

Planning Act 2008 – Section 88

and

The Infrastructure Planning (Examination Procedure) Rules 2010 –  
Rule 6

**Application by Four Ashes Limited for the West Midlands  
Interchange Strategic Rail Freight Interchange.**

**Written Representations following the Preliminary Meeting by**

**Deadline 2**

**Subject of this Submission:**

**The Policy Context – Green Belt**

**Campaign to Protect Rural England (Staffordshire Branch)**

**Inspectorate reference for this representee: 20015574**

## **Introduction**

We are aware that the National Networks National Planning Statement (NNNPS) which sets out the need and government policies for nationally significant infrastructure rail and road projects for England is to be used as the primary basis for the consideration of the proposals

## **Green Belt**

### **National Networks National Planning Statement (NNNPS) (Extracts)**

(the underlining is ours to emphasise what we consider to be the key issues)

5.164 Green Belts, defined in a development plan, are situated around certain cities and large built-up areas. 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. For further information on the purposes and protection of Green Belt see the National Planning Policy Framework.

#### ***CPRE views:-***

***The proposal for the development of 297 hectares is considered to be a massive area; completely contrary to the fundamental aim of Green Belt Policy.***

5.170 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy. Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.

#### ***CPRE views:-***

***We do not consider that there are very special circumstances in this case to overcome the presumption against inappropriate development.***

5.171 Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.

5.172 Promoters of strategic rail freight interchanges may find that the only viable sites for meeting the need for regional strategic rail freight

interchanges are on Green Belt land. Promoters need to recognise the special protection given to Green Belt land. The Secretary of State would have to be convinced, and promoters would need to demonstrate, very special circumstances to justify planning consent for inappropriate development in the Green Belt (see 5.178). Decision making

**CPRE views:-**

***We do not consider that there are very special circumstances in this case to justify such inappropriate development as is proposed in this case.***

5.173 Where the project conflicts with a proposal in a development plan, the Secretary of State should take account of the stage which the development plan document has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document is to being adopted by the local plan, the greater the weight which can be attached to the impact of the proposal on the plan<sup>108</sup>.

5.178 When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.

**CPRE views:-**

***We welcome both the substantial weight given to harm to the Green Belt and the presumption against inappropriate development. We consider that the proposed development is clearly inappropriate for the reasons given in our other representations***

**The relationship between National Networks National Planning Statement (NNPS) and National Planning Policy Framework (NPPF)<sup>1</sup>**

**CPRE views:-**

***The revised NPPF is dated 2018 and was therefore published after the NNPS (2014). We are not suggesting that there is a conflict between the two documents but NPPF is more detailed on Green Belt Policy See***

---

<sup>1</sup> <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>

**National Networks National Planning Statement (NNNPS) paragraph 5.164**

**The NPPF does not exempt SRFIs from the application of National Policy on Green Belt (or other policies) and we would submit that it is logical to consider NPPF in parallel with NNNPS.**

**We consider that the National Planning Policy Framework<sup>2</sup> is directly relevant to the consideration of this application (the underlining is ours, to emphasise what we consider to be the key issues) and would refer, in particular, to:-**

**13. Protecting Green Belt land**

133. The Government attaches great importance to Green Belts. 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.

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

135. The general extent of Green Belts across the country is already established. 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. 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.

136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.

---

2

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf)

through the preparation or updating of plans. 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. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

137. 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 identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land; b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. 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.

139. When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- 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.

140. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

***CPRE views:-***

***We accept that the sections above relate to primarily to the process of drawing up Green Belt boundaries and the exceptional circumstances in which changes are to be considered.***

***In our view, however, the effect of the DCO, in practical terms, is to effectively remove the site's Green Belt status and the 'Protecting Green Belt land' section of NPPF is therefore relevant to the Examining Authority and the Secretary of State in the consideration of the DCO.***

**Proposals affecting the Green Belt**

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

***CPRE views:-***

***The proposed development is clearly harmful.***

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

***CPRE views:-***

***We do not consider that ‘Very Special Circumstances’ exist in this case***

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 43
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

***CPRE views:-***

***None of these exemptions apply in this case***

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

**CPRE views:-**

**The development will not preserve the openness of the Green Belt and would conflict with the purposes of including the land in the Green Belt. None of the cases a) to f) apply.**

**Summary**

**The WMI site lies within Green Belt land and in accordance with the National Planning Policy Framework, there is a requirement to demonstrate that 'very special circumstances' exist to justify inappropriate development.**

**We accept that Paragraph 1.78 of the NPS is clear that infrastructure projects may comprise inappropriate development which is, by definition, harmful to the Green Belt and for which there is a presumption against development, except in exceptional circumstances.**

**We think that neither 'very special circumstances' nor 'exceptional circumstances' have been demonstrated.**



### **CPRE (Staffordshire) Additional Comments**

Reference has been made in the Examination to the formation of a network of SRFIs - as is happening in the East Midlands We would comment that all six<sup>3</sup> SRFI permitted or in the pipeline in the East Midlands are outside Green Belts.

We recognise that the application site is being put forward as being one of a network of additional SRFIs around the West Midlands - as was said by the applicants on day 2 of the examination.

From a CPRE viewpoint we consider that the application has wider implications for similar Green Belt sites, both in the West Midlands Green Belt<sup>4</sup> but also for a number of the other Green Belts elsewhere in England<sup>5</sup>, where similar locations and circumstances are to be found.

We appreciate that this application is to be considered by the Examination Authority and the Secretary of State on its individual merits but we would hope that some consideration could be given to the wider implications for the Green Belts of the West Midlands and elsewhere in England.

---

#### **<sup>3</sup> SRFI cases in the East Midlands (Planning Inspectorate February 2019)**

Search:

<b>Project</b>	<b>Developer</b>	<b>Stage</b>
<a href="#">Daventry International Rail Freight Terminal</a>	Rugby Radio Station Ltd Partnership & Prologis UK	Decided
<a href="#">East Midlands Gateway Rail Freight Interchange</a>	Roxhill (Kegworth) Limited	Decided
<a href="#">Rail Central (Strategic Rail Freight Interchange)</a>	Ashfield Land Management Limited and Gazeley GLP Northampton s.á.r.l.	Pre Examination
<a href="#">Hinckley National Rail Freight Interchange</a>	DB Symmetry (Hinckley) Limited	Pre Application
<a href="#">Northampton Gateway Rail Freight Interchange</a>	Roxhill Developments Limited	Examination
<a href="#">East Midlands Intermodal Park</a>	Goodman Real Estate (UK) Limited	Pre Application

<sup>4</sup> [West Midlands Green Belt factsheet https://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/download/5590](https://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/download/5590) (We accept that this is dated but the essentials are constant.)

<sup>5</sup> Green Belt factsheet <https://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/download/5578> (The map shows the location of Green Belts in England)