

## MATTER E

### Green Belt policy, the Langley Sustainable Urban Extension (SUE) allocation and the Peddimore employment allocation (BDP policies TO10 & GA5-6)

#### 1. Introduction

1.1 Pegasus Group are instructed by Miller Homes to submit a hearing statement on their behalf in respect of Matter E. Miller Homes have a controlling interest over the land at: 'Springfield Road, Walmley' (Site Location Plan attached at **Appendix 1**). The site forms part of the proposed Langley Sustainable Urban Extension (SUE). Miller Homes fully supports the identification of the Langley SUE as a suitable and deliverable site allocation. Miller Homes have been party to and endorse the hearing statements submitted by Savills on behalf of the consortium of land owners and developers who have interests within the Langley SUE.

#### 2. Question 2

2.1 The Langley SUE site currently lies within the West Midlands Green Belt. In exceptional circumstances and, if proposed by the Local Planning Authority, the release of land from the Green Belt through a Local Plan review can be justified, consistent with national policy (paragraph 83, NPPF) and sound. Paragraph 84 of the NPPF makes clear that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.

2.2 The Judgment of Mrs Justice Patterson in *I.M Properties v Lichfield District Council* [2014] EWHC 2440 (Admin) is relevant to this matter. It is a Judgment addressing specifically the approach to "exceptional circumstances". What is clear from this Judgment is that the question of whether exceptional circumstances have been demonstrated is a matter of planning judgment in a Local Plan exercise. In paragraph 91 of the judgment, Mrs Justice Patterson explains that *'there is not a test that Green Belt is to be released as a last resort. It is an exercise of planning judgement as to whether exceptional circumstances necessitating revisions have been demonstrated.'*

2.3 Birmingham City Council has produced a composite evidence base which effectively demonstrates how the exercise of planning judgment has been applied. In particular this includes the Green Belt Assessment of October 2013. Section 1.5 of the Assessment explains why it has been necessary to consider releasing Green Belt. Paragraph 1.5.2 is of particular note setting out the City Council position that households within the City will increase by around 80,000 over the period 2011 to 2031 against the SHLAA evidence that the City has capacity to accommodate about 45,000 dwellings within the urban area. In short, the City Council makes clear that there is a significant shortfall of land within the urban area to meet projected housing growth and states, in paragraph 1.5.5 that this represents exceptional circumstances.

2.4 The evidence of the City Council does not, however, end with this conclusion. The Green Belt Assessment further evidences the extent to which alternatives to developing land in the Green Belt have been considered. This position is summarised in Section 1.6 where it is made clear that brownfield land has been considered along with the potential to utilise land currently in open space use and land currently in employment use for housing. Even allowing for such possibilities the conclusion of the City Council, in paragraph 1.6.6 is that; *"it will be impossible*

*to provide sufficient new housing to meet the City's growing population and the shortfall will be in excess of 30,000 dwellings".*

- 2.5 Subsequent to the publication of the Green Belt Assessment, evidence has further emerged through the Strategic Housing Needs Study being undertaken by Peter Brett Associates for the Greater Birmingham and Solihull LEP (Stages 1 & 2 Findings) that the increase in households, utilising PBA's preferred scenario is circa 112,000 between 2011 and 2031. This emerging picture further evidences the mismatch between housing need and the quantum of available urban land and further reinforces the judgment taken by the City that the shortfall in available land to meet housing requirements constitutes exceptional circumstances.
- 2.6 Birmingham City Council, in coming to their planning judgment regarding the Langley SUE did so cognisant of the duty to achieve sustainable development. This is important and the Judgment of Mrs Justice Patterson is of note in this regard. Submissions made in this Case were to the effect that; *'the green belt designation is a servant of sustainable development'* (paragraph 94). Consistent with paragraph 84 of the NPPF the City Council have, in coming to their planning judgment regarding the Langley SUE, taken full account of the consequences for sustainable development and the need to promote sustainable patterns of development.
- 2.7 The Green Belt Assessment draws on a range of technical information (including landscape, transport, archaeology and ecology assessment) which has been published and has informed the City Council's assessment of the suitability and sustainability of Green Belt locations for development. It is evident, when all of these strands are drawn together that the Langley SUE (including the Springfield Road site) is a location that would deliver the most robust and strategically preferable of all of the potential options for Green Belt release. The Green Belt Assessment is unequivocal in its conclusion that the Langley SUE is assessed as *"clearly the best location for a large residential development. It scores best in terms of protecting the role of the Green Belt and results in relatively low impacts on ecology, archaeology and historic environment, landscape and visual amenity"* (paragraph 5.7.1, Green Belt Assessment). The Assessment goes on to state, in paragraph 5.7.1 that: *"in regard to transport connectivity, it is the most sustainable and accessible of all the options"*.
- 2.8 To conclude the City Council have effectively demonstrated that there are no real credible alternatives to utilising land in the Green Belt to assist in meeting housing requirements. They have further demonstrated that the Langley SUE is the most sustainable of all Green Belt options and can promote and deliver a sustainable pattern of growth. As such the City Council has correctly, in our view, demonstrated the exceptional circumstances to justify the alteration to the Green Belt boundary to accommodate 6,000 new dwellings.

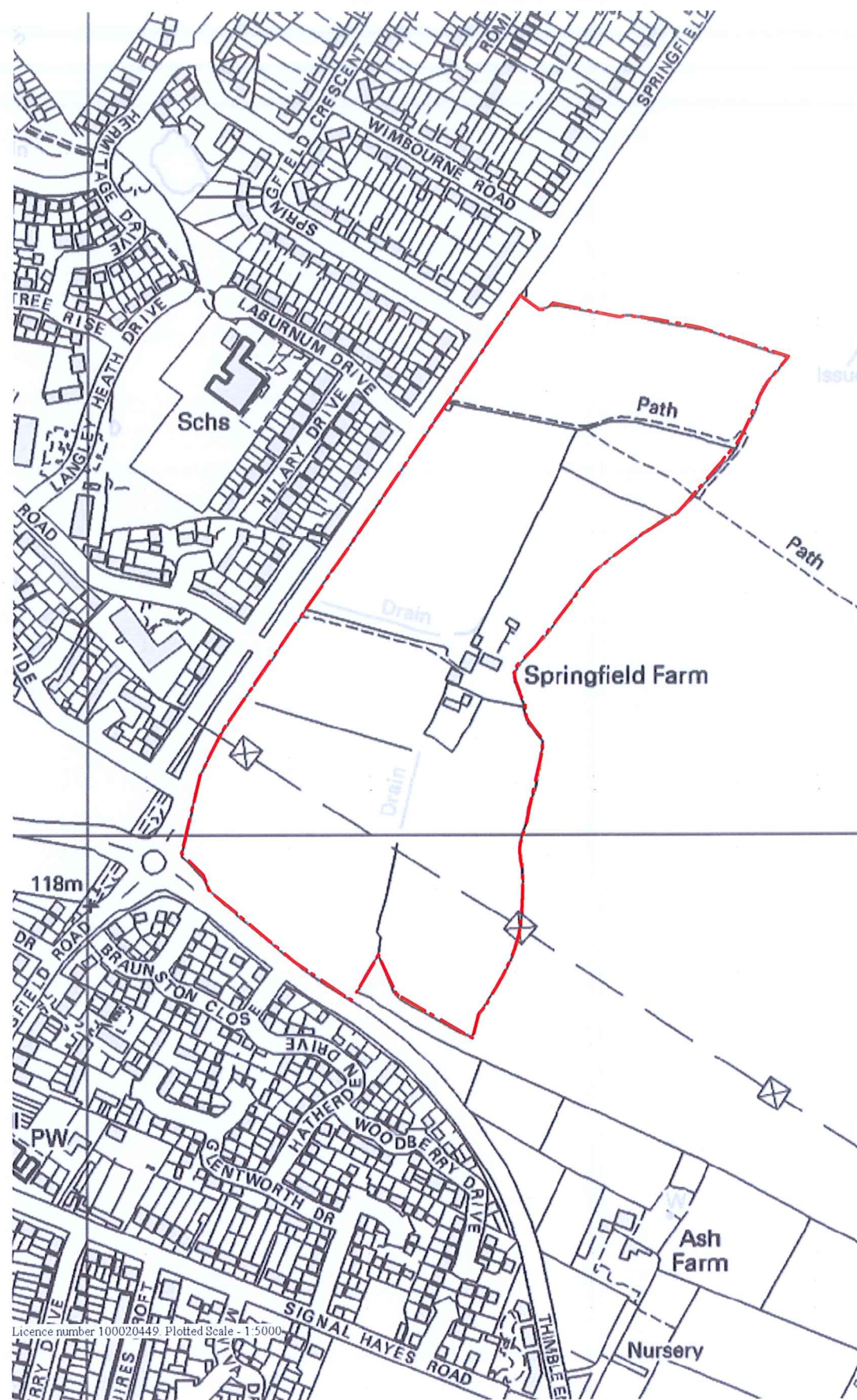
**3. Question 4, Parts A & B**

- 3.1 Miller Homes wish to endorse the responses of Savills on behalf of the Consortium to these questions and only offer a brief comment below.
- 3.2 There is adequate justification for the selection of Green Belt "Area C" to accommodate the Langley SUE. The Sustainability Appraisal (SA) undertaken on behalf of Council by amec (dated October, 2013) is detailed and instructive in this regard. This appraises the sustainability of Policy GA5, covering inherently the economic, social and environmental dimensions of sustainable development. The SA assessment of the site draws on a range of evidence based material in order to draw a conclusion, in paragraph 5.4.3 of the SA that: *"the overall sustainability effects are likely to be positive in the context of creating (in the case of the urban*

*extension) a mixed use development which encourages relative self containment and could enhance the environmental quality of the area through green infrastructure, for example”.*

- 3.3 Paragraph 5.63 of the Plan states that market capacity means that it is unlikely that the development will be fully completed within the plan period ie by 2031. Savills are addressing this issue and we would revert to their submission. Certainly, in respect of the Springfield Road part of the Langley SUE Miller Homes can confirm that it is immediately available and can be developed expediently.
- 3.4 The Springfield Road site is, of itself, sustainably located adjoining the built up area of Walmley. It is bounded by Springfield Road and Thimble End Road on its western and southern boundaries respectively from which direct and independent access can be achieved. Miller Homes, as part of the Consortium, can respond positively to the need to boost housing and are well positioned to start delivering houses in the first phase of the Langley SUE.

KEY  
Proposed boundary



Licence number 100020449 Plotted Scale - 1:5000

Springfield Road, Walmley

Site Location Plan

www.ppg-llp.co.uk  
Team IS/LD  
5 June 2008  
1:5000 @A3

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