



Green Belt boundary review

Woking Borough Council's assessment of the implications of Nick Boles' letters and written statement on the publication of the Green Belt boundary review report

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Produced by the Planning Policy Team

For further information please contact:

Planning Policy, Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL.

Tel: 01483 743871. Email: planning.policy@woking.gov.uk

1. Introduction

The Council has started the preparation of its Delivery Development Plan Document (DDP), which will allocate specific deliverable sites for various types of development to enable the delivery of the Core Strategy. An important piece of evidence to inform the DDP is the review of the Green Belt boundary. The Council commissioned Peter Brett Associates to carry out the Green Belt boundary review with specific objectives to identify:

- suitable sites to meet general housing and Travellers accommodation needs between 2022 and 2027 in accordance with the requirements of the Core Strategy;
- sufficient land to be safeguarded to meet development needs between 2027 and 2040;
- suitable and sustainable land to meet future educational and other infrastructure needs of the area; and
- a defensible boundary that will ensure the enduring permanence of the Green Belt boundary.

Since the consultants submitted their report, there have been a number of Ministerial Statements about the protection of the Green Belt and the National Planning Practice Guidance has been made available on line.

This report assesses whether in the light of Ministerial Statements the Council should publish the Green Belt boundary review report and should allocate land in the Green Belt as part of the Delivery DDP to meet housing need between 2022 and 2027. This assessment has been considered necessary before the Green Belt boundary review report is published.

2. Background

The Woking Core Strategy was adopted in October 2012 after an Examination in Public between March and April 2012. It makes provision for the delivery of 4,964 net additional dwellings between 2010 and 2027. This is equivalent to an annual average provision of 292 net additional dwellings. The 292 annual housing requirement is against a backdrop of an objectively assessed housing need of 594 dwellings per annum (Strategic Housing Market Assessment, 2009).

At the Core Strategy Examination, the Council had to demonstrate that its proposed housing requirement is deliverable. In this regard, the Council had carried out a Strategic Housing Land Availability Assessment (SHLAA) to demonstrate that there is sufficient capacity in the urban area to deliver 10 years out of the 15 years housing supply required by national planning policy. Instead of carrying out a Green Belt boundary review to inform the Core Strategy, the Council committed to do so in 2016/17 with an expressed commitment to release Green Belt land to deliver 550 new homes between 2022 and 2027. This was the proposal submitted by the Council to the Secretary of State for Examination. There is no doubt that the commitment to release Green Belt land to meet housing needs between 2022 and 2027 was a significant consideration in the Inspector's recommendation to find the Core Strategy sound. The Inspector commented in his report by saying '*the evidence provided to*

the South East Plan and underpinning the Core Strategy itself indicates that a balanced approach to housing delivery, including the consideration of environmental constraints and urban capacity, could reasonably secure an average of 292 dwellings per year until 2027 only with the release of land within the Green Belt. Instead of the Council's initial proposal to carry out the review in 2016, the Inspector recommended that the review should be brought forward to be carried out as part of the Delivery DPD process. The Council accepted this recommendation because it made good planning and financial sense.

The Core Strategy includes a policy that seeks to release Green Belt land to deliver about 550 new dwellings between 2022 and 2027. There was no ambiguity about the Council's intention to release Green Belt land to deliver housing between 2022 and 2027 at the Core Strategy Examination. There is also no ambiguity that the commitment to do so played a key role in the Inspector's decision to find the Core Strategy sound. The Council is in the process of preparing its Delivery DPD. This DPD will allocate specific sites across the Borough to deliver the Core Strategy proposals. In accordance with the Core Strategy and the Inspector's recommendations, the Council commissioned Peter Brett Associates to carry out a Green Belt boundary review to inform the DPD. Members of the Council have been briefed by Officers on the key recommendations of the consultants report. The involvement of Members has been a key part of the process to ensure that they are appropriately and adequately informed when they come to make decisions about the sites that they wish to allocate in the Delivery DPD.

3. Summary of key decisions already made by the Council that are now translated into policies in the Core Strategy

- Green Belt land will be released to deliver about 550 new homes between 2022 and 2027;
- A Green Belt boundary review will be carried out to inform the allocation of specific sites to meet housing need between 2022 and 2027;
- The Green Belt boundary review will be carried out as part of the Site Allocations Development Plan Document (now termed Delivery DPD)
- The Green Belt boundary review will be carried out before 2016.

4. Events after the Council received the Green Belt boundary review consultants report

Since the Council received the Green Belt boundary review consultants report, the Parliamentary Under Secretary of State for Planning, Nick Boles MP (Nick Boles) has published two letters that he sent to Sir Michael Pitt, Chief Executive of the Planning Inspectorate regarding the Inspector's report on the Reigate and Banstead Local Plan Examination. Sir Michael Pitt has also published his response to Nick Boles' first letter. The letters and subsequent statements by Nick Boles have sought to clarify the Government's position on the protection of the Green Belt. Copies of the three letters are attached (Appendix 1). Also attached is Nick Boles written statement on local planning issued on 6 March 2014; this was associated with the publication of online guidance and made a number

of points including stressing the need to bring brownfield land into use. The implications of the letters on the Council's Green Belt boundary review consultants report are set out below.

Also relevant is the publication of web based planning practice guidance referred to in the 6 March written statement (<http://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/>) and this is referred to below.

5. Summary of Nick Boles' letters

Nick Boles' first letter to Sir Michael Pitt dated 3 March 2014 relates to concerns that he had about the Inspector's report on the examination of Reigate and Banstead Local Plan. His concerns were:

- Need to maintain key protections for the countryside and, in particular, for the Green Belt.
- Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt.
- 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 his response, Sir Michael Pitt sought confirmation that in local plan examinations Planning Inspectors should continue to question local planning authorities to determine the extent to which they have followed guidance of the National Planning Policy Framework (NPPF) when seeking to meet the needs of their area including objectively assessed housing needs in accordance with paragraph 47 of the National Planning Policy Framework (NPPF).

Nick Boles' second letter of 13 March 2014 confirms that his first letter did not signal a change of policy or approach. Inspectors in Local Plan Examinations should continue to determine whether local planning authorities have followed the NPPF in seeking to meet the objectively assessed development needs of the area.

Nick Boles has also published a written statement (6 March 2014) about the Coalition Government's commitment to reforming the planning system, including reaffirming the commitment to protect the Green Belt. This statement is attached.

6. Implications of Nick Boles' letters and written statement on the publication of the Green Belt boundary review report

Nick Boles' letters and written statement raise the following questions for the Council, and are addressed below:

- Whether the decision by the Council to carry out the Green Belt boundary review and release Green Belt land for development post 2022 was imposed by the Core Strategy Inspector;

- Whether there has been a significant change in national planning policy to justify a change of the overall spatial strategy set out in the Core Strategy, including the release of Green Belt land for development between 2022 and 2027;
- Whether the Council has followed the correct process in reviewing the Green Belt boundary.

7. Whether the decision by the Council to carry out the Green Belt boundary review and release Green Belt land for development was imposed by the Core Strategy Inspector

It is clear from the background analysis that the Inspector did not force the Council to release Green Belt land as part of the overall spatial strategy of the Core Strategy.

The Core Strategy is underpinned by robust evidence including a Sustainability Appraisal to justify its housing requirement of an average of 292 dwellings per year. The housing requirement takes into account the environmental constraints of the area and the capacity of the urban area to accommodate future development needs. The delivery of the housing requirement includes identifying sufficient land in the Green Belt to deliver 550 new homes between 2022 and 2027. The Council has always been satisfied that the Core Strategy can be delivered without undermining the overall purpose and integrity of the Green Belt. This was the carefully balanced strategy that was submitted to the Inspector for Examination. The Council's evidence also demonstrated that the area could not accommodate the objectively assessed housing need of 594 dwellings per annum without significant damage to the Green Belt and the overall sustainable development of the area.

The proposal to identify land in the Green Belt to meet housing needs between 2022 and 2027 was considered by all of the relevant committees of the Council and was also subject to extensive public consultation before it was submitted to the Inspector for consideration. It is clear from the chronology of events that the Inspector did not impose the need to release Green Belt land to meet housing need nor the number of dwellings that should be accommodated in the Green Belt. At the heart of the Core Strategy is the protection of the Green Belt. The Council is confident that this will be achieved and the Green Belt boundary review will be critical evidence to ensure that this is the case because it will inform the Council's decision about the specific sites that it wishes to release from the Green Belt to meet development needs without undermining its purpose and integrity.

8. Whether there has been a significant change in national planning policy to justify a change of the overall spatial strategy set out in the Core Strategy, including the release of Green Belt land for development between 2022 and 2027

The Core Strategy was examined against the requirements of the National Planning Policy Framework (NPPF) and found sound. In particular, it takes a reasonable and a balanced approach to meeting the objectively assessed housing needs of the area. Since its adoption in October 2012, there has not been a change in national planning policy that is significant enough to require a change in the overall spatial strategy of the Core Strategy or any of the key decisions of the Council set out above. Nick Boles' second letter clearly confirms that

there has not been a change in national planning policy. On the back of the publication of the National Planning Practice Guidance, Nick Boles issued a written statement on 6 March 2014 to clarify the Government's position on the protection of the Green Belt and the calculation of housing land supply with regard to windfall development. This included clarification that unmet housing need is unlikely to constitute very special circumstances to justify inappropriate development in the Green Belt, that windfalls can be included in future housing land supply for the plan period and that local plans can be found sound even if authorities have not been able to identify land to deliver housing in years 11 – 15 of the plan period.

The National Planning Practice Guidance also makes clear that local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Development Plan Document is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Development Plan Document.

9. Whether the Council has followed the correct process in reviewing the Green Belt boundary

The NPPF provides guidance on the review of Green Belt boundaries: 'Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period' (paragraph 83 of NPPF). The principle of releasing Green Belt land for development was determined through the preparation of Core Strategy and has been independently examined by the Inspector of the Secretary of State. The need to meet a modest amount of the objectively assessed housing need on land in the Green Belt was considered an exceptional circumstance to justify altering the Green Belt boundary. This has already been accepted by the Secretary of State. The allocation of specific Green Belt land for development will also be done through the preparation of the Delivery DPD process. The Council has followed the recommended process and best practice in reviewing the Green Belt boundary.

Conclusion

Based on the above assessment, it is recommended that the Green Belt boundary review report should be published to inform the Delivery DPD and to enable implementation to the Core Strategy.

Appendix 1

The Parliamentary Under Secretary of State for Planning, Nick Boles MP (Nick Boles') first letter to Sir Michael Pitt, Chief Executive of the Planning Inspectorate regarding the Inspector's report on the Reigate and Banstead Local Plan Examination, 3 March 2014



Sir Michael Pitt
Chief Executive
Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Nick Boles MP
Parliamentary Under Secretary of State (Planning)

*Department for Communities and Local
Government*
Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3459
Fax: 020 7821 0635
E-Mail: nick.boles@communities.gsi.gov.uk

www.gov.uk/dclg

0 3 MAR 2014

Dear Sir Michael Pitt,

Inspectors' Reports on Local Plans

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

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 – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very

clearly in all future reports. I am also placing a copy of this letter in the public domain.

A handwritten signature in black ink, appearing to read "Nick Boles". The signature is written in a cursive style with a large initial 'N' and 'B'.

NICK BOLES MP

Sir Michael Pitt's published response to Nick Boles' first letter, 6 March 2014



4/08 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
Direct Line: 0303 444 5010
e-mail: Mike.pitt@pins.gsi.gov.uk

Nick Boles MP
Planning and Development Minister
Department for Communities and
Local Government
Eland House
Bressenden Place
London
SW1E 5DU

Your Ref:
Our Ref:
Date: 06 March 2014

Dear Nick,

Inspectors' Reports on Local Plans

I refer to the Inspector's report on the Reigate and Banstead Local Plan and your letter dated 3 March 2014.

PINS has taken steps to reduce the risk of misleading coverage in the media about Inspectors' reports and to ensure that reports and other relevant documents are carefully worded. I have asked Inspectors to ensure that the Executive Summary of the report is clear about the origin of any modification to the plan that may alter the extent of the Green Belt. Reports will make clear that, as in the case of Reigate and Banstead Core Strategy, where modifications providing for adjustments to the Green Belt boundary are recommended, it is the Council itself that has chosen this path. Helen Adlard has put in place a 'sense checking' process so that any Inspector documents that refer to Green Belt alterations are expressed in an appropriate and sensitive way. This will reflect the importance that Government attaches to Green Belts and the National Planning Policy Framework's expectation that alterations to the Green Belt boundary will be made only in exceptional circumstances by local planning authorities through the preparation or review of their local plans.

All Inspectors have had a copy of your letter and a message re-iterating the above.

I understand that the *wording* of the Reigate and Banstead report, and not its approach to and reasoning on Green Belt considerations, is at the heart of your concerns. However, after reading your letter Inspectors now seek confirmation that in local plan examinations they should continue to question local planning authorities to determine the extent to which they have followed guidance in paragraphs 14 and 83-85 of the Framework when seeking to meet the needs of their area including objectively assessed housing needs in accordance with paragraph 47 of the Framework.

Yours sincerely
M.Pitt

Sir Michael Pitt
Chief Executive

Nick Boles' second letter to Sir Michael Pitt, 13 March 2014



**Department for
Communities and
Local Government**

Sir Michael Pitt
Chief Executive
Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Nick Boles MP
Parliamentary Under Secretary of State (Planning)

**Department for Communities and Local
Government**
Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3459
Fax: 020 7821 0635
E-Mail: nick.boles@communities.gsi.gov.uk

www.gov.uk/dclg

13 March 2014

Dear Sir Michael Pitt,

Re: Inspectors' Reports on Local Plans

Thank you for your letter of 6 March about the Reigate and Banstead Local Plan. I welcome your confirmation that you have made all Inspectors aware of my concerns and taken steps to ensure that Inspectors' reports are correctly worded to reduce the risk of misinterpretation of Government policy.

As you rightly note, my letter of 3 March set out concerns over the Inspector's use of language which invited misinterpretation of Government policy. It did not signal a change of policy or approach. Inspectors in Local Plan examinations should continue to determine whether local planning authorities have followed the National Planning Policy Framework in seeking to meet the objectively assessed development needs of their area.

Following the recent publication of the new planning practice guidance, I would also strongly encourage continued momentum on Local Plan examinations. The guidance supports the National Planning Policy Framework and provides useful clarity on the practical application of policy. It should provide helpful support for Inspectors and should not normally be considered a reason for extending examinations. I would be grateful if this could also be made clear to all Planning Inspectors.

NICK BOLES MP

Written ministerial statement by Nick Boles, 6 March 2014

WRITTEN MINISTERIAL STATEMENT

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Local planning

Parliamentary Under Secretary of State for Planning (Nick Boles): The Coalition Government is committed to reforming the planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go. Planning should not be the exclusive preserve of lawyers, developers or town hall officials.

We are also committed to ensuring that countryside and environmental protections continue to be safeguarded, and devolving power down not just to local councils, but also down to neighbourhoods and local residents.

We have already taken a series of steps to cut unnecessary red tape, such as the streamlined National Planning Policy Framework reducing 1,000 pages of planning guidance to less than 50, revoking the last Administration's bureaucratic Regional Strategies and extending permitted development rights to make it easier to get empty and under-used buildings back into public use. I would like to update the House on progress on this ongoing work.

An accessible planning system

In October 2012, we invited Lord Taylor of Goss Moor to lead a review into the reams of planning practice guidance that we have inherited from the last Administration.

My Department subsequently held a consultation on the group's proposals, and in August 2013, we launched our proposed streamlined planning practice guidance in draft, consolidating 7,000 pages of complex and often repetitive documents. Today, we are launching the final version of that practice guidance through an accessible website.

We have carefully considered representations made on the draft practice guidance and feedback from hon. Members and noble Peers in recent Parliamentary debates.

I would particularly note that we are:

- Issuing robust guidance on flood risk, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed.
- Re-affirming Green Belt protection, noting that unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development.
- Making clear that Local Plans can pass the test of soundness where authorities have not been able to identify land for growth in years 11-15 of their Local Plan, which often can be the most challenging part for a local authority.
- Making clear that windfalls can be counted over the whole Local Plan period.

- Explaining how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need.
- Ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing suitability of sites.
- Stressing the importance of bringing brownfield land into use and made clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers.
- Noting that councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions. This will also serve to encourage developers to deliver on their planning permissions.
- Incorporating the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration.
- Allowing past over-supply of housing to be taken into account when assessing housing needs.
- On the five year supply of sites, confirming that assessments are not automatically outdated by new household projections.
- Clarifying when councils can consider refusing permission on the grounds of prematurity in relation to draft plans.
- Encouraging joint working between local authorities, but clarifying that the duty to co-operate is not a duty to accept. We have considered and rejected the proposals of HM's Opposition to allow councils to undermine Green Belt protection and dump development on their neighbours' doorstep.

We will today also cancel the previous planning practice guidance documents being replaced by the new guidance; a list has been placed in the Library of the House. The planning practice guidance will be updated as needed and users can sign up for email alerts on any changes, or view these revisions directly on the site. The online resource is at:

<http://planningguidance.planningportal.gov.uk>

Encouraging re-use of empty and under-used buildings

In August 2013, my Department published a consultation paper on a further set of greater flexibilities for change of use. Further reforms will save time and money for applicants and councils, encourage the re-use of empty and under-used buildings and further support brownfield regeneration while ensuring regard to potential flood risk.

New homes: retail to residential change of use

Outside key shopping areas, such as town centres, we want under-used shops to be brought back into productive use to help breathe new life into areas that are declining due to changing shopping habits. This will not only provide more homes, but increase the resident population near town centres, thereby increasing footfall and supporting the main high street. Reforms will allow change of use from shops (A1) and financial and professional services (A2) to houses (C3). This change of use will not apply to land protected by Article 1(5) of the General Permitted Development Order (National Parks, the Broads, areas of outstanding natural beauty, conservations areas, World Heritage Sites).

We recognise the importance of retaining adequate provision of services that are essential to the local community such as post offices. Consideration will be given to the impact on local services when considering the potential loss of a particular shop. The onus will be on the local planning authority to establish that the proposal would have a detrimental impact on the sustainability of a key shopping area or on local services should they wish to refuse the conversion. When considering the effect on local services they will have to take into account whether there is reasonable prospect of the premises being occupied by another retailer. Local planning authorities will need to have robust evidence base to justify any decision not to permit change of use using these prior approval tests.

In addition, to increase access to retail banking and to encourage new entrants, shops (A1) will be able to change to banks, building societies, credit unions and friendly societies, within the A2 use class. This does not cover betting shops or payday loan shops.

New homes: agricultural to residential change of use

These reforms will make better use of redundant or under-used agricultural buildings, increasing rural housing without building on the countryside. Up to 450 square metres of agricultural buildings on a farm will be able to change to provide a maximum of three houses.

We recognise the importance to the public of safeguarding environmentally protected areas, so this change of use will not apply in Article 1(5) land, for example National Parks or Areas of Outstanding Natural Beauty. However, we expect national parks and other local planning authorities to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area. National Parks and other protected areas are living communities whose young people and families need access to housing if their communities are to grow and prosper. I would note that a prior approval process will allow for flooding issues to be addressed.

Change of use: Extending access to education

We also propose to extend the existing permitted development rights for change of use to state-funded schools to additionally cover registered nurseries. Agricultural buildings up to 500 square metres will also be able to change to state-funded schools and registered nurseries.

I believe that these are a practical and reasonable set of changes that will help facilitate locally-led development, promote brownfield regeneration and promote badly-needed new housing at no cost to the taxpayer. The reforms complement both the Coalition Government's decentralisation agenda and our long-term economic plan.