



Broxtowe
Borough
COUNCIL

Broxtowe Borough Council

Response to Matter 11:

Green Belt

November 2018

BROXTOWE LOCAL PLAN PART 2 EXAMINATION

MATTERS, ISSUES AND QUESTIONS

Matter 11 Green Belt

ISSUE: Is the approach taken to review and protect the Green Belt justified, effective and consistent with national policy in the NPPF.

a) Site allocations in the Green Belt

1. Is the Green Belt review consistent with national policy in the NPPF and PPG's and with the sequential approach set down in Policy 2 of the ACS?

- 1.1. Yes. The NPPF (paragraph 47) requires local authorities to identify and provide sufficient housing land to meet the objectively assessed needs of a growing population (as set out in [Policy 2 of the ACS \(PD/01\)](#)). The Government places particular importance on promoting sustainable patterns of development (2012 NPPF para 17) and a lower housing provision was not viewed to be sustainable when considering environmental, social and economic factors. It is considered that the approach to the proposed distribution of growth is justified and consistent with sustainable development.
- 1.2. As part of the plan making process, local authorities should identify specific sites, realistically capable of development. The conclusions of the most recent [Strategic Housing Land Availability Assessment \(SHLAA\) \(HO/02\)](#) found that there is insufficient land available within the exiting urban area to meet the objectively assessed need for housing set out in Policy 2 of the ACS.
- 1.3. The 2012 NPPF confirms the importance that Government attaches to Green Belt and stresses the fundamental aim of Green Belt policy of preventing urban sprawl by keeping land permanently open (Para 79 of the 2012 NPPF). The five purposes of Green Belt are recognised, and [ACS \(PD/01\)](#) Policy 3 The Green Belt confirms that the principle of the Nottingham Derby Green Belt will be retained. The ACS also confirms that the Part 2 Local Plans will review the Green Belt boundary to meet their development land requirements.
- 1.4. The principle of removing land from the Green Belt was established in the ACS. The [Inspector's report on the ACS \(PD/02\)](#) at para 118 states that “the ACS should give direction to Part 2 Local Plans to emphasise that non-Green Belt sites have first preference and that sites to be released from the Green Belt must have good sustainability credentials”. Policy 3 was therefore amended to ensure a sequential approach be followed when Green Belt boundaries are reviewed in the Part 2 Local Plans and sites for development selected, giving maximum protection to Green Belt land.

- 1.5. A two-stage approach was undertaken with the ACS providing direction to the Part 2 Local Plan and the emphasis that non-Green Belt sites have first preference and that sites to be released from the Green Belt should have good sustainability credentials.
- 1.6. Once established, the 2012 NPPF (para 83) identifies that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. [The Inspector's report on the ACS \(PD/02\)](#) confirmed at para 111.

"I agree with the Councils that the exceptional circumstances required for alterations to Green Belt boundaries exist."

- 1.7. Paragraph 51 of the [Decision into the Legal Challenge \[PD/03\]](#) of the ACS set out the approach that should be taken when determining if Green Belt boundaries should be amended. The Council has followed this search sequence as detailed in the [Site Selection Document \[CD/26\]](#).
- 1.8. The Nottingham Derby Green Belt is a long established policy tool and drawn very tightly around the built up areas of Greater Nottingham. When [reviewing the Green Belt boundary \(PD/13\)](#), the original purposes of Green Belt as set out in the 2012 NPPF were a key consideration. Non Green Belt opportunities to expand existing settlements are extremely limited and therefore exceptional circumstances require the boundaries of the Green Belt to be reviewed in order to meet the development requirements of the ACS and the Part 2 Local Plan.
- 1.9. Ashfield, Broxtowe, Gedling and Nottingham City Councils worked jointly to prepare evidence to support their emerging Local Plans. The [Green Belt Review \(PD/13\)](#) follows on from the agreed joint framework that the authorities produced to help inform part of that evidence base setting out a methodology for reviewing Green Belt boundaries. The review has taken account of the 5 purposes of Green Belt as set out in Part 9 of the 2012 NPPF. The assessments have allowed a view to be taken on whether there are specific areas of land that should be considered for release from the Green Belt through the Part 2 Local Plan review. Any release of land from the Green Belt needs to demonstrate exceptional circumstances as directed by the 2012 NPPF (para 83).
- 1.10. A Green Belt review does not itself determine whether or not land remains or is included in the Green Belt. It is the role of the council's emerging Local Plan to formally revise Green Belt boundaries and to allocate land for development, having taken into account all relevant planning considerations. This includes whether there are, in the first instance, exceptional circumstances for altering existing boundaries. It is not the role of any review to establish whether or not such exceptional circumstances exist, but as there is a need to alter Green Belt boundaries, the

review is intended to inform how this might best be done. A review is therefore a technical document that is used to aid decisions on where the Green Belt may be amended to accommodate future development requirements.

- 1.11. The amount of land recommended to be released from the Green Belt in the Green Belt Review compared to the amount now being proposed has reduced significantly. Where land is not required for development it has been retained in the Green Belt (as at Bramcote and Brinsley).
- 1.12. As per the distribution / sequential approach ([ACS \(PD/01\)](#)) the largest amount of Green Belt release is in the south of the Borough which is considered to be the most sustainable as it is better connected with the Tram, high quality and frequency of bus routes, an existing railway line with stations at Beeston and Attenborough and a proposed High Speed 2 Hub Station at Toton (outside the plan period). These releases are essential to provide a five year supply of deliverable housing sites ([Strategic Housing Land Availability Assessment \(SHLAA\) \(HO/02\)](#)). There are exceptional circumstances to justify the proposed Green Belt boundary changes in this Local Plan. These are the need for new homes, the lack of sufficient urban sites to meet this need, and that the proposed allocations individually and cumulatively amount to sustainable development (Sustainability Appraisal ([CD/12](#) and [CD/13](#))).
- 1.13. Additional Green Belt release above those promoted in this Local Plan, especially in the north of the Borough, would not meet the exceptional circumstances test as overall borough wide housing provision is met with an appropriate buffer, the regeneration challenges facing Eastwood and Kimberley are addressed with allocations mainly on previously developed urban sites, and allocations in Brinsley and Awsworth are the minimum to meet the housing needs set out in the ACS. There are not deliverable urban sites within Awsworth and Brinsley to get close to the ACS housing figures in either settlement without Green Belt boundary change. In both Eastwood and Kimberley urban sites are anticipated to come forward to get close to the ACS 'up to' figures.

b) Development in the Green Belt

1. Does Policy 8 make appropriate provision for the protection of the Green Belt in line with national policy? Specifically is part 3) of the policy justified and consistent with the NPPF?

- 1.14. Yes. Part 3 of the policy provides for permission to be granted for the change of use of open land to outdoor sport and outdoor recreation.
- 1.15. The 2012 version of the NPPF does not include changes of use among the list (at paragraph 90) of developments which are 'not inappropriate' in the Green Belt, although buildings providing appropriate facilities for outdoor sport and outdoor

recreation are ‘not inappropriate’ (paragraph 89). Considering the issue purely in terms of the 2012 version of the NPPF, the Council considers that there are good local reasons for going slightly beyond the NPPF and being prepared to allow changes of use to outdoor sport and outdoor recreation in the Green Belt. The reasons for this are explained in paragraph 8.2 of the Plan and they reflect the Council’s commitment to encouraging healthy lifestyles and promoting healthy communities. Open sport and recreation uses would in many cases be a wasteful use of brownfield sites within the built-up areas, and there is very little open land outside the built-up areas which is not in the Green Belt, so the absence of part 3 of the policy would make it very difficult for new sport and recreation uses to be added in Broxtowe, with potential adverse consequences for the health and well-being of the borough’s residents. The issue was discussed at the Workshop on ‘Green Belt and Countryside Issues’, which is reported at pages 22-23 of the [Consultation Statement \(CD/20\)](#). As noted at page 23, there was general support for allowing outdoor sports facilities at an appropriate scale in the Green Belt.

- 1.16. The Plan is being assessed on the basis of the 2012 version of the NPPF. However in this particular case the Council considers it important to also take account of the 2018 version of the NPPF. The omission of reference to changes of use in the 2012 NPPF appears to have been inadvertent and has been corrected in the 2018 version by the addition to the list of ‘not inappropriate’ forms of development (at paragraph 146) of ‘material changes in the use of land’, including ‘changes of use for outdoor sport or recreation’. Part 3 of policy 8 is therefore unreservedly consistent with the ‘new’ NPPF. In these circumstances it would be very unfortunate if the Council was obliged to review this aspect of the Plan immediately after adoption in order to bring it into line with the ‘new’ NPPF.
- 1.17. There were no objections to this aspect of the policy and Nottinghamshire County Council (representor 211, who lead on health-related planning issues in the county) welcomed the recognition of health and well-being benefits in the policy.

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