

CLAYGATE PARISH COUNCIL RESPONSES TO CONSULTATION ON

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Introduction

This document, edited by Cllr. Sheppard, Chair of Planning, contains Claygate Parish Council's responses to the Government's Consultation on Proposed reforms to the National Planning Policy Framework and other changes to the planning system. These responses were agreed at the Planning Committee and full Council meetings held on 12 September 2024. The full consultation can be found at [Govt Planning Reforms Consultn](#) .

We agreed on a relatively limited scope for our comments, as some sections are less directly relevant to a Parish Council, while others are more technical and best addressed by planning professionals. Chapter 5 (Brownfield, Grey Belt and the Green Belt) is the most important for us in Claygate.

Chapter 3 - Planning for the Homes we Need

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

NB: Para 61 states:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

The essential change implemented in December 2023 was to add the following words:

“The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need;”

We do not object to the reversal subject to clarity on what will be considered exceptional circumstances. In particular

- i. local planning authorities must be able to justify a lower housing requirement than the standard method to assess housing needs on the basis of local constraints on land and delivery subject to satisfactory evidence
- ii. local planning authorities should be able to take account of current and future demographic trends that can be clearly demonstrated
- iii. further guidance is needed on specific circumstances when data used in the standard method to assess housing needs is not available.

We also believe clarity is required regarding further guidance on specific circumstances when data used in the standard method to assess housing needs is not available.

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

We disagree as we believe that housing needs are influenced by current and future demographic trends, so this should be taken into account provided these exceptional circumstances can be clearly demonstrated.

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

The essential change implemented in December 2023 was to add the following words: “in applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.”

We disagree as we believe it is important to support the preservation of the distinct and consistent character of an area and therefore we oppose the removal of NPPF 130, as this would allow unsightly over-dense developments in order to meet targets.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

We agree as it could lead to a more rational organisation of land use, balance development demands with environmental protection, and meet social and economic objective.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

“Introducing more demanding targets and reinstating the requirement to demonstrate a 5-year housing land supply at all times is likely to bring more local planning authorities into the scope of the presumption in the short-term.”

“In addition to this, we are proposing to make changes to clarify the primary role that the presumption is intended to play in addressing inadequate land supply.”

“We are clear that the presumption cannot offer a route to creating poor quality places, and so we are proposing changes to the presumption to add explicit reference to the need to consider locational and design policies, as well as policies relating to the delivery of affordable housing, when the presumption is engaged. These safeguards will mean that schemes that rely on the presumption to secure approval will meet the high standards we expect of all development.

We agree.

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

“We are also proposing to remove the wording on past oversupply in paragraph 77, which was introduced to set out that previous over-supply could be set against upcoming supply”

We disagree as we believe that ignoring previous oversupply could lead to overdevelopment.

Chapter 5 - Brownfield, Grey Belt and the Green Belt

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

“We want to make clear that the principle of development should not be in question on brownfield land, and so we are consulting on an amendment to paragraph 124c out of the current NPPF, 20/69 reinforcing the expectation that development proposals on previously developed land are viewed positively. This makes clear that the default answer to brownfield development should be yes.

We agree.

We support the amendment to NPPF 124c, to strengthen the priority given to Brownfield sites.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

“The first step when reviewing Green Belt land should be Previously Developed Land (PDL): it makes no sense to provide special protections for sites that have, for example, housed petrol stations or carparks. For that reason, we propose that we relax the restrictions that are currently applied to PDL and limited infilling in the Green Belt in paragraph 154g of the current NPPF, to make clear that development is ‘not inappropriate’ where it would not cause substantial harm to the openness of the Green Belt.

We disagree with relaxation of restrictions that currently apply to limited infilling in the Green Belt as we believe that openness of the Green Belt is essential.

We agree with assessing “Previously Developed Land” first, provided it is in a sustainable location with necessary utilities on site or nearby and access readily available.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

We are also interested in whether it would be beneficial to expand the definition of PDL in the NPPF to include hardstanding and glasshouses. We want to understand how expanding this definition might affect the availability of horticultural land, so would welcome views on how to ensure that there remains sufficient incentive for the development and maintenance of glasshouses for horticultural production.

We strongly believe in food security and therefore would not agree with the repurpose of glasshouses or polytunnels unless they have laid dormant for a reasonably long period of time.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

“We propose defining grey belt land as Green Belt land which makes a limited contribution to the Green Belt’s purposes, as set out in paragraph 143 of the current NPPF. To maintain existing environmental protections, we propose excluding land of environmental value from the definition, or assets of particular importance, as set out in footnote 7 of the NPPF.”

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

We believe that the definition should add that the land is in a sustainable location as well as making a limited contribution to the Green Belt’s purposes.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

“We are interested in whether additional exclusions are necessary, such as areas identified in draft or published Local Nature Recovery Strategies, that could become of particular importance for biodiversity.”

“Land which makes a limited contribution to the Green Belt purposes will:

a) Not strongly perform against any Green Belt purpose; and

b) Have at least one of the following features:

i. Land containing substantial built development or which is fully enclosed by built form

ii. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another

i. Land which is dominated by urban land uses, including physical developments

ii. iv. Land which contributes little to preserving the setting and special character of historic towns

A duty should be imposed on owners of Green Belt land to maintain it in good condition for agricultural and environmental/biodiversity purposes. It is, for example, all too easy for landowners to ‘overlook’ deteriorating drainage and/or the growth of plants like ragwort, causing pasture to degrade.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful?

If so, is this best contained in the NPPF itself or in planning practice guidance?

The definition of land making a limited contribution to Green Belt purposes should be included in the NPPF, to give it a strong legal basis

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

We propose amendments to the suggested definitions as follows:-

Land which makes a limited contribution to the Green Belt purposes will:

a) Only weakly ~~Not strongly~~ perform against any Green Belt purpose; and

b) *Have at least one of the following features:*

- i. *Land containing substantial built development or which is fully enclosed by built form*
- ii. *Land which makes no or very little contribution to preventing neighbouring towns from merging into one another*
- iii. *Land which is dominated by urban land uses, including physical developments, whether derelict or in use*
- iv. *Land which contributes little to preserving the setting and special character of historic town, and*

provided that weakly performing areas of Green Belt which are critical to preventing the merging of neighbouring settlements will not be classified as Grey Belt.

We consider that the NPPF should contain a clear definition of “weakly performing Green Belt”. We suggest something along the following lines:-

Weakly performing Green Belt is a parcel or parcels of land, which is:-

- (i) enclosed by one distinct built up area or*
- (ii) does not provide a gap between any settlements and makes no discernible contribution to separation **and***
- (iii) contains more than 15% built form, including ruined or derelict structures.*

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

“We remain clear that brownfield sites should be prioritised, and our proposed changes to developing PDL in the Green Belt (outlined above) reinforce this commitment. To support release in the right places, we propose a sequential test to guide release. This will ask authorities to give first consideration to PDL within in the Green Belt, before moving on to other grey belt sites, and finally to higher performing Green Belt sites where these can be made sustainable”

“... we remain clear that the release of land should not be supported where doing so would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.”

We support in principle the concept of a sequential test approach to selecting sites for development, except that “higher performing Green Belt sites” should only be taken into account where “very special circumstances” apply.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

We agree. We support the changes to NPPF 147 & 155 to ensure that encroachment on Green Belt does not undermine its purpose for the area Local Plan. However the word

“fundamentally” should be deleted. No land should be released if to do so would in any way undermine the purpose of the Green Belt.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making?

If not, what changes would you recommend?

*“We propose to insert a new paragraph in the NPPF which will make clear that, in instances where a local planning authority cannot demonstrate a 5-year housing land supply or is delivering less than 75% against the Housing Delivery Test, or where there is unmet commercial or other need, **development on the Green Belt will not be considered inappropriate** when it is on sustainable ‘grey belt’ land, where golden rules for major development are satisfied, and where development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole.”*

More caution is needed around the release of Grey Belt land in decision making, given the pressures that can be exerted on Planning Authorities. In any case, all ‘Golden Rules’ should be applied. We do not think the exception that “there is a demonstrable need for land to be released for development of local, regional or national importance” should be included in NPPF 152b.

Cllr. Collon has proposed detailed drafting comments on new NPPF paras 150-153; these are set out in Annex A.

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision making, including the triggers for release?

“we propose supporting the release of Green Belt land to meet other development needs (alongside residential development) through both plan-making and decision-making routes”

We agree provided the local planning authority has the discretion to prioritise use of such land between housing, commercial or mixed developments.

See also our response to Q30.

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

“We intend our proposals to support the release of Green Belt Land to address unmet needs for traveller sites.”

We believe additional safeguards are required to prevent excessive concentration of travellers sites in one area especially on cross border boundaries.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

As Travellers are transient by nature, guidance on the assessment of need would be helpful.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

“We will bolster the environmental requirements that are already in place for new developments, such as Biodiversity Net Gain, by setting out additional requirements including an objective for new residents to be able to access good quality green spaces within a short walk of their homes.”

We support the proposals for public access to green spaces.

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered ‘not inappropriate’ in the Green Belt?

Golden Rules for non-residential development should include provision for improvements to local infrastructure especially transport and specify that such development must be consistent with local place-making requirements.

Golden Rules should apply to all types of development.

Question 43: Do you have a view on whether the golden rules should apply only to ‘new’ Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

“The Government has committed to introducing ‘golden rules’ to ensure that major development on land released from the Green Belt benefits both communities and nature. This will build on our wider commitment for exemplary design, so that the following are required where land is released through plans or individual planning decisions:

- a. in the case of schemes involving the provision of housing, at least 50% affordable housing, with an appropriate proportion being Social Rent, subject to viability;*
- b. necessary improvements to local or national infrastructure, including delivery of new schools, GP surgeries, transport links, care homes and nursery places, to deliver well designed, connected places, recognising that local leaders are best placed to identify the infrastructure that their communities need; and*
- c. the provision of new, or improvements to existing, local green spaces that are accessible to the public - where residential development is involved, new residents should be able to access good quality green spaces within a short walk of their homes, whether through onsite provision or through access to offsite facilities.”*

We believe that the “Golden Rules” should apply to all major developments.

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

“31. The Government considers that limited Green Belt release, prioritising grey belt, will provide an excellent opportunity for landowners to sell their land at a fair price, while supporting the development of affordable housing, infrastructure and access to nature. Where such land is not brought forward for development on a voluntary basis, the Government is considering how bodies such as local planning authorities, combined authorities, and Homes England could take a proactive role in the assembly of the land to

help bring forward policy compliant schemes, supported where necessary by compulsory purchase powers, with compensation being assessed under the statutory no-scheme principle rules set out in Part 2 of the Land Compensation Act 1961.”

“32. In such cases, these rules would operate to exclude any increases or decreases in value of land caused by the compulsory purchase scheme, or by the prospect of it, and valuation of the prospect of planning permission (‘hope value’) for alternative development would reflect the golden rules outlined in the NPPF. Use of compulsory purchase powers may also include use of directions to secure ‘no hope value’ compensation where appropriate and justified in the public interest. A comprehensive justification for a no hope value direction (e.g., which includes a high proportion of vital affordable housing being delivered) will strengthen the argument that a direction is in the public interest. This would align with the Government’s aspiration for high levels of affordable housing to be delivered on these site”

We believe that private landowners should have sufficient incentive to sell if this land is not being maintained or is unprofitable rather than leaving it fallow and waiting for it to be compulsorily purchased. This is less likely to happen if benchmark land values are set, especially if they are set too low.

We believe that a longer term strategy for state owned or crown estate owned Green Belt property is required.

Any financial benefit arising from a completed development should be shared between the local planning authority/combined authority/Homes England and the developer.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

We believe that the present system that requires developers to contribute to infrastructure through planning conditions, section 106 agreements and a community infrastructure levy is more equitable and less likely to lead to delays than the imposition of benchmark land values especially when capital gains tax is taken into account.

Chapter 6 - Delivering affordable, well-designed Homes and Places

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

“We know that most authorities preparing plans have been unable to identify enough small sites to reach the current 10% NPPF local plan allocation expectation”

“We would like to gather views on why authorities are unable to identify 10% small sites, welcoming views on measures to strengthen small site policy through the NPPF, and in particular:

- a. whether the 10% small site allocation should be required in all cases (removing the current caveat that there may be some places where strong reasons exist which mean this cannot be achieved);*
- b. what would be required to implement this more stringent approach, if pursued;*
- c. whether a definition distinguishing between small and medium sites would improve clarity; and*

d. whether requiring authority-specific small-site strategies would help implement the 10% allocation.”

In our experience small sites that have planning permission are not being built on, especially for social housing. This is presumed to be due to lack of available funds and a focus on areas that provide most profitability.

We also believe that developers are applying for permission on small sites for non-social housing alongside an application for social housing somewhere else, so that they have a fully balanced allocation of social and non-social housing in one application and can therefore build the social housing on larger more profitable sites in other parts of our borough. The smaller sites are then left to not be developed soon. This is a concern for us as we believe we also need social housing in our part of the borough on some of our smaller sites.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

It may have been a mistake to add the words “beauty” and “beautiful” to the NPPF in 2023, but we fear that the deletion of these words may be taken to mean that beauty is no longer to be a relevant factor in planning.

Question 60: Do you agree with proposed changes to policy for upwards extensions?

“A mansard roof is one with two pitches on each side: less steep at the top and very steep at the sides.”

“To make very clear that national policy is strongly supportive of all upward extensions, including mansard roofs, we are consulting on amendments to paragraph 124(e). We propose to refer explicitly to mansard roofs within paragraph 124(e) as one appropriate form of upwards extension that national policy supports”

We consider that the current safeguard, “where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene” should be retained in full, to maintain a consistent street scene where possible.

Chapter 8 - Delivering Community Needs

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

“we propose to add to the wording in NPPF paragraph 100 to make clear that significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.”

Yes

We very much agree that there should be fuller consideration of new, expanded or upgraded public service infrastructure at the beginning of planning for new development, well before any applications are submitted.

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

We are surprised there is no amendment to existing NPPF Para 92 on pubs and assets of community value, given that this was in the King's Speech.

We would welcome any measures that allow organisations in the community to purchase an asset which has stood empty for numerous months.

Chapter 9 - Supporting Green Energy and the Environment

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

It seems to us that, given the increasing severity of flooding in this country, no development should be permitted in areas defined as being subject to the highest risk. The wording of NPPF 160 needs strengthening.

We are puzzled by some of the Flood Risk Vulnerability Classifications (NPPF Ann. 3). Water and sewage treatment works should surely count as "Essential Infrastructure" and not classed as Less Vulnerable, given their susceptibility to hazardous contamination during flooding.

Question 82: Do you agree with removal of this text from the footnote?

"We therefore propose removing the following text from the footnote: "The availability of agricultural land used for food production should be considered, alongside other policies in this Framework, when deciding what sites are most appropriate for development."

We believe that the availability of agricultural land for food production should be an explicit consideration in determining if sites are appropriate for development.

We therefore consider the footnote to NPPF 181 should be retained in full, to maximise protection for productive agricultural land.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

"There is a growing gap in our water supplies that will rise to five billion litres a day by 2050. Immediate action is required to make sure we are able to fill this gap. A twin track approach to improving water supply resilience is required. This involves action to reduce water company leaks and improve water efficiency, and delivering new water resources infrastructure, such as reservoirs."

"We are considering how we can provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure, to support faster delivery, helping to address the issues we are increasingly seeing with water scarcity and quality. We believe that the Planning Act 2008 could be amended to bring into the definition of NSIP:

- a. water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;*
- b. the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;*
- c. water recycling, which will be an important option for securing water supplies and one that is commonly used around the world; and*

d. infrastructure which transfers treated drinking water.”

We agree.

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

We consider that chapter 15 of the NPPF should be amended to make it clear that, except for small-scale hydro-electric schemes utilising existing or refurbished dams and reservoirs, Green Energy installations will not be permitted adjacent to housing or schools, in National Parks, the Norfolk Broads or Areas of Outstanding Natural Beauty (National Landscapes). Furthermore, solar farms should not be permitted adjacent to footpaths or bridleways, or within 400m of an OS-designated view point. We consider incentives to provide solar farms at out-of-town locations on commercial and industrial buildings such as warehouses and shopping centres is far more appropriate than Green Belt land that can be used productively to provide food security.

Chapter 11 - Changes to Planning Application Fees...

Question 94: Do you consider that each local planning authority should be able to set its own (nonprofit making) planning application fee?

Please give your reasons in the text box below.

We believe that each local planning authority should be able to set its own (nonprofit making) planning application fee.

Staff and accommodation costs vary between different local planning authorities, so fees should reflect these differing costs consistent with this service being a non-profit service.

Question 95: What would be your preferred model for localisation of planning fees?

“Full Localisation assumes that fees would no longer be set nationally. Instead, all local planning authorities would have to set their own planning fees, within the existing fee categories and exemptions set by the Secretary of State. This would allow local planning authorities to set their own fee levels to achieve, but not exceed, cost recovery while providing some level of certainty over the different categories of development and general principles which apply to all applications.

Local Variation (from default national fee) would maintain a nationally set default fee but give local planning authorities the option to vary the fees within prescribed limits where they consider the nationally set fee does not meet their actual costs. Unlike full localisation, this model would not place a mandatory duty on all local planning authorities to set their own fees if they are content that the nationally-set fee will cover their costs, but would allow authorities who wish to set their own fees, within the existing fee categories and exemptions set by the Secretary of State, to have discretion to do so.”

Full Localisation.

Chapter 12 - The Future of Planning Policy and Plan making

Question 103: Do you agree with the proposed transitional arrangements?

Are there any alternatives you think we should consider?

“We propose transitional arrangements to maintain the progress of plans at more advanced stages of preparation, while maximising proactive planning for the homes our communities need.”

To provide stability and certainty for plans at latter stages of scrutiny, those plans at examination will continue to be examined under the version of the NPPF they were submitted under. However, if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, upon introduction of the new plan-making system, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible, or in line with any subsequent arrangements set out to manage the roll-out of the new system.”

However, those with a more significant gap of over 200 dwellings per annum between the local planning authority’s revised LHN figure and the emerging housing requirement will need to revise its plan in line with the revised NPPF before submitting the plan for examination no more than 18 months after the publication of the revised NPPF. We recognise that these arrangements would require some local planning authorities to undertake unforeseen additional work and reopen engagement with communities. Therefore, the Government will provide direct funding support to help these authorities progress their plans to examination quickly.”

We disagree with the proposed transitional arrangements.

We do not believe that local planning authorities should be required to revise their plans if they have reached Stage 3 of examination of their Plans. We are doubtful if Planning Authorities should ever be required to start on a new Local Plan immediately after the adoption of a Plan under the exiting NPPF, given the resource implications of Local Plan development.

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?

If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

Protected Characteristics. At present features like step-free access to public houses for disabled people are the subject of Building Regulations, but not necessarily part of the planning stage. We think consideration should be given to making such matters a part of the planning process requiring approval at an earlier stage than at present.

Cllr. Anthony Sheppard

Chair, Claygate Parish Council Planning Committee

ANNEX A

National Planning Policy Framework: Reply to Consultation Question 30 (Cllr. Collon)

1. Paragraphs 151-153 (new numbering) of the NPPF set out a number of cases where development on the Green Belt should not be considered inappropriate, and should not therefore be required to satisfy the “very special circumstances” test. The drafting of these paragraphs is therefore particularly important to ensure that interpretation of these exceptions by planning officers, and by inspectors and the courts on appeal, does not result in the exceptions being wider than is intended.
2. Paragraphs 151 (apart from sub-para (g)) and 153 are unchanged from the current version of the NPPF, and there are already precedents to help with their interpretation. Para 152 is new, and the drafting is far from clear. For housing, commercial and other development in the Green Belt not to be regarded as inappropriate, three conditions are given. Condition (a) itself consists of three cumulative conditions, all of which have to be satisfied. It is joined by “and” to condition (b) which also consists of three conditions, this time apparently alternatives (though this would be made clearer if there was a semi-colon after “paragraph 76)”, as there is after “three years” two lines below). It seems therefore that para 152 is satisfied if all three of the conditions in (a) and at least one of the conditions in (b) is satisfied. This seems to accord with para 19 of the Consultation Paper.
3. But what then of provision (c) - “Development is able to meet the planning policy requirements set out in paragraph 155”? It is free-standing, not joined to (a) and (b) by either “and” or “or”. Is para 152 satisfied if only condition (c) is satisfied? Presumably not, since the result would be that any development meeting the planning policy requirements set out in para 155 would be appropriate in the Green Belt, which would become virtually unprotected.
4. Is 152(c) then intended to be a condition supplementary to (a) and/or (b)? - and if so, is it additional (cumulative) or alternative? If it is intended to be a further mandatory condition, like the three in (a), why is it not simply included in (a)?
5. The third condition in para 152(a) is that “the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole”. The same wording is used in para 19 of the Consultation Paper. What is the significance of “fundamentally”? Is the condition satisfied if the development undermines the function of the Green Belt across the area of the plan as a whole, but only partially? I suggest that “fundamentally” serves only to confuse the issue, and should be deleted.