

## **THORPE NEIGHBOURHOOD PLAN**

### **Green Belt Exceptional Circumstances Note**

#### **1 Introduction**

1.1 The purpose of this note is to demonstrate how the exceptional circumstances are met to justify the detailed amendment to the Green Belt boundary in Thorpe. The NPPF (§136) states 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 also states that, “where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through ... neighbourhood plans”.*

1.2 The approach has taken advantage of the provisions of National Planning Policy Framework (NPPF) Paragraph 136. Cognisant of the interrelationship this creates with the Runnymede 2030 Local Plan as proposed to be adopted (RLP), the Thorpe Neighbourhood Forum (the ‘Forum’) has pursued a collaborative and effective relationship with Runnymede Borough Council (the ‘Council’). The RLP is at an advanced stage and timetabled for adoption in the summer of 2020.

1.4 The information within this note should be read alongside the supporting evidence documents published by the Forum including the Basic Conditions Statement, and it will be for other evidence base documents to suggest and justify the precise boundary.

#### **2 The Green Belt Review Process**

2.1 The Runnymede 2030 Submission Local Plan (CD\_001) describes in detail the challenge of addressing its ‘spatial vision’ and delivering sustainable development while maintaining the strategic integrity of the Green Belt and protecting significant environmental assets.

2.2 This, in microcosm, is the challenge facing the Thorpe Neighbourhood Plan.

2.3 To deliver its spatial vision, the RLP has established the need to review Green Belt boundaries in the Borough<sup>1</sup> in a manner consistent with NPPF paragraph 136. This is in addition to the review of villages that are washed over by the Green Belt in line with the now NPPF paragraph 140. The Green Belt Village Review<sup>2</sup> undertook such a review.

2.4 The NPPF goes on to state (in paragraph 138) that *“...Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.”*

2.5 And, in its paragraph 139, the NPPF adds further tests thus:

- a) *“ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;*

<sup>1</sup> RLP paragraph 5.2 to 5.9 and Exceptional Circumstances papers [January 2018 with April 2018 addendum](#)

<sup>2</sup> Green Belt Village Review Stage 2 Update Report (January 2018) [Link](#)

- b) *not include land which it is unnecessary to keep permanently open;*
- c) *where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- d) *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;*
- e) *be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

2.6 It is noted that the combined tests of §138 and §139 incorporate the ‘Calverton Tests’<sup>3</sup> derived from the judgement of a renowned Judicial Review in 2015 into the exceptional circumstances for Green Belt boundary reviews.

2.7 In practice, once strategic policy (in a Local Plan) has determined and justified the exceptional circumstances to alter Green Belt boundaries, as is the case here, the following tests, as outlined in the preceding paragraph, remain to be met by the Neighbourhood Plan if it intends to remove land from the Green Belt to either allocate or safeguard for development:

- Is the land previously-developed (PDL)?
- Is it well served by public transport?
- Is the land necessary to keep permanently open?
- Would the site after release have...physical features that are readily recognisable and likely to be permanent?

2.8 In respect of the Neighbourhood Plan proposing ‘compensatory improvements’, it is not a requirement for it to do so. But the extent to which it does will be a factor in how the Plan may be judged by its own examiner to have met the basic condition of having had regard to national policy and the justification for the policy.

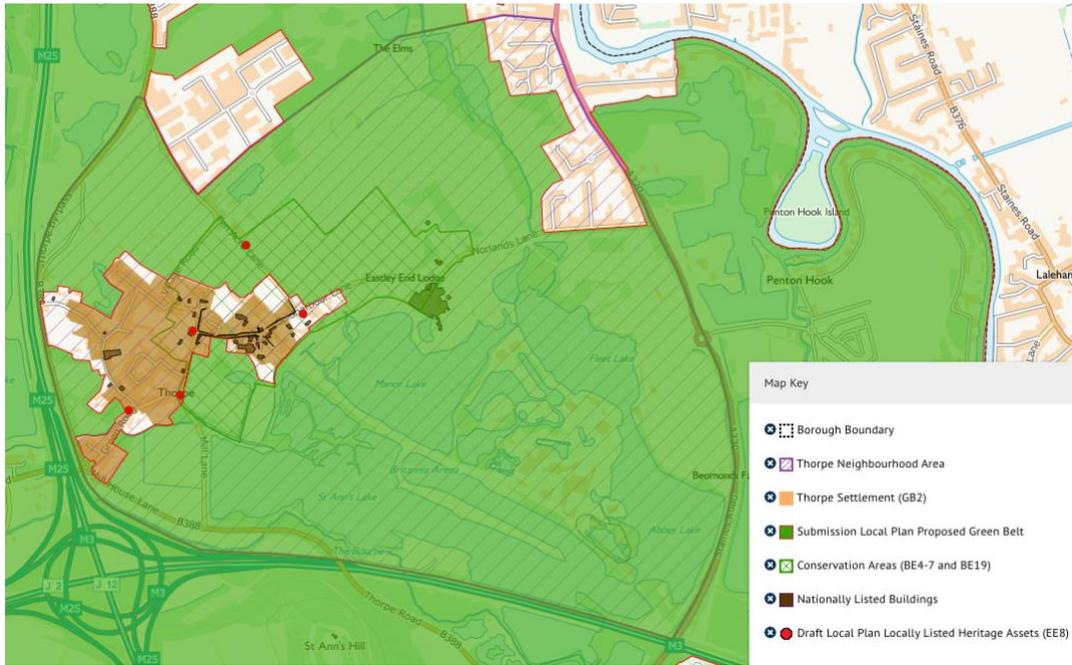
### 3 Applying the Tests

#### ‘GB Village Review and addressing local need:

3.1 The Green Belt Village Review concluded at paragraph 4.1 that a number of smaller areas on the edge of Thorpe village could be released from the Green Belt (see Plan A) but that there was no justification for the release of large sites on the periphery of the village:

*“...as these are still considered to meet a number of Green Belt purposes and their inclusion would be harmful to the overall integrity and function of the Green Belt. As such, the protection of the Green Belt is considered to outweigh the potential of Thorpe to assist in meeting wider development needs in this instance taking account of Green Belt purposes and performance against sustainability”.*

<sup>3</sup> Calverton Parish Council v. Nottingham City Council decision paragraph 51



Plan A. Proposal to Inset Thorpe from the Green Belt

3.2 While the Green Belt Village Review concluded there was no need and hence justification for the large scale expansion of the village to the north and east (nor would this have community support), this was based on the Strategic Green Belt Review findings and consideration of whether Thorpe could accommodate a greater proportion of the Borough’s development needs.

3.3 In reaching this conclusion however, no detailed consideration was given to the longer-term needs of the village (which have since been identified through the preparation of the TNP), nor whether the limited land that was recommended to be Inset from the Green Belt would provide sufficient opportunity or flexibility to enable the TNP to positively address the village’s detailed housing and community infrastructure needs, in support of the delivery of sustainable development locally having regard to NPPF paragraph 16, 28 and 138.

3.4 The Review<sup>4</sup> did however acknowledge at paragraph 2.29 the need for Thorpe village to accommodate ‘some organic growth’ and that sustainable development does not mean ‘no development’.

3.5 Through the preparation of the TNP, the current and future needs of the village have been identified. These include the creation of a country park with new sport and recreation facilities , additional car parking and cemetery space and a level and mix of new housing identified as needed for the village. These are considered to provide the exceptional circumstances for amending the Green Belt boundary. The Forum’s housing evidence indicates additional needs in Thorpe above that set out in the Local Plan and for the longer term. The allocation also provides an opportunity to create further landscape improvements resulting from the restoration of the former minerals site.

3.6 The Forum felt that although some of its development needs could be accommodated within the current settlement boundary, it could not identify sufficient land within the settlement boundary to accommodate all these identified needs and that therefore, in order to deliver sustainable

<sup>4</sup> Ibid 2

development in the village moving forward, it also needed to consider the possibility of amendment to the local Green Belt boundary, to enable its development needs to be met.

3.7 It was in this context that the Forum submitted its representation to Matter 6.5 of the Local Plan examination which resulted in the modification to paragraph 5.30 of the Submission Local Plan (MM10<sup>5</sup>). This enabled the Forum’s consideration of spatial options to meet Thorpe’s needs on land both within and outside the Green Belt Inset boundary (as proposed through the RBC emerging Local Plan):

*“5.30 Thorpe Village will be removed from the Green Belt through this Local Plan, however given its position in the centre hierarchy, the village is only considered to present limited opportunities for growth over the period of the Local Plan which will be dealt with in a Neighbourhood Plan for the Thorpe Area. The Council acknowledges that the neighbourhood plan being prepared for Thorpe will be assessed against the 2019 NPPF. Under paragraph 136 of the 2019 NPPF neighbourhood plans can make detailed non-strategic amendments to green belt boundaries where strategic local plan policies have established the need for strategic changes to the green belt boundaries. The Local Plan has justified the need for changes to the green belt boundaries in Runnymede given the existence of exceptional circumstances. As such, further non-strategic changes to the Green Belt boundaries in Thorpe may occur as a result of the Thorpe Neighbourhood Plan. Employment growth in Thorpe will be directed to the Strategic Employment Area at Thorpe Industrial Estate.”*

3.8 The Forum assessed available sites within the Neighbourhood Area in terms of their development potential and Green Belt value. Whilst the Forum has proposed to allocate two sites within the inset boundary to provide new homes, only one is appropriately located to accommodate the additional needs for community and recreational uses alongside additional homes to meet the requirements of emerging Policy SD1 with flexibility to provide for longer term needs. This site is currently located within the Green Belt but is contiguous with the inset boundary.

3.9 In terms of applying the advice at paragraphs 138/139 of the NPPF [Green Belt tests], the results are shown on the table below:

| Site                           | PDL   | Public Transport | Open Permanence | Boundary Features |
|--------------------------------|---|------------------|-----------------|-------------------|
| Land North of Coldharbour Lane | No  | Yes              | No              | Yes               |
|                                | <p>The land was previously used for gravel extraction. It has been backfilled with inert material and restored to open grassland. It is therefore not PDL.</p> <p>The nearest bus stops are located on Village Road approximately 450m to the west of the site. The northbound and southbound bus stops provide services to Virginia Water (567) and Staines-upon-Thames (566). This is commensurate with the level of accessibility within Thorpe.</p> <p>Only 1.76 Ha of the 13.57 Ha total land area is being considered for housing use (c. 13%) with the remainder being given over to recreation and community related uses</p> |                  |                 |                   |

<sup>5</sup> RLP Schedule of Proposed Main Modifications

|  |  |
|--|--|
|  | <p>This rectangular site lies east of Ten Acre Lane and north of Coldharbour Lane and adjoins the historic core of the village and TISIS school to the west. On the opposite side of Coldharbour Lane are the buildings of Thorpe Park Farm. It will read as a logical extension to the village at this key gateway junction and when viewed from both Coldharbour Lane and Ten Acre Lane.</p> <p>The southern and western boundaries of the site are formed by a mature line of trees and hedges. The ‘entrance’ to Thorpe from the east is already framed on the southern side of Coldharbour Lane by built development in the form of Thorpe Park Farm and by the trees/hedges.</p> <p>The open character of the land, which when its trees are in leaf is not entirely apparent, does not serve a vital role in separating Thorpe from Egham Hythe and Castle End with the land to be released from the GB contiguous with the existing settlement edge of Thorpe. In practice, that role is played far more effectively by the land to the east which will remain within the GB. The land is not therefore required to remain permanently open to check the sprawl of the village or to prevent its merger with a neighbouring settlement.</p> <p>A new landscape boundary will be provided to provide a clearly legible and defensible boundary with the land remaining within the GB. This boundary will follow historic field boundaries removed for the former extraction on the site.</p> <p>The land remaining within the GB is to be provided as a new publicly accessible country park along with community facilities including a car park in proximity to the existing village core which will relieve pressure on parking within the historic core and provide parking for the Cemetery, changing/ toilet facilities and a multi use community area. These will provide new community and recreational facilities of public benefit and improve access to the GB as compensatory improvements in line with the NPPF.</p> |
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3.10 In addition to the above, RBC have established two further Green Belt tests in their own Site Selection Methodology when considering the release of sites from the Green Belt<sup>6</sup>. These additional tests set out in the table below are “to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development” (NPPF paragraph 139a):

| Land North of Coldharbour lane   |  |
|--|--|
| Test   | Conclusion   |
| Test 1 – Whether the total or cumulative area of Green Belt for release is proportionate to the amount of land which is actually developable | The total landholding amounts to some 13.57 ha. However, only 1.76 ha (or 13%) is proposed for release from the GB. The remainder would remain within the GB and provide community and recreational uses. An illustrative layout has |

<sup>6</sup> Runnymede 2030 Site Selection Methodology and Assessment Final Dec 2017 (Paragraph 4.60) [Link](#)

|   |  |
|---|--|
|   | <p>been prepared which demonstrates that c. 40 dwellings of an appropriate mix of sizes and dwelling types can be accommodated within the land proposed for release alongside access, internal streets and landscaping.</p>  |
| <p>Test 2 - Whether the site forms a 'rounding off' of a settlement edge or is infill, to ensure settlements remain compact and protect the Green Belt from further fragmentation</p> | <p>Thorpe is not a typical 'nucleated' village that has spread evenly from a historic core. The core is accepted as being the Church and Village Hall. However, development to the east of this has previously been limited owing to mineral working that has now ceased. More recent development has principally been to the west towards the M25 away from the historic core and Conservation Area. The Site is located on the north east corner of the Ten Acre Lane/ Coldharbour Lane junction, immediately to the rear of a pair of existing dwellings and contiguous with the settlement edge. The Site is well located in the context of existing built development and the historic core, and will focus development around this key gateway into the Village, providing for a logical 'rounding off' of the settlement.</p> |

#### 4 Summary of 'Exceptional Circumstances' and compensation for Green Belt loss

4.1 Thorpe is highly constrained by the Green Belt and historic and environmental designations. The proposed Inset boundary is drawn relatively tightly around the village which limits the development potential within the boundary to meet local needs.

4.2 While the NPPF does not define what is meant by 'exceptional circumstances', the Forum is of the opinion that the following matters meet the 'exceptional circumstances' test and justify the release of Green Belt through a 'detailed amendment' to the Green Belt boundary. They align with examples of 'compensatory improvements' set out in Planning Practice Guidance<sup>7</sup>:

- 1) The heavily constrained nature of the designated neighbourhood plan area;
- 2) The need for housing to meet identified local needs particularly for younger people and downsizers and to increase the availability of affordable and 'First Homes' which cannot be wholly met from available sites within the built up area of the village (i.e. the existing village inset boundary);
- 3) The limited capacity on previously developed land within the existing village inset boundary for housing generally;
- 4) The need to balance the efficient use of previously developed land with the need to ensure that overdevelopment of available sites doesn't damage the distinctive local and historic character of the village;
- 5) Addressing the current identified deficit in sport and recreation provision and facilities for children and teenagers which cannot be met within the village inset boundary.
- 6) The opportunity to improve public access and connectivity to the countryside

<sup>7</sup> PPG Green Belt Paragraph: [002 Reference ID: 64-002-20190722](#) & 003 Reference ID: 64-003-20190722

- 7) The need for additional car parking to service St Mary's Church and the Cemetery to avoid the parking pressure on the historic village core
- 8) The overall sustainability of the proposals and the limited alternatives to accommodate the identified needs for sustainable development at Thorpe other than through Green Belt release

4.3 The Local Plan has signalled a strategic need to release land from the Green Belt, and whilst it does not propose the release of Green Belt land in Thorpe to assist in meeting such strategic need, it does recognise that the TNP may identify a need for release of land at Thorpe to meet locally identified needs. It is therefore, open to the Neighbourhood Plan, pursuant to NPPF paragraph 136, to review the Green Belt boundary at Thorpe, if in response to the identified needs for development in the village, there is a need to do so in order to pursue sustainable development. In reviewing the Green Belt boundary in order to accommodate the needs it had identified, the Forum felt it wise to have regard to the sensible criteria set out at paragraph 137 as well as the criteria in paragraph 139.

4.4 While a limited proportion of local housing needs can be located within the existing village Inset boundary, not all of those housing needs can be. Moreover, the community infrastructure needs are much more locationally specific. For example, the historic core of the village is centred around the Church and Village Hall on Coldharbour Lane at the heart of the Thorpe Conservation Area. It is these functions that generate the need for car parking to be provided in close proximity along with the Cemetery on Ten Acre Lane. In addition, while the Frank Muir Playing Field at the western end of the village provides sport and recreation facilities including a skate park, the deficit identified in the Open Space Study<sup>8</sup> is within the eastern part of the village. The study also concluded that all areas of the Borough should provide outdoor sports facilities, play provision and allotments to meet future needs over the plan period.

4.5 The land East of Ten Acre Lane and North of Coldharbour Lane is considered a suitable area to meet these community and recreational needs and was identified thus in policy NE7 (Restoration of Minerals Sites) of the Local Plan Second Alteration 2001. The area is located within close proximity of the Church, Village Hall and Cemetery and provides opportunities to improve access to the countryside and connectivity with the proposed River Thames Scheme corridor (See GI Map). In general terms, the uses proposed fall within NPPF paragraph 145(b) which are exceptions to National Green Belt policy. While the land lies within the amended boundary of the Thorpe Conservation Area, Historic England have raised no concerns.

4.6 The community offer will be facilitated by the release of land to provide housing, which will make a significant contribution toward the NPPF paragraph 65 housing requirement set out in emerging Local Plan Policy SD1, and will also support the laying out of a 10.16 ha country park, which will enhance the environmental quality and accessibility of the remaining Green Belt, as per paragraph 138 of the NPPF. The scheme will provide for a new robust Green Belt boundary, through additional planting, which will reflect the historic field boundaries and reintroduce landscape character to what is a 'manmade' landscape following extraction and restoration.

## 5 Conclusion

5.1 The Thorpe Neighbourhood Plan therefore seeks to release a further 1.76 ha of land from the Green Belt to boost the supply of housing above the level proposed by Policy SD1 to address local housing needs. This land is well located in the context of existing built development and the historic village core, and the resultant scheme will provide for a logical 'rounding off' of the settlement. This facilitating development will also address infrastructure deficits and secure 'compensatory

<sup>8</sup> Runnymede 2035 Open Space Study (Feb 2017) [Link](#)

improvements' to the environmental quality and accessibility of the land remaining in the Green Belt, which in turn will deliver a 'sustainable pattern of development' as required by paragraph 138 of the Framework. The approach was chosen to reflect the increasing importance of land use planning supporting the health and well-being of communities and to plan positively to meet their social, recreational and cultural needs over the Plan Period.

5.2 Policy TH2(iii) sits at the heart of this approach and ensures the 'detailed amendment' to the Green Belt sits within acceptable parameters agreed with RBC given the lack of such specific guidance within national policy. Along with other policies in the TNP, it will ensure the Forum's Vision and Objectives are delivered.