Local Plan Review 2016-2036
Part One: Planning Strategy

Topic Paper SD17

Green Belt

October 2018

New Forest District outside the New Forest National Park

New Forest DISTRICT COUNCIL

GREEN BELT

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GREEN BELT

Contents

Section		Page
1	Introduction	1
2	National policy context	2
3	Local policy context	6
4	The Local Plan Review 2016-2036	8
5	Exceptional circumstances	17
6	Conclusions	22

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1. Introduction

1.1 This is one of 4 Topic Papers prepared to support the submission Local Plan 2016-2036 Part One: Planning Strategy by setting out the key considerations and decisions that shaped the Plan strategy and selected key strategic policies.

1.2 The **Planning Context Topic Paper** SD15 should be read first for a general overview of the Local Plan context and review process.

1.3 The other Topic Papers listed below each focus on a key area to explain how the submission Local Plan policy position was arrived at, taking into account current local planning policy, national policy, public consultation feedback, the evidence base and other relevant matters.

- Housing Mix Topic Paper SD16
- Duty to Cooperate Topic Paper SD18

Scope and content of the Green Belt Topic Paper

1.4 The purpose of the Green Belt Topic Paper is to address three key matters for the NFDC Local plan review:

- To set out the factors that the Council considers amount to the 'exceptional circumstances' needed to justify amendments to the Green Belt boundary to release land from the Green Belt for housing development;

- To set out the options considered for the potential release of land from the Green Belt and how the proposed approach was arrived at, including why other alternatives were not preferred; and thus

- To set out the reasonable limit or extent of Green Belt land release in response to those exceptional circumstances and other material considerations.

1.5 The Green Belt Topic Paper does not address the appropriate use of land within the remaining Green Belt, as the submission Local Plan Policy 12 'The South West Hampshire Green Belt' sets out that development proposals for land in the Green Belt will be determined in accordance with national planning policy.

2. National Policy Context

The purposes of Green Belt

2.1 The NPPF 2012 (the basis for plan-making under transitional arrangements) sets out that: "*The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*" (NPPF 79); and that "*Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas*
- *to prevent neighbouring towns merging into one another*
- *to assist in safeguarding the countryside from encroachment*
- *to preserve the setting and special character of historic towns*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land* (NPPF 80)

2.2 For these reasons a planning authority "… *should regard the construction of new buildings as inappropriate in Green Belt*" and that "… *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*." (NPPF 87-89)

Green Belt, objectively assessed need and the presumption in favour of sustainable development

2.3 For plan-making the NPPF 2012 paragraph 14 sets out that: "*At the heart of the National Planning Policy Framework is a* ***presumption in favour of sustainable development****, which should be seen as a golden thread running through both plan-making and decision-taking. For* ***plan-making*** *this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area*
- *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* [9]"

2.4 NPPF footnote 9 confirms that Green Belt designation is one of the policies in the Framework that indicate development should be restricted. The NPPG further advises that: "*The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan*". Whilst Local Plans should "*meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*","*assessing need is just the first stage in developing a Local Plan*" which should also "*take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need*" (NPPG 2014: 044, 045).

2.5 In addition to national policy and guidance, Ministerial statements are also material planning considerations when relevant to the decisions to be made. Ministerial statements since publication of the NPPF have consistently re-affirmed the importance of the protection of the Green Belt, setting out a number of important points and principles:

- That (expressed in relation to decision-taking): "*the Secretary of State's policy position that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt*".[1]

- That (in relation to plan-making):"*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*".[2]

- "…*that a Strategic Housing Market Assessment is just the first stage in developing a Local Plan and councils can take account of constraints which indicate that development should be restricted …. Councils will need to consider Strategic Housing Market Assessment evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which will impact on their overall final housing requirement*"[3]

Green Belt boundary review and sustainable land release

2.6 A consequence of the great importance attached by the government to preserving the Green Belt is that: "*Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan*", and: "*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*", including where necessary land safeguarded for future development needs *"… in order to meet longer-term development needs stretching well beyond the plan period*". It is also stated that: "*When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development*." (NPPF 83-85).

2.7 Whilst not 'statutory' guidance, the Planning Advisory Service[4] offer the following advice on the need to promote sustainable patterns of development in a Green Belt context: "*This leads to the view that to justify the use of land in the Green Belt for development through the local plan, an assessment needs to take account of sustainability issues - such as accessibility and environmental assets - and an assessment against Green Belt purposes to be combined with a comprehensive assessment*

[1] Written ministerial statement by Local Government Minister Brandon Lewis, 17 January 2014, repeated in a Written ministerial statement by Nick Boles (6 March 2014) on the launch of the NPPG.

[2] Nick Bowles MP (DCLG) letter to the Planning Inspectorate (3 March 2014)

[3] Brandon Lewis MP (DCLG) letter to the Planning Inspectorate (19 December 2014)

[4] Planning on the Doorstep: The Big Issues – Green Belt, Peter Brett Associates for the LGA and PAS

according to other issues. A common interpretation of the policy position, though not one expounded in the NPPF or the Planning Practice Guidance, is that where necessitated by the development requirement, plans should identify for development of the most sustainable locations, unless outweighed by effect on the overall integrity of the Green Belt according to an assessment of the whole of the Green Belt according to the five purposes."

2.8 There is no explicit requirement or implicit encouragement in national planning policy or guidance to release land from the Green Belt to accommodate development to meet needs that could not otherwise be met. But: "*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*..."[5]. Notwithstanding this statement, on five occasions ministers have also put holding directions on Local Plans post examination and immediately prior to their intended adoption, to review again whether proposed Green Belt release was appropriate (three holding directions were lifted within 6 months: Birmingham 2016, Sutton Coalfield 2016, Bradford 2016. Two holding directions await a decision: Stevenage 2017, East Hertfordshire 2018).

2.9 The **Housing White Paper: Fixing our broken housing market** (DCLG February 2017) is not 'policy' but indicated the proposed direction for the 2018 updates to the NPPF and NPPG. It states that: "*The National Planning Policy Framework is already clear that Green Belt boundaries should be amended only 'in exceptional circumstances' when plans are being prepared or revised, but does not define what those circumstances are…" "Therefore we propose to amend and add to national policy to make clear that … authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements, including:*

- *making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;*
- *the potential offered by land which is currently underused, including surplus public sector land where appropriate;*
- *optimising the proposed density of development; and*
- *exploring whether other authorities can help to meet some of the identified development requirement*." (paras 1.38,1.39, A.61)

NPPF 2018

2.10 Whilst not the basis for the examination of Local Plans under transitional arrangements, current Green Belt policy maintains the general NPPF 2012 approach. The principal changes are in line with the direction set out in the Housing White Paper:

- to take a clearer but arguably more restrictive approach to exceptional circumstances; and
- to take a stronger line in terms of requiring compensatory improvements to the remaining Green Belt where land is released from, or developed in, the Green Belt.

2.11 Paragraph 136 states (emphasis added) that: "*Once established, green belt boundaries should only be altered where exceptional circumstances* ***are fully evidenced and justified, through the***

[5] Nick Bowles MP (DCLG) letter to the Planning Inspectorate (3 March 2014)

preparation or updating of plans". Paragraph 137 clearly sets out what constitutes exceptional circumstances, including: "*Whether the strategy:*

a. *makes as much use as possible of suitable brownfield sites and underutilised land;*
b. *"optimises the density of development…" (especially in town and city centres and other locations well served by public transport); and*
c. *"has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground*."

Section 2 conclusions for plan-making

- Whilst a policy designation, Green Belt is accorded the highest order of protection under national policy. Preservation of the Green Belt may over-ride the presumption in favour of sustainable development and justify not fully meeting assessed development needs.

- A decision to release land from the Green Belt for development is discretionary and for local planning authorities to make. It is not a requirement of national policy that Green Belt release be considered, nor can it be 'required' of a planning authority to meet identified development needs that might not otherwise be met (but the implications of not considering the release of Green Belt land where it may be appropriate to do so and where there are no other alternatives would also need to be considered).

- Green Belt release must be implemented through a Local Plan review justified by an evidenced demonstration of exceptional circumstances, showing that all other reasonable housing supply options have been utilised and their housing supply contribution optimised. The reasonable housing supply options may include looking beyond the Plan Area to consider the potential of non-Green Belt land elsewhere through the duty-to-cooperate process.

- Local Plans should identify sustainable locations for development, which may include land in the Green Belt where justified by exceptional circumstances, unless outweighed by effect on the integrity of the Green Belt based on an assessment of the whole of the Green Belt. The release and safeguarding of Green Belt land to meet future needs should be considered where necessary, as part of creating enduring Green belt boundaries.

3. Local policy context

3.1 This section briefly summarises the planning history and recent evolution of the South West Hampshire Green Belt before the Local Plan review.

Background

3.2 The South West Hampshire Green Belt comprises 21% of the Plan Area, covering 5,181 hectares. It adjoins more extensive Green Belt areas in Dorset that preserve the openness of countryside around the Christchurch, Bournemouth and Poole conurbation. Two-thirds of the NFDC Green Belt is in the South Coastal Towns sub-area, where it comprises 70% of the total area (the remainder being within settlement boundaries). The Avon Valley and Downlands sub area, south of Ringwood, is the remaining third of the Green Belt, and is predominantly farmland punctuated by over-washed small villages and hamlets, and the inset large village of Bransgore (the village is partly within the New Forest National Park plan area).

3.3 Paragraph 5.42 of the submission Local Plan provides a brief summary of the history of the South West Hampshire Green Belt: "*The designation of Green Belt in the New Forest area first received ministerial support in 1960, although the South West Hampshire Green Belt was first formally designated by the Hampshire Structure Plan in 1983. The Hampshire Structure Plan Review (2000) removed from Green Belt areas that would become part of the then pending New Forest National Park, retaining the remaining Green Belt and re-stating its purposes as follows in the context of the establishment of the New Forest National Park:*

"A Green Belt will be maintained in South West Hampshire south of Ringwood between the county boundary; coast and New Forest Heritage Area. Proposals for development within it will be subject to policies to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another and assist in safeguarding the countryside from encroachment." [HCC Structure Plan 2000, policy G4].

The NFDC Core Strategy 2009

3.4 The Core Strategy 2009 established broad locations for future development, to inform preparation of the Local Plan Part 2 Sites and Development Management. The spatial strategy (Policy CS10) included:

"(o) *retaining and supporting the Green Belt … in order to:*

- *check the sprawl of the built-up areas of Lymington, Hordle, Everton, Milford, New Milton, Bransgore and Ringwood and prevent these settlements from merging;*
- *safeguard the countryside and coast from encroachment by built development;*
- *preserve the setting of towns and villages, in particular the historic towns of Ringwood and Lymington.*

Limited, small scale changes to the boundary of the Green Belt adjoining defined settlements will be considered in a review of the Green Belt inner boundary in the Sites and Development Management Development Plan Document. Boundary changes will be considered where they are necessary to meet the local housing need or employment land needs which could not otherwise be met, as set out in Policies CS12 [Possible additional housing development to meet a local housing need] *and CS18* [New provision for industrial

and office development and related uses]. *This review will adopt a longer time horizon than the Plan period (2006-2026) and will look ahead to 2031 as required by the South East Plan*".

3.5 The examining inspector's report (para 3.28) noted as follows: *"… The detailed allocation of sites … is likely to result in the removal of some land from the Green Belt. Potentially affected settlements are Lymington and Pennington, Milford-on-Sea, Hordle and Everton, New Milton and Bransgore…. In my view, the requirement for affordable and local needs housing referred to above, a demand that is so great that it will not be fully met, is sufficient in principle to amount to an exceptional circumstance in the context of such site allocations*…"

The Local Plan Part 2: Sites and Development Management (2014)

3.6 Pursuant to policies CS10 and CS12 of the 2009 Core Strategy various small-medium-sized sites were removed from the Green Belt, and allocated to provide around 200 affordable homes. The Inspector's report (para 56) notes as follows: "*Sites LYM1, LYM2, MOS1, HOR1, HOR2, NMT1 and NMT4 (partly for employment) are all proposed to be removed from the Green Belt to meet local housing needs ... In principle, these releases are consistent with the CS* [2009 Core Strategy]. *…In the context of the overall extent of the Green Belt and the size of settlements where the releases are made these changes are small in scale individually and cumulatively. No further justification is required in principle to make these releases from the Green Belt*."

Section 3 conclusions for the Local Plan review

3.7 The South West Hampshire Green Belt has continued to serve two main purposes:

- safeguarding the countryside (including the fringes of parts of the New Forest National Park) and the coast from encroachment by built development
- checking the sprawl and preventing the merging of the towns and larger villages within the Green Belt.

3.8 There is a precedent for Green Belt release in the Plan Area to meet local housing needs, particularly for affordable housing, in circumstances where the overall housing requirement was limited to small-scale land releases sufficient to meet the level and nature of strategic housing requirements set at that time in the South East Plan (approved 2009).

4. The Local Plan Review 2016-2036

4.1 This section explains the evolution of the submission Local Plan policy position for the potential release of land from the Green Belt, including:

- the approach to identifying potentially suitable development sites through the sustainability appraisal;
- the approach and conclusions of the 2016 Green Belt Study;
- Green Belt release options considered and consulted on; and
- other material considerations that influenced the submission Local Plan approach including consultation feedback and updated and evidence of housing need.

The Scope of Local Plan Review consultation

4.2 The Scope of Local Plan Review for New Forest District (outside the National Park) (September 2014) [PC 04] consulted on the matters the Local Plan review would cover, which included to: "*Consider the current role and functions of the Green Belt and the implications of this for the future development strategy*.". Responses to the consultation [PC 03] included that a Green Belt review should be undertaken.

4.3 The current Local Plan review therefore includes the first full review of the South West Hampshire Green Belt since the formation of the New Forest National Park, in recognition that there was unlikely to be sufficient, suitable development land to meet development needs unless the release of Green Belt land for development was considered.

The New Forest District Green Belt Study [GB 01 LUC 2016]

4.4 The Study is a comprehensive review of the full NFDC Green Belt area by field-leading independent consultants using a well-tested methodology (explained in section 5 of the study). The Study report succinctly sets out its scope (section 1) and approach (section 4). In brief summary its primary purpose was to assess the performance of the Green Belt and to consider its role following the designation of the New Forest National Park (covering much of the original Green Belt area).

4.5 The consultants were not asked to identify land for release or make recommendations about the suitability of land for development. These judgements were made by the Council informed by the sustainability appraisal process (described further below), following the broad approach outlined in the PAS guidance previously cited (footnote 4, page 4).

4.6 The NFDC Green Belt was divided into discrete land parcels, based on (but refining where necessary) the polygons used in the sustainability appraisal site assessment process (which were based on physical and landscape features). These were then comprehensively and independently rated by LUC (including site visits) in terms of their individual performance against the five NPPF purposes of Green Belt, using clearly defined assessment criteria relating to the openness of the land and the extent of development or other urbanising features or influences.

4.7 The basis for making performance-rating judgements are transparently set out in Appendix A of the study, and consistently presented in the individual parcel assessments with a commentary to explain the conclusions reached.

4.8 The methodology uses a three-stage parcel assessment process. Stage one assessed 88 inner parcels around settlement edges, where the character of the Green Belt was most likely to have changed and where potential opportunities for development would usually first be sought (in the absence of brownfield land options). The first stage uses relatively small parcels from the settlement edge to the next significant landscape boundary. If (and only if) an inner parcel was rated to be weakly or moderately performing Green Belt, the assessment was run a second time extending the original parcel to the next appropriate outer boundary, to assess whether or not the same conclusions could be reached for a larger area (9 outer parcels were assessed). Stage three assessed the land remaining between the assessed inner and outer parcels as 10 larger 'broad areas'.

4.9 The 2016 Study concluded that most (more than 90%) of the Green Belt continues to serve one or more of the purposes of the Green Belt strongly or relatively strongly, most commonly based on purpose three (safeguarding the countryside from encroachment). The Study also identified some areas that made a weaker or moderate contribution to Green Belt purposes. Other concluding points include that:

- potential impacts on the setting of the New Forest National Park would be a consideration when judging the merits of potential development and thus the consideration of Green Belt land release to accommodate development needs
- wooded water courses and valleys in the Green Belt could be the focus of beneficial improvements on landscape, biodiversity and landscape grounds.

Green Belt and the Sustainability Appraisal (SA) site selection process

4.10 The OAN range identified in the SHMA 2014 [HOU04] was 587-687 dpa compared to a 2009 Core Strategy housing target of 196 dpa set regionally reflecting a strategic view of local constraints. Given the size of the 2014 OAN figure and the extent of significant constraints in the Plan Area the Council recognised early in the Local Plan review that:

- it was unlikely that OAN for housing could be met without considering the release of some land from the Green Belt for development; and
- That Green Belt release should be tested as a housing supply option through the sustainability appraisal site assessment process.

4.11 Chapters 8-9 of the Sustainability Appraisal (June 2018) [SD03] (and section 2 of the non-technical summary) succinctly describe the comprehensive process used to appraise all greenfield land in the Plan area to inform the selection of sites to be allocated for development.

4.12 The key point to note in relation to the Green Belt is that, for the first round of the SA process informing the Regulation 18 stage deliberately "a*ssigned no sustainability weighting to the status of land as Green Belt for the purposes of assessing whether land parcels in Green Belt are potentially sustainable locations for housing development, Green Belt status notwithstanding*." [SD03 SA para 2.61].

GREEN BELT

Local Plan Review 2016-2036: Initial Proposals for public consultation [PC 01]

4.13 At the 2016 Initial Proposals consultation stage in the Local Plan Review, the Council consulted on three housing supply options. These were based on all sustainable non-Green Belt sites identified adding varying degrees of land release from the Green Belt ranging from none to all otherwise potentially sustainable locations for strategic housing development.

- Scenario One: Protect and retain as Green Belt all land currently in Green Belt.

- Scenario Two: Protect and retain as Green Belt land in Green Belt that performs strongly or relatively strongly as Green Belt. Release for development Green Belt land that performs moderately or weakly as Green Belt, if it is also a sustainable location for housing development.

- Scenario Three: Release all sustainable locations for housing development from Green Belt.

4.14 To re-iterate, at this stage site proposals were published for the purposes of public consultation, informed by a draft site assessment SA deliberately omitting consideration of the Green Belt to focus attention on the impact of Green Belt decision on the Local Plan approach.

4.15 The Local Plan Initial Proposals Regulation 18 public consultation was therefore, intentionally and explicitly, both a test of views for and against the release of land from the Green Belt for development spelling out the implications and main sustainability considerations, and a mechanism to help test and identify whether there were other realistic alternative options that should be considered in preference to Green Belt land release.

4.16 At this stage the Council was unable to identify sufficient sustainable sites to meet the even the lower level of the OAN range identified in the 2014 SHMA, even if potentially sustainable sites (ignoring Green Belt status and value) in stronger or strongly performing Green Belt were included. The table below sets this out ,referenced to the midpoint of the 2014 SHMA OAN range of 587-687 dpa (midpoint 637 dpa).

Table 1: Initial Proposals 2016 housing supply and Green Belt scenarios (From Table 5.16 Doc. PC01)

	Homes	Homes in GB	% GB area lost	% OAN met	2014 OAN shortfall
Scenario 1	6,020	0	0%	47%	-6,720
Scenario 2	7,685	1,665	3%	60%	-5,055
Scenario 3	10,040	4,020	6%	79%	-2,700

4.17 Whilst Green Belt status was not factored into the SA of potential sites, the 2016 Initial Proposals stage draft SA [PC07e Annex 2] included an assessment of the three Green Belt scenarios to inform the consultation, noting the following preliminary conclusions (Table A.2 and these initial conclusions were updated for the submission stage SA, discussed later in this Topic Paper):

"*The choices we make about potential release of Green Belt land involve a trade-off between the significant social and economic benefits of providing and if possible fully meeting housing needs, and the potential for significant harm to the environment and important landscapes*." (para 7)

4.18 And (at para 12) "*Looking at the three scenarios in turn:*

- *Scenario 1 whilst giving maximum protection to Green Belt is likely to give rise to significantly adverse social effects in that more than half of housing needs would not be met, with related adverse but less severe consequences for the local economy and labour supply. This scenario has less potential for environmental harm to landscape and biodiversity, although all the proposed sites have been selected to avoid development in the most sensitive locations.*

- *Scenario 2 improves moderately upon scenario 1 in terms of meeting housing needs and supporting the economy, but the adverse social effects of protecting stronger Green Belt include that 40% of meeting housing would not be met. Potential for environmental harm to landscape and biodiversity is similar to scenario 1, as the release of weak to moderately performing Green Belt sites does not introduce significantly more development near to the National Park or other more sensitive areas.*

- *Scenario 3 performs positively in terms of meeting housing need whilst still falling short of meeting full need, with associated benefits in terms of economic objectives. It also enables more homes to be provided in locations more accessible to opportunities and facilities. This scenario has the most potential for environmental harm to landscape and biodiversity, including some large sites close to or bordering the National Park, although all the proposed sites have been selected to avoid development in the most sensitive locations. Residual impacts would require more extensive mitigation[6] and buffering assuming which significant harm to the environment could be avoided*."

Regulation 18 Consultation feedback

4.19 Around a third of the 7,640 representations made to the 2016 Local Plan Initial Proposals consultation related to the potential release of land from the Green Belt for development, whether as a matter of principle or in relation to a potential site proposal in the Green Belt. Objections made up 85% of the Green Belt response. Whilst there was some support for Green Belt release, primarily from development interests but also from neighbouring councils, the overriding majority of public response strongly opposed the release of Green Belt land for development. Further details are provided in the Regulation 18 Consultation Statement. [PC 02]

4.20 Comments from the New Forest National Park Authority questioned the sustainability of the scale of growth proposed in relation to the sensitivities of the New Forest National Park as well as national policy for the Green belt:

"The consultation document includes proposals for around 4,000 additional dwellings on Green Belt land, of which 2,355 dwellings are proposed on strongly performing Green Belt. This proposed approach represents a significant change in policy direction for the area and we would urge the Council to re-consider whether this scale of development is

[6] At this stage in the Local Plan review the need to mitigate for air and water quality effects as well as for recreational impacts was not yet identified.

sustainable given the sensitivities of the New Forest. The new Secretary of State and the Housing & Planning Minister at the Department of Communities & Local Government have both recently reaffirmed the Government's commitment to the Green Belt, describing it as, "…absolutely sacrosanct. The green belt remains special. Unless there are very exceptional circumstances, we should not be carrying out any development on it."

Environment Overview and Scrutiny Panel and Planning Development Control Committee

4.21 A report [PC 05] to the above special purpose committee on 6 September 2017 set out the intended 'direction of travel' for the Local Plan following the Initial Proposals consultation, taking into account consultation responses. These included proposed site boundary revisions and the submission of additional potential strategic (100 home +) housing sites outside the Green Belt or on weak to moderately performing Green Belt land that the Council considered should be included in the emerging Local Plan.

4.22 This report set out the Council's considered view on the appropriate approach to the release of Green Belt land for housing taking into account the then latest Government statements including the Housing White Paper, the view of residents and the NFDC context, reproduced below. This is **that stronger or strongly performing Green Belt land should not be released for general housing development even if as a result there would be some unmet needs**. At this point the Council was still referencing to the 2014 SHMA OAN range midpoint figure of 637 dpa, but had recently commissioned an OAN update.

4.23 This approach continues to be the Council's position and from this point forward the SA process assigned significant weight to the protection of stronger performing Green Belt, commensurate with its protected and special status in national policy. The relevant parts of the committee report (paragraphs 3.4 – 3.7 and 3.18 – 3.18) are reproduced below.

"3.4. A central theme of the 2016 Local Plan Initial Proposals public consultation was whether land in Green Belt should be removed and allocated for housing. We consulted on housing supply scenarios in the range of 6,000-10,000 homes depending on whether and to what extent land in potentially sustainable locations for housing were taken out of the Green Belt to build on. The higher figure required release of strongly performing Green Belt and would still be over 20% short of meeting housing need (based on the information available at that time).

3.5. There has been no change in the Government Green Belt policy since the 2016 consultation. Boundary changes and land release remain matters for Councils to take forward in Local Plan reviews if there are exceptional circumstances that justify doing so and all reasonable alternatives have been considered.

3.6. However, there has been a change in tone and a clear re-affirmation of the importance that the Government attaches to the Green Belt in its own right. For example the Housing White Paper proposes that Councils planning to release Green Belt land for development should additionally first consult their neighbours to see if they have alternative development land not in the Green Belt (none has been identified by this route so far).

3.7. On this basis we are considering the middle path of the three consulted on: to protect and retain stronger performing Green Belt but to release weak and moderately performing Green Belt for housing, where it is in an otherwise sustainable location for strategic housing development.
……

3.18. On this basis our proposed housing target is approximately 9,900 homes. This figure represents 78% of assessed need or a shortfall of 2,750 homes when compared to the 2014 Strategic Housing Market Assessment (using the midpoint of the recommended range of 11,740 to 13,740 homes, for the period 2016 - 2036).

3.19. There are risks in proposing a housing target below objectively assessed housing need (OAN). OAN is a starting point for plan-making, and Local Plans should seek to fully meet their assessed needs wherever possible. The National Planning Policy Framework recognises that it will not always be possible for authorities to fully meet their needs, for example where there are significant environmental constraints (NPPF para. 47 and footnote 9)."

The Duty to Cooperate

4.24 Discussions were held in 2017 with neighbouring authorities under the Duty to Cooperate, pursuant to the then-anticipated housing supply shortfall and the Housing White Paper proposals to consider non-Green Belt opportunities in nearby areas. These did not bring forward any offer of non-Green Belt alternatives elsewhere to the release of Green Belt land in NFDC. It should be noted that these conversations were prior to the recent introduction of a much more structured and rigorous approach to the Duty to Co-operate under the NPPF 2018, and before the Council received updated evidence on housing need.

The submission Local Plan

Updated evidence of housing need and site capacity

4.25 In October 2017 the Council received and published the report Objectively Assessed Housing Need (OAN) [HOU 01] which recommended an OAN of 521 homes per annum 2016-2036. In brief summary:

- The recommended figure of 521 dpa was adopted as the working Local Plan housing target, after a sense check confirmed that the recommendations of the report were consistent with the subsequent 2016 Subnational Population Projections published in May 2018.

- Based on NFDC Plan Area share of district population the Local Plan housing target of 525 dpa is 26% above estimated Plan Area household growth in the 2016-based Household Projections for the 2016-2036 period (and for the whole district more than 20% higher, including the housing target proposed in the submission Local Plan for the New Forest National Park).

4.26 To inform the final submission Local Plan the sustainability appraisal of the three Green Belt release options consulted on in 2016 Initial Proposals (see table 1 above) were updated with the latest evidence on land and site availability, design-led site capacity testing and smaller site supply potential.

4.27 Small site capacity was more fully tested in 2017-2018 as set out in the Strategic Housing Land Availability Assessment (Doc.HOU05).

Strategic capacity testing was informed by collaborative master planning work with most strategic site promoters participating, leading to the preparation by the Council of illustrative concept master plan as part of the strategic site allocation policies. The concept master plans use wherever appropriate ideas generated from site-based meetings. They show how development can be optimised in the sense of an achieving appropriate balance in predominantly rural, settlement-edge locations between the main requirements for sustainable development in the NPPF; efficient land use, respecting local character, the retention and enhancement of important landscape and ecological features, and the provision of public open space and natural recreation greenspace in a manner that would achieve a net environmental gain in the sensitive landscape and environmental context of the New Forest area. Sufficient off-street parking provision is also important in a mainly rural context.

4.28 The concept master plans demonstrate that the stated minimum capacity requirement can be achieved in compliance with the requirements of other relevant Local Plan policies and the Habitat Regulations. They do not preclude higher levels of housing coming forward.

4.29 Capacity testing together with the lower OAN requirement enabled the Council to fully meet its revised needs without the need to release more strongly performing Green Belt land for development. The results of the updated assessment are set out in table 2 below, and more fully described
at pp.110-111 of the submission SA final report [SD 03a].

Table 2: Submission Local Plan housing supply and updated Green Belt release scenarios (2017 OAN)

Homes		Homes in GB		% GB area lost	% OAN met	OAN shortfall
		Weak-mod	Stronger			
Scenario 1	8,980	-	-	-	86%	- 1,440
Scenario 2	10,500	1,525	-	2.8%	101%	80
Scenario 3	12,855	1,525	2,350	6.5%	123%	2,435

4.30 It should also be noted that the 'homes' figures in the Table 2 scenarios are based on the minimum site requirement for the Strategic Site allocation policies, which as noted above do not preclude more homes being provided if the Local Plan policy requirements are met at planning application stage.

Updated sustainability appraisal

4.31 The submission stage SA [SD 03a paras 9.12-9.17] notes and concludes as follows. The text in red above shows the main changes from the 2016 draft SA.

The choices we have made about the release of Green Belt land involve a trade-off between the significant social and economic benefits of providing and if possible fully meeting housing needs, and the potential for significant harm to the environment and important landscapes.

The environmental and landscape consequences needed to be weighed in the balance…. in the context of this District the use of Green Belt land would enable higher levels of housing growth. Therefore decisions about release of Green Belt land bring into play the potential for greater harmful environmental and landscape impacts of higher levels of housing development if the sites – as in our case – are on green field land. The most significant potential impacts are:

- *The potentially harmful impact on sensitive and high quality landscapes, and in particular on the purposes and landscape of the New Forest National Park that may arise from increased development on its periphery.*

- *The potentially higher impacts on the protected habitats and species, and in particular on the New Forest SPA and SAC, that arise may from increased recreational pressures likely with higher levels of housing growth.*

Looking at the three scenarios in turn

- *Scenario 1 whilst giving maximum protection to Green Belt is likely to give rise to significantly adverse social effects in that a significant proportion of housing needs would not be met, with related adverse but less severe consequences for the local economy and labour supply. This scenario has less potential for environmental harm to landscape and biodiversity, although all the proposed sites have been selected to avoid development in the most sensitive locations.*

- *Scenario 2 improves significantly upon scenario 1 by meeting housing needs in full and supporting the economy. Potential for environmental harm to landscape and biodiversity is similar to scenario 1, as the release of weak to moderately performing Green Belt sites does not introduce significantly more development near to the National Park or other more sensitive areas. It also enables more homes to be provided in locations more accessible to opportunities and facilities.*

- *Scenario 3 performs over and above in terms of meeting housing need, with associated benefits in terms of economic objectives. However this scenario has the most potential for environmental harm to landscape and biodiversity, including some large sites close to or bordering the National Park, although all the proposed sites have been selected to avoid development in the most sensitive locations. Residual impacts would require more extensive mitigation and buffering assuming which significant harm to the environment could be avoided.*

4.32 Section 11 and Appendix 6 of the submission stage SA [SD03] set out SA conclusions for allocated and non-allocated omission sites in the Green Belt incorporating the Council's judgement (reflecting national policy) about the significant negative weight to be accorded to the loss of stronger and strongly performing Green Belt land.

Section 4 conclusions

4.33 Assessment of options for potential release of Green Belt land to meet identified development needs has been integrated with the sustainability appraisal process in accordance with good practice, and extensively and explicitly consulted upon.

4.34 The 2016 Green Belt Study concluded that most (more than 90%) of the Green Belt continues to serve one or more of the purposes of the Green Belt strongly or relatively strongly, thus continues to be important and relevant after the designation of the New Forest National Park. Impacts on the setting of the New Forest National Park were identified as a consideration in making decisions about Green Belt land release to accommodate development needs (and were also raised in public consultation). Potential impacts were considered through the SA process. The study also identified some areas that made a weaker or moderate contribution to Green Belt purposes.

4.35 Informed by public consultation feedback and a strengthening tone in government announcements and statements about the importance of preserving the Green Belt, the Council took the view that significant weight should be accorded to preserving as Green Belt land that continues to more strongly perform the national purposes of the Green Belt, even if it meant that some development needs could not be fully met. This expression of local priorities is consistent with national policy.

4.36 It was also accepted that in the context of unmet needs, the release for development of weaker to moderately performing Green Belt land merited positive consideration where the site in question was also in a potentially sustainable location for strategic scale housing development, evidenced through the sustainability appraisal site selection process.

4.37 The updated OAN requirements and Local Plan housing target based on it can be met in full with the release of some weaker to moderately performing Green Belt land that is in an otherwise sustainable location and capable of accommodating strategic scale housing growth of 100 or more homes plus on-site habitat mitigation..

4.38 The submission Local Plan arrived at this position by a combination of consultation feedback and new evidence:

- The revised, lower OAN requirement.
- The allocation for housing development of an additional large strategic housing site north of Fordingbridge (SS.18) promoted to the Council and not in the Green Belt.
- Design-led testing of site capacities in their local context
- Additional capacity on smaller sites based on an analysis of potential sites including public calls for sites, local assessments for emerging Neighbourhood Plans and an analysis of smaller greenfield site potential.
- The incorporation of some promoted land adjoining Initial Proposals draft site proposals, either to include additional land not in the Green Belt, or to use land retained in the Green Belt to provide supporting open space including for habitat mitigation. This enables the developable part of the site in weaker or moderately performing Green Belt to be used more efficiently. Strategic Site Allocation boundaries for land at Hordle, Milford-on-Sea and South of Ringwood (SS.SS.9, SS.13) include land remaining in the Green Belt for the provision of public open space or natural recreational greenspace, which are uses compatible with a Green Belt designation.

5. Exceptional circumstances

5.1 Section 4 sets out the options considered for the potential release of land from the Green Belt and how the proposed approach was arrived at, including why other alternatives were not preferred. This section addresses the other two main aims of this Topic Paper:

- To set out the factors that the Council considers amount to the 'exceptional circumstances' necessary to justify amendments to the Green Belt boundary to release land from the Green Belt for housing development;

- To set out the reasonable limit or extent of Green Belt land release in response to those exceptional circumstances and other material considerations.

Do exceptional circumstances justify the release of some Green Belt land, and to what extent?

5.2 The NPPF 2012 and accompanying guidance does not define what might constitute exceptional circumstances that justify changes to Green Belt boundaries including the release of land from the Green Belt for development. These are matters of fact and degree and professional judgement.

5.3 The NPPF 2018 does provide some relevant guidance, but is not the basis for examination of the NFDC Local Plan under transitional arrangements. Paragraph 137 of the NPPF 2018 does however reflect the position set out in the Housing White Paper and is therefore considered later in this section.

5.4 Representations from Wyatt Homes to the Regulation 19 consultation helpfully draw attention to 2015 case law[7] setting out a basis for the consideration of exceptional circumstances:

"…it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);
(ii) the inherent constraints on supply/ availability of land prima facie suitable for sustainable development;
(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

5.5 The following paragraphs address these matters in turn, where italicised citing or paraphrasing the Wyatt Homes analysis.

[7] Calverton Parish Council Judgement ([2015] EWHC 1078 (Admin)) para 51, representation 0389_1 Wyatt Homes

- The acuteness/intensity of the objectively assessed need

  The near threefold increase in housing OAN / target relative to the 2009 Core Strategy target is self-evidently material.

  Based on the analysis summarised at Table 2 (and in the absence of offers of housing supply assistance from other local planning authorities under the Duty to Cooperate), it is also material that identified OAN cannot be met in the NFDC Plan Area unless some Green Belt land is released for development.

  The extent of OAN shortfall would otherwise be significant (1,440 homes), but in our view not acute (as at least 86% of needs would still be met, potentially more if shown to be policy compliant by the detailed work required at planning application stage for allocated sites).

- The inherent constraints on supply/ availability of land prima facie suitable for sustainable development;

- The consequent difficulties in achieving sustainable development without impinging on the Green Belt.

  The limited supply of potentially suitable and sustainable land and the lack of other reasonable alternative development locations or options in New Forest District is clearly material, and evidenced by the SA and site selection process. The figures and statistics on pp.8-10 of the Submission Local Plan (especially para 2.13) provide an overview of land supply constraints.

- The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed)

  This matter requires consideration on a site by site basis as well as the Green Belt as a whole. Reference should be made to the conclusions of the LUC Green Belt Study 2016

  To amplify Wyatt Homes' case point, the LUC performance assessment of land in the Green Belt can be interpreted as both an assessment of the performance of a specific land parcels, and by virtue of the comprehensive assessment of the whole Green Belt, as evidence of the relative significance to the overall Green Belt of the individual parcel (and thus the relative impact on the overall Green Belt of the loss or release of that parcel to development). On both interpretations it is material that the NFDC approach limits potential harm by limiting Green Belt release to weaker to moderately performing Green Belt parcels.

- The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

  Potential impacts need to be considered at both site-specific level and in terms of the overall integrity of the Green Belt.

  Logically the stronger the performance of a land parcel in terms of the purposes of the Green Belt, the more extensive the level of mitigation that would be needed to offset its loss for development. Similarly, the larger the parcel of Green Belt lost, the greater the harm to the openness of the remaining Green Belt, and the more likely it becomes that mitigation would less fully compensate for the loss of openness,

leaving a more significant residual harm to the overall integrity of the Green Belt (especially if it is also a stronger performing Green Belt parcel).

It is material that the NFDC approach combines releasing the minimum necessary amount of weaker to moderately performing Green Belt to achieve identified needs, with policies that reduce the impact of doing so (see below).

5.6 Taking all these considerations together in the plan area context, the Council considers there to be exceptional circumstances that justify the release of some Green Belt land for development, provided that release is limited to weaker or moderately performing Green Belt land in otherwise sustainable locations.

5.7 It remains the Council position that in principle the protection of stronger Green Belt would outweigh some element of unmet 'need', and that this is consistent in principle with the NPPF 2012 and the NPPF 2018. The circumstances and potential alternatives would need to be considered, but the exceptional circumstances test 'bar' would be set much higher than it is for the release of weaker to moderately performing Green Belt land.

The NPPF 2018 on exceptional circumstances

5.8 Whilst not the basis for examination of the Local Plan under transitional arrangements, guidance on exceptional circumstances in the NPPF 2018 is considered for the sake of completeness. Paragraph 137 clearly sets out what constitutes exceptional circumstances, including: *"Whether the strategy:*

a. *makes as much use as possible of suitable brownfield sites and underutilised land;*
b. *"optimises the density of development…" (especially in town and city centres and other locations well served by public transport); and*
c. *"has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."*

Taking these points in turn:

5.9 Test [a] is met. Testing has been informed by several call for sites and review of other sources of potential sites, with limited opportunities forthcoming beyond the two known, significant brownfield sites in the Plan Area. One is allocated in the submission Local Plan (SS.4 The former Fawley Waterside) and the other is allocated by a saved policy (TOT11, Eling Wharf). In terms of capacity and policy requirements, it is assumed that both will be developed at much denser urban forms than the green field site allocations. Small brownfield site capacity is estimated in the SHLAA and makes a modest potential supply contribution that has been factored into the submission Local Plan housing target.

5.10 Test [b] is met. None of the submission Local Plan site allocations are in town or city centres or locations that are highly accessible by public transport, reflecting the generally rural character of the Plan area. The site allocation policies seek to optimise the strategic site developments consistent with their generally small town and village edge contexts on the fringes of a National Park in the fullest 'sustainable development' sense, including but not limited to capacity (if the intention of the NPPF 2018 was to maximise rather than optimise site capacity, it would have said so). At detailed design stage additional capacity may be realised, and where policy compliant this would be welcomed. But this possibility is best

considered to be part of the Local Plan contingency and flexibilty, rather than a reason to remove any of the proposed Green Belt site allocations.

5.11 Test [c] is met to a point. Discussions with neighbouring authorities have taken place, and no alternative non-Green Belt development options elsewhere have been identified by those authorities. But these discussion did not take place under the significantly more rigorous and prescriptive duty-to-cooperate requirements of the NPPF 2018.

The long-term permanence of Green Belt boundaries

5.12 Policy 1: Achieving Sustainable Development and the policies of Chapter 5 set out a context- and landscape-led approach to accommodating development in a highly sensitive environment and landscape context as part of ensuring that planned growth also delivers a net environmental gain.

5.13 Pursuant to these aims and national policy the site allocation policies for land being released from the Green Belt (policies SS.5 – SS.13) include requirements to create a strong countryside and Green Belt boundary. The indicative concept masterplans within the policies illustrate how this can be achieved to deliver a net environmental gain through an integrated approach to the provision of public open space and alternative natural recreational greenspace in a manner that retains and/or enhances key landscape features to integrate development into the landscape, reducing its impact on the openness of the remaining Green Belt in Green Belt locations.

Needs beyond the Plan Period

5.14 The NPPF states (para 83) that *"… 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*."

5.15 The Council has decided not to make additional Green Belt release to provide for longer term development needs. Additional Green Belt release to meet future needs in NFDC is considered to be premature for the following reasons, expanded below.

- Development impacts on international nature conservation sites, mitigation and the precautionary principle
- Transitional planning and the NPPF 2018
- Existing Green Belt contingency
- The exceptional circumstances test
- Possible port development

Development impacts on international nature conservation sites, mitigation and the precautionary principle

5.16 Development in most locations in the Plan Area has to mitigate for or monitor two, usually three and in some cases four types of impacts on international nature conservation sites. Additional mitigation may be necessary in the future e.g. in relation to water quality in the Solent (see submission Local Plan Policy 10).

5.17 Taking the mitigation of recreational impacts on the New Forest Natura 2000 sites as an example, a mitigation approach was first established in 2014 for the relatively modest housing target of the 2009 Core Strategy.

5.18 Mitigation measures in the Local Plan are based on the best available information supported by Natural England and a substantial technical evidence base for currently planned growth, and these inform the conclusions of the Local Plan Appropriate Assessment. However there is insufficient technical or monitoring evidence to yet conclude whether current mitigation measures are effective and will continue to be effective if 'scaled up', or will remain effective for growth not yet planned for.

Transitional planning and the NPPF 2018

5.19 The submission Local Plan is being examined under transitional arrangements. Planning for future needs is best conducted under the updated NPPF 2018, informed by a more stringent duty to cooperate process that properly tests housing opportunities in less constrained parts of the three housing market and functional economic areas NFDC forms part of, taking into account if applicable the strategic implications of proposed port expansion for the wider area.

There is some existing contingency

5.20 Some land previously released from the Green Belt for housing and mixed use development is no longer available for housing development in the short to medium term, but it is possible that it may become available in whole or part the longer term. The future of parts of this land are being considered through the New Milton Neighbourhood Plan (Caird Avenue, south east New Milton)

The exceptional circumstances test is not met for longer term needs

5.21 Additional Green Belt release for potential future needs would have to be land in stronger or strongly performing Green Belt. Given the points above, the Council does not consider that the NPPF 2012 or NPPF 2018 tests of exceptional circumstance can currently be met to justify any such

Possible port development

5.22 Proposals for the potential expansion of the Port of Southampton at Dibden Bay are expected to be submitted as an NSIP within the next 1-2 years. This is by some margin the most significant potential change to the Plan Area in the forseeable future, and the submission Local Plan acknowledges that this would be likely to trigger a Local Plan review (para 7.30). The housing implications of a potential port expansion would need to be considered, and sites some distance away in the Green Belt are not the logical place to first look.

6. Conclusions

6.1 The extent to which protective national policies that the NPPF states may justify not fully meeting assessed needs are given greater weight than fully meeting needs is a matter of professional planning judgment.

6.2 When this choice also involves the release of Green Belt land, which is not a NPPF requirement and which ministers state is a choice and decision for local planning authorities to make, then the political decision of the local authority informed by public consultation about the appropriate local balance between protecting the Green Belt and other NPPF objectives should be accorded significant weight.

6.3 The view of NFDC is that it is reasonable and consistent with National Policy that protection of the Green Belt can outweigh the meeting of needs that could only be met by the release of land from the Green Belt. This is especially so when the land in question performs strongly as Green Belt. Other site specific and in-combination effects would need to be considered to ensure sustainable development was achieved

6.4 The view of NFDC in the context of the submission Local Plan, having considered the implications for sustainable development, is that there is an acceptable middle ground between conflicting NPPF requirements. This is the basis for the submission Local Plan strategy and site allocations, and enables the housing target and objectively assessed needs to be fully met over the Plan period.

6.5 Where needs can be fully or more fully met by the release of weaker to moderately performing Green Belt land, and there are no other reasonable alternatives, then in principle meeting needs may be a higher priority than protecting weaker to moderately performing Green Belt, and exceptional circumstances may exist to justify the release of weaker to moderately performing Green Belt land sufficient to meet needs that could not otherwise be met.

GREEN BELT