

Tonbridge and Malling Borough Council

Stage 2 Green Belt Assessment

Exceptional Circumstances (Strategic) Note

Issue

27 July 2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 287999-00
Ove Arup & Partners Limited
8 Fitzroy Street
London
W1T 4BJ
United Kingdom
arup.com

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1. Introduction

1.1 Overview

This note sets out a review of the exceptional circumstances to assess whether strategic factors exist in Tonbridge and Malling which singularly or cumulatively amount to exceptional circumstances to make alterations in principle to the Borough's Green Belt boundaries through the plan-making process.

It is necessary to demonstrate strategic level exceptional circumstances to justify the release of Green Belt land as well as establishing exceptional circumstances for the release of specific sites. The strategic level exceptional circumstances case needs to be linked to the wider evidence base for the Local Plan including Tonbridge and Malling Borough Council's (TMBC) Local Plan Strategy, the approach to meeting housing and employment needs within the Borough, the reasonable alternatives for delivering growth (as assessed through the Sustainability Appraisal) as well as the findings from the Green Belt reviews and site assessment.

In July 2021 TMBC agreed to withdraw the Local Plan in response to the Government Planning Inspector's findings. Since then, TMBC has embarked on producing a new Local Plan and will undertake a Regulation 18 consultation in Autumn 2022. The Regulation 18 Plan includes a section on the Green Belt and invites views on the strategic exceptional circumstances for amending Green Belt boundaries in the Borough.

1.2 Structure

This report is structured as follows:

- Section 2 provides a review of current national policy and legal case law in relation to exceptional circumstances. It also provides a good practice review of the inspectors' reports from recently adopted Local Plans in order to understand what the inspectors have considered to be relevant factors forming part of the exceptional circumstances' cases;
- Section 3 identifies the strategic factors which might exist which singularly or cumulatively amount to exceptional circumstances to make amendments in principle to the Green Belt boundaries in Tonbridge and Malling; and
- Section 4 sets out the conclusions.

2. National Policy and Guidance

2.1 National Planning Policy Framework (2021)

Paragraph 140 of the National Planning Policy Framework (NPPF) states that: *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”*

Paragraphs 141 provides further details on establishing exceptional circumstances stating:

“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.”*

Paragraph 142 provides further requirements which local planning authorities need to consider when reviewing Green Belt boundaries and which will need to be evidenced as part of the exceptional circumstances case:

“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.”

Paragraph 143 notes that when defining Green Belt boundaries, the plan should *“...define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

2.2 Case Law on Exceptional Circumstances

There is no formal definition or criteria on what constitutes exceptional circumstances however there are a number of legal judgements which assist in determining what may constitute an exceptional circumstance.

One of the most established cases is *Gallagher Homes Limited v Solihull Metropolitan Borough Council* [2014] EWHC 1283, which made the following points:

- *‘Planning guidance is a material consideration for plan-making and decision taking. However, it does not have statutory force: the only statutory obligation is to have regard to relevant policies.’*
- *‘It is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans [...] and has always required exceptional circumstances to do this’.*
- *‘Exceptional circumstances are required for any revision to a Green Belt boundary, whether it is considering the proposal is to extend or diminish the Green Belt.’*
- *‘Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law.’* This means that it is not enough for a local authority or inspector to assert that exceptional circumstances exist; it is not possible to convert unexceptional circumstances into exceptional circumstances simply by labelling them as such.

In addition, the *Gallagher Homes Limited* case established that when considering whether to alter the boundary of the Green Belt, the starting point for every local authority is that this decision should only arise after all reasonable and acceptable efforts have been taken to maximise the amount of development within the urban area. Optimising densities and ensuring that all land is appropriately used must be the first response to growth. This would include a review of employment land and other areas or uses that are protected by planning policies, commensurate with ensuring the proper balance between residential, employment and other uses.

Gallagher Homes Limited established the principle that general planning merits cannot be exceptional circumstances: for example, it is not sufficient that the local authority consider that the relevant land would, or would not be, a sustainable location for development, or that they would have drawn the boundary line in a different place had they been starting from scratch. *‘In other words, something must have occurred subsequent to the definition of the Green Belt boundary that justifies a change. The fact that, after the definition of the Green Belt boundary, the local authority or an inspector may form a different view on where boundary should lie, however cogent that view on planning grounds, that cannot of itself constitute an exceptional circumstance which necessitates and therefore justifies a change and so the inclusion of the land in the Green Belt.’* (paragraph 130, *Gallagher Homes Limited v Solihull Metropolitan Borough Council* [2014] EWHC 1283)

The approach in *Gallagher Homes Limited* was followed by the case of *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078. This set out factors that ideally would be considered in identifying exceptional circumstances. These factors are as follows:

- i. the acuteness/intensity of the objectively assessed need;

- ii. the inherent constraints on supply/availability of land prima facie suitable for sustainable development;
- iii. the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- iv. the nature and extent of the harm to this Green Belt; and
- v. the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

It is noted that factors (i)-(iii) are more strategic in nature whilst (iv) and (v) are more site-specific considerations, albeit their cumulative impact is also relevant. At paragraph 54, the Judge notes that the Greater Nottingham Inspector considered the need for additional housing was acute, both generally and in this particular area, referring to paragraph 40 and 41 of the Inspector's Report. At paragraph 40 of the Greater Nottingham Inspector's Report (2014), the Inspector provides some general commentary about the Government's commitment to housebuilding and the requirements set out in the NPPF. At paragraph 41, she comments on the mismatch between housing supply and demand in Greater Nottingham.

The case, *Compton PC, Ockham PC & Cranwell v Guildford BC, SSHCLG & Ors* [2019] EWHC 3242 (Admin), emphasised that the demonstration of exceptional circumstances does not necessarily have to be complicated, requiring more than one individual exceptional circumstance. *'The "exceptional circumstances" can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.'* Further planning needs, such as housing (ordinary or otherwise, irrespective of intensity of need) can form part of the judgement, even if it 'not necessarily sufficient of itself' and should be considered as part of wider analysis of, for example, sequentially preferable locations, Green Belt function and purpose, and advantages of the proposed location if released from the Green Belt. The judgement further cautions that the Calverton list is not exhaustive nor a checklist against which exceptional circumstances should be demonstrated. It also emphasised that the exceptional circumstances test is less stringent than the very special circumstances test applied to planning applications for development that would normally be considered inappropriate in the Green Belt.

More recently the judgement, *Keep Bourne End Green v Buckinghamshire Council (formerly Wycombe District Council)* [2020] EWHC 1984, reiterates the relevant principles which have been established in the cases above. This judgement highlights that 'exceptional circumstances' is a less demanding test than the 'very special circumstances' test (as explained in paragraphs 148-151 of NPPF 2021) used in development control in the Green Belt.

2.3 Good Practice Review from Local Plan Examinations

A review of technical papers and inspectors' reports from recently adopted Local Plans has been undertaken in order to establish how local authorities have addressed this issue and what the inspectors have considered relevant factors in forming the exceptional circumstances cases (see Appendix for full review). We have also drawn on Arup's experiences at recent Local Plan independent examinations (e.g. Runnymede and Epping Forest), which reinforce the conclusions of the review. The following key lessons have been identified.

- It is important to demonstrate the strategic level exceptional circumstances to justify the release of Green Belt land more generally as well as establishing exceptional circumstances for the release of specific sites/each individual alteration;
- Local authorities have taken a variety of approaches to demonstrate site level exceptional circumstances, however the clearest examples to follow have been those that have chosen to undertake this as a standalone exercise;
- Strategic exceptional circumstances cases have been built around the following factors:
 - scale of housing or employment need;
 - constrained nature of the local authority area, including extent of Green Belt and nature of boundaries around settlements;
 - land availability;
 - ability of neighbouring authorities to accommodate need;
 - lack of reasonable alternatives;
 - development of sustainable options and the need to support sustainable patterns of development;
 - use of brownfield land;
 - corrections to Green Belt boundaries to reflect development or illogical/undefensible boundaries; and/or
 - need to accommodate growth of a strategic facility or employment sector.
- Site level exceptional cases have primarily focused on:
 - relative performance of the site against Green Belt purposes;
 - impact of removing the site on the overall function and integrity of the wider Green Belt;
 - presence/creation of a strong and defensible boundary;
 - contribution to housing/employment need;
 - whether the site is a sustainable location for growth;
 - use of brownfield land;
 - assessment of alternative sites; and/or
 - suitability of site for proposed use.

- A site does not necessarily have to perform weakly in Green Belt terms to demonstrate exceptional circumstances, the balance of other factors may drive the argument for its release; and
- Conclusions for the local exceptional circumstances case have been seated in the context of the overall strategic case and present the balance of the development benefits weighed against the impact on the Green Belt purposes and integrity.

3. Strategic Factors in respect of the Strategic Exceptional Circumstances Case

3.1 Introduction

Demonstrating exceptional circumstances requires the presentation of a set of factors that come together to override the normal presumption that Green Belt boundaries should endure. As set out in Section 2 there is no formal definition or standard set of assessment criteria; it will be for TMBC to ultimately determine whether it considers exceptional circumstances exist to justify removing land from the Green Belt and to make that recommendation to the inspector appointed to examine their Local Plan. Exceptional circumstances are best demonstrated where a number of factors come together to make a compelling case, although it is not essential for more than one factor to be present.

In the case of TMBC the following factors are relevant:

- **Need** for housing and other uses in the Borough;
- **Availability** of land for sustainable development and nature and extent of the Borough's environmental constraints;
- **Alternatives** to Green Belt release, including:
 - Exporting need;
 - Reasonable alternatives; and
 - Adverse consequences for sustainable development of not allocating sufficient land.

3.2 Need

3.2.1 Housing Need

As part of the updated Local Plan, TMBC has commissioned a Housing Market Delivery Study (HMDS) for the Borough. This concludes that Tonbridge and Malling has two Housing Market Areas (HMAs) which split housing need across the Borough. The HMA's are illustrated on Figure 3.1 below.

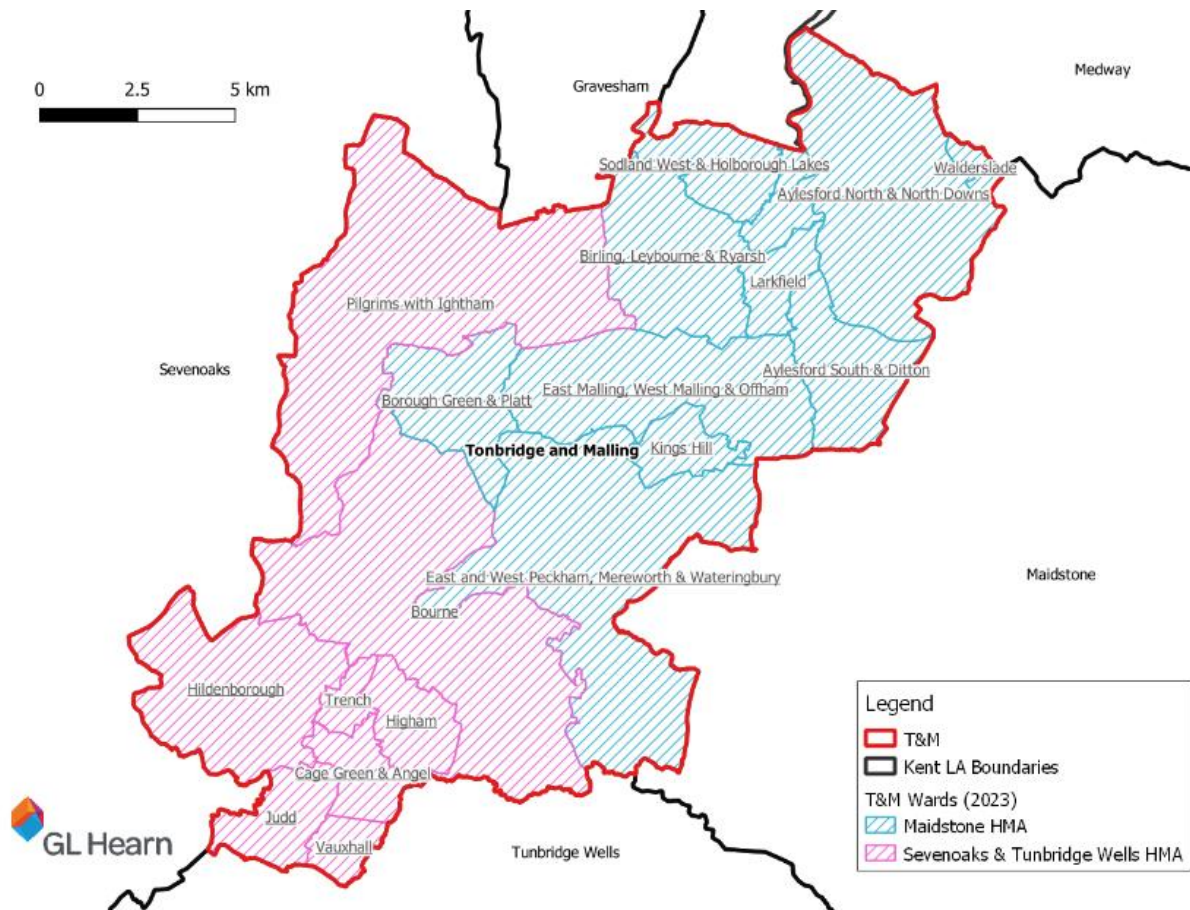


Figure 3.1: Housing Market Areas

A sustainable pattern of development should address the assessed needs where they are generated. The HMAs exert influence across the Borough and their focal points for activities such as work, education and leisure are mostly outside the Borough. It follows that development should be spread across the Borough with some located within the west of the Borough to meet the needs of the Sevenoaks/Tonbridge/Tunbridge Wells HMA and some in the east to meet the needs of the Maidstone HMA. The Sevenoaks/Tonbridge/Tunbridge Wells HMA is wholly covered by the Green Belt (with the exception of defined settlements not washed over) and the Maidstone HMA falls partly beyond the outer Green Belt boundary.

Next it is necessary to consider the need for housing in the Borough. Table 3.1 shows the comparison between housing needs and requirements for Tonbridge and Malling over time.

Housing need is an unconstrained assessment of the number of homes needed in an area. TMBC's Housing Land Supply Position¹ adopts the Government's standard method which uses a formula to identify the minimum number of homes expected to be planned for, in a way which considers projected household growth and the issue of affordability. The standard method identifies a minimum annual housing need figure which is not a housing requirement figure. TMBC identified that the Borough's housing need figure in 2021 was 839 dwellings per annum (dpa). The figure of 839 dpa is capped at 40% above the annual average growth in households for the 10-year period 2021-2031, as per the standard method.

The Housing Delivery Test (HDT) is an annual measurement of housing delivery expressed as a percentage of the number of homes delivered against those required over a rolling three-year period.

¹ TMBC (2021) Housing Land Supply Position as of 31 March 2021. Available at: <https://www.tmbc.gov.uk/downloads/download/105/ldf---housing-land-supply-position>

It is necessary to calculate the Borough’s housing requirement in order to calculate the HDT. TMBC do not have an up-to-date Local Plan, the housing requirement used in the HDT should therefore be the same as the housing need calculated using the standard methodology (i.e. 839). However, in calculating the requirement for the latest HDT the Government applied a reduction to account for the impact of Covid-19. For the 2021 measurement, there was a reduction in the period used for measuring total homes required – usually this would be measured over a 3-year period, but an 8-month period was used for the 2020/21 monitoring year, i.e. a requirement of 561 rather than 839. Additionally, an 11-month period was used for the 2019/20 monitoring year. This is to account for the considerable variations in levels of housing delivery as local planning authorities and construction industry faced disruption on a national, regional, and local level due to the pandemic.

This means that the housing requirements for 2019-20 and 2020-21 are lower than 2018-19, however this should be considered as a temporary reduction to account for exceptional circumstances, rather than a reduction in the actual need for housing in the Borough. In any event, this was a standard approach applied by the Government across England.

Table 3.1 Housing Need and Requirement Comparison

Measurement	Dwellings per annum (dpa)	Source
Housing requirement from South East Plan (2006-2021)	425	Regional Spatial Strategy/Core Strategy (2007)
Minimum housing need figure (2021-2026)	839	Housing Land Supply Provision (2021)
HDT Housing Requirement 2017-18	612	Housing Delivery Test (2021 ²)
HDT Housing Requirement 2018-19	854	Housing Delivery Test (2021 ²)
HDT Housing Requirement 2019-20	774	Housing Delivery Test (2021 ²)
HDT Housing Requirement 2020-21	561	Housing Delivery Test (2021 ²)

It is clear that the amount of housing the Borough needs to plan for has significantly increased from when the current development plan was adopted in 2007. The impact of Covid-19 has meant that there is not a continuous increase in the requirement figures published by Government, however it is evident that there is a strong and sustained demand for housing in the Borough.

3.2.2 Housing Affordability

The housing affordability ratio for the Borough clearly indicates the acuteness of housing need. In March 2022, ONS published updated housing affordability ratios, which are the ratios of house prices to workplace-based annual earnings. The larger the number, the larger the gap between house prices and workplace earnings.

Table 3.2 demonstrates that median house prices in TMBC are high, around 14% and 30% more than the Kent and national medians, respectively. However, earnings within the Borough are around 11% less than the national median resulting in a higher affordability ratio for Tonbridge and Malling, meaning that the prices in the Borough make it difficult for residents to purchase property.

² 2020 HDT results (19 Jan 2021)

The median affordability price ratio for Tonbridge and Malling was 13.39 in 2021 compared to 11.93 in 2020. As shown in Table 3.2, Tonbridge and Malling has a significantly larger median affordability ratio compared to Kent, South East England and England, as well as its neighbouring districts of Maidstone and Medway.

The lower quartile affordability ratio provides an indicator of the ability of those on the lowest incomes to access the housing market, typically as first time buyers. The lower quartile house price in Tonbridge and Malling is higher than that in England, yet Tonbridge and Malling’s lower quartile earnings are lower. This results in a significantly worse lower quartile affordability ratio compared to Kent, South East England and England. This means there is a higher barrier of entry for first time buyers to get on the property ladder in Tonbridge and Malling compared to other authorities. TMBC is in the top 18% least affordable local authorities in England³. The Borough therefore has a high and worsening housing affordability ratio.

Table 3.2 Ratio of house price to work-place earnings 2021³

Area	Median House Price	Median Earnings	Median affordability ratio	Lower Quartile House Price	Lower Quartile Earnings	Lower Quartile affordability ratio
Tonbridge and Malling	£375,500	£28,050	13.39	£292,000	£22,164	13.17
Maidstone	£337,500	£30,277	10.85	£265,000	£22,609	11.72
Medway	£272,750	£31,269	8.72	£225,000	£22,271	10.10
Kent	£330,000	£29,562	11.16	£255,000	£21,978	11.60
SE England	£365,000	£32,810	11.12	£270,000	£24,035	11.23
England	£287,000	£31,480	9.05	£185,000	£23,000	8.04

Figure 3.2 below illustrates how the median affordability ratio in Tonbridge and Malling has worsened over time. Year-on-year Tonbridge and Malling has exceeded both the national and regional average, demonstrating that TMBC is less affordable than England and South East England. The HMDS as well as the Housing Needs Study set out the affordability issues in the Borough in more detail.

³ The lower quartile affordability ratio (ONS, 2022) for TMBC is 13.17. There are 58 other local authorities that have a higher lower quartile affordability ratio so out of the total 331 local authorities recorded in England, TMBC sits within the top 18% of local authorities.

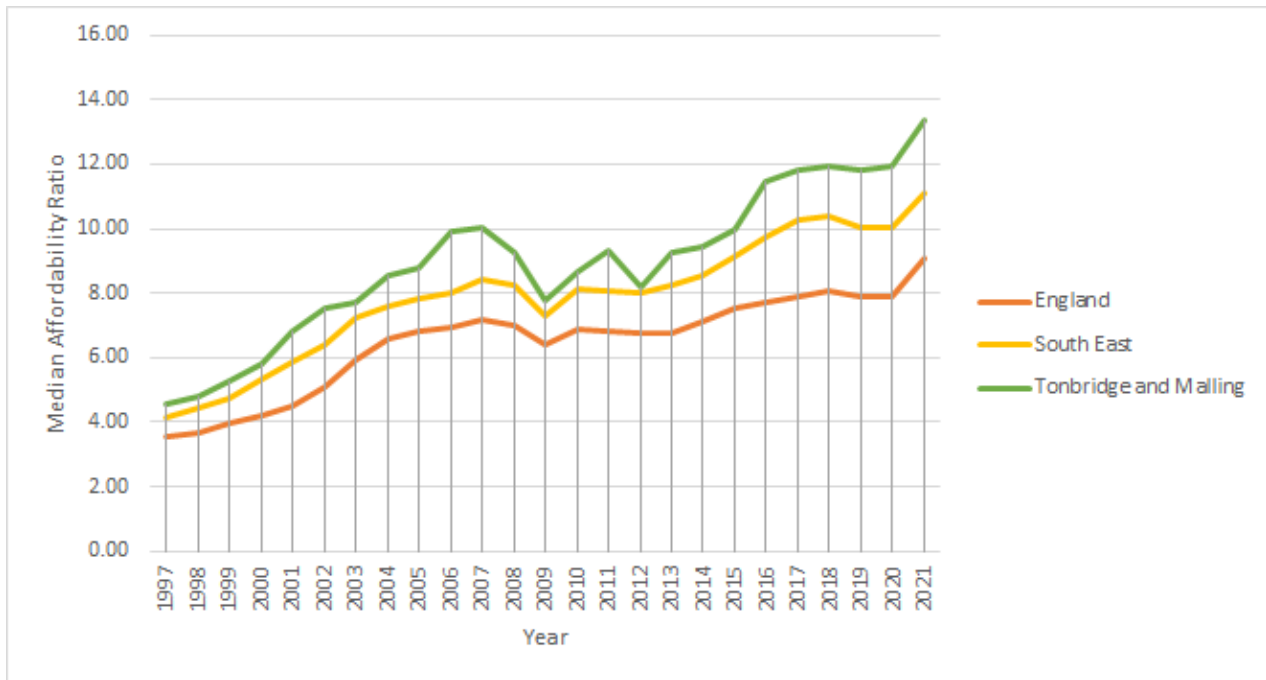


Figure 3.2: Change in Median Affordability Ratio over time

3.2.3 Housing Supply

The Housing Delivery Test Action Plan (2021)⁴ identified that Tonbridge and Malling had a HDT 2020 measurement of 91%. During the three years that were monitored (2017-2020), 2,036 homes were delivered, which compared to the HDT requirement of 2,240 homes.

Since the HDT Action Plan was produced, Government has published the 2021 HDT measurements as illustrated in Table 3.3⁵. Tonbridge and Malling’s HDT measurement has fallen to 63%, demonstrating a significant undersupply of housing. It is also worth noting that there has been a dramatic shift in the relative position of supply to demand in recent years. In 2018 and 2019 housing delivery in fact exceeded need, with HDT of 155% and 117% respectively; however, in the last two years delivery has fallen short of homes required.

Table 3.3 Housing Delivery Test 2021 (14 January 2022)

Tonbridge and Malling	2018-19	2019-20	2020-21	Totals
Number of homes required	854	774	561	2189
Number of homes delivered	457	471	441	1369
HDT 2021	-	-	-	63%

⁴ TMBC (July 2021) Housing Delivery Test Action Plan. Available at [hdt-action-plan-july21 \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/hdt-action-plan-july21)

⁵ [Housing Delivery Test: 2021 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/housing-delivery-test-2021-measurement)

3.2.4 Summary

In summary, the Borough is a desirable place to live with a strong housing market. The demand for housing is high and growing, it is also geographically spread across the Borough. There is currently a significant undersupply of homes in the Borough, and this appears to be worsening.

The strategic exceptional circumstances case rests heavily on the Borough's high need for housing and this should be set out in the Local Plan evidence base. TMBC may also be able to demonstrate need for other land uses including employment, community and Travelling communities' accommodation which would further strengthen the case.

3.3 Availability of Land

3.3.1 Environmental and Policy Constraints

Tonbridge and Malling is a highly constrained borough. It is constrained by policy designations which significantly limit the opportunities for new development. Key policy constraints, including the Green Belt, are illustrated on Figure 3.3 overleaf.

Of its total area, 71% of the Borough is designated as Green Belt. Parts of the Borough outside the outer Green Belt boundary include extensive parts of the Kent Downs Area of Outstanding Natural Beauty (AONB), two Special Areas of Conservation (SACs), high quality agricultural land and areas of national and local nature conservation interest. In addition, most of the lower lying land in the Medway Valley lies within the floodplain of the River Medway and is subject to varying degrees of flooding constraint. Other constraints outside of the Green Belt include Sites of Special Scientific Interest (SSSI), Ancient and Semi-Natural Woodland and Scheduled Monuments.

Extensive parts of the Borough lie within the Kent Downs and High Weald AONBs. The Kent Downs AONB extends across the western, northern and north-eastern parts of the Borough, whereas High Weald AONB covers a small area to the south of the Borough. The majority of the Kent Downs AONBs intersects with the Green Belt and all the High Weald AONB is covered by Green Belt.

In September 2017, the Government published the proportion of land in each local authority area constrained by being Green Belt, National Park, an AONB or an SSSI. For Tonbridge and Malling, this figure was 77%⁶. This means Tonbridge and Malling is in the top 10% of local authorities with the highest areas of constrained land in England.

⁶[Housing Need Consultation Data Table.xlsx \(live.com\)](#)

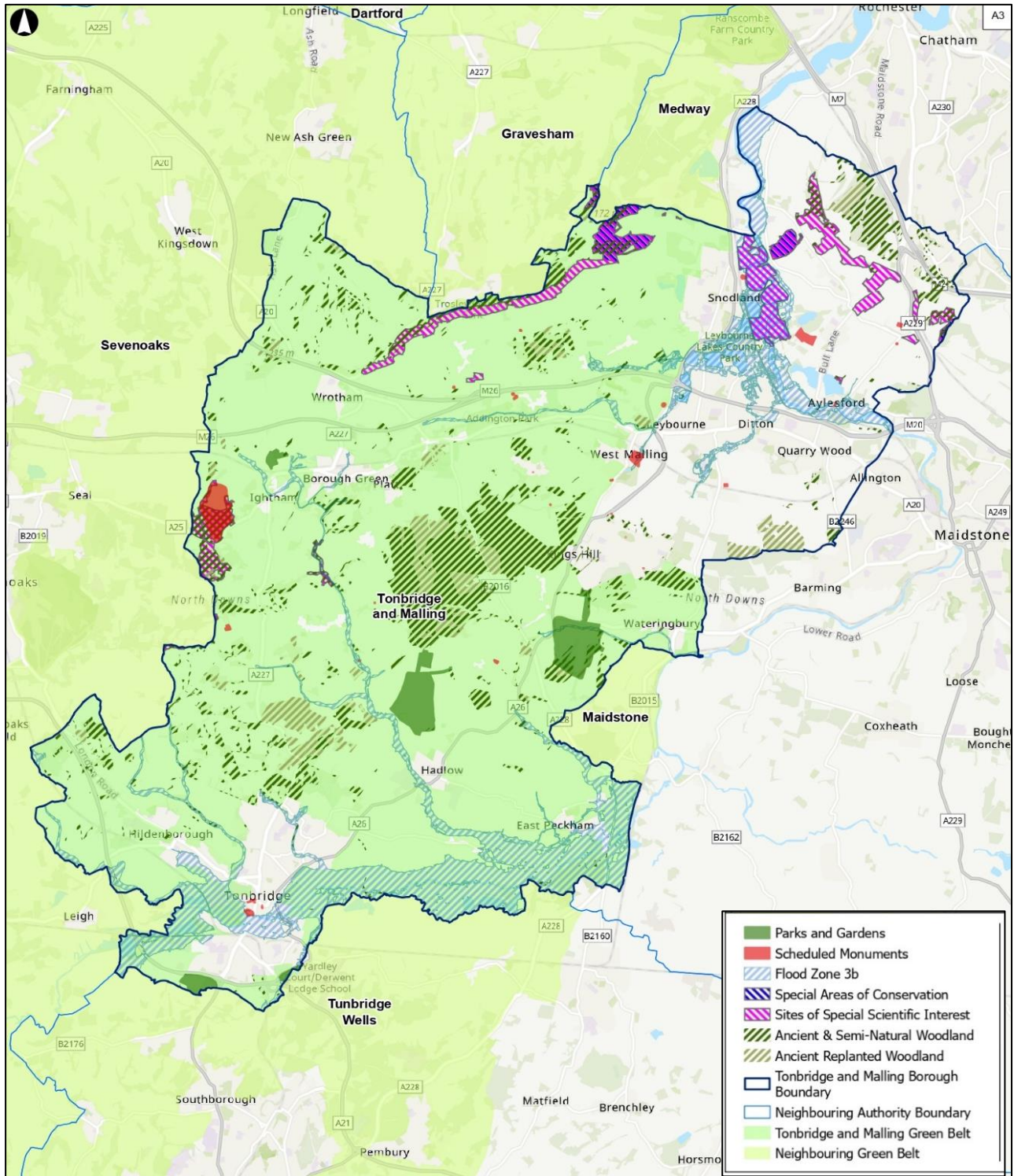


Figure 3.3: Policy Constraints

Tonbridge and Malling Borough presents a predominantly rural and nuclear pattern of development, consisting of five ‘Urban Areas’ (Tonbridge, Medway Gap, Kings Hill, Snodland and Walderslade), five ‘Rural Service Centres’ (Borough Green, East Peckham, Hadlow, Hildenborough and West Malling), 26 ‘Other Rural Settlements’ and five areas washed over by the Green Belt (Stansted, Snoll Hatch, Dunks Green, Shipbourne and Fairseat).

Figure 3.4 illustrates the Green Belt boundary is tightly drawn around the entirety of Tonbridge, and at least one edge of three of the four other Urban Areas (Medway Gap, Kings Hill, and Snodland). The Rural Service Centres are also heavily constrained by the Green Belt. The Green Belt boundary is tightly drawn around all Rural Service Centres with the exception of West Malling where the western settlement boundary is tightly drawn by the Green Belt but the eastern settlement boundary is not adjacent to the Green Belt. The location within the Green Belt, combined with the tightly drawn boundaries, minimises the potential for these settlements to accommodate growth over the long-term without alterations to the existing Green Belt boundaries.

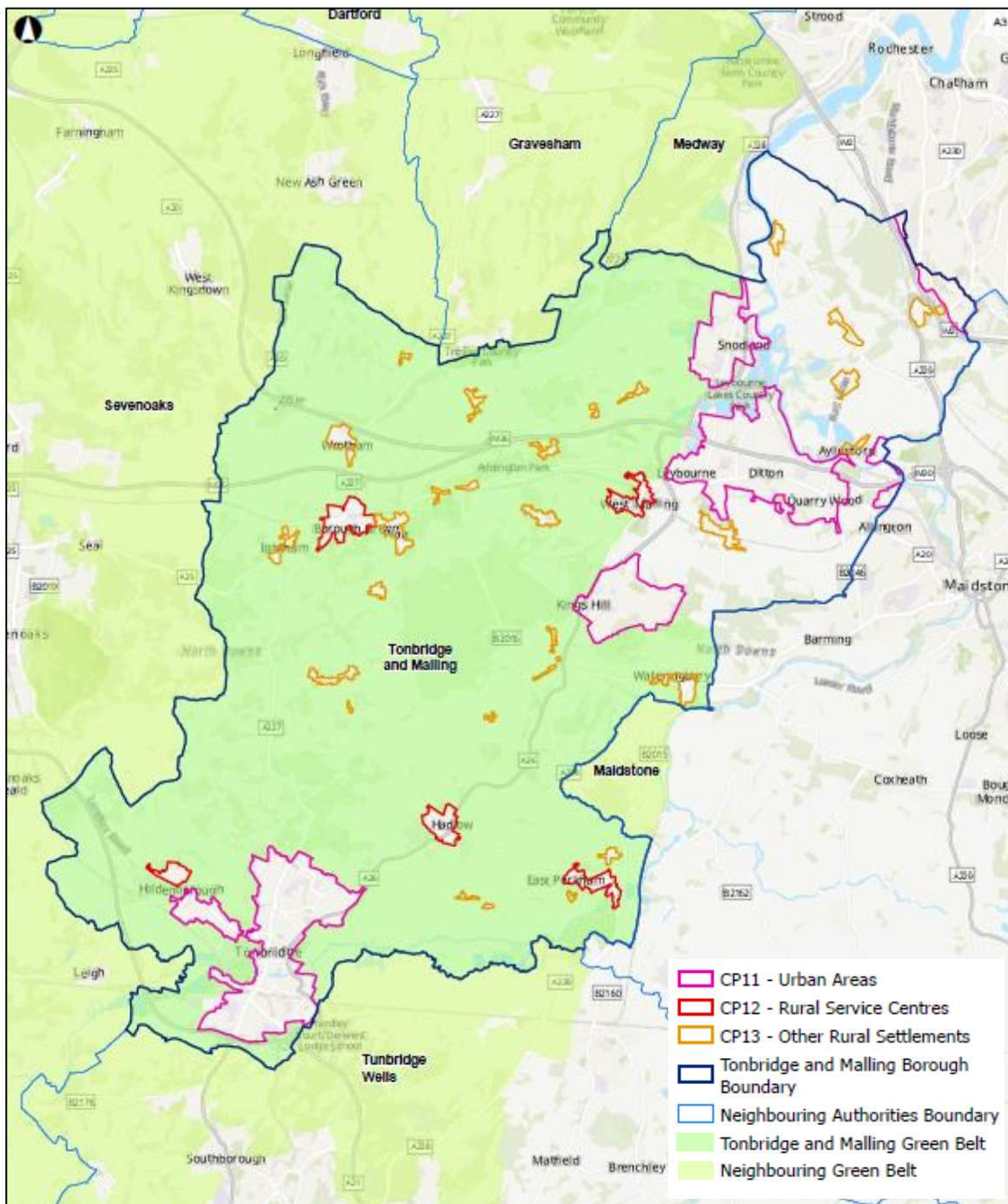


Figure 3.4: Settlements in relation to Green Belt

3.3.2 Context of Green Belt

The ‘Metropolitan’ Green Belt which comprises part of Tonbridge and Malling, was extended from the initial 5 to 8 miles from the outer limits of London that was established in the 1950s, to 15 miles in the 1980s. The original purpose of the Green Belt was to prevent the sprawl of London into Kent. However, the Green Belt has evolved to play a role in relation to other settlements when considered at the local scale.

As described above, the TMBC Green Belt boundaries are drawn tightly around existing settlements, and this is an important factor in the exceptional circumstances case.

The history and evolution of the Green Belt designation is also important and should be considered on a site-by-site basis when considering the implications of removal of sites from the Green Belt. Since the detailed boundary of the Green Belt was established, development has likely rendered some parts of the boundary illogical or indefensible, and there may be discrepancies which should be corrected. This does not justify strategic exceptional circumstance but will be a factor in determining site specific exceptional circumstances.

3.3.3 Summary

Tonbridge and Malling is predominantly rural and highly constrained, with the most significant constraint being the Green Belt covering 71% of the Borough. This severely limits the opportunity to accommodate the Borough’s high housing need and supports the case that exceptional circumstances exist which justify alterations to the Green Belt boundary.

3.4 Alternatives

Before reaching a conclusion on whether exceptional circumstances (strategic) exist to justify altering Green Belt boundaries, TMBC needs to demonstrate that all other reasonable options for meeting the identified need have been fully examined. This includes accommodating some growth in neighbouring areas or within existing settlements.

3.4.1 Exporting Need

The NPPF (paragraph 141) emphasises the importance of carrying out and documenting informed discussions with neighbouring authorities to understand if some of the need could be exported, considering existing migration patterns.

The majority of the locations beyond the outer Green Belt boundary in Tonbridge and Malling are located within the Maidstone HMA, with the Maidstone urban area being the main focal point. Channelling development towards this part of the Borough would not address the housing need where it is generated within the Sevenoaks/Tunbridge Wells/Tonbridge HMA and would therefore promote unsustainable patterns of development, contrary to national policy. Nevertheless, the option for Maidstone Borough to accommodate some of Tonbridge and Malling’s housing need should be explored. It is noted that the Maidstone Local Plan was submitted for examination in March 2022 meaning it may offer little scope to accommodate some of Tonbridge and Malling’s housing need.

TMBC must look to its other neighbouring authorities to seek assistance in meeting its housing need. The constraints encountered at Tonbridge and Malling are also experienced by its neighbours, particularly Sevenoaks and Tunbridge Wells. Sevenoaks District is 93% Green Belt and 60% AONB and Tunbridge Wells Borough is 70% AONB (High Weald) and 22% Green Belt. Given these high-level extensive constraints, it is questionable whether engagement with these neighbouring authorities will generate an outcome whereby some of Tonbridge and Malling’s identified housing need could be accommodated in the neighbouring areas. However, it is important

to note that the requirement to demonstrate that growth cannot be accommodated by neighbouring boroughs has not yet been fully explored and evidenced.

3.4.2 Reasonable Alternatives

Reasonable alternatives to Green Belt releases include optimising brownfield and underutilised land, and optimising density of development. TMBC's Urban Capacity Study sets out a transparent and logical methodology for identifying the potential capacity for homes within existing urban areas and rural service centres. This includes a methodology for optimising densities taking account of the prevailing local character and accessibility to services and facilities.

There are currently known factors which support the case that it is not possible to meet all of the Borough's housing needs within existing built up areas, including:

- The tightly drawn boundaries around the many of the Urban Settlements and Rural Service Centres;
- Limited number of sites on the Tonbridge and Malling Brownfield register – the 2019 Brownfield Register includes just 13 sites covering 8.74 hectares;
- Limited potential within built up areas as identified in the Urban Capacity Study, which includes sites promoted through the recent call-for-sites exercise.

Evidence will need to be provided to ascertain what additional capacity there might be within and surrounding the Borough's rural settlements (both inset villages and those settlements surrounded by open countryside).

3.4.3 Adverse consequences for sustainable development of not allocating sufficient land

TMBC has considered five spatial strategy options which will have been subject to the Sustainability Appraisal process through which a sustainable pattern of development for the Borough will be identified.

If insufficient land is allocated to meet the Borough's housing need, development may come forward in an ad-hoc, unplanned way with adverse implications for sustainable development. This could take the form of speculative developments in locations which do not have necessary infrastructure and services to support growth.

Another potential consequence of not allocating sufficient land is that development will be channelled towards locations beyond the outer Green Belt boundary, having negative consequences for sustainable patterns of development.

3.4.4 Summary

TMBC is in the process of identifying a sustainable spatial strategy which is informed by the Sustainability Appraisal. TMBC has also undertaken a review of the capacity of urban areas to accommodate need. The Urban Capacity Study concluded that the Borough has limited alternative options to accommodate its housing need. In response to national policy, TMBC will engage in discussions with neighbouring authorities about whether they could accommodate some of the identified need for development. This is necessary before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries.

4. Conclusion

The evidence currently available indicates that the Borough:

- Has a high housing demand and acute affordability challenges;
- Has an undersupply of housing which appears to be worsening;
- Is heavily constrained by policy and environmental constraints;
- Has limited opportunity to accommodate its needs within existing built-up areas; and
- Is likely to have limited ability to export its housing need to neighbouring authorities.

Based upon the available evidence, it is considered that TMBC does have a good strategic exceptional circumstances case for altering the Green Belt boundaries to help meet the assessed development needs.

TMBC is still at the early stages of preparing the emerging Local Plan. It is important the Local Plan plans positively for the Borough's future needs in a sustainable way. The spatial strategy contained in the emerging Local Plan will need to be based upon a comprehensive, up-to-date and robust evidence base.

The strategic level exceptional circumstances case will need to be linked to this wider evidence base including the proposed spatial strategy, the approach to meeting housing and employment needs within the Borough, the reasonable alternatives for delivering growth (as assessed through the Sustainability Appraisal) as well as the conclusions drawn from the Green Belt review and site assessments.

A case will also need to be made for site specific exceptional circumstances to release particular parcels from the Green Belt. Furthermore, TMBC will need to 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.

Appendix: Experience Elsewhere

Authority	Local Plan Status	Technical Papers prepared for Examination	Inspectors Report
Durham	Adopted (2020)	<p>The site level exceptional circumstances were examined in the <i>Green Belt Review: Stage 1 and 2 Report</i> (Durham County Council, 2018). A two-stage approach was applied to cover the whole extent of the Durham Green Belt, which included a General Area Assessment and a Green Belt Parcel Assessment.</p> <p>The General Area Assessment looked at the performance of each General Area against the five purposes of the Green Belt and took full account of the history of the Durham Green Belt. The Green Belt Parcel Assessment undertook further analysis to understand the relationship each parcel has with an inset Green Belt Settlement, the parcels defensible boundaries, the category 1 constraints from the Durham SHLAA and the contribution of the general area to five Green Belt purposes in the Stage 1 Assessment.</p>	<p>The Inspector states that there are strategic exceptional circumstances to justify the release of Green Belt land. At a strategic level the Inspector considers housing need, land availability, use of infill sites and brownfield land and patterns of sustainable development.</p> <p>The Inspector considers the allocations on a site-by-site basis to consider whether exceptional circumstances exist to release specific sites from the Green Belt. When examining individual sites he considers overall housing need, the performance in the Green Belt Review, all other options for housing development on brownfield land and other potentially suitable land as assessed in the suitability appraisal.</p> <p>William Fieldhouse, The Planning Inspectorate (2020) <i>Report on the Examination of the County Durham Plan</i></p>
Runnymede	Adopted (2020)	<p>Two papers produced: one setting out the factors the council considered as the exceptional circumstances to justify amendments to the Green Belt Boundary; the other provides local level exceptional circumstances for each proposed site allocation.</p> <p><i>Runnymede 2030, Exceptional Circumstances Addendum</i>, (April 2018, Runnymede Borough Council), sets out the local level case for each site. The pro forma all include the following:</p> <ul style="list-style-type: none"> - Site area and % of total Green Belt in current plan 	<p>The Inspector's Report concluded that the Council had demonstrated exceptional circumstances for the strategic release as well as justifying the release of the individual sites. In the strategic case, the Inspector considered the constrained nature of the borough, housing need, land availability, use of brownfield land, the scope of neighbouring authorities to accommodate need, corrections to the Green Belt boundary to reflect development or illogical/ indefensible boundaries, and need to accommodate growth of a strategic facility (hospital).</p> <p>On a site by site basis, the Inspector considers the performance in the Green Belt Review, Site Selection</p>

Authority	Local Plan Status	Technical Papers prepared for Examination	Inspectors Report
		<ul style="list-style-type: none"> - Map with key designations - Key findings from Green Belt reviews addressing two questions: Will the removal of the site have an impact on the purposes of the Green Belt? Is it possible to define site boundaries clearly, using physical features that are readily recognisable and likely to be permanent? - Key findings from Site Selection Methodology Assessment - Key findings from viability assessment - Local exceptional circumstances <p>The section of exceptional circumstances uses standard text for each pro forma. It sets the context as constrained nature of borough and inability of other authorities to help meet housing need and, as appropriate, also states the following reasons:</p> <ul style="list-style-type: none"> - Need for housing land to meet OAHN. - Need for land to meet GTT housing need - Need to ensure Green Belt boundary is defensible and logical <p>Allow for growth of key service facility</p>	<p>Assessment and Sustainability Appraisal, and the new Green Belt boundaries. The performance of the sites against the Purposes and the overall integrity of the Green Belt is examined.</p> <p>Mary Travers, The Planning Inspectorate (2020) <i>Report on the Examination of the Runnymede 2030 Local Plan</i></p>
Stevenage	Adopted (2019)	<p>Green Belt Technical Paper (Stevenage Borough Council, 2015) sets out the strategic exceptional circumstances case focusing on</p> <ul style="list-style-type: none"> - The acuteness/intensity of the need for new homes, employment and retail provision. 	<p>The Inspector considered the history and nature of the Green Belt in Stevenage commenting that it was constrained due to the Green Belt boundary being tightly drawn around the edge of the urban area and also given that the town is relatively new (post war) meaning there are limited opportunities for redevelopment. She noted that as neighbouring authorities</p>

Authority	Local Plan Status	Technical Papers prepared for Examination	Inspectors Report
		<ul style="list-style-type: none"> - The inherent constraints on supply/availability of land prima facie suitable for sustainable development - The consequent difficulties in achieving sustainable development without impinging on the Green Belt - The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed) - The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent. <p>The specific site releases are examined as part of the section on the nature and extent of harm to the Green Belt. The analysis focuses on impact on the Green Belt purposes and whether resultant Green Belt boundaries will be strong and defensible based on recognisable features.</p>	<p>were also reviewing their Green Belt boundaries to meet their own needs, they would be unlikely to accommodate Stevenage's needs. She concludes that the only way Stevenage can meet its identified housing need is to release suitable land from the Green Belt.</p> <p>On a site by site basis she considers the outcomes from the Council's Green Belt Review and the relative performance of the sites proposed to be allocated noting the impact of the removal of the site on the overall function of the Green Belt. She concludes that in the context of the Council's housing need which cannot be met outside of the Green Belt and taking into account the thorough Green Belt site assessments and the resultant impact on the overall function of the Green Belt, exceptional circumstances exist to release the proposed sites.</p> <p><i>Louise Crosby / The Planning Inspectorate (2017) Report on the Examination of the Stevenage Borough Local Plan 2011-2031</i></p>
Barnsley	Adopted (2019)	<p>A Green Belt background paper set out the site level exceptional circumstances to justify alterations to the Green Belt boundary for major changes to accommodate housing and employment requirements.</p> <p>This paper is no longer available for review on the council's website.</p>	<p>The Inspector notes that the overall extent of the current Green Belt and the tight boundaries around the existing settlements means that the supply and suitability of land to meet development needs outside the Green Belt is restricted. Further that through DtC it has been demonstrated there is no scope for need to be met by neighbouring authorities. The Inspector concludes that there is therefore a compelling case to release Green Belt, however, caveats this conclusion by emphasising that this is subject to exceptional circumstances being demonstrated for individual sites.</p> <p>The Inspector considers the allocations on a site by site basis. In considering whether exceptional circumstances exist, she</p>

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			<p>notes that alternative sites have been assessed and discounted and she considers the findings from the Green Belt Review and the site's fulfilment of Green Belt purposes. For one of the proposed allocations she recommends reducing the site area due to the impact on a designated heritage asset and the presence of a strong and defensible boundary.</p> <p>Sarah Housden / The Planning Inspectorate (2018) <i>Report on the Examination of the Barnsley Local Plan</i></p>
Guildford	Adopted (2019)	<p>The <i>Topic Paper: Green Belt and the Countryside</i> (Guildford Borough, 2017) explores the exceptional circumstances for Green Belt alterations at a strategic level. It references the level of needs, extent of Green Belt and land / site availability outside of the Green Belt. The exceptional circumstances case for Green Belt additions/ removals is examined on a site by site basis in this topic paper as well as the <i>Topic Paper: Housing Delivery</i> (Guildford Borough, 2017).</p> <p>The following factors are considered in the site level analysis: scale of development and degree of openness of major previously developed sites; availability of alternative sites, ability to meet housing need (including for traveller provision); and presence of defensible and permanent boundaries.</p>	<p>The Inspector firstly considers whether strategic-level exceptional circumstances exist considering a number of factors: the need for housing, business needs, land availability in the urban areas, and whether the quantity of development should be restricted having regard to footnote 9 of the NPPF (2012).</p> <p>The Inspector notes that Guildford has a pressing housing needs with no scope for neighbouring authorities to accommodate any development due to them being significantly constrained.</p> <p>In terms of business needs he states that the land available for additional business development in the urban area is very limited and there is no realistic alternative to releasing Green Belt land. In terms of housing, development opportunities within the urban areas have been thoroughly investigated as part of the Land Availability Assessment process. Guildford town centre is constrained due to conservation and flood risk issues.</p> <p>He states that there is no justification to restrict development based on footnote 9 commenting that the alternations to the Green Belt boundary would have a relatively limited impact</p>

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			<p>on openness and would not cause severe or widespread harm to the purposes of the Green Belt.</p> <p>After concluding that strategic-level exceptional circumstances exist, the Inspector considers whether local-level exceptional circumstances exist on a site by site basis taking into account the findings from the Council's Green Belt and Countryside Study relating to the sensitivity of the site against the NPPF Green Belt purposes as well as the size of the site and its ability to contribute to the Borough's housing requirement.</p> <p>Jonathan Bore / The Planning Inspectorate (2019) <i>Report on the Examination of the Guildford Borough Local Plan: strategy and sites</i></p>
Kirkless	Adopted (2019)	<p>The strategic case for Green Belt release is set out in the <i>Green Belt Review Supporting Document</i> (Kirklees Council, 2017). It considers the level of need, land availability and the inability of neighbouring authorities to take any need.</p> <p>The site level exceptional circumstances are set out in the <i>Accepted Site Options Technical Appraisal</i> (Kirklees Council, 2017), which weighs up for each site whether meeting objectively assessed need for housing / employment, lack of reasonable alternatives and need to promote sustainable development patterns outweigh by the harm that would be caused to Green Belt purposes.</p>	<p>At the strategic level the Inspector concludes exceptional circumstances exist based the identified housing need, lack of reasonable alternatives, inability of neighbouring authorities to meet their own requirements, and the benefits associated with housing and economic growth. The Inspector notes that release of Green Belt land is supported by the Council's Green Belt review and site assessment work which demonstrate that the release would not harm the overall integrity of the Green Belt.</p> <p>In considering whether local level exceptional circumstances exist, the Inspector considers the findings the Council's Green Belt Review and the impact on Green Belt function / degree of potential harm caused by removal from the Green Belt and whether there is a strong defensible boundary. Other factors and constraints to development from the site assessment work are also considered.</p>

Authority	Local Plan Status	Technical Papers prepared for Examination	Inspectors Report
			Katie Child and Elizabeth Hill / The Planning Inspectorate (2019) <i>Report on the Examination of the Kirklees Publication Draft Local Plan</i>
Wycombe	Adopted (2019)	The site level exceptional circumstances were examined in the <i>Green Belt Part Two Assessment</i> (Wycombe District Council, 2017). The sites were subject to a four-stage assessment process in order to determine if exceptional circumstances existed and justified their removal from the Green Belt. These stages considered whether a site: was capable of contributing to sustainable development; was capable of removal from the Green Belt (i.e. acceptable with regard to the Purposes, general extent of Green Belt and presence of permanent and robust boundaries); if proposed for housing, was a deliverable or developable site; and whether the scale of unmet need balanced against the quality and function of the Green Belt weighs in favour of release.	<p>At the strategic level, the Inspector concludes exceptional circumstances exist based on the unmet housing and employment need (even when need met through DtC had been taken into account) and lack of alternative suitable land. However, the Inspector comments that although the strategic case is made, any release was dependent on exceptional circumstances being demonstrated at site level.</p> <p>For the individual sites, the Inspector considered the performance against Green Belt purposes, whether the site was in a sustainable location for growth; whether the site was capable of being removed from the designation without adversely impacting the wider designation, whether the site was suitable for the proposed use and presence of durable boundaries.</p> <p>Nicola Gulley / The Planning Inspectorate (2019) <i>Report on the Examination of the Wycombe District Local Plan</i></p>
Rugby	Adopted (2019)	Exceptional circumstances were considered in the <i>Housing Background Paper</i> (Rugby Borough Council, 2017). The following factors were examined: existence of other reasonable options to meet development needs, including supply of sustainable sites outside the Green Belt and deliverability of sites.	The Inspector concluded that exceptional circumstances to justify amending the Green Belt boundary did exist for some sites, however notably the Inspector also found that exceptional circumstances could not be justified on some sites. Reasons for rejecting sites included: breaching an existing strong, clearly defined Green Belt boundary (A46) which would cause significant harm to the purposes of the Green Belt in this location; unmet housing needs could be met in sustainable locations outside the Green Belt without harm to the Green Belt purposes; and the fact that a grade separated scheme and the emergency access could be

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			<p>delivered earlier did not constitute exceptional circumstances to justify the release of a significant area of GB land for a development that is not required to meet the agreed local or subregional employment or housing needs.</p> <p>Mike Hayden / The Planning Inspectorate (2019) <i>Report on the Examination of the Rugby Borough Local Plan 2011-2031</i></p>
Cambridge	Adopted (2018)		<p>For the individual sites, the Inspectors considered harm to Green Belt purposes, sustainability of locations, amount of housing / need met, importance of site to local / national economy and Green Belt boundaries. Conclusions are drawn based on the benefits of development weighed against the impact on Green Belt purposes. Laura Graham /The Planning Inspectorate (2018) <i>Report on the Examination of the Cambridge Local Plan 2014</i></p>