

National Planning Policy Framework

Submission on behalf of Worcestershire County Council

Appeal by NRS Aggregates Ltd on land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire.

Witness: Christopher Whitehouse MRICS BSc (Hons)
Subject of Evidence: National Planning Policy Framework 2024
Planning Inspectorate Reference: APP/E1855/W/22/3310099
LPA Application Reference: 19/000053/CM
Date: 17 December 2024

1. Background and Introduction

1.1 My name is Christopher Whitehouse. My qualifications and experience are set out in my Proof of Evidence.

1.2 This submission is raised solely to consider the relevance of the revised National Planning Policy Framework (“the Framework”) which came into force on 12 December 2024, superseding the previous version (“the 2023 Framework”) in the process.

2. Relevance of the Framework

2.1 The predominant consideration raised by the Framework for the Council, having regard to the extent of the Council’s case, is whether the appeal site would be defined as being Green Belt or Grey Belt land.

2.2 I conclude that if the appeal site is not Grey Belt, then the “tipping point” test of determining whether minerals extraction in the Green Belt is appropriate or not; that is, whether it would preserve openness and not conflict with the purposes of including land within the Green Belt, depending on the particular circumstances of the proposal as a matter of fact and degree would remain in place, despite paragraph 155 from the 2023 Framework being amalgamated into the wider Exceptions Test in the Framework, at paragraph 154 (h).

2.3 In a circumstance where it is concluded that the land remains in the Green Belt, then there are no other changes in the Framework that would lead me to conclude that the two development options have avoided the tipping point (which I concluded was reached in my evidence) and as such the options would both remain inappropriate development in the Green Belt and substantial weight would continue to apply to that harm. In my opinion, having regard to the Framework, the weight to be ascribed to the benefits of the appeal proposal are unchanged and so my conclusions on the demonstration (or lack) of very special circumstances would remain the same as presented on behalf of the Council at the Inquiry.

2.4 Grey Belt then, is defined in the Annex 2 glossary as:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

2.5 The key differences in comparison to the draft text presented in the consultation version are, firstly, the use of *“does not strongly contribute”* as opposed to the draft which stated, *“that make a limited contribution”*. I conclude that the difference clearly raises the bar and will mean that more sites are otherwise defined as Grey Belt than would have been the case had the draft text carried through. Secondly, the purposes in question have been contained to a) b) and d), whereas in the draft all five purposes were included.

2.6 Within my proof of evidence, at paragraphs 4.74 and 4.94, I have drawn the same conclusion as to the impact of development on purposes; namely, that *“the site thus provides **a strong and direct contribution towards purposes a) and c)**”*. It is clearly set out in my evidence therefore that the site strongly contributes to purpose a), and the measure of those purposes has not changed within the Framework. The site is not subject to the footnote 7 areas or assets beyond the Green Belt.

2.7 From my evidence therefore and in having regard to the Framework, I conclude that the site is not Grey Belt and as such the Council’s case as presented to the Inquiry remains unchanged. I therefore maintain the conclusion that the Inspector should be invited to dismiss the appeal.