

5 January 2016

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## Vale of White Horse Local Plan 2031 - Part 1 - Examination

### **RESPONSE ON MATTER 5: Proposed Revision of Green Belt Boundaries (including CP13)**

#### **SUMMARY**

The plan is unsound because:

The Council is wrong to seek to accommodate the SHMA in full, and the then unquantified overspill of the SHMA from Oxford, as it was wrong, with its fellow Councils, to accept an obligation to fulfil the SHMA before it had been written.

To do so is inappropriate in a District which is 40% AONB and Green Belt, and in which the undesignated countryside is also largely of high environmental and economic value.

Whilst the NPPF is clear that if Green Belt reviews are to be conducted they should be in the context of a Local Plan, Councils are not required to conduct such reviews each time a plan is made, or indeed, at all.

Permanence is the essential feature of Green Belts. Government has made it clear that if Green Belt is released, it must be the unforced choice of the Council alone to do so.

Most of the Green Belt sites proposed to be released have no alternative use allocated, and are apparently selected for no other reason than the Council's subjective decision that they are dispensable through making "no" contribution to Green Belt purposes (or perhaps because they do not contribute to all five purposes, or to "overarching principles", the wording of the Plan is contradictory).

In any event, as the County Green Belt Review confirms, even if there were land that met none of the purposes, exceptional reasons to release it would still be required.

In some cases housing is allocated, but there is no necessity to have done so. The SHMA itself accepts that housing need may not be capable of being met in full, as its

authors are statutorily prevented from considering even obvious constraints, like Green Belt and AONB.

If the Council increased by just 7% the density of development elsewhere in the District to accommodate the housing it has allocated to the Green Belt, or showed that the harm from doing so would be unacceptable, they would be secure from challenge by opportunistic developers.

The Green Belt has overwhelming public support, and removing Green Belt or AONB land is by definition unsustainable as its benefit will be irrevocably lost to future generations.

The Oxford Green Belt is particularly vulnerable, being only five miles wide. The setting of Oxford is of such importance that the City has not only a peripheral Green Belt, but stretches of Green Belt running through it along the Rivers. The City itself, with a medieval street layout forced on it by the ancient buildings and the watercourses, is entirely unsuitable to be the development hub its frustrated Councillors wish to create of it. In that sense the Green Belt protects the City from itself.

This is a Green Belt which is both valuable and vulnerable. It is no time to be taking bricks out of the wall just for the sake of doing so.

**5.1a Do the exceptional circumstances as required by the NPPF, 79-86, exist to justify the plan's proposed revision of the boundaries of the Green Belt?**

For Green Belt land to be released exceptional circumstances outweighing the harm release would cause are required to be shown. No such circumstances were advanced, though they were to some extent inferred, in the Submitted Plan.

In the August 2015 document (*Alterations to Green Belt Boundaries and Proposed Housing Development in the North Wessex Downs AONB August 2015*) three exceptional circumstances are claimed to exist: the need to meet objectively assessed housing need in full; the ability to release land presently designated as Green Belt without harm to the purposes of the Green Belt; and the need to deliver sustainable development.

None of these hold any water as exceptional circumstances. We recommend that the Green Belt strategy be dismissed as unsound.

**i. The “need” to meet the Objectively Assessed Housing requirement in full.**

The Government Briefing Paper of June 2015 makes clear that, *once established, green belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan, and that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt*”.

The PPG makes it explicit that *need alone is not the only factor to be considered when drawing up a Local Plan*.

At 14, the Framework is clear that *local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include land designated as green belt.*

In a January 13 note to MPs, the then Government described the purpose of reviewing the Green Belt. *There is considerable previously developed land in many Green Belt areas, which could be put to more productive use. We encourage Councils to make best use of this land, whilst protecting the openness of the Green Belt in line with the requirements in the National Planning Policy Framework.* (Green Belt Standard Note SN/SC/934 to Members of Parliament 14 January 2013)

A subsequent letter from Nick Boles to Sir Michael Pitt, Head of the Inspectorate, made it explicit that *It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path.*

(In the case of the Rushcliffe decision relied upon by the Vale, it had been the Inspector who had required the Council to conduct the Review.)

It is clear from the above, therefore, that whilst the Vale can if it chooses review Green Belt boundaries, it is under no compulsion to do so, and has no obligation to release Green Belt land for unmet housing need. Rather, it is cautioned not to do so. If housing need cannot be met in full on land other than Green Belt, to that extent it need not be met.

The SHMA itself (which CPRE consider to be both flawed and overstated) does not take account of Green Belt or AONB at all, but reminds readers at 1.10 that *Government guidance and advice is explicit that the SHMA itself must not apply constraints to the overall assessment of need, such as environmental constraints or issues related to congestion and local infrastructure. This does not mean that these issues are not important. They are very relevant issues in considering how much development can be sustainably accommodated and where new development should be located.*

For all these reasons, it is clear that unmet housing need is not of itself an exceptional circumstance capable of justifying release of Green Belt land for housing development, and obviously cannot be a consideration for the 15 (?) sites proposed for release, to which no housing is allocated.

It may be that the Council's unexpressed motivation is to avoid any possibility of a developer challenge to the five year supply by meeting the SHMA in full, despite having legitimate reasons not to do so, or that it felt Green Belt residents should "share the pain" which would otherwise wholly fall on those outside the Green Belt if the SHMA totals were met in full on undesignated land.

Neither of these considerations have any merit, and neither would be exceptional circumstances.

A reduction in SHMA totals because of a demonstrated lack of appropriate land would be safe from challenge. It should be noted that almost half the SHMA is based on a forecast of notional job creation and the consequent hypothetical needs of workers migrating to the County.

Any necessary reduction in the housing delivery due to the presumption against use of Green Belt land could be compensated by a reduction in the forecast of notional jobs. This would be a legitimate review of SHMA totals, and would involve no loss of housing for the resident population.

**ii. The ability to release land designated as Green Belt with no harm to the purposes of the Green Belt.**

(At 5.40 of the Plan this is *parcels of land which “no longer meet” the purposes of the Green Belt*; CP13 refers to the “overarching principles”; at 5.6 the plan appears to refer to land meeting ALL of the purposes of the Green Belt)

For there to be “no harm” from releasing Green Belt land, it would have to be land that met none of the purposes to any degree.

No such land has been identified in the Vale Green Belt either in the Vale Review or the subsequent County Review.

Prior to the publication of the submission plan the Vale had conducted its own Review, and subsequent to the Plan the County Council published a Review of all of Oxfordshire’s Green Belt, to assess the relative extent to which land parcels contributed to the five purposes of the Green Belt.

Neither review considers all of the purposes of the Green Belt in relation to each piece of land; those purposes that are considered may be interpreted contentiously; further they identify different sites for “review”, and where they identify the same or a similar site they often “mark” it differently.

However, the County Study is the more authoritative as it assessed on the same premises all of the Oxfordshire Green Belt; was “steered” by all the affected Councils; and is accepted by all the authorities as the master study, stating (at 5.2) that *differences in the individual Districts’ Green Belt studies* - of which a good number are identified in its Section 4 - *should be justified against this Study*.

The County Study accepts that *all Green Belt prevents the unrestricted sprawl of large built up urban areas* (and by implication merger of settlements), *because that is its principal purpose as a strategic planning designation*, and that there is *no way or distinguishing the extent to which each Green Belt parcel delivers against this purpose*. *It should be recognised that sprawl as described can be equally damaging to the overall integrity of the Green Belt, wherever it may arise*.

Against purpose 5, regeneration, the Review states that *it is assumed that all areas of the Green Belt contribute to this principle equally and (it) does not need to be considered specifically as part of this review.*

Consequently, all land in the Green Belt is considered by default to contribute to two of the five purposes.

In the Appendix (see Appendix 1, p.9) to this submission, each of the sites proposed for release is assessed in terms of the County, and, where relevant, Vale studies. All score against the purposes of the Green Belt, and none meet the District's release criteria of no longer meeting the purposes of the Green Belt.

In any event the County Study states, correctly, that *the relatively poor performance of land against Green Belt purposes is not, of itself, an exceptional circumstance that would justify release of the land from the Green Belt.*

***iii. The need to deliver sustainable development, through sustainable patterns of growth supported by the necessary infrastructure.***

The NPPF describes sustainability as *the kind of development that meets the needs of the present without compromising the ability of future generations to meet their own needs.* At 14, the presumption of sustainable development, it advises that *Local Plans should 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, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted, for instance land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty.*

Development in the Green Belt (and AONB) is intrinsically unsustainable, and sustainability cannot be an exceptional circumstance for Green Belt release.

This is especially the case if any identified need could be met elsewhere. Out of a total housing trajectory for the plan of 20,000 units, only 7% are allocated to Green Belt release sites. It follows that if elsewhere in the Vale each housing site of 100 units, assumed in itself to be sustainable, was increased to 107, there would be no unmet housing need to be considered in relation to the Green Belt.

If this modest increase cannot be sustainably accommodated outside the Green Belt, then that is not a justification for using Green Belt land, but for reducing the housing totals accordingly.

**Summary (5.1a)**

**None of the three claimed exceptional circumstances are valid and therefore provide no justification for release of Green Belt at the selected sites. The Plan is therefore unsound.**

### **5.1(b) The land between sites 1 and 2**

It is not clear whether this is a site for housing allocation or an “unallocated site”. If the former it is covered in 5.1.a, if the latter in 5.1.c below.

### **5.1(c) The unallocated releases**

Where a site is proposed for release without housing allocation, the only one of the three proposed exceptional circumstances claimed by the District Council that could apply is the release of land of no value.

The Reviews show that all Green Belt land in the Vale has intrinsic value, and the 21 relevant sites all score on the County’s assessments. In any case, as the County Study makes clear, poor performance against Green Belt purposes is not of itself an exceptional circumstance. This land is not claimed to be released to meet the then to be crystallised City housing need, as CP13 warns of a further review for that purpose.

There is an inference that the Council considers the Green Belt was “too tightly drawn” around some of these settlements, but this is not an exceptional circumstance, especially as no use for the land is envisaged. The latest proposed loosening of Green Belt protection may allow villages through Neighbourhood Plans to allocate Green Belt land for starter homes, although the extent if at all to which villages will seek to do this cannot be known. It could clearly not be an exceptional circumstance for releasing land in advance.

### **5.2 Is it soundly based for Housing Allocation site 2 to include an area of land designated as Green Belt?**

We can find no rationale for this in the plan and note that easily identified and defensible borders need in principle to be provided.

### **5.3 Does the plan adequately identify the revisions to the Green Belt boundary that it proposes?**

The plan as a whole is opaque and hard to follow, as are the proposed revisions to the Green Belt boundary. Indeed documents at and subsequent to the submitted plan, purporting to show the releases definitively, differ between themselves as well as being confusing in form. The later of the two versions of HEAR 3, is taken to be definitive for the purposes of this submission, albeit not with full confidence.

Whilst this is obviously unfortunate of itself, the overwhelming concern is the public interest.

Any consideration of a Green Belt Review needs to be against the background of the strong and considered support the Green Belt has always had, and continues to enjoy, from the public.

In a professionally conducted survey, with a strong and representative sample size, commissioned by CPRE Oxfordshire, residents were asked whether *the green belt around Oxford should remain open and undeveloped and building on it not allowed, taking into account that others say that it prevented necessary development happening in the best place.*

The City Council has been unwilling to curb its expansionist aims, despite the Green Belt created for precisely that purpose, for over thirty years. Their campaigning, claiming contentiously that it prevented people, and particularly young people, from having houses, has been widely and constantly reported, with the result that the public in Oxfordshire is particularly well-informed on the issues surrounding the Green Belt, albeit primarily the negative claims made by its detractors.

Notwithstanding the campaigning against it, in the independent research commissioned by CPRE this Spring, 75% of respondents across Oxfordshire considered that maintaining the integrity of the Green Belt outweighed the claimed benefits of building houses in it. Indeed housing was seen as by far the greatest threat.

This was true across all social groups, city and county, homeowners and non-home owners. (the full survey results are available at <http://bit.ly/1Ne3hBO>).

Overwhelming support for the Green Belt, particularly in its role of preventing development, must be a material issue in any review.

Against this background, it is regrettable and unsound that the consultations, and the plan were so opaque and contradictory on the Council's intentions towards the Green Belt that consultees could not have understood what was proposed. This is especially the case as Green Belt strategy was in fact turned 360 degrees between the 2013 and 2014 public consultations. Opacity is only being cleared with new documents postdating the draft plan and the consultations, of which the public could not have been aware.

#### **5.4 Is CP13 soundly based?**

The strategy that lies behind the Policy is unsound for the reasons given above.

The Policy itself is opaque, inadequate and unfit for purpose.

It is unclear what the present status of the Green Belt is, what amendments have already been made, and on what justification. Indeed it describes the current situation as though the Green Belt had already been reviewed where it states without further explanation, that the Green Belt is "*as amended following local Green Belt Review*".

At 5.5 the Plan states that it will "respect" the "overarching principles of the Green Belt". It is by no means clear what respecting its "over-arching principles" might be as compared to respecting its permanence, but in context it is clearly intended to be a good way short of protecting it entirely. At 5.6 the Plan refers to CP13 as seeking "*to protect the land that continues to meet the five purposes of Green*

*Belt*”, whereas the NPPF makes it clear that all five purposes do not have to be met. This could be improved by inserting the words “any of” between “meet” and “the”.

Taken together there is certainly a thread running through CP13 that only land which meets ALL of the five purposes, rather than as should be the case, any one of them, justifies its place; and even then only in relation to “overarching principles”; and that that means that far from being permanent and established, the Green Belt could be subjected to rolling review and release. In fact as CP2 notes, consideration was occurring in tandem with the production of this plan, to removing more land to meet Oxford’s unmet housing need.

In para 2 it refers to a list of inset villages as though this was pre-existing, without noting that Farmoor has been added to the list following the Green Belt Review.

The second part of paragraph 88 should be quoted in full against the asterisk.

In section v it refers to limited infilling without specifying what that means or referring to another relevant policy.



## **APPENDIX 1 - Analysis of Green Belt harm on potential release sites, based on Vale and County Reviews.**

### **a) Sites with proposed housing allocations**

(The plan states that development to the South of Abingdon outside the Green Belt would have been preferable, although more difficult logistically. The need to protect Green Belt land was not given proper weight).

#### **(i) North West of Abingdon on Thames, 200 homes**

This is in an area between the built up area of Abingdon and the A34.

It is numbered point 22, for further consideration, in the Vale Green Belt Review which notes, however, that whilst its countryside characteristics have been partly eroded by the A34, *the protection of this valued part of the Green Belt plays an important role in maintaining the need to encourage the use of land of a lesser environmental quality in the town.*

It is therefore making a high contribution towards the regeneration purpose of the Green Belt and, by definition, in CPRE's view, to the purpose of preventing urban sprawl and merger of neighbouring settlements. Development of this site will harm the approach to, and therefore setting of, Oxford.

This is part of AT3 in the County Study. That study does not consider it has value in preventing urban sprawl, since, whimsically, it does not classify Abingdon - Oxford's third largest town - as a large built up area. It does consider however that it makes a contribution to the purposes of preventing the merger of settlements, safeguarding the countryside (noting particularly the long range views to the southwest) and protecting the setting of Oxford.

In the judgment of both Reviews, the site makes a worthwhile contribution to the purposes of the Green Belt.

#### **(ii) North of Abingdon 800 homes**

This is an area to the North of Abingdon, partly bounded by the A34 at its Western end, but otherwise encroaching into open countryside.

It comprises points 20 and 21, for further consideration, in the Vale Green Belt Review.

The Vale Review gives it lower scores for those purposes of the Green Belt it assesses, except on encouraging the key purpose of urban regeneration where it says *the pressure for housing expansion at Abingdon means that the protection of this valued part of the Green Belt plays an important role in maintaining the need to*

*encourage the use of land of a lesser environmental quality in the town. It also notes the rural pattern of small green fields.*

The County Review covered this area as part of its AT4 and AT5.

*It considered that the parcels had a role in preventing merger of settlements, high in the case of the Eastern end. The County Study scored it Medium to High on protecting the countryside, noting the *open farmland to the north and south, with the latter forming a rural setting to the northern side of Abingdon, and that it makes some contribution to the generally rural character of the landscape on approach to Oxford, especially as it is on elevated ground. Also, the parcel plays an essential role in preventing the merging or erosion of the physical gap between the two settlements* (Abingdon and Radley).*

*The northern and southern boundaries of the parcel are also positioned between Abingdon (to the south) and Kennington (to the north). While the gap between the settlements is larger than that between Abingdon and Radley, the settlements are still in relatively close proximity to one another, but elevated ground at the centre of the parcel reduces the importance of the northern and southern fringes by blocking intervisibility.*

(CPRE incidentally disagrees that the intervening high ground reduces the merging of settlements, any more than building a bund between them would do).

**(iii) Site 13, South of Kennington (Radley) 270 homes**

This is an area to the South of Kennington, point 13 on the Vale Green Belt Review.

*In its assessment the Vale Review states *the inner edge to Kennington next to the railway line is only 500m from Oxford. Development on this stretch of open land would lead to the merging of Oxford and Kennington. An area of land to the west of the railway line is less critical.**

Nevertheless it considers there to be an argument for land release on land south of the village, better contained by the settlement. The actual proposed release is of all the land south of the village between the railway line and the heavily wooded area containing a mobile home park.

The County Study - in which this is part of KE1- scores it High for preventing urban sprawl, and Medium for preventing merger of settlements, particularly between Kennington and Radley.

In fact the visual effect will be of the extension of Kennington into open fields, and it will be only the width of a railway track away from the land on which the Vale Study considered development would lead to merger with Oxford.

(iv) **Site 16 North West of Radley 240 homes**

This site relates to point 16 on the Vale Green Belt Review.

That Review noted that at this point, *the settlement edge of Radley in general is important in maintaining the separation of Radley and Abingdon.*

The Review also found that *the settlement edge is part of the swathe of countryside that extends north-west up to Lodge Hill.*

The authors considered that both these contributions to the purposes of the Green Belt were modified by the existence of a built form east of White's Lane (although CPRE consider that the existence of adjacent development increases, rather than reduces, the value of the open land).

As elsewhere the Review attributed no value to the Green Belt's role of forcing renewal as they found no sites for renewal in Radley itself. As stated before this is to misinterpret the purpose. The Green Belt has a general role in forcing re-use of urban land wherever it is situated.

This is the southern part of AT5 in the County Study which classifies it as of HIGH value in preventing merger of settlements. *The southern area of the parcel separates the settlements of Abingdon-on-Thames and Radley which are in close proximity to one another. The parcel plays an essential role in preventing the merging or erosion of the physical gap between the two settlements, particularly as the parcel occupies the whole width of the settlement gap. The land between the two settlements in the parcel has a strong sense of openness and the topography is relatively flat, with limited intervening vegetation on the boundaries of the parcel, thereby providing views between the settlements. The parcel therefore plays a strong role in preventing the merging of the two settlements.*

The Site is considered MEDIUM in terms of protecting the countryside from encroachment, its otherwise HIGH status moderated in the author's view by the (largely concealed) Radley College and golf course.

**b) 5.1.b Unnumbered Site between 21 and 22. Release between sites 1 and 2, for no identified use**

This Green Belt site is not shown on the Vale's flyer. It is shown on HEAR 3 but not on the proposals map and is assumed therefore not to form part of the housing allocation.

It scored on all of the three Green Belt purposes the County Green Belt study measured, albeit low because of the built sports area, which makes part of it previously developed in any case.

The fact is that it scored, and that there is no housing need to use it.

### **c) Sites proposed to be released for no identified use**

#### **i. Appleton Sites**

Site 25 is part of County's AP6, scoring MEDIUM for safeguarding from encroachment.

Site 7 is part of AP1 which scores HIGH for safeguarding from encroachment and MEDIUM for preventing merger.

Site 17 is in AP2, scoring HIGH for safeguarding from encroachment and MEDIUM for preventing merger.

#### **ii. Botley Sites**

Sites 1 and 2 are BO5. It scores HIGH for urban sprawl, Medium for setting.

Site 8 is BO1. It scores MEDIUM/HIGH for sprawl, MEDIUM for preventing encroachment, HIGH for Setting.

Site 11 is County Study site OX19. It scores MEDIUM/HIGH for Sprawl, HIGH for preventing merger, MEDIUM for preventing encroachment and HIGH for setting.

#### **iii. Cumnor sites**

Sites 3, 4 and 24 are in CU1, scoring HIGH for preventing encroachment and MEDIUM for Setting.

Site 5 is in CU3, scoring MEDIUM for preventing merger, HIGH for protecting the countryside from encroachment.

Site 6 is in CU2 scoring MEDIUM for preventing merger and HIGH for protecting the countryside from encroachment.

#### **iv. Farmoor**

Not considered as a site for closer study in the County Study. Part of broad area 11, scoring HIGH for preventing encroachment and MEDIUM for setting and character.

#### **v. Kennington**

Both sites are in County Survey KE1. It scores MEDIUM/HIGH for preventing urban sprawl, MEDIUM for prevention of merger and encroachment, and HIGH for protecting setting.

**vi. Radley, Site 14 (Site 16 is allocated for housing and covered above)**

Site 14 is County Study AT6. It scores HIGH for preventing merger and MEDIUM for protecting from encroachment.

It contributes to the purposes of the Green Belt, which would be harmed by its release.

**vii. Wootton**

Site 9 is County Study WT1. It scores MEDIUM for preventing merger, safeguarding from encroachment, and setting.

Site 10 is County Study WT2. It scores LOW for preventing merger, HIGH for safeguarding from encroachment, MEDIUM for setting.

Site 23 is WT3. It scores LOW for preventing merger and HIGH for protecting from encroachment.