

Tong and Fulneck Valley Association-

John Finnigan

Comments on "Homework"

DAY THREE Fri 6th March 2015 2.00 pm

DAY SEVEN Fri 13th March 2015 10.00 am

Matter 3: Policy SC7 Green Belt

PS/FO67-CBMDC- Further Statement on Exceptional Circumstances for

Green Belt Change (Update)

1. It is our contention that "exceptional circumstances" as referred to in paragraph 83 of the NPPF should first and foremost be "exceptional", that is something over and above the ordinary pressures of housing need and financial expediency
2. Furthermore we contend that it is intended that where "exceptional circumstances" are pleaded they should be applied to each specific part of the Green Belt sought to be redefined in recognition of the fact that the five purposes specified in paragraph 80 NPPF may be more or less strongly applicable to different parts of the existing Green Belt.
3. The summary paragraph at 3.20 of the Council's Further Statement seems to suggest that whenever there is a housing need which could be met by use of "green belt land in sustainable locations", that is sufficient to meet the "exceptional circumstances" test, and that the Council can in effect select "sustainable locations" "which reflect key market locations" or even "good market locations" at will within the existing Green Belt for the purposes of redrawing boundaries.
4. We can find nothing in the NPPF which indicates that "market location" is one of the grounds for testing "exceptional circumstances".
5. We contend that the test is more demanding than the Council anticipates in paragraph 3.20 and requires the Council to show, in the case of each part of the existing Green Belt where a new boundary is sought to be drawn, not that it is a "good" or "key" "market location" or that it would be a "deliverable site", but that there are exceptional circumstances which outweigh the existing purpose served by that part of the existing Green Belt in the context of the five purposes set out in paragraph 80 NPPF.
6. Unmet housing need is clearly one of the factors which the Council could take into account in weighing these factors, but it is clear from the NPPF that they do not in themselves constitute "exceptional circumstances". If that had been the case then the NPPF would have been drafted in a way which expressly made unmet housing need an exceptional circumstance *per se*.
7. In the weighing process the Council should also take into account the possibility that some parts of the Green Belt perform more strongly against the paragraph 80 five purposes than others, and that where the Green Belt is performing most strongly, so the circumstances whereby boundary adjustment is sought must be truly exceptional.

8. We are gratified to note that the Council does not contend in paragraph 3.20 that the opportunity to maximise financial benefit from redrawing a Green Belt boundary is either an exceptional circumstance or even a factor to be taken into account in support of an exceptional circumstance. We agree. It is not an exceptional circumstance. (Please note that we have never accepted the Council's assessment of the financial benefits of this development)
9. It is interesting that the main argument the Council advanced in the Tong and Holme Wood Urban Development Plan in support of the larger Green Belt Urban Extension at Holme Wood was that there would be substantial funding and financial advantages resulting from it, as opposed to the financial returns from a more restrained extension on the same site. The Council makes a reference to financial benefit resulting from the Urban Extension at paragraph 5.3.34 of the Core Strategy. We assume that the Council now accepts that this is not in itself an "exceptional circumstance", as we contended at the Examination. Although they may be a "reason" or indeed the predominant "reason" for the proposed redrawn boundary, neither the impecuniosity of the local authority, nor its desire to maximise capital or income, constitute "exceptional circumstances" for planning purposes.