

## **MINUTE EXTRACT**

### **ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE**

**5 JULY 2017**

#### **6 NOTICE OF MOTION - GREEN BELT**

The Chair of the Environment Overview and Scrutiny Committee reported that at the meeting of the Council held on 20 March 2017 (minute 152 (1) refers), the following Notice of Motion proposed by Councillor Chris Blakeley and seconded by Councillor Adam Sykes was referred by the Mayor to this Committee for consideration –

“Council welcomes and supports the Leader of the Council’s resolute commitment to protect Wirral Green Belt when he stated, "I am not prepared to allow our green belt land to be built on. I am resolute about that commitment. It is the jewel in Wirral's crown and greatly valued by our residents.”

Council recognises the valuable part green belt provides in halting urban sprawl and protecting our much loved green spaces, including Council owned land in Saughall Massie which is under attack from the Fire Service, and the land in Hoylake and West Kirby earmarked for housing and a golf resort.

Council therefore resolves to confirm its unconditional guarantee to protect Wirral's green belt and further resolves that it will not release or allow Council owned green belt land to be developed under any circumstances.

Council also looks forward to the Housing Bill, giving extra protection to Green Belt as outlined in the Housing White Paper.”

Prior to consideration of the matter, the Chair informed the Committee that he had been advised by the Assistant Director: Law and Governance that members should not be discussing particular sites or planning applications, which are for the Planning Committee to decide.

The Chair further informed that those members of the Committee who were also on the Planning Committee be reminded that they should not say anything that might be seen as pre-judging any planning application, nor should members of the Planning Committee say anything that might give the impression that they had closed their minds to applications to develop Green Belt sites. In law, development was allowed in special circumstances which had to be considered on a case by case basis.

Councillor Blakeley tabled the Motion, and expressed knowledge of the sensitivities of matter at hand and that the purpose of raising this matter was not to debate or discuss specific planning applications, but to extract clarity on the Council’s standing relating to preservation of the Green Belt. He stated that there were currently 20 policies on this particular matter and he believed there was a perceived lack of consistency in the policy application i.e. Council owned sites permitted development where private developers were being refused. He added that it was important to retain the Green Belt due to the shortfall in leisure green space on the Wirral.

The Chair thanked Councillor Blakeley and opened discussion on the subject.

A debate on the motion took place. Members expressed a broad range of views on the policies and planning process and their application to matters of development on the Green Belt. A number of Planning Committee members clarified that their role expressly forbid any pre-decision of, or consideration of, such applications until all evidence had been presented to them in the form of written reports (with optional site visits beforehand) at the Planning Committee meetings. It was further mentioned that it was not the role of the Scrutiny Committee to act as a quasi-Planning or Planning Policy Committee, particularly given that the emerging Core Strategy Plan was due to be presented for consultation in the coming weeks. Members noted that a national review was also under consideration and such issues as 'the greater good' and 'special circumstance' could override local planning policies, as had happened in the past e.g. with the development of Arrowe Park Hospital on the Green Belt. Members also noted that the Clatterbridge NHS Trust site also fell entirely within the Green Belt.

Members further debated the merits of well thought out policies and the importance of consultation in their development, but also recognised that many local authorities included scope for good development as part of their plans e.g. garden villages but recognised the value of the Green Belt as a special place worthy of protection in law for the future. Members re-iterated that the Planning Committee was duty bound by law to assess each individual application on its merits.

A member pointed out that the Motion under consideration included a number of phrases that caused concern, in so far as paragraph 2 included references to a specific application, and paragraph 3 included the phrases that Council "confirm its unconditional guarantee" and that it prevented the release of land "under any circumstances".

Members were apprised that in legal terms the Overview and Scrutiny Committee had a right to debate the matters, but had no jurisdiction over any specific planning applications or policies, in these cases the Committee could only make 'observations'.

A Member pointed out that the original motion had been presented for consideration and debate by Council as a whole, and was not about pre-empting an application, but more about the release of Council owned land and clarification of policy. He stated that the core strategy was still awaited and that clarification from Government was also awaited regarding the matter of special or exceptional circumstances.

Members were in agreement that, wherever possible, developers should be guided toward brown-field sites i.e. utilisation of old car parks and pre-granted planning permissions before the Green Belt be even considered for release for development.

A Member highlighted that the Motion as presented had been agreed by the Assistant Director: Law and Governance as fair, reasonable and legal prior to submission to Council, and requested that the Motion be referred back to Council in its original form for debate – to seek the clarity on what was and was not acceptable

in terms any Green Belt development. The Council Solicitor explained that the Motion had been referred to this Committee by the Civic Mayor.

A question of classification and the definition of exceptional circumstance was raised, and the Council Solicitor explained that this would be determined by the Planning Committee when considering an application on a case by case basis taking into account all aspects of the application i.e. policy, local plan designations, type of application, design, etc. A Member commented that even so, in his experience, most housing developments proposed would not even include an element of affordable housing - being primarily focused on the commercial benefit to the developer. Another Member commented that it was the Council's duty to ensure the use of brownfield sites and to protect the Green Belt for future generations.

Councillor Blakeley responded, stating that many of the points raised during discussion could not be disagreed with, however there remained the need for clarity on the Green Belt, and pointed out that the Council had already approved sufficient numbers of new home applications (which included Wirral Waters) that exceeded Wirral's targets for 2020.

Councillor Blakeley's motion was put to the vote and lost (5:8) (One abstention).

A motion by the Chair, seconded by Councillor Foulkes was tabled, that:

"Council recognises the value of the Green Belt, and that it should only be developed in special circumstances. We await the emerging Core Strategy Local Plan and the consultation around this."

The substantive motion was then put to the vote and carried (9:5). It was:

**Resolved (9:5) - That**

#### **RECOMMENDATION TO COUNCIL**

**"Council recognises the value of the Green Belt, and that it should only be developed in special circumstances. We await the emerging Core Strategy Local Plan and the consultation around this."**