

## **Matter 4 Green Belt and Green Infrastructure – 26 February, 2019 Further Statement of Keep Prestbury Green : Reps 863 and 865**

### ***1. Introduction***

1.1 These additional submissions address the Inspector's Matters and Questions in relation to Green Belt issues arising from Chapter 6 of the CP, specifically policies GB1 and GB2. Reference is made to Reg. 19 representations made by KPG in relation to these policies, to the wider approach to GB matters adopted by the Borough Council and to how this is regarded by other consultees.

1.2 Before commenting on specific issues, KPG would place on record its wholehearted support for CBC and the backing it has given to the maintenance of the GB north of Cheltenham both in this Local Plan and also in the adopted JCS. The GB has been assessed both strategically and in detail in the context of objectively assessed housing and employment needs and apart from the identification of the strategic sites released through the JCS and some minor adjustments elsewhere, the GB's integrity is unchanged. The combined efforts of the JCS and the CP in meeting needs comfortably means that there is simply no argument left to offer that there are very special circumstances to justify further releases. The harm caused to the GB through inappropriate development therefore cannot be offset by such circumstances when none exist.

### ***2. Green Belt Designation***

2.1 Following on from above, KPG took part in the Modifications EIP arising from the JCS process. Despite strong efforts by a number of consultees to seek changes to the GB north of Cheltenham both CBC and the EIP Inspector resisted any changes in the absence of **any** very special circumstances applying once the OAN had been met elsewhere in the JCS. Arguments that were put included:

- **additional housing land was needed to allow flexibility**
- **land that did not fulfill GB functions should be released**
- **land in CBC sponsored studies had been found to be of moderate value in GB terms ( erroneously) and therefore should be released**
- **land could be used to help fund racecourse development both present and future and therefore should be released**

2.2 Some of these arguments are still being put to this EIP, notably by the Jockey Club, based primarily on the misguided assumption that CBC has not allocated sufficient land in CP to meet the needs still remaining after JCS allocations have been taken into account. While the argument is put, there is simply no evidence to demonstrate that either the allocations in policies HD1 to HD8 of the CP or the extent of windfall assumptions that have been made are in anyway deficient. For example, there is no attempt to analyse past performance in the delivery of windfalls on a year on year basis. The reality with most LA's is that windfalls normally outperform assumptions.

2.3 When one adds to this the fact that there is substantial overprovision made in the JCS to meet OAN because of the additional 5% flexibility to allow for economic growth and the completely arbitrary 5% overshoot required by the EIP Inspector for affordable housing. There is therefore no question that the CP needs to make further releases from the GB to meet totally fallacious arguments of very special circumstances existing because of some fictitious housing need.

2.4 With regard to the argument relating to cross funding of Racecourse facilities by the release of two sites for housing development, this cannot in any way constitute very special circumstances. The consultation response on behalf of the Jockey Club at Pre- Submission Stage makes it absolutely clear what is behind this misguided approach:

**“ We consider that a limited Green Belt and Principal Urban Area boundary change should be undertaken in order to allow for allocation of the JCS’s New Barn Lane and Park Lane sites so that Cheltenham’s housing needs can be fully met and these sites surplus to JCR’s operational requirements can be utilized as enabling requirement to provide funding to facilitate the delivery of a hotel (or any other development requirements which may be identified in the future)”**

(my underlining)

2.5 This alarming statement perhaps best answers the Inspector’s question re. very special circumstances

- **by ignoring that Cheltenham’s needs are met and that no additional land is required**
- **by suggesting that anyone that has surplus land in the GB has some right to bring it forward for development**
- **that land in the GB can be used as an ‘ enabling development’ when the harm that will be done cannot be assessed because the development to be enabled is not known either now or in the future.**

2.6 On the last point, in my direct experience in dealing with specific proposals for cross funding , the tests that are applied are exceptionally strict and very few proposals that are based on an enabling argument are ever successful. I would go so far as to say that in such a case as this, the argument may even be unlawful. It cannot possibly be permissible for inappropriate development in the Green Belt ,or Green Belt to be released, to cross fund development i.e. an hotel, also in the Green Belt ,which is in itself inappropriate.

2.7 In the view of KPG therefore there are no very special circumstances that apply to justify even a limited further review of the GB other than the changes that are already made through the JCS and the submitted CP. The integrity of the GB is maintained north of Cheltenham as it has been since the boundary was first defined over 30 years ago. Attempts to seek changes through the appeal process have been regularly rebuffed by both CBC, its predecessor Tewkesbury BC and a number of Inspectors and the Secretary of State. Most recently the boundaries have been reviewed in both the JCS and in the CP and no further changes are justified.

2.8 Turning to Policy SD5 of the JCS, which the Inspector has asked directly about, we will not repeat what has gone before, it is sufficient to say that CBC has met its requirement through the JCS to carry out a limited review and there is no compelling need to go beyond what has already done. No exceptional circumstances exist as has been set out above. Moreover, the JCS has also allowed for Safeguarding Areas to cater for needs to be met in the longer term when a future review of the JCS warrants it.

### ***3. Policy GB1.***

3.1 The Reg. 19 submissions of KPG requested that wording changes be made to Policy GB1. As stated, a list of streets that are washed over by GB are set out where limited infilling is permitted subject to no harm to 'openness' of the GB. For completeness, four streets in Prestbury need to be added to the list – Park Lane, Spring Lane, Lake Street and Mill Street. While this may seem pedantic, it should be borne in mind that Local Plan policies are very much development control policies, frequently used and often subject of interpretation. There is therefore a need for absolute clarity.

3.2 For the avoidance of doubt, either all of the streets that are so affected by GB policy should be listed in the policy or, all of the streets should appear in some sort of footnote or addendum. If either of these two adjustments are made, in response to the Inspector's question, the policy will then be more clearly worded.

### ***4. Policy GB2.***

4.1 This policy is one which has been subject of much controversy in Prestbury for many years including very recently. The Inspector is right to ask the question if the policy follows the guide given in NPPF 2012 at para 89 where replacement dwellings are regarded as one of the exceptions to development forms that are considered inappropriate in the GB. Newer guidance effectively offers similar advice.

4.2 As far as it goes, the policy is supported but from direct experience there is a need for further qualification to spell out clearly what is intended by" materially larger."As it stands, it is our view that the policy is capable of a great deal of interpretation. With this in mind it is recommended that a footnote is added to the policy making it clear that any dwelling permitted under this policy should not exceed the footprint of the existing dwelling, should not exceed the height of the existing dwelling and should carefully respect the character of its setting.

4.3 The changes that are asked for do not in any way alter the substance of the policy stance taken in NPPF but build on that and reduce the prospect of ad hoc decisions being taken through poor interpretation.

### ***5. Summary***

5.1 As stated in para.1.2, KPG very much support the CBC in its approach to GB designation and GB policy, subject to the requested wording changes. It is hoped that the Inspector will also support the Council's approach and the wording changes proposed. Most importantly, we would urge the Inspector that there are no very

special circumstances to justify making further changes to the GB boundaries in the submitted CP.

KPG/ WWS/ 18/1/19.