Further Statement on Behalf of CEMEX Plc (ID1217)

Response to Inspector’s Matters Stage 2
Matter 6.5:

With regard to paragraph 5.30 of the Plan and the proposed changes to the Policies Map, are there exceptional circumstances for the removal of Thorpe Village from the Green Belt? In the light of NPPF (July 2018) and paragraph 136 in particular, should the Plan be modified to clarify that detailed amendments to the Green Belt boundary of Thorpe village may be brought forward through the neighbourhood plan, and if so, how should the scope of any proposed boundary changes be guided by the Plan? Would it be justified to make any consequential modifications to the Plan, for example, to provide guidance for other neighbourhood plans that may be brought forward?

1.1 The NPPF (2018) provides two instances where alterations can be made to the existing Green Belt:
   1. Fully evidenced and justified ‘exceptional circumstances’ (paragraph 136); and
   2. Exclusion of villages that do not contribute to the ‘open character’ of the Green Belt (paragraph 140).

1.2 Green Belts can be reviewed through the local plan and, where signalled, detailed amendments can be made through non-strategic policies including Neighbourhood Plans (NPPF paragraph 136).

1.3 The Council sets out the reasons it considers it necessary to amend the Green Belt boundary and release land within the borough in its Exceptional Circumstances Paper (January 2018; addendum April 2018). In short, the exceptional circumstances relate to housing need, the constraints faced by the borough and a lack of suitable sites within the urban area to accommodate the identified level of housing need. This is not disputed. It is the failure to release sufficient land to meet the identified exceptional circumstances that is the subject of objection in the wider sense.

1.4 The strategic review of the Green Belt that is intrinsic to this examination is predicated on exceptional circumstances (the first point above). However, the release of Thorpe Village from the Green Belt is not to accommodate housing need (indeed the emerging Local Plan confirms that it is expected to make only a limited contribution; paragraph 5.30; point 1 above) but, as assessed through the Council’s Green Belt Villages Review (updated 2018), owing to its limited contribution to the open character of the Green Belt (pursuant to NPPF paragraph 140; point 2 above). Whilst the need to release Thorpe Village pursuant to paragraph 140 of the Framework is supported in principle, the detailed boundaries are not. Neither is the failure of the emerging Local Plan to provide for sufficient flexibility to accommodate the needs of Thorpe which, whilst not evidenced in the Local Plan, will be through the emerging Neighbourhood Plan.
1.5 The approach of the emerging Local Plan is, in our view, incorrect in dismissing the contribution Thorpe could make, not least as it limits the ability of the local community to evolve and grow and predetermines the scope of the emerging Neighbourhood Plan. In attributing housing growth to other settlements with no/very limited growth at Thorpe, the Local Plan assumes housing need generated from Thorpe will be met elsewhere. This conflicts with the objective of the NPPF that sufficient land for housing comes forward ‘where it is needed’ (paragraph 59). Moreover, to promote sustainable development, the NPPF considers that planning policies should identify opportunities for villages to grow and thrive (paragraph 78).

1.6 The criteria against which Green Belt boundaries are to be assessed is set out at NPPF paragraph 139 and applies to both instances above. A key tenet of the NPPF in this regard is that Green Belt boundaries endure beyond the Plan period (paragraph 139c and e)). As has been the subject of much discussion, this is particularly pertinent given that the Plan period has been artificially truncated to 2030.

1.7 In setting the revised Green Belt boundary at Thorpe, key questions are whether the proposed settlement boundary has been correctly drawn, both having regard to the Green Belt function but also development needs now, and whether anything is likely to come forward that could necessitate further changes to the Green Belt boundary in this location, during this Plan period or beyond, which would undermine the robustness of that boundary. We do not consider that this exercise has been undertaken and accordingly, the proposed Green Belt boundary at Thorpe is not justified.

1.8 The Thorpe Neighbourhood Area was designated in August 2016 and the preparation of the Neighbourhood Plan is ongoing. This may well identify local needs that are not reflected in the submitted draft Local Plan. The setting of the boundaries between the settlement and Green Belt now without provision for review in accordance with paragraph 136 of the Framework could result in the Local Plan, if adopted in its current form, frustrating the implementation of the Neighbourhood Plan. The draft Local Plan therefore is not effective in this respect.

1.9 As set out in our previous representations, we consider a wider release at Thorpe could make a notable contribution: to provide for housing above the limited level proposed in the emerging Local Plan, to provide local services/facilities and also contributing to the function of the Green Belt including in relation to sport and recreation and public access. Such matters do not appear to have been considered in setting the Green Belt boundaries now, certainly in advance of the Neighbourhood Plan. The current proposed boundaries are not therefore justified.

1.10 The Council will no doubt argue that the Green Belt boundaries are strategic matters that should be set at the strategic policy (local plan) level. But, the setting of the boundaries in a manner that pays no regard to the needs of Thorpe that will be evidenced through the emerging Neighbourhood Plan cannot be justified. It is not, we are sure, the intention of the Council to frustrate the Neighbourhood Plan. We appreciate that the Neighbourhood Plan is not at a sufficient stage to inform the Local Plan. This situation is envisaged in the Framework at paragraph 136 which provides for the review of Green Belt boundaries in Neighbourhood Plans where signalled in strategic policies.
How should scope of boundary changes be guided by the Plan?

1.11 If the need for, or at least the potential for, the boundary at Thorpe to be reviewed at the Neighbourhood Plan stage is accepted, then the issue is how this should be signalled in the Local Plan and whether the Plan should provide guidance. There is no need for the Local Plan to restate the requirements of the Framework as to criteria.

1.12 There are, we would suggest, two approaches:

a. To signal that the Neighbourhood Plan should audit the boundary as set in the Local Plan; or

b. Provide for alteration where need and hence exceptional circumstances are justified.

1.13 We expect the Council to resist the former (point a), as this would tacitly imply that the boundaries as proposed now are not justified. The latter (point b) provides for review where need is identified subsequently in a neighbourhood plan. This we hope the Council would recognise as it cannot be the intention of the Council to predetermine or frustrate the Neighbourhood Plan. The time lag between local and neighbourhood plans is one of the conundrums of the current development plan process.

1.14 The Local Plan could, we would suggest state:

`Green Belt boundaries can be reviewed through the preparation of a [or the Thorpe] Neighbourhood Plan, where the Neighbourhood Plan identifies needs that cannot be met within the settlement boundary set by the Local Plan having regard to the 'sequential test' at paragraph 137 of the Framework or are best met, having regard to the character and appearance of the [village or Neighbourhood Area], heritage assets, the development needs and the wider character of or benefits to the remaining Green Belt outside of the settlement and within the Green Belt as defined. This can include safeguarding land for future development`.

1.15 An alternative approach would be to tie any review or audit of the boundaries set by the Local Plan to the 250-metre buffer employed by the Green Belt Review (Part 2; March 2017 (section 2.2)). However, whilst on the face of it this provides some flexibility in quantitative terms, the basis of the 250-metre buffer in the first instance is questionable and may not, in itself, be sufficient to accommodate the needs identified in the Neighbourhood Plan.

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