

Nuneaton and Bedworth Borough Council

New Green Belt Technical Report

Reviewing the potential to establish new Green Belt within Nuneaton and Bedworth

Reference: Final Report

| 30 March 2023

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 29339400

Ove Arup & Partners Limited
6th Floor 3 Piccadilly Place
Manchester
M1 3BN
United Kingdom
arup.com

Document Verification

Project title New Green Belt Assessment
Document title New Green Belt Technical Report
Job number 293394-00
Document ref Final for Issue
File reference

Revision	Date	Filename			
Draft for Issue	08/02/2023	Description	Draft Report		
			Prepared by	Checked by	Approved by
		Name	A. Ortega	J. Healey Brown	J. Healey Brown
		Signature			
Final for Issue	21/03/2023	Description	Final Report		
			Prepared by	Checked by	Approved by
		Name	A. Ortega	J. Healey Brown	J. Healey Brown
		Signature			
Final for Issue v2	30/03/2023	Description	Final Report		
			Prepared by	Checked by	Approved by
		Name	A. Ortega	J. Healey Brown	J. Healey Brown
		Signature			

Issue Document Verification with Document

Contents

1.	Introduction	1
1.1	Introduction	1
1.2	Site Context of HSG4 and HSG7	1
1.3	Structure of the Report	3
2.	Policy Context and Case Studies	4
2.1	National Planning Policy Framework (2021)	4
2.2	Case Studies	4
3.	NPPF Paragraph 139, criterion (a)	9
3.1	Overview	9
3.2	Relevant Development Management Policies	9
3.3	Emerging Policies	9
3.4	Adequacy of Development Management Policies	9
3.5	Alternative Policies	10
3.6	Conclusion	10
4.	NPPF Paragraph 139, criterion (b)	12
4.1	Overview	12
4.2	Major Changes	12
4.3	Conclusion	12
5.	NPPF Paragraph 139, criterion (c)	13
5.1	Overview	13
5.2	Sustainable Development	13
5.3	Conclusion	13
6.	NPPF Paragraph 139, criterion (d)	14
6.1	Overview	14
6.2	The Necessity for Green Belt	14
6.3	West Midlands Green Belt	14
6.4	Nuneaton and Bedworth Green Belt	15
6.5	Conclusion	25
7.	NPPF Paragraph 139, criterion (e)	27
7.1	Overview	27
7.2	Meeting other Objectives of the Framework	27
7.3	Conclusion	27
8.	Conclusions and Recommendations	28
8.1	Conclusion	28
8.2	Recommendation	29

1. Introduction

1.1 Introduction

In January 2023, Ove Arup & Partners ('Arup') was appointed by Nuneaton and Bedworth Borough Council ('the Council') to review the likelihood of establishing the necessary exceptional circumstances to designate two sites as new Green Belt.

The Nuneaton and Bedworth Borough Plan 2011-2031 was adopted in June 2019. The Council committed to undertaking an immediate review of the adopted Borough Plan following the publication of the updated National Planning Policy Framework (NPPF) in July 2021. The Council is currently preparing its evidence base to inform the Publication Version of the Borough Plan Review due to be published in summer 2023. The emerging Borough Plan Review does not propose any Green Belt release.

The emerging Plan proposes to de-allocate two strategic sites (Bedworth Woodlands HSG4 and East of Bulkington HSG7) which are currently allocated in the adopted Borough Plan. This is primarily due to the lack of delivery and potential viability issues relating to these sites. Additional sites are proposed to be allocated in the urban area to substitute these sites.

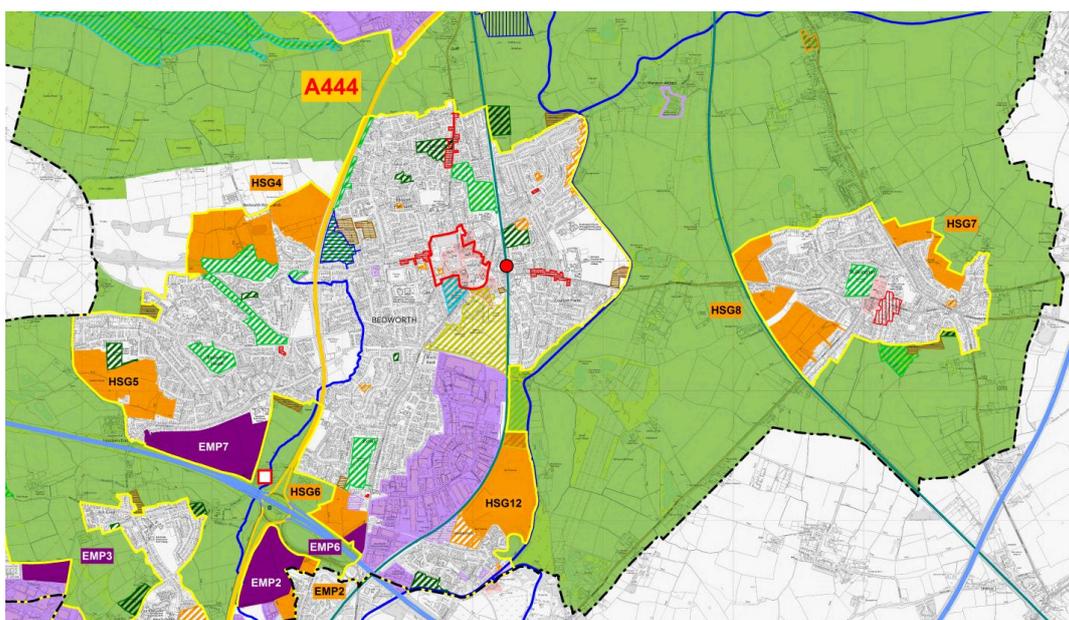
This Technical Report seeks to explore whether the de-allocated sites should be designated as Green Belt as part of the review of the Borough Plan. Paragraph 139 of the NPPF (July 2021) makes clear that new Green Belts should only be established in exceptional circumstances and sets out a number of criteria which should be met when establishing new Green Belt land. This report will therefore consider whether there is an exceptional circumstances case to justify the designation of these two sites as new Green Belt.

Given the emerging Borough Plan Review does not propose any Green Belt release, it was not considered necessary to undertake a new Green Belt review and this has therefore been scoped out.

1.2 Site Context of HSG4 and HSG7

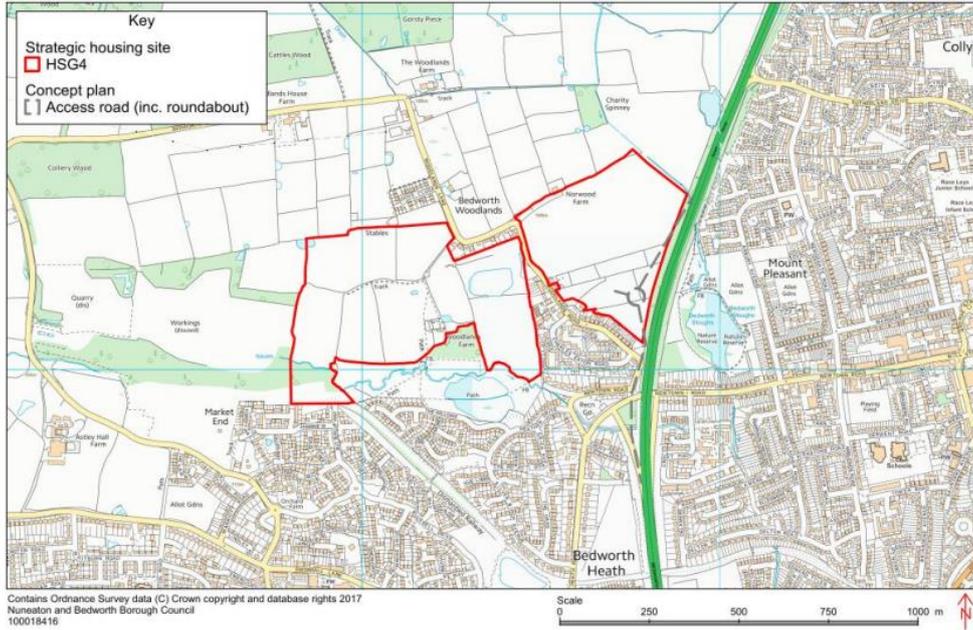
As shown on Figure 1 below, HSG4 is located to the north west of Bedworth and HSG7 is located to the east of Bulkington.

Figure 1. Extract of the adopted Borough Plan Policies Map showing site allocations HSG4 and HSG7



1.2.1 HSG4 (Bedworth Woodlands)

Figure 2. Site boundary of HSG4 extracted from the adopted Borough Plan.



The site consists of a number of agricultural fields which are predominantly defined by field boundaries. The site adjoins Bedworth along its southern and eastern boundary with a community park (The Nook) located to the immediate south. To the north of the site are agricultural fields which are not within the Green Belt.

The site is currently allocated as a strategic housing site for residential development of approximately 689 dwellings and associated infrastructure uses in the adopted Borough Plan (Policy DS5). Based on a review of historic Green Belt documents, the site has never been in the Green Belt.

1.2.2 HSG7 (East of Bulkington)

Figure 3. Site boundary of HSG7 extracted from the adopted Borough Plan.



The site consists of agricultural fields. The northern boundary of the site consists of field boundaries. The site adjoins Bulkington along its western and southern boundaries which consists of the rear gardens of residential properties and roads (B4112 and Lancing Road). To the immediate north of the site are more agricultural fields which are currently designated as Green Belt.

The site was removed from the Green Belt (Policy DS7) in the adopted Borough Plan and is allocated as a strategic housing site for residential development for at least 196 dwellings (Policy DS5). The Borough Plan was supported by the Joint Green Belt Study which was undertaken in 2015. This assessed all Green Belt parcels in the sub-region and the contribution they made to the five purposes of Green Belt set out in national policy. The site falls within wider Parcel BU1 which scores moderately well against Green Belt purposes.

In considering whether there were exceptional circumstances to remove the site from the Green Belt, the Inspector's Report on the Borough Plan (9 April 2019) at paragraph 150 states:

“The site comprises two parcels of land...Both are within wider Parcel BU1 in the Green Belt Study which scores moderately well against Green Belt purposes. On closer inspection, both parts of HSG7 would not result in restricted (sic) sprawl, merging with neighbouring settlements and the southern part of the site is largely experienced as a field adjoined by housing, such that it has a limited relationship to the wider countryside. The northern field on the other hand is perceptibly part of the wider countryside stretching over the shallow valley towards Bramcote. However, it is particularly contained by established hedgerows and trees such that any intrusion into the wider landscape would be limited...Overall, the necessary exceptional circumstances to alter the Green Belt boundary exist.”

1.3 Structure of the Report

This technical report is structured as follows:

- Section 2 sets out the national policy context in relation to the designation of new Green Belt land. It also provides a review of case studies from other local authorities who have sought to extend their Green Belt designation;
- Sections 3-7 evaluate the case to designate the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 of the NPPF:
 - Section 3 considers whether normal planning and development management policies would be considered to be adequate (paragraph 139, criteria a);
 - Section 4 considers whether any major changes in circumstances have made the adoption of the proposed new Green Belt necessary (paragraph 139, criteria b);
 - Section 5 considers what the consequences of the proposed new Green Belt would be for sustainable development (paragraph 139, criteria c);
 - Section 6 considers whether the proposed new Green Belt is necessary and whether it is consistent with strategic policies for adjoining areas (paragraph 139, criteria d);
 - Section 7 considers whether the proposed new Green Belt would meet the other objectives of the Framework (paragraph 139, criteria e); and
- Section 8 sets out the conclusion and recommendations.

2. Policy Context and Case Studies

2.1 National Planning Policy Framework (2021)

Paragraph 139 of the NPPF makes clear that new Green Belts (taken to include both completely new and extensions to existing) “...should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.”

It adds that: “Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- c) show what the consequences of the proposal would be for sustainable development;
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- e) show how the Green Belt would meet the other objectives of the Framework.” (paragraph 139).

There is no direct reference within the National Planning Practice Guidance (PPG) to new Green Belt policy.

The Planning Advisory Service ‘Planning on the Doorstep: The Big Issues – Green Belt’ guidance confirms land can only be included in Green Belt to achieve the five purposes of Green Belt (as set out in paragraph 138). Therefore, land proposed for inclusion in the Green Belt should be assessed against the five purposes to identify the level of contribution made and whether the land contributes to the overall aim of the Green Belt.

Paragraph 137 of the NPPF states that: “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.”

2.2 Case Studies

A review of case studies from other local authorities shows that there are very few instances where local authorities have sought to extend their Green Belt designation.

New Green Belt has only been introduced through Local Plans as a result of minor boundary modifications and no significant areas of Green Belt have been proposed and subsequently adopted at Examination by successfully applying the criteria in paragraph 139.

The Places for Everyone Joint Development Plan for the nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) proposes a number of new areas of Green Belt (assessed against paragraph 139) however the plan is currently going through Examination (hearings are expected to run until 30 March 2023).

In the case of Northumberland County Council, the Council proposed a Green Belt extension around the Morpeth area and defined the detailed boundaries for this extension. The Council argued that it was not necessary to set out exceptional circumstances to justify the Green Belt extension as the general extent of this area had already been established within the text of the Northumberland

Structure Plan (2005). It therefore did not represent ‘new’ Green Belt as set out in paragraph 139. The Inspectors agreed with the Council’s approach.

In the case of the City of York Council, where the emerging Local Plan seeks to define the detailed Green Belt boundaries for the first time, the Council stated that the Local Plan was not proposing to establish new Green Belt as the general extent was already established by the Regional Spatial Strategy (RSS). Following the Phase 1 Local Plan Examination hearings in December 2019, the Inspectors wrote to the Council confirming that the Local Plan does not lead to the establishment of new Green Belt and paragraph 82 (NPPF 2012) (now paragraph 139) was not engaged.

In the case of Cheshire East Council, a proposal to extend the Green Belt designation was rejected by the Inspector at the Local Plan Examination. Alternative policy options were pursued instead.

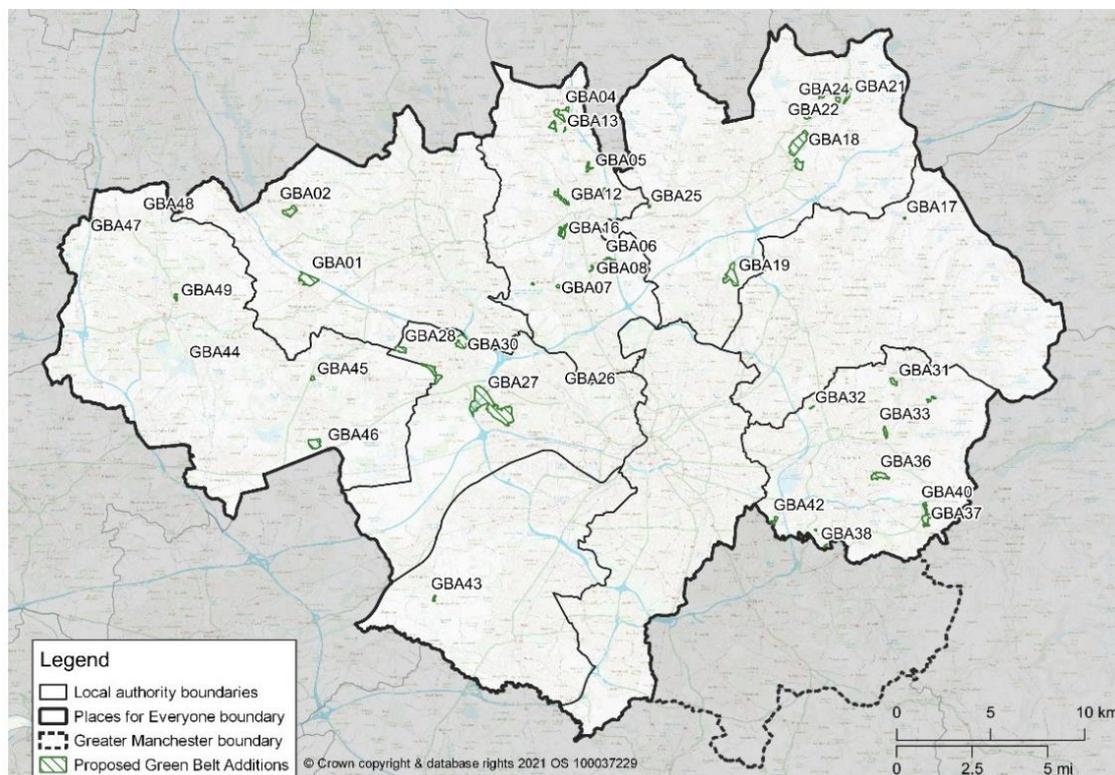
The following sections provide further detail on the above case studies.

2.2.1 Places for Everyone Joint Plan

The Places for Everyone Joint Development Plan proposes a number of new areas of Green Belt. Paragraph 1.48 of the Places for Everyone Plan (Publication Stage) (August 2021) states: “*We are also proposing to add new Green Belt where we have identified land that meets the purposes of Green Belt. These proposals have been incorporated into the Places for Everyone Plan as part of the overall proposals.*”

New Green Belt has been proposed within Bolton, Bury, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, as shown on Figure 4 below. In total, 49 sites are proposed as new Green Belt.

Figure 4. Proposed areas of new Green Belt. Source: Places for Everyone Green Belt Topic Paper (July 2021).¹



¹ <https://www.greatermanchester-ca.gov.uk/GMCAFiles/PFE/Supporting%20documents/07%20Greener%20Places/07.01.25%20Green%20Belt%20Topic%20Paper%20and%20Case%20for%20Exceptional%20Circumstances%20to%20amend%20the%20Green%20Belt%20Boundary.pdf>

As part of the evidence base, the Greater Manchester Combined Authority (GMCA) prepared a Green Belt Topic Paper (July 2021).² Appendix 3 of the Topic Paper provides an assessment of the proposed new areas of Green Belt against the criteria in paragraph 139. It also identifies the evidence which has fed into the assessment.

The Plan was submitted for Examination on 14 February 2022. Prior to the hearing sessions commencing, the Inspectors issued the document ‘Matters, Issues and Questions relating to Green Belt additions’ in July 2022 (document ref: IN11).³ The Inspectors note the following:

“National policy advises that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. The GMCA response to PQ33 advises that the exceptional circumstances are that each of the sites proposed to be added to the Green Belt serves at least one of the five purposes of Green Belt set out in NPPF 138 and meets all five criteria to establish new Green Belt in NPPF 139. We are particularly interested, for each site, in what the major changes in circumstances are that have made the adoption of this exceptional measure necessary, and why normal planning and development management policies would not continue to be adequate.”

For each of the proposed sites, the Inspectors then list a number of specific questions focused on the criteria in paragraph 139 and in some cases focused on the site’s contribution to Green Belt purposes. Throughout the questions there is a particular emphasis on criterion a (why development management policies are not adequate) and criterion b (major changes in circumstances) of paragraph 139. The Examination hearings commenced on 1 November 2022 and are due to run until 30 March 2023.

2.2.2 Northumberland County Council Local Plan Examination

Northumberland County Council proposed a Green Belt extension around the Morpeth area on the basis that the Regional Planning Guidance in 2002 had originally identified an extension to the Green Belt and this was defined generally within the text of the Northumberland Structure Plan (2005). The precise boundaries of this extension had however not been defined.

Paragraph 6.2 of the Council’s Hearing Statement on Green Belt (Matter 3) sets out their justification for the Morpeth Green Belt Extension: *“The outer boundary has been identified to reflect the area described within saved Policy S5 of the Northumberland County and National Park Joint Structure Plan Policy S5 – Extension to the Green Belt (2005) (NCC.19.36). It is the view of the Council that, in line with paragraph 135 of the NPPF, the general extent of the Morpeth Green Belt extension is already established. Therefore other outer boundary options which differ from the area described in saved Policy S5 would represent a change to the Green Belt and would require exceptional circumstances.”*⁴

The Council did not consider it necessary to set out exceptional circumstances to justify the Green Belt extension around Morpeth as the general extent of this area was already established through the Structure Plan. This is explained in Paragraph 9.6 of the Council’s Hearing Statement on Green Belt (Matter 3):

² <https://www.greatermanchester-ca.gov.uk/GMCAFiles/PFE/Supporting%20documents/07%20Greener%20Places/07.01.25%20Green%20Belt%20Topic%20Paper%20and%20Case%20for%20Exceptional%20Circumstances%20to%20amend%20the%20Green%20Belt%20Boundary.pdf>

³ <https://www.hwa.uk.com/site/wp-content/uploads/2022/10/IN11-MIQs-Green-Belt-additions-v1.pdf>

⁴ file:///C:/Users/anna.ortega/Downloads/EX_HS_03_01%20Matter%203%20Hearing%20Statement%20-%20Northumberland%20County%20Council.pdf

“The Council has not set out exceptional circumstances to justify the Green Belt extension around Morpeth as this area of the Green Belt is an established general extent, in line with paragraph 135 of the Framework, adopted within policy S5 of the Northumberland County and National Park Joint Structure Plan Policy S5 – Extension to the Green Belt (2005) (NCC.19.36). Boundaries have not yet been identified in this area and therefore would not represent an alteration to established Green Belt boundaries, requiring exceptional circumstances to be proven, as per paragraph 136 of the Framework.”

The Council submitted its Local Plan in May 2019 and it was adopted in March 2022. At paragraph 144 of the Inspector’s Report, the Inspector considered whether the Morpeth Green Belt extension represented new Green Belt:

“The area of land defined within policy S5 is currently within the general extent of the Green Belt as referred to in paragraph 139 of the Framework. Defining the boundaries in accordance with policy S5 does not therefore involve setting a new Green Belt. Nor does defining the boundaries involve altering boundaries as referred to in paragraph 140 of the NPPF because there are none to alter. Accordingly, exceptional circumstances are not required to define the outer boundaries of the Green Belt nor to identify the precise boundaries around settlements. Even if it could be plausibly argued that this view is not correct, defining these precise boundaries in accordance with policy S5 of the JSP would provide the necessary exceptional circumstances.”⁵

2.2.3 City of York Council Local Plan Examination

The City of York Council does not currently have a defined Green Belt boundary and the emerging Local Plan seeks to define the detailed inner and outer Green Belt boundaries for the first time, in line with the saved RSS policies.

During the Phase 1 Local Plan Examination hearings in December 2019, the Inspectors asked the Council to confirm the following: *“For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt? If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?”* (Phase 1 Matters, Issues and Questions v2, Matter 3, Question 3.1⁶). In response, the Council were clear that the Local Plan was not proposing to establish any new Green Belt as the general extent was already established by the RSS.

The Inspectors agreed with the Council and set out their justification in a letter to the Council dated 12 June 2020 at paragraphs 5-18. At paragraph 8, they conclude that *“...for the purposes of paragraph 82 of the NPPF, York is among the places across the country where the general extent of the Green Belt is already established. It follows, therefore, that by undertaking to set Green Belt boundaries, the Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt.”⁷*

The Phase 2, 3 and 4 hearing sessions took place in 2022 and a main modifications consultation is anticipated in March 2023.

2.2.4 Cheshire East Council Local Plan Examination

Cheshire East Council identified through their ‘New Green Belt and Strategic Open Gap Study’ (2014) that the land gap between Crewe and Nantwich is narrow and is mostly occupied by

⁵ <https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-and-Building/planning%20policy/Local%20Plan/Northumberland-Local-Plan-Report-Final-26-January-2022.pdf>

⁶ <https://www.york.gov.uk/downloads/file/1804/ex-ins-7-phase-1-matters-issues-and-questions-v-2>

⁷ <https://www.york.gov.uk/downloads/file/5795/ex-ins-15-letter-to-lpa-12-june-2020>

highways infrastructure, with development visible on the opposite side. This evidence resulted in the designation of new Green Belt adjacent to Crewe within Policy PG3 of the Local Plan Strategy (2014), with a policy justification of maintaining ‘strategic openness of the gap between Crewe and the Potteries’.

The Inspector published his interim views on the Legal Compliance and Soundness of the submitted Cheshire East Local Plan on 12th November 2014 and provided subsequent clarification in a letter dated 28th November 2014. With regard to the proposed new area of Green Belt, the Inspector commented:

“...there seems to be insufficient justification for establishing a new Green Belt in the south of the district.” (Section A, paragraph 4).⁸

In particular, the Inspector highlighted the following points needed to be addressed in relation to proposals to establish new Green Belt (in paragraphs 91 and 92 of his interim views and paragraph 2vi of his clarification letter):

- Identify exceptional circumstances needed to establish proposed new Green Belt;
- Provide evidence to support the likely extent of the new Green Belt;
- Set out implications of proposed development within the new Green Belt search area;
- Demonstrate the other policy is insufficient and new Green Belt is therefore required; and
- Include proposed detailed boundaries of new Green Belt.

When reviewed against NPPF requirements for the extension of Green Belt, such as an ability to demonstrate exceptional circumstances and a consideration of whether other development management policies are inadequate, it was considered that alternative policy options may be more appropriate.

During the suspension of the examination, a Strategic Green Gap Policy was proposed (Policy PG 5 Strategic Green Gaps), with the purpose of protecting the setting and separate identity of settlements, retaining the existing settlement patterns and retaining benefits of open land near to where people live. Following the recommenced Examination hearing sessions, the Inspector concluded:

“In my Interim Views (Appendix 1), I considered there was insufficient evidence and no exceptional circumstances to justify establishing a new Green Belt in this locality... CEC subsequently proposed a new Strategic Green Gaps policy covering a similar area, following advice from their consultants. At the heart of this policy is the need to manage the rapidly changing settlement pattern in south Cheshire, particularly due to the growth of Crewe... Without such a policy, development could begin to erode the gaps between existing settlements and possibly lead to their coalescence if only protected by the open countryside policy... Consequently, with the recommended modifications, the purpose and proposed approach to the designation of Strategic Green Gaps within the area to the south, east and west of Crewe is appropriate, fully justified, effective, positively prepared, soundly based and consistent with national policy.” (Cheshire East Local Plan Inspector’s Report, paragraph 105-110).⁹

The Cheshire East Local Plan Strategy was adopted in 2017.

⁸ <https://moderngov.cheshireeast.gov.uk/documents/s57237/Appendix%201a%20Inspectors%20Interim%20Views.pdf>

⁹ <https://moderngov.cheshireeast.gov.uk/documents/s57236/Appendix%201%20Inspectors%20Final%20Report.pdf>

3. NPPF Paragraph 139, criterion (a)

3.1 Overview

This section evaluates the case for designating the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 of the NPPF.

Criterion (a) is as follows: “*demonstrate why normal planning and development management policies would not be adequate.*”

3.2 Relevant Development Management Policies

Assuming that both sites are de-allocated in the emerging Plan, the Council has confirmed that the sites will become white land outside the ‘development boundary’ as shown on the Policies Map. The Council does not have an open countryside designation. The following existing development management policies as contained in the adopted Borough Plan would therefore apply:

- Policy DS1 – Presumption in favour of sustainable development
- Policy DS2 - Settlement hierarchy and roles
- Policy DS3 – Development principles
- Policy HS1 – Ensuring the delivery of infrastructure
- Policy HS2 – Strategic accessibility and sustainable transport
- Policy HS3 – Telecommunications and broadband connectivity
- Policy HS5 – Health
- Policy NE1 – Green infrastructure
- Policy NE2 – Open space
- Policy NE4 – Managing flood risk and water quality
- Policy BE3 – Sustainable design and construction

Of particular relevance is Policy DS3 (Development Principles) which states that: “*New unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.*”

3.3 Emerging Policies

When the emerging Plan is adopted, it will replace the policies in the adopted Borough Plan. It is therefore necessary to review and compare the existing and proposed policies. The Borough Plan Review Preferred Options document which was published for consultation in June 2022 has therefore been reviewed.

The policies listed above are all included in the emerging Plan (Preferred Options document). The wording of Policy DS3 relating to development outside the settlement boundaries remains unchanged.

3.4 Adequacy of Development Management Policies

Policy DS3 is very clear that the only development which will be permitted on land outside the settlement boundaries is development for agriculture, forestry, leisure and other uses which require

a location outside the settlement boundaries. There have been no recent major planning applications for housing or employment development outside of the defined settlement boundaries which have tested the adequacy of the development management policies.

3.5 Alternative Policies

There are a few alternative policies which could be applied instead of designating the sites as Green Belt. These include the following and are considered in turn below:

- A green gap policy
- Local green space designation

3.5.1 Green Gap Policy

If the main intention of the proposed new areas of Green Belt is preventing the merging of settlements, then the Council could consider a new policy focused on protecting green gaps. As set out in Section 2.2.3 above, Cheshire East Council applied a Strategic Green Gap policy as an alternative to a Green Belt extension around Crewe. Preston City Council have an ‘Area of Separation’ policy which has the same effect. The overarching aim of such policies is to protect the separate identity of settlements, to prevent coalescence, and to retain the existing settlement pattern by maintaining the openness of the land.

However, it would be difficult to argue that site HSG4 is preventing the merging of Bedworth and Nuneaton given that the gap is already far narrower to the northeast of Bedworth. It would also be difficult to argue that HSG7 is preventing the merging of Bulkington and Bramcote or Bulkington and Nuneaton given the size of these gaps and the existing areas of Green Belt between the settlements.

3.5.2 Local Green Space Designation

Paragraph 005 of the PPG on Open Space states that: “*Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.*” (Reference ID: 37-006-20140306).

The NPPF at paragraph 102 notes that the Local Green Space Designation should only be used where the green space is:

“(a) *in reasonably close proximity to the community it serves;*

(b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

(c) *local in character and is not an extensive tract of land.*”

It is unclear whether the sites could meet the above criteria however it may be unlikely given the history of the sites. In any event, the designation could not apply to the whole of Sites HSG4 and HSG7 given they would represent extensive tracts of land. It would only be applicable to small parts of the sites if it can be shown they are demonstrably special to the local community.

3.6 Conclusion

Following the de-allocation of Sites HSG4 and HSG7, both sites will be located outside the settlement boundaries where Policy DS3 restricts all development with the exception of proposals for agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries. All of the relevant development management policies in the adopted

Plan are included in the emerging Plan (Preferred Options document) and the wording of Policy DS3 remains unchanged in the emerging Plan.

There have been no recent major planning applications for development outside of the defined settlement boundaries which have tested the adequacy of the development management policies. It is therefore recommended that the policy wording of Policy DS3 is retained in the Publication version of the emerging Plan in order to be sufficiently strong to resist development outside the settlement boundaries.

There are a few alternative policies which could be applied instead of designating the sites as Green Belt however given the context and history of both sites, it may be difficult to justify these alternatives.

4. NPPF Paragraph 139, criterion (b)

4.1 Overview

This section evaluates the case for designating the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 of the NPPF.

Criterion (b) is as follows: “*set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary.*”

4.2 Major Changes

Paragraph 139 of the NPPF specifically refers to new settlements or major urban extensions as representing examples of an exceptional circumstance: “*New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.*”

There are no plans for new settlements or major urban extensions within Nuneaton and Bedworth which would constitute an exceptional circumstance requiring the establishment of new Green Belt. However, it could be argued that the change in the Council’s housing requirement (from 804 to 545 dwellings per annum) combined with the deliverability and viability issues on Sites HSG4 and HSG7 could represent a major change in circumstances. This is particularly the case for HSG7 given it was taken out of the Green Belt based on this higher housing requirement. The difficulty with this argument is that there are no case studies where this justification has been successfully applied.

4.3 Conclusion

It could be argued that the Council’s reduced housing requirement, combined with the deliverability and viability issues on Sites HSG4 and HSG7 represent a major change in circumstances which make the adoption of this exceptional measure necessary. However, there are no case studies where this justification has been successfully applied therefore further evidence may be required to substantiate this.

5. NPPF Paragraph 139, criterion (c)

5.1 Overview

This section evaluates the case for designating the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 of the NPPF.

Criterion (c) is as follows: “*show what the consequences of the proposal would be for sustainable development.*”

5.2 Sustainable Development

The adopted Borough Plan notes that the main spatial areas of Nuneaton, Bedworth, Bulkington and the northern fringe of Coventry are the most sustainable locations for growth.

Although Sites HSG4 and HSG7 were identified as sustainable locations for development in the adopted Borough Plan, evidence has come forward since the adoption of the Borough Plan which suggests there are alternative sites which are considered more deliverable than HSG4 and HSG7.

The Council’s updated HELAA (2023) identifies HSG7 as BUL-7. It states: “*A pre-application submission was received in August 2021. This has indicated issues that may compromise potential delivery of the site – namely the provision of 2 accesses required for 197 dwellings. There are ransom strips that prevent access from Bramcote Close and Lancing Road.*”

The Council’s updated HELAA (2023) identifies HSG4 as SLO-10. It states:

“The site contains a number of constraints. The site is in two separate ownerships and in order to be brought forward, significant infrastructure is required to be delivered, such as the A444 on/off slip, as well as a new primary school and local centre. No highways infrastructure scheme has been provided, nor any indication of when a scheme may be provided.”

Both sites have delivery issues which may prevent them coming forward and contributing to sustainable development. In de-allocating site HSG4 (689 dwellings) and site HSG7 (196 dwellings), the Council will instead allocate other less constrained and more deliverable sites which will mean they can more easily meet their housing needs and achieve sustainable development.

5.3 Conclusion

In designating Sites HSG4 and HSG7 as new Green Belt, there would be no negative consequences for sustainable development as the sites are no longer required by the Council to meet their housing need in the emerging Plan. Whilst the sites were previously identified as sustainable locations for growth, the sites are no longer achievable and deliverable, and are preventing the Council meeting its housing target.

6. NPPF Paragraph 139, criterion (d)

6.1 Overview

This section evaluates the case for designating the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 of the NPPF.

Criterion (d) is as follows: “*demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining area.*”

6.2 The Necessity for Green Belt

The Green Belt in Nuneaton and Bedworth forms part of the wider West Midlands Green Belt. In order to determine whether Sites HSG4 and HSG7 are appropriate to designate as Green Belt land, it is necessary to assess whether they could meet the original aim and purpose of the West Midlands Green Belt and the more localised purposes of the Green Belt at a Borough level.

In terms of ‘consistency with strategic policies for adjoining areas’, the proposed sites are not located on the edges of the Borough boundary, therefore designating them as Green Belt would have no implications for any of the adjoining authorities.

6.3 West Midlands Green Belt

6.3.1 Context

The Coventry Joint Green Belt Review (2009) and the Joint Green Belt Study (2015) provides further details on the historical context of the Green Belt in Nuneaton and Bedworth.

The Green Belt in Nuneaton and Bedworth forms part of the West Midlands Green Belt. A Green Belt was first proposed within the West Midlands in 1955 although it was not formally approved by the Secretary of State until 1975. The West Midlands Green Belt covers almost 1500 square kilometres, surrounding the Black Country, Coventry, Birmingham and Solihull.

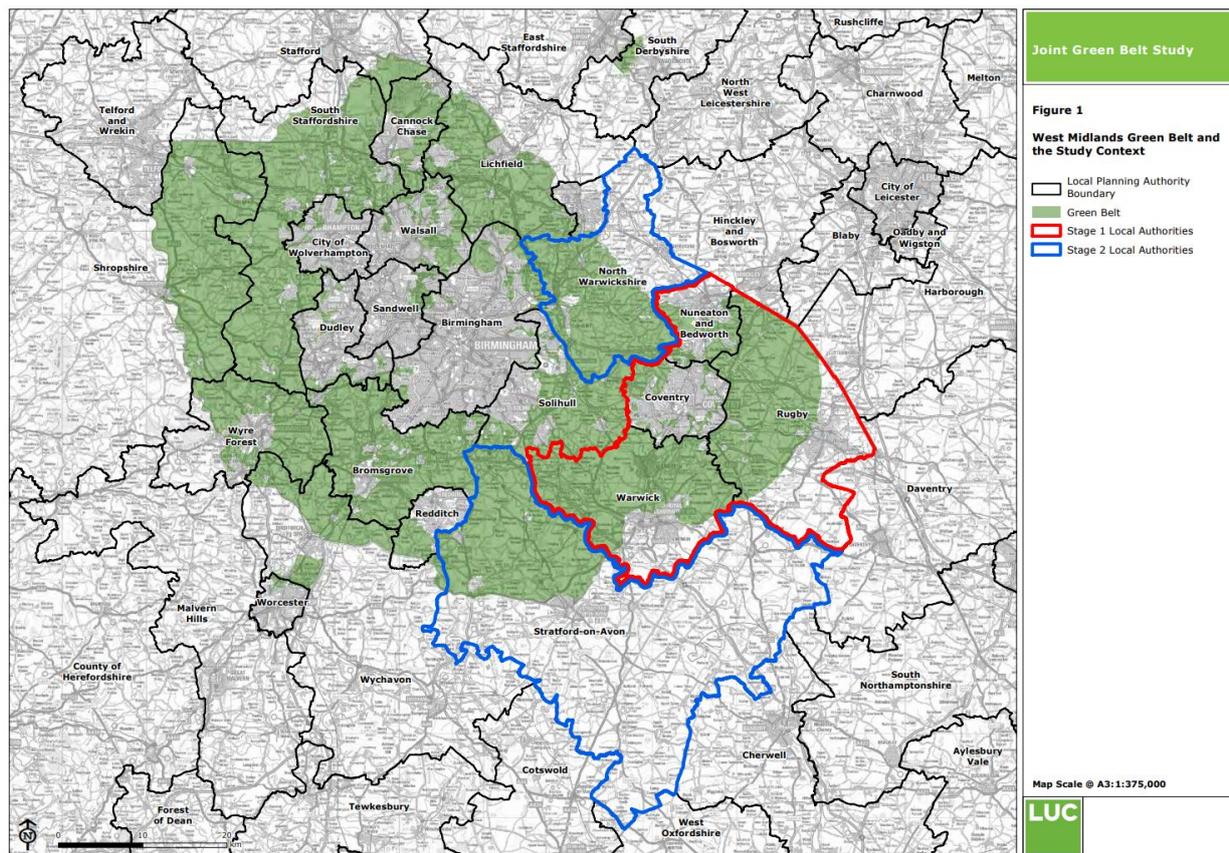
The West Midlands Green Belt encircles the main ‘conurbation’ area and encloses Birmingham, Solihull, Walsall, Wolverhampton, Sandwell and Dudley, separating the conurbation from the settlements surrounding them (including Nuneaton and Bedworth).

The principal reason for establishing a Green Belt in the West Midlands was to prevent the outward expansion of the built-up area of the West Midlands into open countryside and towards the series of freestanding towns and villages surrounding the main West Midlands urban area.

The West Midlands Green Belt extends outwards to the edges of a ring of towns surrounding the conurbation. In the case of Nuneaton, Lichfield, Tamworth, Rugby, Warwick and Leamington, Stratford-upon-Avon, Alcester, Worcester and Stourport, the Green Belt reaches the edge of the settlement on its conurbation side but does not surround it.

Figure 5 below shows the West Midlands Green Belt.

Figure 5. Extract from the Joint Green Belt Study showing the West Midlands Green Belt and the Study Context.



6.3.2 Assessment

It is clear that the original aim and purpose of the West Midlands Green Belt was to prevent the outward expansion of the West Midlands conurbation into the surrounding countryside and also into the surrounding towns and villages.

Site HSG4 forms part of the gap between the West Midlands conurbation and Bedworth. However, Bedworth already extends further west and the area surrounding the site, to the immediate north and west is not within the Green Belt therefore it would be difficult to argue that this site meets the original purpose of the West Midlands Green Belt.

Given that Site HSG7 was previously designated as Green Belt prior to its allocation, it is taken as a given that the site meets the original aim and purpose of the West Midlands Green Belt.

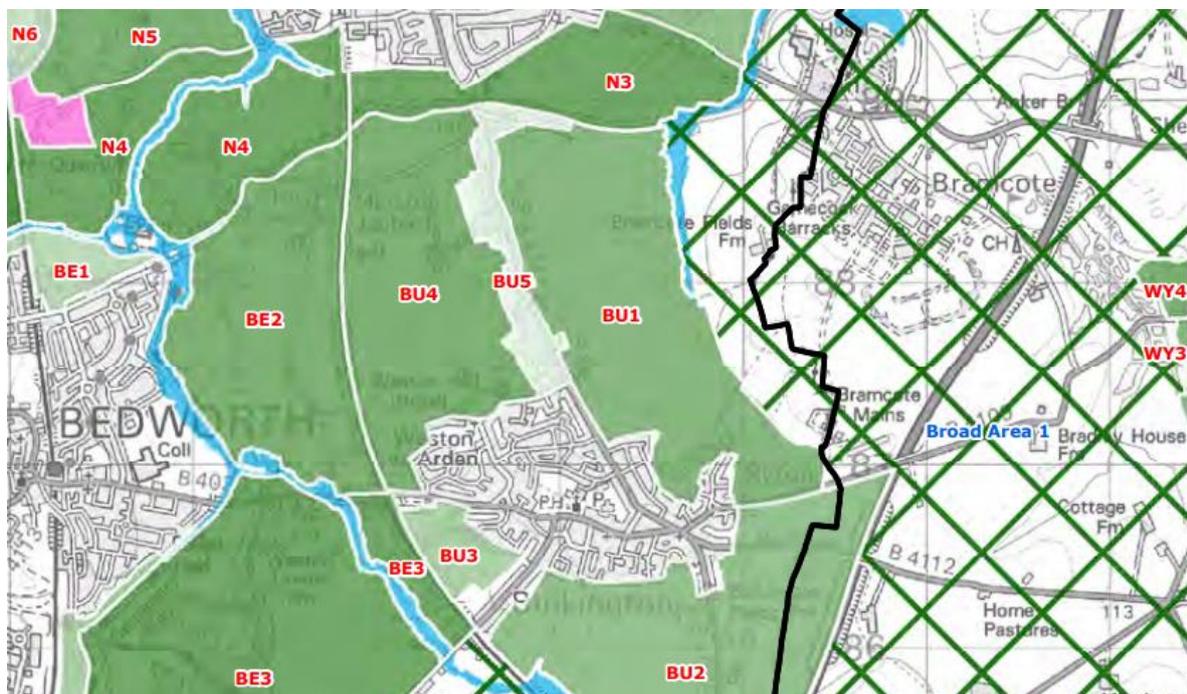
6.4 Nuneaton and Bedworth Green Belt

6.4.1 Context

The Nuneaton and Bedworth Green Belt was assessed as part of the Joint Green Belt Study (2015) which was undertaken by LUC on behalf of six West Midlands councils (Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council). The study provides an assessment of the Green Belt against the five national purposes. The method provides a local interpretation of the national purposes of Green Belt which are more relevant to the context of the six local authorities. The study divided the Green Belt around the large built-up areas and main rural villages into parcels, with the remaining areas of Green Belt defined as ‘broad areas.’

Given that the study was undertaken prior to the allocation of Site HSG7, the site has been assessed as part of the assessment of parcel BU1 (see Figure 6 below). This includes Site HSG7 whilst encompassing a much larger area of Green Belt. Site HSG4 has never been in the Green Belt and has therefore not previously been assessed.

Figure 6. Extract from the Joint Green Belt Study showing parcel BU1 which includes Site HSG7



For the purposes of this Technical Report, both sites have been assessed applying the same methodology as the Joint Green Belt Study (2015) (see paragraph 3.19-3.24 of the study). For ease of reference, the Green Belt review criteria from Table 3.2 of the Joint Green Belt Study has been provided below in Table 1. The completed assessments for Sites HSG4 and HSG7 are provided below this. The assessments are displayed in a table format however include the same criteria and assessment boxes as the proformas in the Joint Green Belt Study. Reference to the word 'parcel' in the criteria has been changed to 'site'.

A desktop assessment only has been applied using Google Maps. No site visits have been undertaken. The exact boundary of Site HSG7 has been used for the assessment given that parcel BU1 encompasses a much larger area.

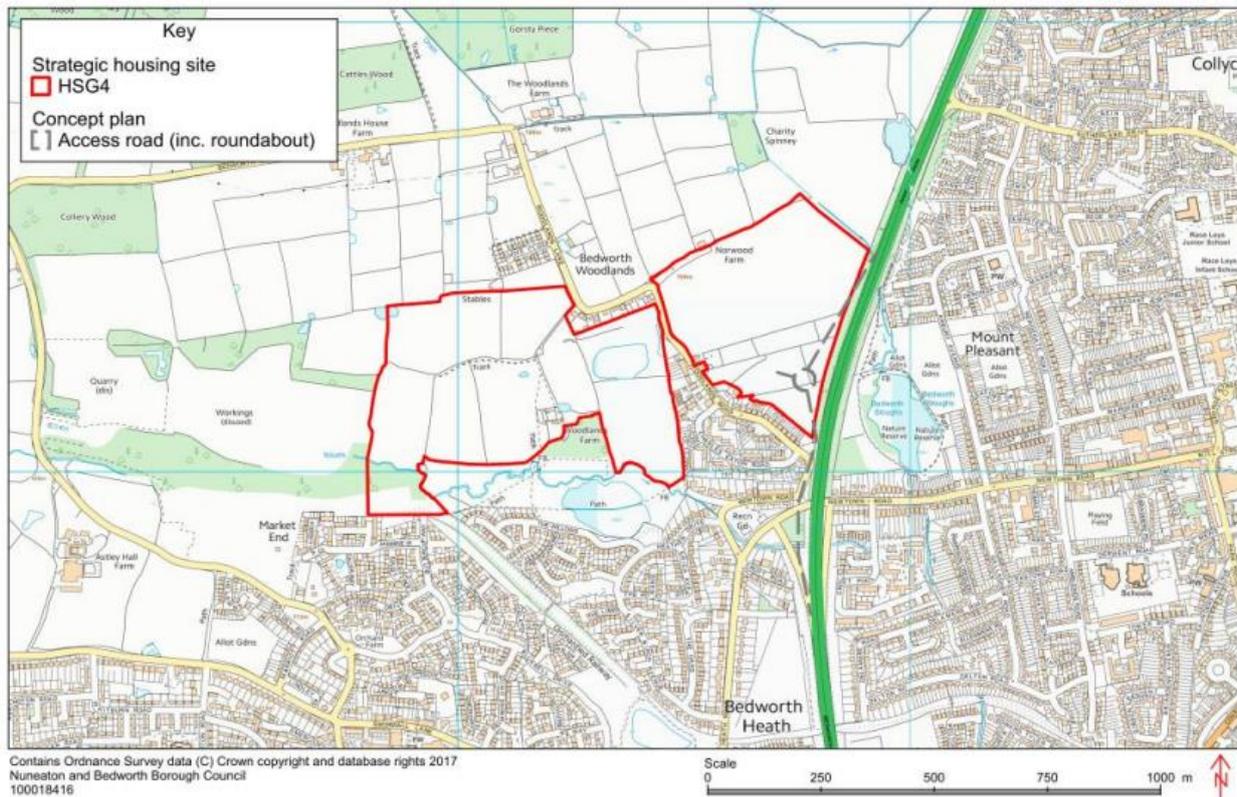
Table 1. Extract of the Green Belt review criteria from the Joint Green Belt Study (Table 3.2)

NPPF Green Belt Purposes		Criteria	Score / Value	Assessment method notes
1	To check the unrestricted sprawl of large built-up areas.	a	Does the parcel play a role in preventing ribbon development and/or has the Green Belt within the parcel already been compromised by ribbon development? If strong role (parcel inhibiting development along two or more sides of a road corridor), 2 If some role (parcel inhibiting development along one side of a road corridor), 1 If no role (parcel not inhibiting development along a road corridor), 0	Ribbon development is linear development along any route ways where direct access from a development to the road would be possible. Sprawl is the spread of urban areas into the neighbouring countryside, i.e. the outward expansion of settlements into the neighbouring countryside.
		b	Is the parcel free from development? Does the parcel have a sense of openness? If land parcel contains no development and has a strong sense of openness, 2 If land parcel contains limited development and has a relatively strong sense of openness, 1 If land parcel already contains development compromising the sense of openness, 0	Development means any built structure.
2	To prevent neighbouring towns merging into one another.	a	Is the parcel located within an existing settlement? If no, what is the width of the gap between the settlements at the point that the parcel is intersected? If the parcel is within an existing settlement or more than 5 km away from a neighbouring settlement, 0 If < 1 km away from a neighbouring settlement, 4 If between 1 km and 5 km away from a neighbouring settlement, 2	Merging is the joining or blurring of boundaries between two settlements. A straight line is measured at the narrowest point between settlements. The line must pass through the parcel being assessed.
3	To assist in safeguarding the countryside from encroachment.	a	Does the parcel have the characteristics of countryside and/or connect to land with the characteristics of countryside? Has the parcel already been affected by If land parcel contains the characteristics of countryside, has no urbanising development, and is open, 2 If land parcel contains the characteristics of countryside, has limited urbanising development, and is relatively open, 1	Encroachment from urbanising influences is the intrusion / gradual advance of buildings and urbanised land beyond an acceptable or established limit. Urbanising influences include features such as roads lined with street lighting and pavements, large areas of hardstanding, floodlit sports fields, etc.

		encroachment of urbanised built development?	If land parcel does not contain the characteristics and/or is not connected to land with the characteristics of countryside, or contains urbanising development that compromises openness, 0	Urbanising built development does not include development which is in keeping with the countryside, e.g. agricultural or forestry related development, isolated dwellings, historic schools and churches. Countryside is land/scenery which is rural in character, i.e. a relatively open natural, semi-natural or farmed landscape.
	b	Are there existing natural or man-made features / boundaries that would prevent encroachment of the countryside within or beyond the parcel in the long term? (These could be outside the parcel).	If no significant boundary, 2 If less significant boundary, 1 If significant boundary, 0	Readily recognisable and permanent features are used to define the borders of Green Belt parcels. The presence of features which contain development and prevent encroachment can, in certain locations, diminish the role of a Green Belt parcel in performing this purpose. The significance of a boundary in safeguarding the countryside from encroachment is judged based on its relative proximity to the existing urban edge of a settlement and its nature. Boundaries are assumed to play a stronger role (and the Green Belt parcel, therefore, a weaker role) in inhibiting encroachment of the countryside when they are located relatively close to the existing urban edge of a settlement because if the Green Belt parcel were released they would represent a barrier to further encroachment of the wider countryside. Where boundaries border the existing urban edge of a settlement, any further expansion of the settlement would breach that boundary and it would play no further role in preventing encroachment of the wider countryside. In these cases, the Green Belt parcel is judged to play a stronger role in preventing encroachment. Boundaries that are more permanent in nature or more difficult to cross are assumed to play a stronger role in inhibiting encroachment of the countryside. Examples include railway lines, rivers, and motorways/dual

				carriageways. Examples of boundary types that are assumed to play a weaker role include streams, canals, and topographic features, such as ridges. Footpaths and minor roads play an even weaker role.
4	To preserve the setting and special character of historic towns.	a	<p>Is the parcel partially or wholly within or adjacent to a Conservation Area within an historic town?</p> <p>Does the parcel have good intervisibility with the historic core of an historic town?</p>	<p>If parcel is partially or wholly within or adjacent to a Conservation Area within an historic town and has good intervisibility with the historic core of the town, 4</p> <p>If parcel is partially or wholly within or adjacent to a Conservation Area within an historic town or has good intervisibility with the historic core of the town, 2</p> <p>If parcel has none of these features, 0</p>
				<p>The following historic towns are considered in the assessment:</p> <ul style="list-style-type: none"> • Coventry • Rugby • Bedworth • Nuneaton • Warwick • Hinckley • Kenilworth • Royal Leamington Spa <p>Site visits and topographic mapping are used to inform judgements as to whether land parcels have good intervisibility with the historic core of an historic town.</p>
5	To assist in urban regeneration by encouraging the recycling of derelict and other urban land.	a	<p>The Local Authorities involved in this review are covered by the Coventry and Warwickshire Housing Market Area (HMA). Defining the area as an HMA reflects the key functional linkages that operate between where people live and work and the household demand and preferences that define the area. As the whole Housing Market Area functions as one unit, this makes it difficult to accurately assess whether one individual parcel considered in isolation makes a more significant contribution than another to incentivising development on previously developed land. What can be said is that all parcels make an equally significant contribution to this purpose and are each given a score of 4.</p>	

Site HSG4 Green Belt Assessment

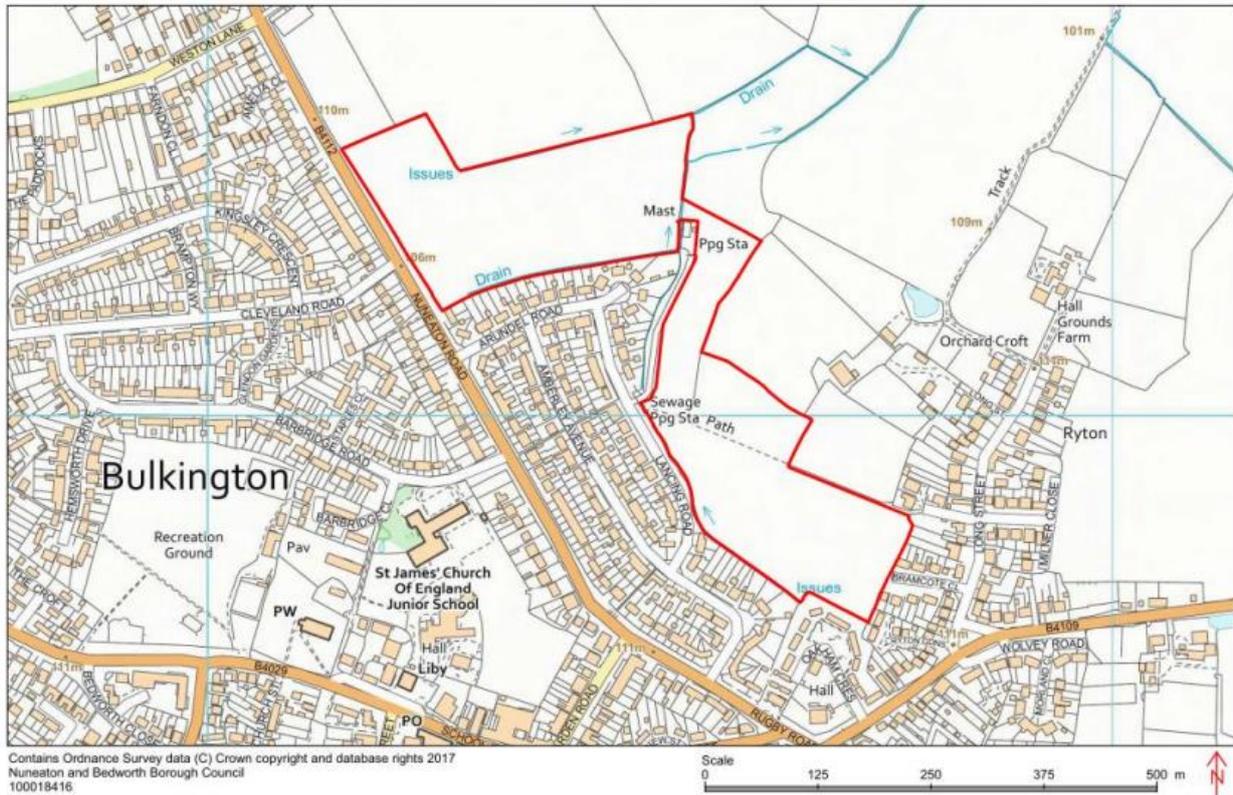


Criteria	Score	Notes
Purpose 1 - To check the unrestricted sprawl of large built-up areas.		
Issue 1a - Ribbon development. Does the site play a role in preventing ribbon development and/or has the Green Belt within the site already been compromised by ribbon development?	2	There is existing ribbon development along Woodlands Road and there is potential that this could increase further along the full extent of the road. The site therefore has a strong role in preventing ribbon development along Woodlands Road.
Issue 1b – Openness. Is the site free from development? Does the site have a sense of openness?	2	The site consists of open agricultural fields. There is no development except for Woodlands Farm located to the south of the site. The site has a strong sense of openness.
Purpose 2 - To prevent neighbouring towns merging into one another.		
Issue 2a - Location of site and distance between neighbouring settlements. Is the site located within an existing settlement? If no, what is the width of the gap between the settlements at the point that the site is intersected?	2	The site forms part of the gap between Bedworth and Nuneaton. The gap between the settlements across the site is approximately 1.22km.

<p>Purpose 3 - To assist in the safeguarding of the countryside from encroachment.</p>		
<p>Issue 3a - Significance of existing urbanising influences.</p> <p>Does the site have the characteristics of countryside and/or connect to land with the characteristics of countryside?</p> <p>Has the site already been affected by encroachment of urbanised built development?</p>	1	<p>The site has the characteristics of countryside being undeveloped and open except for Woodlands Farm. There is existing residential development immediately to the north of the site, as well as between the site along Woodlands Road, which have an urbanising influence on the site. Additionally, the Bedworth Bypass (A444) which forms the eastern boundary also has an urbanising effect.</p>
<p>Issue 3b - Significance of boundaries / features to contain development and prevent encroachment.</p> <p>Are there existing natural or man-made features / boundaries that would prevent encroachment in the long term? (These could be outside the site)</p>	2	<p>The site has very few significant boundaries helping to protect the countryside from encroachment. The only significant boundary is the Bedworth Bypass (A444) dual carriageway which forms the eastern boundary of the site and protects the countryside from encroachment. The site's southern boundary borders the existing urban edge of Bedworth and consists of the rear gardens of residential properties, as well as the trees and hedgerows around The Nook. The site's northern boundary consists of field boundaries. The site therefore plays a stronger role in preventing encroachment.</p>
<p>Purpose 4 - To preserve the setting and special character of historic towns.</p>		
<p>Issue 4a - Site forms an historical and/or visual setting to the historic town.</p> <p>Is the site partially or wholly within or adjacent to a Conservation Area within an historic town?</p> <p>Does the site have good intervisibility with the historic core of an historic town?</p>	0	<p>The site does not overlap with a Conservation Area within an historic town. In addition, there is no intervisibility between the historic core of a historic town and the site.</p>
<p>Purpose 5 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.</p>		
<p>Issue 5a - The need to incentivise development on derelict and other urban land within settlements.</p> <p>All sites make an equally significant contribution (+4) to this purpose.</p>	4	<p>All Green Belt makes a strategic contribution to urban regeneration by restricting the land available for development and encouraging developers to seek out and recycle derelict / urban sites.</p> <p>The Local Authorities involved in this review are covered by the Coventry and Warwickshire Housing Market Area (HMA). Defining the area as a HMA reflects the key functional linkages that operate between where people live and work, as well as the household demand</p>

		<p>and preferences that define the area. As the whole Housing Market Area functions as one unit, this makes it difficult to accurately assess whether one individual site considered in isolation makes a more significant contribution than another to incentivising development on previously developed land. What can be said is that all sites make an equally significant contribution to this purpose and are each given a score of 4.</p>
Score Summary		
<p>Purpose 1 Score: 4 / 4 Purpose 2 Score: 2 / 4 Purpose 3 Score: 3 / 4 Purpose 4 Score: 0 / 4 Purpose 5 Score: 4 / 4 Total Score: 13 / 20</p>		

Site HSG7 Green Belt Assessment



Criteria	Score	Notes
Purpose 1 - To check the unrestricted sprawl of large built-up areas.		
Issue 1a - Ribbon development. Does the site play a role in preventing ribbon development and/or has the Green Belt within the site already been compromised by ribbon development?	2	The site prevents ribbon development along the eastern side of Nuneaton Road (B4112) on the site's western boundary. The site therefore has a strong role in preventing ribbon development.
Issue 1b – Openness. Is the site free from development? Does the site have a sense of openness?	1	The site consists of a number of open agricultural fields, and it contains no development. However, the site is relatively enclosed by the settlement, particularly to the south, which impacts the sense of openness.
Purpose 2 - To prevent neighbouring towns merging into one another.		
Issue 2a - Location of site and distance between neighbouring settlements. Is the site located within an existing settlement? If no, what is the width of the gap between the settlements at the point that the site is intersected?	2	The site forms part of the gap between Bulkington and Nuneaton, this is approximately 2.1km crossing the site. However, the gap between the settlements is already narrower to the west of the site along the B4112 being approximately 1.73km. Furthermore, the value of this strategic gap in maintaining separation between the two settlements has been undermined by the

		<p>significant ribbon development that has occurred along the B4112 – a clear northern extension to the village of Bulkington.</p> <p>The site also forms part of the gap between Bulkington and Bramcote, which is approximately 1.5km when crossing the site.</p>
Purpose 3 - To assist in the safeguarding of the countryside from encroachment.		
<p>Issue 3a - Significance of existing urbanising influences.</p> <p>Does the site have the characteristics of countryside and/or connect to land with the characteristics of countryside?</p> <p>Has the site already been affected by encroachment of urbanised built development?</p>	1	<p>The site has the characteristics of countryside being undeveloped and open however the site is closely related to the settlement, particularly the southern part of the site, which is relatively enclosed by the settlement. This therefore has an urbanising influence on the site.</p>
<p>Issue 3b - Significance of boundaries / features to contain development and prevent encroachment.</p> <p>Are there existing natural or man-made features / boundaries that would prevent encroachment in the long term? (These could be outside the site)</p>	2	<p>The site has no significant boundaries helping to protect the countryside from encroachment. The southern boundary borders the existing urban edge of the settlement and consists of the rear gardens of residential properties. The site's northern boundary consists of field boundaries. The site therefore plays a stronger role in preventing encroachment.</p>
Purpose 4 - To preserve the setting and special character of historic towns.		
<p>Issue 4a - Site forms an historical and/or visual setting to the historic town.</p> <p>Is the site partially or wholly within or adjacent to a Conservation Area within an historic town?</p> <p>Does the site have good intervisibility with the historic core of an historic town?</p>	0	<p>The site does not overlap with a Conservation Area within an historic town. In addition, there is no intervisibility between the historic core of a historic town and the site.</p>
Purpose 5 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.		
<p>Issue 5a - The need to incentivise development on derelict and other urban land within settlements.</p> <p>All sites make an equally significant contribution (+4) to this purpose.</p>	4	<p>All Green Belt makes a strategic contribution to urban regeneration by restricting the land available for development, and encouraging developers to seek out and recycle derelict / urban sites.</p> <p>The Local Authorities involved in this review are covered by the Coventry and Warwickshire Housing Market Area (HMA). Defining the area as a HMA reflects the key functional linkages that operate between where people</p>

		live and work, as well as the household demand and preferences that define the area. As the whole Housing Market Area functions as one unit, this makes it difficult to accurately assess whether one individual site considered in isolation makes a more significant contribution than another to incentivising development on previously developed land. What can be said is that all sites make an equally significant contribution to this purpose and are each given a score of 4.
Score Summary		
Purpose 1 Score: 3 / 4		
Purpose 2 Score: 2 / 4		
Purpose 3 Score: 3 / 4		
Purpose 4 Score: 0 / 4		
Purpose 5 Score: 4 / 4		
Total Score: 12 / 20		

6.5 Conclusion

The original aim of the West Midlands Green Belt was to prevent the outward expansion of the West Midlands conurbation into the countryside and the surrounding towns and villages. Given that Site HSG7 was previously designated as Green Belt prior to its allocation, it is taken as a given that this site meets the original aim and purpose of the West Midlands Green Belt. On the other hand, it would be difficult to argue that Site HSG4 meets the original aim and purpose of the West Midlands Green Belt given the site is surrounded by non-Green Belt land.

Applying the Joint Green Belt Study assessment methodology to both sites, Site HSG4 scores 13/20 and Site HSG7 scores 12/20. Paragraph 3.23 of the Joint Green Belt Study explains that the scores against the criteria were combined to generate a total score for each parcel. The higher the score, the greater the parcel's overall contribution to Green Belt purposes. Based on paragraph 4.22 of the Joint Green Belt Study, Sites HSG4 and HSG7 would be described as 'mid-performing' Green Belt sites which score 'moderately well against Green Belt purposes.'

The sites do not significantly contribute to preventing the merging of neighbouring towns (Purpose 2) and they make no contribution to protecting the setting and special character of historic towns (Purpose 4). Their main contribution relates to Purpose 1 (checking the unrestricted sprawl of the large built-up area) and Purpose 3 (safeguarding the countryside from encroachment) given that both sites consist of open agricultural fields with little to no development, and they are predominantly defined by field boundaries. The benefits of designating both sites as Green Belt would therefore be very localised, predominantly focused on restricting sprawl and safeguarding the countryside in this location, however as set out in Section 3, there is no development pressure within these areas at present and therefore the necessity for Green Belt is not particularly strong.

Furthermore, by designating Site HSG4 as Green Belt, it would appear as an islanded pocket of Green Belt land given that the surrounding area immediately to the north and west of the site is not currently designated as Green Belt.

Overall, whilst designating the sites as Green Belt could result in some very localised benefits, with both sites scoring moderately well against Green Belt purposes, given there is no development pressure in these areas at present, it is difficult to demonstrate a necessity for Green Belt.

7. NPPF Paragraph 139, criterion (e)

7.1 Overview

This section evaluates the case for designating the two sites as new Green Belt and considers whether an exceptional circumstances case exists in accordance with the criteria set out in paragraph 139 NPPF.

Criterion (e) is as follows: “*show how the Green Belt would meet the other objectives of the Framework.*”

7.2 Meeting other Objectives of the Framework

The extent to which the sites meet the objectives of the Framework will need to be evaluated within the sustainability appraisal. However, as the ethos of the NPPF is to achieve positive growth and deliver sustainable development through the planning system, rolling-out a restrictive policy tool is unlikely to be considered to achieve positive growth. On the other hand, as set out in Section 5, the sites are no longer achievable and deliverable, and in de-allocating the sites, the Council will instead allocate other less constrained and more deliverable sites, which will in turn mean they can meet their housing needs and achieve sustainable development.

In addition, it is likely that there could be benefits pertaining to establishing new Green Belt relating to certain sustainability criteria, including protecting the openness of land and the visual character of the landscape, as well as retaining greenfield land, agricultural land, and green infrastructure.

7.3 Conclusion

It is recommended that this is fully evaluated through the sustainability appraisal.

8. Conclusions and Recommendations

8.1 Conclusion

This Technical Report has considered whether there is an exceptional circumstances case to justify the designation of Sites HSG4 and HSG7 as Green Belt.

Paragraph 139 of the NPPF makes clear that new Green Belt should only be established in exceptional circumstances, and sets out a number of criteria which must all be met when proposing new Green Belt land. The proposed new areas of Green Belt have been assessed against each of these criteria and the conclusions are as follows:

- a) **demonstrate why normal planning and development management policies would not be adequate** - There have been no recent major planning applications for development outside of the defined settlement boundaries which have tested the adequacy of the development management policies. It is therefore not possible to conclude whether the policies would be adequate or inadequate.
- b) **set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary** - It could be argued that the Council's reduced housing requirement, combined with the deliverability and viability issues on Sites HSG4 and HSG7 represent a major change in circumstances which make the adoption of this exceptional measure necessary. However, there are no case studies where this justification has been successfully applied, therefore further evidence may be required to substantiate this.
- c) **show what the consequences of the proposal would be for sustainable development** - In designating Sites HSG4 and HSG7 as new Green Belt, there would be no negative consequences for sustainable development as the sites are no longer required by the Council to meet their housing need in the emerging Plan. Whilst the sites were previously identified as sustainable locations for growth, the sites are no longer achievable and deliverable, and could prevent the Council from meeting its housing target.
- d) **demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas** – Given that Site HSG7 was previously designated as Green Belt prior to its allocation, it is taken as a given that this site meets the original aim and purpose of the West Midlands Green Belt. On the other hand, it would be difficult to argue that Site HSG4 meets the original aim and purpose of the West Midlands Green Belt, given the site is surrounded by non-Green Belt land. Both sites have been assessed applying the Joint Green Belt Study assessment methodology, and both sites are 'mid-performing' Green Belt sites which score 'moderately well against Green Belt purposes.' Overall, whilst designating the sites as Green Belt could result in some very localised benefits, predominantly focused on restricting sprawl and safeguarding the countryside in this location, it would however still be difficult to demonstrate a necessity for Green Belt.
- e) **show how the Green Belt would meet the other objectives of the Framework** - It is recommended that this is fully evaluated through the sustainability appraisal.

In conclusion, whilst designating the sites as Green Belt would not have any negative consequences for sustainable development, it is not possible to demonstrate that normal development management policies would not be adequate, and that there is a necessity for Green Belt. Furthermore, although it could be argued that the reduced housing requirement, combined with the deliverability and viability issues on Sites HSG4 and HSG7 represent a major change in circumstances, there are no case studies where this justification has been successfully applied. Overall, it is not possible to meet

all of the criteria set out in paragraph 139 in order to demonstrate an exceptional circumstances case.

8.2 Recommendation

It is recommended that following the de-allocation of both sites, the Council should seek to apply the relevant development management policies to the sites and monitor any changes in development pressures within these areas. It is noted that the wording of Policy DS3 relating to development outside the settlement boundaries remains unchanged in the emerging Plan (Preferred Options document). It is important that this continues to be retained in the Publication version of the emerging Plan in order to be sufficiently strong to resist development outside the settlement boundaries.