

Matter 4: Strategic Approach to the Green Belt and General Approach to Site Selection

Issue 1: Strategic Approach to the Green Belt

Guidance Notes:

This matter will focus on the overall approach to Green Belt in the Plan and the fundamental matter of whether there are, at a high level, because of the need for development, a case for exceptional circumstances to alter Green Belt boundaries through this Local Plan can be made out.

The test for altering Green Belt boundaries through strategic policies in a local plan is “exceptional circumstances” rather than the test of “very special circumstances” when considering planning applications for inappropriate development in the Green Belt. The ‘Calverton’ case law, referenced in the Green Belt Review [GRB1], the Green Belt Exceptional Circumstances Paper [GRB2] and by representors to the Plan identified five matters to consider when assessing whether ‘exceptional circumstances’ are present.

This examination is considering whether the Plan is consistent with national policy. This includes the September 2023 version of the National Planning Policy Framework (NPPF). This Matter will look closely at how the submitted Plan’s over-arching approach to Green Belt land is consistent with paragraphs 141-143 of the NPPF. Specific proposals for development that would require altering Green Belt boundaries are considered separately under Matter 5.

In responding to these questions, it would be helpful if the Council’s evidence is taken into account and referenced where necessary, including, the 2023 Green Belt Review [Document GRB1], the Green Belt Exceptional Circumstances Paper [Document GRB2], the Housing Site Selection Topic Paper [Document HOU3], the Strategic Housing Land Availability Assessment [Document HOU5], the Density Report [Document HOU6], the Efficient Use of Land paper [Document HOU7] and the Employment Land Technical Paper [Document EMP2].

Q4.1 Were all reasonable options for meeting the identified need for housing and employment development on land in the Plan area that is not in the Green Belt fully examined during the preparation of the Plan? Is this demonstrated in the Strategic Housing Land Availability Assessment and Employment Land Review?

Q4.2 When identifying suitable sites within the main urban area, including the identified Regeneration Improvement Areas, does the evidence show that plan preparation has sought to make effective use of available land including making as much use of possible of suitable brownfield sites and underutilised land and optimising the density or capacity of sites to accommodate development?

Q4.3 Is there any substantive evidence that the capacity of suitable, deliverable and achievable land/sites within existing built-up areas has been significantly under-estimated? Are there any significant sites or opportunities that plan-making has overlooked?

Q4.4 Are there factors (for example, green open spaces, heritage, flood risk, lawful industrial operations³) which place constraints on the amount of development that could be sustainably accommodated within the existing urban area and settlements in South Tyneside? Has plan-making, including the site selection process, taken a reasonable approach in this regard?

Q4.5 Further to the questions in Matter 1 regarding the legal Duty to Cooperate, is there any substantive evidence to indicate that relevant neighbouring authorities outside the Plan area could accommodate the shortfall in housing or employment land development identified as being needed in South Tyneside that cannot be accommodated on non-Green Belt land?

Q4.6 Does the residual need for development, that cannot be accommodated within existing built-up areas and/or within a neighbouring authority area comprise, at a strategic level, a basis for reaching

a judgement that exceptional circumstances do exist to change Green Belt boundaries in South Tyneside as part of this Local Plan?

1. The NPPF¹ is clear 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. It goes on to state that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. The NPPF² goes on to state that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its need for development. This includes making as much use as possible of suitable brownfield sites, and underutilised land; optimising the density of development; and identifying if neighbouring authorities can accommodate some of the identified need.
2. The July 2024 WMS Building the Homes we Need states that this Government is therefore committed to ensuring the Green Belt serves its purpose, and that means taking a more strategic approach to Green Belt release. We will start by requiring local authorities to review their Green Belt boundaries where they cannot meet their identified housing, commercial or other development needs. There will be a sequential approach, with authorities asked to give consideration first to brownfield land, before moving onto grey belt sites and then to higher performing Green Belt land –recognising that this sequence may not make sense in all instances, depending on the specific opportunities available to individual local authorities.
3. The Council have produced a Green Belt: Exceptional Circumstances (2024 Update) paper, which sets out what the Council considers to be the exceptional circumstances for Green Belt release. The Council have considered constraints to development and the housing and employment land supply identifying an acute shortfall in supply. The Council have also set out that in May 2022 approaches were made to Sunderland City Council, North Tyneside Council and Gateshead Council, and that all three confirmed that they would be unable to meet South Tyneside's housing and employment needs.
4. The Local Plan also sets out what the Council considers to be the exceptional circumstances for Green Belt release. Setting out there is an acute shortage of available, suitable and deliverable brownfield land in South Tyneside. The Council states that it has reviewed the allocated sites to maximise housing density in accordance with the Housing Density Report (2023). They also state that the scale of under-provision is such that there would not be sufficient windfall sites to meet the need. With paragraph 4.31 concluding that the Council considers that exceptional circumstances exist to amend the Green Belt boundary.
5. The HBF is inclined to agree with the Council that exceptional circumstances do exist to change Green Belt boundaries in South Tyneside as part of this Local Plan. However, it is for the Council to evidence these exceptional circumstances. However, the HBF notes that there is no consideration of safeguarded land which would ensure that the Council can meet the longer-term development needs and maintain an appropriate spatial strategy. The HBF considers that this is not in line with the NPPF³ which states that when defining green belt boundaries plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

Q4.7 Does the 2023 Green Belt Review apply a reasonable and appropriate methodology? Including how the study has assessed the purposes of Green Belt and the potential harm to these purposes

¹ NPPF Sept 2023 paragraph 140

² NPPF Sept 2023 paragraph 141

³ NPPF Sept 2023 paragraph 143

and how land within the Green Belt has been assigned into parcels for assessment. Are the size of the land parcels that have been assessed justified or would further subdivision of land parcels be necessary to inform a sound Plan?

Issue 2: General Approach to Site Selection and Green Belt boundaries.

Guidance Notes

This issue addresses the general approach to site selection, including where sites have been identified requiring alteration to the Green Belt whether resultant boundaries would be defined in a way consistent with NPPF paragraphs 142 and 143.

*The Council have produced a Site Selection Topic Paper [HOU3] which is accompanied by mapping and detailed appendices for locations within South Tyneside. The Topic Paper deals with both housing and employment sites. The site selection process should involve a clear audit trail of sites that have submitted through 'call for sites' or otherwise known to the Council. Consideration of the site selection process will take account of the evidence in the Strategic Housing Land Availability Assessment [HOU5], the Employment Land Review [EMP1], the Green Belt Review [GBR1], the Employment Land Technical Paper [EMP2] and the Sustainability Appraisal Report [SUB3]. It is not for the Examination to get into the finer details of how sites have been appraised or scored. The soundness test for "justified" is **an** appropriate strategy, not **the most** appropriate strategy. Accordingly, the threshold is whether the Council's approach/methodology to site selection has been reasonable and whether the planning judgements when assessing sites have also been reasonable and based on proportionate and correct evidence.*

Q4.8 Were the allocations in the Plan selected using an appropriate methodology, based on proportionate evidence?

Q4.9 Is there a clear audit trail of how sites have been assessed, where unreasonable options have been discounted and how reasonable options have been appraised to identify the preferred sites presented in the Plan for allocation?

Q4.10 Have all reasonable options for site allocations been assessed on a comparable basis in the sustainability appraisal report? Are the criteria for assessing site options in the sustainability appraisal report appropriate for South Tyneside and have reasonable judgements been applied? Are any site appraisals in Appendix F of the Sustainability Appraisal report fundamentally wrong such that the judgments applied are ultimately unreasonable and the outputs flawed?

Q4.11 In terms of the overall approach to selecting sites for allocation that require alteration to the Green Belt, was first consideration given to land which has been previously developed and/or is well served by public transport?

Q4.12 Has the Plan considered how the impact of proposing to remove land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt?

Q4.13 Would it be necessary for soundness that Green Belt boundaries are further altered in this Plan to 'safeguard'⁴ land in order to meet longer-term development needs stretching well beyond the plan period?

1. The HBF considers that to be consistent with the NPPF that it is necessary for soundness that the Green Belt boundaries are further altered in this Plan to safeguard land in order to meet the longer-term development needs stretching beyond the plan period. The HBF considers that providing safeguarded land would be in line with the NPPF⁵ which states that when defining green belt boundaries plans should

⁴ As set out in the NPPF, safeguarded land is land which would be removed from the Green Belt but is not allocated for development at the present time. It would no longer be Green Belt, but the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.

⁵ NPPF Sept 2023 paragraph 143

be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

Q4.14 In defining the Green Belt boundaries in this Plan, does the evidence demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period? Are the proposed boundaries to the Green Belt in the Plan capable of enduring beyond the plan period?

2. The HBF considers that as the Council have already set out the constraints to the development supply for both housing and employment land, it is evident that there will not be sufficient land to meet the housing and employment needs post the plan period. The HBF does not believe that the Council have provided any evidence to suggest that there would not be a need to amend the Green Belt boundaries again within the next Plan period. Therefore, the HBF strongly recommends that the Council look to include safeguarded land within the Plan, to ensure that the Green Belt boundaries can endure beyond the Plan period.

Q4.15 During the course of plan preparation, proposals to further alter the Green Belt (proposed allocations and proposed safeguarded land) were consulted on at Regulation 18 in 2022 but subsequently revised and not presented in the Regulation 19 Plan in 2024. Is this approach justified and supported by the evidence available, including the Green Belt Review, Sustainability Appraisal and the Council's overall approach to site selection that now underpins