

Keep Boldon Green
Submissions on the Reg 18 Consultation
The South Tyneside Local Plan
Pre-Publication Draft (Regulation 18) - August 2019

Richard Buxton Solicitors
11 October 2019

1. Introduction and Preliminary Matters

1.1 'Keep Boldon Green' ("KBG") is a local residents' group who represent over 1,000 residents in the Boldon area. KBG accepts there is a need to provide housing within the South Tyneside district. KBG objects to Spatial Policy S1 (Green Belt Release) and Housing allocation policies H3.59-H3.69 which propose:

- (1) The removal of 52.44 ha of land from the Green Belt around Boldon for 1,243 dwellings (92% of the Boldon allocations); and
- (2) 109 dwellings in non-Green Belt land.

1.2 KBG submits that there is inadequate objective evidence to justify allocations in the Green Belt through material flaws in the Sustainability Assessment ("SA") process: in so far as (1) the process failed to test as a comparator option a plan with no green belt allocations; (2) the Reg 18 Interim SA (August 2019) scoring is materially flawed as it fails to give weight to the NPPF Green Belt protections; and (3) there are inconsistent Green Belt stage assessments including, in the case of H3.68, a large greenfield allocation of 138 dwellings with no stage 2 assessment at all and (4) some 194 Brownfield sites assessed through the SHLAA process are not taken forward as allocations leading to the unjustified loss of Green Belt.

1.3 In relation to all of the Boldon allocations, KBG is concerned by the lack of up-to-date transport information to demonstrate that the strategic and rural road network can accommodate the increased traffic. In broad terms, based on standardised TRICS data from the overall growth in Boldon, allocations would create in excess of 675 peak hour journeys and overall, from the concentration of housing growth in Boldon, a daily trip generation in the region of 6,750 vehicles. By any measure, this is a serious traffic impact and the lack of an up-to-date assessment of the impacts on the road network is a material omission in the evidence base.

Consultation problems

- 1.4 On 13 September 2019, KBG instructed us to write to the Council identifying that many local residents and the Local Neighbourhood Forum for the Boldon area were experiencing intermittent problems with access to the Council's electronic evidence base, which impaired residents' ability to review the supporting information. We requested a reasonable short extension to mid-November. On 20 September, the Council replied refusing to acknowledge the problems and refusing to grant the short extension (Appendix 1).

Matters and Issues

- 1.5 The NPPF paragraph 182 sets out four tests to consider in judging whether a local plan is "sound". These include whether it is:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with National Policy.

- 1.6 For reasons explained below, the Reg 18 plan is not positively prepared, it is not justified nor effective and it is in direct contravention of National Policy. The main criticisms include:

- Lack of up-to-date transport information – **Section 2**
- Inadequate Sustainability Assessment – **Section 3**
- Failure to consider Non-Green Belt options – **Section 4**
- SEA failures in failing to consider alternatives – **Section 5**
- Inadequate sequential approach to Green Belt assessment – **Section 6**
- Specific comments in relation to Boldon Green Belt Sites – **Section 7**

2. Lack of up-to-date transport information

- 2.1. On 13 September 2019, we raised the concern that there was no up-to-date transport evidence to justify the Boldon allocations and sought clarification. The transport evidence available comprises the South Tyneside Transport Study Update 2010 (amended July 2011), some 8 years out of date. Although the Reg 18 consultation states under the heading “How We Have Got To This Stage” that consultation is a key element and the pre-submission plan has been informed by strategic assessments, that statement is materially inaccurate in relation to transport impacts. So far as KBG has ascertained, at no time during the 7 years of work to get to this stage has the Council updated its transport assessment on the impacts of housing growth on the road network and how it will in practice comply with its duty to move to sustainable patterns of growth. This contravenes the standard assessment practice to ensure that transport data is updated within three years of any local plan consultation.
- 2.2. Further, the failure to update the transport assessment is in breach of National Planning Practice Guidance (NPPG), which requires assessment of transport implications at key stages in the preparation of a Local Plan. The lack of credible evidence to support growth in Boldon on the scale proposed is a serious omission. We note that the Reg 18 consultation implicitly concedes there is no updated transport information at 1.3 under the heading “Evidence”, which fails to list any updated transport assessment. When we queried this omission with the Council in September 2019 (see RBS letter at Appendix 1), the Council conceded that there was no up-to-date information, but argued it was not necessary because of the Infrastructure Delivery Plan (Aug 2019) (“IDP”) (extracts at Appendix 3).
- 2.3. The IDP is not a transport assessment of the impacts arising from the housing allocations. At 4.30 the IDP refers to transport modelling, but this information is not publicly available to be scrutinised. Further, at 4.32 the IDP states: *“This modelling work is ongoing and subject to change but interim findings provides the basis for an indicative assessment of the potential impacts of the draft housing*

allocations on the strategic highway and local transport network.” It is unacceptable that the local residents have not been able to scrutinise the modelling work to determine if the correct model has been used (e.g. VISUM or SATURN or multi-modal EMME model) to demonstrate that sufficient capacity existed on the road network to support the proposed allocations.

- 2.4. In any event, the IDP does reveal that there is a serious transport problem in the district before the added housing growth is considered and that the district is heavily car dependent (*the majority of movements by people and freight will continue to be by road in the short-medium term - IDP 4.11*):

These places are connected by a series of important distributor roads, with South Tyneside experiencing a net outflow of commuter trips. Given the flows of people, the result is localised congestion along key routes, particularly during peak periods. Connections to the strategic road network and the local economic centres are all subject to delays at key junctions (IDP 4.8).

- 2.5. The IDP highlights numerous amber and red warnings associated with the Boldon allocations (IDP Table 1). In particular, three large allocations (amounting to 1,126 dwellings) are completely dependent on transport mitigation.¹ As a result of the omission to publicise the modelling in a transport assessment as part of this Reg 18 evidence base, our clients have been unable to make expert technical submissions through a transport consultant on the adequacy of the modelling or transport information to assess the environmental impacts of traffic associated with housing growth on this scale, or to assess whether the Council has met its duty to promote "sustainable patterns of development" (NPPF 103; Calverton [19]).

- 2.6. In short, there was no point in local residents (with limited funding) instructing an expert transport consultant to review an 8-year old 2010/2011 transport assessment which has no regard to the how the proposed 11 allocations in Boldon

¹ Table 1 records that for allocations (i) H3.56 Land at North Farm, 22.38ha with 588 dwellings (ii) H3.62 Land to North of Town End Farm 22.4ha with 400 dwellings and (iii) H3.68 Land to the North of New Road 4.1ha with 138 dwellings, the interim modelling assessment is Red.

would affect the road network. KBG reserves its position as to whether the consultation is lawfully adequate because of this lack of transport impact assessment. If and when the Council produces expert transport evidence, KBG intends to seek expert assessment on the adequacy of the information to support the proposed allocations in Boldon.

- 2.7. In our view the Reg 18 consultation is legally defective for the following reasons:
- (1) The Council cannot reliably judge the transport impacts of 1,352 new dwellings in Boldon or how the allocations promote sustainable patterns of growth;
 - (2) The lack of up-to-date transport assessment, which in turn infects the SA scoring; and
 - (3) The inability of local residents to scrutinise the transport modelling creates doubt and uncertainty as to whether the model is fit for purpose.

3. Inadequate Sustainability Assessment (SA)

- 3.1. At 1.3 the Reg 18 pre-submission plan identifies the SA as a process to *comparatively* measure the potential significant environmental effects of the Plan, including reasons for choosing selected options over alternatives considered. We have carefully considered the SA and identified serious failures in the objectivity of the assessment in respect of all the land presently in the Boldon Green Belt and an overall failure to assess a spatial strategy that does not rely on removal of land from the Green Belt.
- 3.2. Appendix 2 contains relevant extracts from the Reg 18 evidence base for the Boldon sites. This information should be referred to in considering the KBG submissions on the SA failures.

Local Plan Mitigation for Policy H3

- 3.3. The SA identifies Criteria 4 “Protecting our Green Belt” as a relevant criteria for assessing environmental effects. However, at 9.9 the SA records that where Green Belt release was assessed *“The baseline SA’s showed that individual sites may perform poorly against specific objectives; however, this process has served to identify and/or reflect issues which would need to be mitigated should the site be developed. For sites allocated in the draft Local Plan specific mitigation measures have been identified in Policies H3”*
- 3.4. 9.12 records the overall assessment:
- “Under the Baseline assessment, the majority of allocations identified for housing in the draft Local Plan have been assessed as having a positive or neutral effect against the Sustainability Objectives. These sites are situated mostly within the Main Urban Area which is generally considered to be the most sustainable area for housing development. Three sites have been assessed as having a negative overall effect. These sites are located in the Boldon and Cleadon area and are reflective of the environmental and Green Belt constraints present in this area. When Local Plan mitigation is taken into consideration, all allocated sites are considered to have a positive or very positive effect against the sustainability objectives.” (emphasis added)*
- 3.5. 9.23 records how the Council proposes to deal with the negative scoring arising from harm to the Green Belt under “Local Plan Mitigation: Objective 4”. What then follows is an explanation that, put shortly, means that Green Belt sites allocated in the Local Plan “will be deallocated and no longer Green Belt sites.”
- 3.6. This Local Plan Mitigation has the effect that for the Boldon allocations H3.59, 61, 62, 65 and 68, the SA score for criteria 4 in each instance is adjusted down from serious harm or harm (red or amber negative) to “green positive”.
- 3.7. Plainly deallocation is not the amelioration referred to in *Calverton* at [22]:

“However, net gains across all three of the dimensions of sustainable development may not always be possible. In these circumstances, the impingement on environmental factors will require the identification of exceptional circumstances in order to be justified (“significant adverse impacts on any of these dimensions should be avoided”), and - to the extent that this cannot be achieved - must be ameliorated to the extent possible.”

- 3.8. It is axiomatic that harm to the Green Belt by removing sites or changing boundaries cannot be mitigated in any way by reliance on removal of the Green Belt designation during in the SA scoring process for the Local Plan. That is circular reasoning.
- 3.9. The consequence is that the SA scoring is materially flawed as it does not provide an objective basis to compare non-Green Belt to Green Belt allocation and disappplies the NPPF priority to protect Green Belt and lacks any true approach to amelioration.
- 3.10. Furthermore, the Council’s approach to adopt mitigation in the form of “disallocation from the Green Belt” fails to have regard to the strong Green Belt protections in National Planning Policy. The consequence of the approach is it fatally skews the objectivity of comparative assessment process.
- 3.11. It also contravenes the judgment in *Calverton*², which makes clear that LPAs must treat Green Belt as a “fetter or brake” on development and must “consider the Green Belt boundaries having regard to their intended permanence in the long term,” The reason is explained by the Judge at [19]:

“Sustainable development embraces environmental factors, and such factors are likely to be negatively in play where release of Green Belt is being considered. The second sentence of paragraph [NPPF] 83³ supplies a fetter or brake on development which would, were it not for the Green Belt, otherwise be sustainable; but in deciding whether exceptional circumstances pertain regard must be had to the whole picture, including as I have said the consequences.”

² *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078.

³ The revised 2019 NPPF Green Belt provisions are in paras 133-148 but the *Calverton* principles remain valid.

- 3.12. The objectivity of the SA process is identified by Inspector Clews, Examining Inspector for the North Essex Authorities as a key consideration during the EiP process. In his June 2018 report⁴ he identifies the need for the SA scoring to maintain objectivity (96-103). It is axiomatic that this approach is correct because the SA/SEA process is a comparative process. Whereas here scoring is wrongly weighted by taking account of external factors, such as mitigation, at the assessment stage. Therefore, the scoring cannot be an objective comparison of the significant environmental effects when deciding which allocations to take forward. Our professional judgment is that the Council's SA approach breaches the requirement of objectivity, which is fundamental to a comparative assessment, and as a matter of law, the SA is an inadequate basis to form any judgment on the Boldon Green Belt allocations.
- 3.13. It is arguable that a planning judge would entertain a pre-submission JR to consider if the SA is unfit to discharge the statutory requirement to explain how alternatives were considered and rejected.⁵
- 3.14. In these circumstances the appropriate way forward is for the Council to obtain independent advice on the SA process, revise the Reg 18 scoring process by removing the Criteria 4 mitigation ruse, and undertake a fresh Reg 18 consultation (alongside a current transport assessment).

4. Failure to consider Non-Green Belt options

- 4.1. At 7.43, table 7.4 (reproduced below) the SA records a summary of the outcomes of the SA options comparison with a short description of the reasons for rejection.

⁴ Appendix 4.

⁵ If minded KBG could seek Judicial Review of the Reg 18 process under the *Manydown Company Limited v Basingstoke and Deane Borough Council* [2012] EWHC 977 (Admin).

Table 7.4 Preferred Option Selection – Justification Summary		
Spatial Option	Outcome	Justification for decision
Option 1	Rejected	Focusing development in our urban areas only cannot sustainably meet the OAN for the Local Plan and could result in unmanaged development pressure on the Green Belt.
Option 2	Rejected	No support from neighbouring local authorities to take unmet demand from South Tyneside.
Option 3	Rejected	Large scale Green Belt release would have significant negative impact on the Green Belt and would not help to deliver the wider sustainability aspects of the Local Plan.
Option 4	Preferred Option	Distributed growth through urban areas and sustainable Green Belt release could meet housing need providing housing throughout the Borough and helping to achieve the sustainability objectives of the plan.

4.2. Section 7.7 the SA records the Council’s broad approach to option testing through the SA process:

“As set out in Section 6 of this report, the preferred option for the Local Plan is to deliver a minimum of 7000 new homes (350per annum). The Strategic Housing Land Availability Assessment (SHLAA) 2019 identified an insufficient supply of additional land to meet these development requirements over the Plan period from non-Green Belt sources. This supply of land is not sufficient to enable a suitable and sustainable level of land allocation to meet requirements through the Local Plan. As a result of this, the exceptional circumstances have been proven within Stage 1 Green Belt Review (2019). Therefore, the Council considers that there is a justified need to make changes to the boundaries of the existing Green Belt in order to meet the Borough’s objectively assessed development needs.”

4.3. With this in mind the SA identifies the four broad spatial strategies at 7.8:

“From the outset four spatial options were identified to distribute of (sic) housing need in the Plan. These are:

1. *Urban areas only –i.e. a no Green Belt*
2. *Neighbouring authorities taking our need which necessitates no or fewer GB releases.*
3. *Sustainable Urban Area Growth and Large-scale Green Belt release*
4. *Sustainable Urban Area Growth and dispersed Green Belt releases”*

- 4.4. The SA then proceeds to assess Option 1, 3 and 4. 6. The relative scoring on these options is found on pages 66-68 ⁷.
- 4.5. As can be seen, there is no assessment of any option that does not depend on the release of Green Belt sites.

Failure to direct development toward Brownfield sites

- 4.6. The Reg 18 plan pays scant regard to NPPF Green Belt policy 137 requirements to maximise use of brownfield land before releasing Green Belt land for development, despite a strategic policy to ensure this.⁸ An analysis of the SHLAA (Apr 2019) reveals 194 brownfield sites in the SHLAA out of a total 226⁹ brownfield sites have not been carried forward to the plan.¹⁰ That is a lot of brownfield land that would continue to sit in a derelict state to the detriment of communities seeking to regenerate their neighbourhoods whilst some 53 ha of land is being released from the Green Belt.
- 4.7. The failure to tackle the problems associated with regeneration of brownfield land means the plan is not justified. It also undermines the SA’s statement that the Council will bring “back into active use brownfield sites and transforming key regeneration opportunities...” (SA pg 22).
- 4.8. In short, the omission of 194 brownfield sites from the allocations undermines this commitment and is fundamentally at odds with NPPF policies intended to

⁶ Option 2 was not assessed.

⁷ Appendix 5.

⁸ Policy S5: Re-use of Previously Developed Land (Strategic Policy)

⁹ We note that the Local Plan categorises SHLAA site references SJA011 & SJA072 as Greenfield, however the draft Local Plan categorises these two sites as Brownfield.

¹⁰ The data at Appendix 6 consists of extracts from the April 2019 SHLAA.

protect the Green Belt, despite commitments to do so at 7.9 of the SA: *“The approach taken by the Council has been informed by the National Planning Policy Framework (2019), particularly Paragraph 137 which advocates making ‘as much use as possible of suitable brownfield sites and underutilised land’; followed by discussions with neighbouring authorities to accommodate identified need for development, before concluding whether exceptional circumstances exist to justify Green Belt release.”*

- 4.9. Finally, there is a lack of clarity as to whether at any point in the 5-year process the SA actually assessed the 194 brownfield sites against the full SA objectives to ask and answer the question as to whether use of brownfield land would better meet the other social and environmental objectives, despite the costs of remediation etc. The Council needs to reconsider if its SA is truly delivering a strategy making as much use of brownfield land as possible. It does not seem so.

5. SEA failures

- 5.1. Because the Council relies on the SA to fulfil its legal duties under the SEA Directive (2001/42/EC), these failures also render the SEA process flawed as a matter of law for two reasons.
- 5.2. Firstly, there is no objective comparative assessment undertaken since the SA scoring relies on removal of Boldon allocations from the Green Belt as “mitigation” to reduce the adverse environmental consequence.
- 5.3. Secondly, since the SA/SEA report fails to expressly consider the consequences of not reviewing the boundaries to the Green Belt (see *Calverton* at [74]), there is no comparator option by which consultees are able to understand how adoption of a plan with less housing or greater urban brownfield land use than identified through the SHLAA process, would balance competing harms to the other aspects of sustainable development, including social and economic harms to that of loss of the Green Belt.

5.4. The SEA aspect of the SA process is governed by the SEA regulations. In relation to alternatives, regulation 12 mandates that *“The report shall identify, describe and evaluate the likely significant effects on the environment of- (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”*

5.5. As noted in *Calverton*, the following propositions emerge from the decisions of the Planning Court in *Save Historic Newmarket v Forest Heath District Council* [2011] JPL 1233 and *Heard v Broadland DC* [2012] Env LR 233 on the adequacy of the SEA assessment process:

- (1) It is necessary to consider reasonable alternatives, and to report on those alternatives and the reasons for their rejection;*
- (2) While options may be rejected as the Plan moves through various stages, and do not necessarily fall to be examined at each stage, a description of what alternatives were examined and why has to be available for consideration in the environmental report;*
- (3) It is permissible for the environmental report to refer back to earlier documents, so long as the reasons in the earlier documents remain sound;*
- (4) The earlier documents must be organised and presented in such a way that it may readily be ascertained, without any paper chase being required, what options were considered and why they had been rejected;*
- (5) The reasons for rejecting earlier options must be summarised in the final report to meet the requirements of the SEA Directive;*
- (6) Alternatives must be subjected to the same level of analysis as the preferred option.*

5.6. The Reg 18 SEA assessment fails to meet these requirements and in doing so is legally defective as it fails to consider alternatives. Specifically, in relation to criteria 1 no reason is given in the 2019 SA why 194 Brownfield sites are rejected in favour of releasing Green Belt land.

6. Inadequate sequential approach to Green Belt assessment

6.1. 11 potential Boldon sites (H3.59 – H3.69) have been selected for allocation in the South Tyneside Local Plan Pre-Publication Draft, August 2019, in order to

accommodate approximately 1,352 total new homes. 5 sites are currently within the Green Belt:

- H3.59 – Land at North Farm (588 houses)
- H3.61 – Land south of St John’s Terrace & Natley Avenue (63 houses)
- H3.62 – Land to North of Town End Farm (400 houses)
- H3.65 – Land West of Boldon Cemetery (54 houses)
- H3.68 – Land to the North of New Road (138 houses)

6.2. The above Green Belt site allocations would provide a total of 1,243 new homes (i.e. 92% of the entire proposed housing allocation for Boldon).

6.3. In *Calverton* the Judge articulates a simple test for assessing if the judgment of the Council to identify sites in the Green Belt withstands judicial scrutiny:

“[t]he issue is whether, in the exercise of planning judgment and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt.”

6.4. Mr Justice Jay explains the relationship between the NPPF exceptional circumstances test and evidence basis on Green Belt purpose. Exceptional circumstances:

“if found to exist, must be logically capable of trumping the purposes of the Green Belt; but whether they should not in any given case must depend on the correct identification of the circumstances said to be exceptional, and the strength of the Green Belt purposes” [42]. In short the Green Belt review must adequately assess each proposed housing allocation in the Green Belt against the green belt purposes before forming a judgment on whether it is logical to permit housing need to trump Green Belt protections: “I agree with Mr Turney that it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to “exceptional circumstances” within the meaning of paragraph 83 of the NPPF” [50] (emphasis added).

- 6.5. KBG submits there are material inconsistencies, and at least one serious omission¹¹, for an allocation of 1,243 houses in the Council’s Green Belt review process, with the consequence that there is inadequate evidence for the Council to demonstrate exceptional circumstances to trump the Green Belt protections for the Boldon Green Belt sites.
- 6.6. KBG further submits the lack of assessment of non-Green Belt and brownfield sites renders the Boldon Green Belt allocations in breach of the NPPF and *Calverton* in so far as the Council has failed to demonstrate a limited availability of alternative, sustainable sites outside the Green Belt (*Calverton* [55]).
- 6.7. Although KBG accepts the principle that officers’ judgment on how a particular parcel of land performs against the Green Belt criteria cannot be interfered with, that does not apply where there are inconsistencies or failures to fully assess Green Belt functions, making the process of changing Green Belt boundaries vulnerable to criticisms. The comments below are not an exhaustive schedule of inconsistencies or failures and KBG anticipate making further submissions through an expert landscape consultant if the Boldon Green Belt sites are allocated at Reg 19.

7. Specific comments in relation to Boldon Green Belt Sites

H3.59, Land at North Farm

- 7.1. The Criteria 4 SA review baseline score is amber negative.
- 7.2. The Stage 2 Green Belt assessment for this site records that it performs “moderately” in terms of its overall contribution to the Green Belt. Adjacent to H3.59 are two sites assessed in the Green Belt review - BC38 and BC39. When the

¹¹ H3.58 is omitted from the Stage 2 Green Belt review

scoring for the sites is considered there is very little difference in the criteria scoring and the overall judgment score is identical, i.e. “D” for the three sites.¹²

H3.61, Land South of St John’s Terrace and Natley Avenue

- 7.3. The SA Criteria 4 baseline core for the site is red negative (inexplicably the SA score recorded at 3.113 for the site wrongly describes the SA score as amber negative).
- 7.4. The Stage 2 Green Belt assessment for this site records it performs “moderately” in terms of its overall contribution to the Green Belt. As can be seen from the Stage 2 assessment maps, BC33a forms a natural boundary to the Green Belt against the southern edge of settlement in Boldon.

H3.62, Land to the North of Town End Farm

- 7.5. The SA Criteria 4 baseline assessment for this site is red negative.
- 7.6. The Stage 2 Green Belt assessment records two parcels under ref BC18 and BC54. For BC18 the assessment is that it performs “moderately” in terms of its overall contribution to the Green Belt. However, the accompanying text reveals it plays a strategic role and provides a moderate contribution to the overall integrity of the wider strategic Green Belt in offering continuous views of the surrounding Green Belt landscape. Parcel BC54 to the east lies adjacent to the Boldon Downhill area of High Landscape Value and identifies the limestone scarp of Boldon Downhill as a “key landscape feature”.
- 7.7. The heritage assessment reveals that development of the site would impact on heritage assets within 200m, including 5 Grade II listed heritage assets and two

¹² Appendix 7

non-designated assets (Strategic Heritage Impact Assessment (SHIA July 2019 page 20).

- 7.8. Significantly, the site is deemed to contribute to the wider rural setting of Downhill House and would result in less than substantial harm to the designated heritage asset.

H3.65, Land West of Boldon Cemetery

- 7.9. The SA Criteria 4 baseline assessment for this site is red negative. It also identifies significant harm (red negative under Criteria 3) relating to environmental (heritage) assets.
- 7.10. The site is also part of the proposed northern boundary of an Area of High Landscape Value (Landscape extract page 6). As the text records, allocation of the site in the Local Plan means it will be removed from the Boldon Downhill Area of High Landscape Value.
- 7.11. The Stage 2 Green Belt assessment of the site (BC20) records that it performs “relatively strongly” in terms of its overall contribution to the Green Belt. Comparison assessments for adjoining parcels BC56 and BC19a reveal inconsistencies in the function of BC20.
- 7.12. It is adjacent to the Boldon Conservation Area Boundary and the Heritage Impact Assessment records (page 30) that the area is of very high heritage significance. It is further recorded that development of the site has the potential to cause harm to the setting of West Boldon Hall, which is grade II* listed (Heritage Impact Assessment pg 32).

7.13. Further, the text in the Stage 2 assessment for the site is nearly identical to the text for site BC19a and there is no reason given for the decision to give BC20 an overall score of “D” and the adjoining site BC19a an overall score of “E”.¹³

H3.68, Land to the North of New Road

7.14. The SA Criteria 4 baseline assessment for this site is red negative.

7.15. The Stage 2 Green Belt assessment of the site (BC64) records that it performs “relatively strongly” in terms of its overall contribution to the Green Belt. Specifically, H3.68 “is situated adjacent to a prominent road in the local areas and contributes to a much wider open area with a semi-rural character. **The corridor frames the urban fringe**” (emphasis added). It is patently obvious that housing on BC64 would materially erode the corridor which frames the urban fringe comprising sites BC65 and BC64.

7.16. Comparison assessments for adjoining parcels BC65 to the east and BC6a adjacent to the west reveal inconsistencies in the function of this large area of Green Belt on the urban fringe.

7.17. We note that the Stage 3 identifies a strong red negative for harm to the Green Belt, including loss of green space in a green infrastructure corridor which impacts on public rights of way. Plainly any decision to take this large allocation of 138 dwellings cannot be reconciled given the assessments for the adjoining parcels.

Conclusion

7.18. For the reasons set out above, KBG objects to policies:

- (1) Policy S1: Spatial Strategy (Strategic Policy) Green Belt release
- (2) H3.59

¹³ Appendix 8.

- (3) H3.60
- (4) H3.61
- (5) H3.62
- (6) H3.63
- (7) H3.64
- (8) H3.65
- (9) H3.66
- (10) H3.67
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- (12) H3.69

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2. Extracts from the Reg 18 evidence base for the Boldon sites
3. Extracts from Infrastructure Delivery Plan (Aug 2019)
4. Inspector Clews June 2018 Report
5. Extracts from Interim Sustainability Appraisal (Aug 2019)
6. Analysis of SHLAA (Apr 2019)
7. Extracts from Stage 2 Green Belt Review: Site Assessments (Jul 2019)
8. Extracts from Stage 2 Green Belt Review – Annex 4: Sites performing strongly (Aug 2019)



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2 October 2019

Dear Mr Radulovic

Broxtowe Local Plan Part Two

I have read with interest the Inspector's fact check report on the Examination of Broxtowe's Part Two Local Plan, which I have seen through our arrangements with the Planning Inspectorate. I welcome the progress that the Council has made in producing this Plan, which identifies the sites needed to deliver on the ambitions in the Greater Nottingham Aligned Core Strategies. The Government attaches great importance to the need for local authorities to have plans in place to ensure that development is positively planned with strong community engagement, rather than the result of speculative applications. Plans are essential to meet the growth and other ambitions for a local area, providing the clarity that communities deserve about where new homes should be built.

The Government is clear that councils and their communities are best placed to take decisions on local planning matters in their area without unnecessary interference from central government, and I would like to offer my full support to the Planning Inspectorate, whose inspectors play a vital role in examining plans impartially and in public. In this instance, I am grateful to the Inspector for her work on this Plan and would like to make clear that I am not commenting on the merits of her recommendations but rather am responding on how the local authority intends to implement the Plan once adopted.

I note that the Council have proposed a number of alterations to its Green Belt boundaries. The National Planning Policy Framework is clear that Green Belt should only be altered in exceptional circumstances through the preparation or review of a Local Plan. Where it is necessary to consider revision of the Green Belt, this review should be robust in its justification for any alteration. In this instance, the Inspector has concluded that the need for housing, the lack of alternatives in sequentially preferable locations outside of the Green Belt, and the limited impact that the alterations will have on the openness and purposes of the Green Belt constitute the exceptional circumstances required.

However, I would like to take this opportunity to remind you of the importance this Government attaches to maximising the potential of previously developed land for new development, ensuring the efficient and appropriate use of land when planning to meet housing need. My key priority is to ensure that this vital resource is put to productive use, to

support the regeneration of our cities, towns and villages, and to limit the pressure on undeveloped Green Belt land. I note from your Housing Delivery Action Plan (August 2019) that the Council have identified increasing the rate of house building on brownfield sites as a critical corporate objective, emphasising the seriousness in which you are approaching this matter, and I welcome the positive actions that you have set out to address the specific challenges faced in Broxtowe. However, in the context of the Green Belt releases proposed in your Local Plan, I am seeking further reassurance that the Council will be making every possible effort to prioritise delivering redevelopment on previously developed land going forward. I would be particularly interested to understand more about the challenges you are facing in bringing forward brownfield sites for development, and would encourage the Council to engage with my officials on how we can best support you in meeting this objective.

I also wish to emphasise the critical importance of early and meaningful engagement and collaboration with communities in producing Local Plans, particularly where this involves altering Green Belt boundaries. I welcome the positive engagement demonstrated by communities in Broxtowe, in particular through their ongoing work on the Toton and Chilwell Neighbourhood Plan. This demonstrates how Neighbourhood Plans can be used by local people to positively shape development in their area, including establishing principles for how former Green Belt sites are developed. I would strongly encourage the Council to continue to engage in the Neighbourhood Plan and wish to be kept updated on its progress.

Note that, as my letter raises matters that are not exclusive to Broxtowe, I will be making this letter available publicly.

THE RT HON ESTHER MCVEY MP