.6.16 and the report to committee sets out a detailed site assessment. Planning Committee agreed 11 reasons for refusal relating to this application. For the purpose of this assessment the Green Belt reasons are not relevant, however it is clear that there are a series of other fundamental non-Green Belt issues constraining delivery of housing on this site.

Whilst in principle the site is capable of being removed from the Green Belt exceptional circumstances to amend the existing Green Belt boundaries will not exist due to the clear constraints on delivering housing” (underlining added for emphasis).

18. The Council's inconsistent approach to site specific assessment has led to the rejection out of hand of sites that should not have been rejected. This is preventing the achievement of the Plan's own objective to "*meet as much of the District's need for housing ... land as is sustainable to do so*".
19. In our comments on Matter 3 we have set out a number of concerns with the deliverability of the proposed Green Belt release sites and the "former reserve sites". All of these sites ("Green Belt release and former reserve sites") have not yet shown that they are capable of being developed for the number of dwellings identified. Indeed, Aylesbury Vale District Council has indicated to Wycombe that **all** the "former reserve sites" have a lot of restrictions and therefore less than half of the site areas are suitable for building, making the use of this land inefficient.⁶ This needs to be seen against the context that there are other sites that the Council have **not released** that are deliverable within the terms of paragraph 47 of the NPPF and their development would have no material difference in impact on the Green Belt.
20. This approach is not sustainable in an area where the OAN justifies the release of additional sites for sympathetic development. There is a pressing need, both nationally and locally, for affordable and market housing.
21. The Council has not proposed the release of sites (addition to the 11 Green Belt release sites) capable of development in terms of the NPPF, deliverability and where no insurmountable constraints have been identified. This is despite the Council's requirement to provide for as much of its housing need within its own administrative area as possible. Indeed, as set out above, paragraph 85 of the NPPF requires LPAs when defining Green Belt boundaries to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and, explicitly, not to include land which it is unnecessary to keep permanently open.
22. The former Molins Sports Ground performs weakly against the Green Belt purposes and could be released from the Green Belt. It would be consistent with paragraph 85 of the NPPF to release it. The site is located at the absolute periphery of the green belt and adjoins existing development. The site
 - makes very little contribution to the 5 purposes of the Green Belt as set out in paragraph 80 of the NPPF and no longer needs to be kept permanently open - this is the Council's own assessment with which Mpac agrees;
 - can be developed sustainably (for much needed housing); and
 - once developed will define a clear Green Belt boundary with physical features that are readily recognisable and likely to be permanent.
23. The Council has been over cautious in its approach by **not** releasing sites where there are no in-principle concerns that would indicate that these sites should not be removed from the Green Belt. This is inconsistent with paragraph 85 of the NPPF which requires LPAs to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and not to include land which it is unnecessary to keep permanently open. Adopting a consistent approach **will** enable the Council to provide long term Green Belt boundaries and meet more of its development needs within its own administrative area.

⁶ See, inter alia, p58 - Summary of Responses to Regulation 19 Consultation October – December 2017