

Re: Agenda: 'Petition', Council's 25 February 2015 meeting

**Short written skeleton submission of Tim Cooper (for 302 petitioners):**

The petition is before you at paras 2(c) and 7.1 of my 03 February letter which you have.

The reason for this petition:

The Butts is included in the 'call for sites' (the Council's Cabinet 12 November 2014 decision). The decision says, and I quote, 'as appropriate for alternative use or development once key strategy documents have been finalised....'; and 'that officers be authorised to complete and submit pro-forma responses' in the Joint Local Plan 'call for sites'. The response form says: 'Only submit sites where you consider that there is a realistic prospect of development within the next 15 to 20 years'. By authorising a response for The Butts the Council impliedly believes that there is a realistic prospect of development; if there is no prospect a response would not have been authorised. Save that any response deemed necessary for transparency should indicate a proposed use for open space/Green Belt, not 'alternative use or development'.

This wording implies, and the petitioners infer, that 'alternative use or development' involves development, a material change of use, of the current open space/Green Belt use. This may not have been the intention of the Council, owing to this early stage in the new Local Plan, but the wording nevertheless implies possible development at The Butts. Hence the concerns and this petition.

My detailed submission is made in my 03 February letter that you have.

For these reasons I submit the Council should revoke its decision, which implies possible development, or confirm its decision but identify The Butts 'as suitable for continuing open space/Green Belt'.

I accept that The Butts should be included in the 'call for sites' so that the Council can be seen to be transparent and impartial. But it appears the Council has had no reasonable regard, or insufficient reasonable regard to the National Planning Policy Framework and its Practice Guidance.

[Particularly sections 9 (protecting Green Belt land) and 11 NPPF (Conserving and enhancing the natural environment) and PPG2 (Planning Policy Guidance 2) and the Practice Guidance referred to in the attached Appendix]

'Reasonable', meaning failing to take into account a relevant matter or taking into account an irrelevant matter.

The Butts is patently Green Belt and should continue to be in the Green Space Strategy. The Council should have reflected this in its 12 November decision and not imply possible development. The response to the 'call for sites' requires identifying the proposed use; this could be done by stating 'as suitable for continuing open space/Green Belt'. Hence the wording of the petition. I do note that, as at last Monday, the Planning Authority has no response pro-forma from the Council about The Butts.

In taking into account relevant matters it should assist you to have regard to the relatively recent published Practice Guidance for the obligatory Framework.; I attach three extracts as an Appendix.

In conclusion: I trust the Council appreciates the Newcastle residents' concerns at the uncertainty that has been created by the wording of the 12 November 2014 decisions and will revoke or amend those decisions accordingly. I appreciate that you may wish to defer a decision on the petition for more detailed consideration, possibly by the Council's Scrutiny Committee, and, possibly, after you have visited The Butts to see its landscape, amenity, biodiversity, birds, habitat and, in May, carpeted acres of native bluebells.

Tim Cooper

## Appendix

From Planning Practice Guidance (06 Oct 2014), linked to the National Planning Policy Framework:

In decision taking, can unmet need for housing outweigh Green Belt Protection?

Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.

Do housing and economic needs override constraints on the use of land, such as Green Belt?

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. See para 14 & 83 NPPF

From Methodology – Stage 5: Final evidence base:

Do local planning authorities have to meet in full housing needs identified in needs assessments?

Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.

However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.