

THE LONDON GREEN BELT COUNCIL

Notes 151

March 2008



Natural England and Green Belt

The last issue of Notes includes my protest to the Chairman of Natural England at his organisation's outrageous attempt to rewrite green belt principles 'to see if and how they can evolve to fit 21st century circumstances'. This might involve surrendering some green belt in order to enable Natural England save other land elsewhere. I now bring you up to date on that correspondence.

1. Sir Martin Doughty's reply of 22nd November 2007:

Thank you for your thoughtful letter of 22 October 2007 with its observations on our recent ideas for locating housing growth, and its information on the London Green Belt Council.

I think that the key to our ideas remains in the statement that any review of green belt policy should not lead to 'accusations of dismantling [the green belt] or concreting over the countryside'. I accept that you have concerns with other parts of our Board Paper that seem to imply otherwise so perhaps I might explain our standpoint in another way.

It is based on a sequence of factors.

If the nation is to accommodate substantial housing growth, the new houses will need to be built in the most sustainable locations. Indeed, under current planning legislation, that must be the case.

Many new homes can be built in urban areas, on previously used land and perhaps to higher densities that hitherto. But even in these circumstances, some brownfield land will not be suitable for redevelopment. We also urge that a generous supply of green space accompanies any new homes.

This leaves a substantial number of houses to be sustainably located elsewhere. There will certainly be debates about the capacity (if any) of protected landscapes, areas of natural conservation importance, and floodplains to accommodate development and, alongside that, we argue that the capacity (again, if any) of green belt land should be considered too.

This does not mean that we are seeking to abandon a firm planning policy for urban containment. Rather, in particular places at particular times, and through rigorous testing in the regional and local planning processes, it might serve sustainability better to identify specific areas of green belt land for development rather than forcing housing to less sustainable locations elsewhere.

We would envisage this as highly regulated process - as it is already through the current boundary review procedures. We would seek to retain the best of green belt policy while allowing consideration of more recent factors - vital factors - such as sustainable development, mitigating the effects of climate change, and biodiversity loss.

You will also see that an essential part of our ideas would be to improve the environmental quality of green belt land - greening the green belt. This, as you say, is not fundamental to the definition of green belts per se but we think it should be given more prominence. We see urban containment and good access to a high quality natural environment as a prize worth seeking.

I hope that allays your fears.

2) My reply of 4th January 2008.

Thank you for your letter of 22nd November about Green Belt.

While I am grateful for your assurance of support for the Green Belt, I remain concerned that the

policy adopted by Natural England is not in the interests of the Green Belt.

We accept that it has always been possible within existing policy to redefine the boundaries of Green Belt land, though this should only happen in exceptional circumstances and not be a matter for consideration at each and every plan review. But Natural England still seems to be unaware of, or to be deliberately ignoring, the fundamental purposes which, as stated in PPG2, are;

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns from merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land.*

There is nothing in this about the quality of the scenery; indeed para, 1.7 of PPG2 says explicitly that that is irrelevant in the designation of land as green belt or in its continued protection. This approach has been upheld by successive governments and in many planning appeal decisions,

Your paper refers to improving the quality of green belt land, and we have no problem supporting the idea of improving the environmental quality of Green Belt, or indeed of any other parts of the countryside. But your letter also says "We would seek to retain the best of green belt policy". There is no best or worst of green belt policy, and it appears that Natural England is confusing the issues of green belt and landscape quality. We also cannot understand how Natural England can reconcile the need for urban containment (the last paragraph of your letter) with disposing of some green belt land for development,

If taking land out of green belt becomes unavoidable within the proper operation of the existing planning system, the approach should be to identify land which is least important for achieving the stated purposes of green belt policy. However, this should not be seen as the price for retaining other areas of green belt land which have an important part to play in achieving those purposes. Green belt protection and environmental enhancement are both valuable policies in their respective contexts. In places the policies may overlap, but they are not to be traded off against each other, whether to enable Natural England to pursue its other policies elsewhere or for any other reason.

We hope that English Nature will take account of these points in future.

3) Sir Martin Doughty's reply of 25th January 2008.

Thank you for your letter of 4 January setting out your further reflections on Green Belt policy.

Natural England is still developing its position on Green Belt policy and my Board will be considering a draft policy on Housing Growth and Green Infrastructure for approval at our 13 February meeting. The paper will develop our position on Green Belts as part of this wider discussion. It will be available on the Natural England website in due course.

The Board paper will confirm our support for the valuable role that Green Belts play, particularly in containing urban development and supporting urban renaissance. We will, however, make the case for a strategic review of Green Belt as part of the Regional Spatial Strategy process with the objective of finding the most environmentally sustainable locations for necessary future development.

The paper will also set out our view that we should press Government for a refresh of Green Belt policy, not to abandon the valuable purposes of the Green Belt as set out in Planning Policy Guidance Note 2. We will concentrate on how they might be expanded to address new imperatives such as climate change adaptation and delivering greater benefits for biodiversity, landscape and for people's enjoyment of the countryside.

I hope this reassures you that Natural England's objective is to see how Green Belt protection and environmental enhancement can work better together and not to trade one off against the other.

You will see that 3) does seem to indicate a slight change of emphasis, but of course we must be no less vigilant in future, and we urge all our members to express their views to Natural England in no uncertain terms when the issue next comes to notice, as it surely will.

The change may after all be just a diplomatic change of language. I say this because an enthusiastic article about Sir Martin in the RTPI's journal *Planning* is headed 'A Natural Diplomat'. The article is mainly about his diplomacy in merging diverse organisations, but it records that last October he asked 'How do we build three million homes without looking at green belt as part of the equation?'; and said 'Natural England has a role in making decisions about where and how you build and how you get green infrastructure. We have to look at possible trade-offs'.

It is not Natural England's role to decide these matters; it is the Government's,

Delegation of Regional Planning Powers to Regional Development Authorities.

This is a matter of great importance to the planning system generally. It is not primarily a green belt matter, or even a countryside matter, though it could have very serious implications for them generally. It could affect built-up areas, too. To quote from a CPRE document appealing for funds to help fight the proposal 'In the next few weeks the Government will be holding a public consultation on its proposal to hand regional planning powers over to the Regional Development Agencies. The message they will receive from the CPRE is that the proposal is undemocratic, unworkable, and deeply damaging to the countryside This is not just about protecting the countryside, but about people's right to a say in decisions that affect them'.... It 'may sound like replacing one faceless organisation with another, but it is more serious than that. The RDAs are quangos appointed by the Government. They are much less representative of local people than the Regional Assemblies, 70% of whose members are elected councillors. They lack the experience and expertise to deal with major planning matters. And because their whole purpose is to promote economic development they are unlikely to give adequate weight to protecting the environment. Yet they will be in the dangerous position of being able to grant planning permission for their own pet schemes, including major housing developments, road projects, business parks, warehousing, retail parks, and other developments...'

We have been through this before and survived and we must try to ensure that we do so again. Notes 117 (August 1999) lists at least half a dozen partly overlapping and partly competing organisations in the new linguistic art of interpreting and manipulating the concept of sustainability. I mentioned that RDAs are primarily economic and business orientated, and said of the East of England one that, though like others it sought to turn its region into a world class economy, it did not consider constraints. It made me think of King Lear's words 'I shall do things – what they are yet I know not – but they shall be the terror of the earth'.

The subject was followed up in Notes 125 (May 2001), as follows

'When in 1997 the Government started preparing to set up a more regional style of government it soon became obvious that an important matter would be where the planning powers lay... The Government's first proposal was to give RDAs planning powers, but there was so much objection to this, including from us, on the grounds that it would lead to the subordination of environmental and other planning considerations to the economic growth which was the prime objective of the RDAs that the Government had dropped the idea.

'Since then one of the lesser joys of trying to keep abreast of these matters has been reading the documents produced by the RDAs. Each envisages its region as a world leader in some aspect of white-hot technological progress. For instance the East of England Development Authority strategy document has 11 chapters, 4 of which are headed Innovation Capital of Europe, World-Class Business, World-Class Skills, and World-Class Profile, respectively.

Notes 125 goes on to record that when the EEDA produced its strategy the East of England Regional Assembly (EERA) criticised it, and the EEDA agreed to amend it. The EERA refused to

approve the revised version, but the EEDA refused to amend it again, and published it nevertheless. The EERA thought that too little weight was given to environmental and social matters, its secretary saying that the EEDA was 'playing to a business-driven audience that may not fully understand the implications of harmonising regional planning and economic guidance'. The DETR (as it was then) eventually issued a consultation paper entitled 'Strengthening Regional Accountability', which said 'Although the RDAs remain accountable to Ministers and to parliament, it is crucial that they also respect the views and needs of the regions they serve'.

All this shows, I suggest, that the last thing that anyone needs is to give excessive powers to unelected bodies with an overweening sense of their own economic expertise and importance.

Planning Decisions

It may be a relief to turn to rather humbler matters, which can nevertheless often be of considerable concern locally, and each of which may be a precedent, for good or ill, for decisions elsewhere.

1. An hotel in green belt at Wexford, Bucks erected a timber office and storage building in the grounds on land where there had once been a chalet. The council ordered the demolition of the timber office building, and there was an appeal. The inspector said that an undated aerial photograph showed the chalet to be so small and so far from the main buildings that he was not persuaded that it could ever have been used for long as an office. In any case there was no proof that it had ever had planning permission. The proposed building failed to recognise the value of the site and its landscaped surroundings, and was inappropriate in green belt. Appeal dismissed.

2. Planning permission was given in 1999 for a farm building in Hertfordshire on condition that it should be used only for agricultural purposes, but it had been converted to provide stalls for horses and to operate a 'DIY Livery Service' (I am not sure what that is.) An enforcement notice to cease this use was issued, and there was an appeal. The inspector was surprised that the building was said to be unsuitable for agricultural use, and he ruled that the livery use, involving up to 12 horses, horse boxes, transporters, and parking would damage the openness of the green belt.

3. Cemeteries have long been listed as appropriate uses of green belt, but a case in the West Midlands shows that this need not necessarily be the overriding consideration. A proposal to change public open space in the green belt to a cemetery was refused because, though not 'inappropriate' in green belt terms, the proposal would have an adverse effect on the accessibility of local recreational open space, affect the appearance of the countryside, and cause the break-up of a well defined urban edge.

4. Rail/Freight Interchange, Bexley. Dartford and Bexley Councils refused (or in the case of Bexley did not decide within the prescribed period) an application for a major interchange facility, with warehousing, on land adjacent to a South-Eastern Trains depot at Slade Green, Bexley. The inquiry was called in and the appeals were allowed by the Secretary of State. The 44 paragraph decision letter is remarkable not so much for the decision, which one gets the impression was pre-ordained, but by the amount of space devoted to saying how much the Secretary of State agreed with the inspector on details and aspects of the inquiry. No fewer than 21 paragraphs start with expressions of her agreement with him. Her overall conclusion is that 'the proposal is inappropriate development in the green belt, and would cause substantial harm to it. To comply with green belt policy the proposal cannot overcome the conflict with both local and national green belt policies unless very special circumstances exist. Having carefully considered the proposal the Secretary of State considers that, in this particular case, the benefits of the proposal constitute very special circumstances and are sufficient to clearly outweigh the harm to the green belt and other harm. She therefore considers that the proposal complies with green belt policies of the development plan.... and with the development plan in other respects'.

Detailed matters on which the S/S records agreement with the inspector include harm to the

countryside; urban sprawl; that noise would not result in material harm to nearby residents; that 'development should not be constrained by concerns regarding the impact on air quality' and that the London Plan supports the provision of three or four strategic rail freight interchanges in the south-east. I cannot believe that the bit about impact on air quality is intended, but it is what the decision letter dated 20th December 2007 says: I hope someone will challenge the S/S over that.

5. Another remarkable statement in a decision letter, which may in this instance be due to condensing the argument in reporting, arises in Bromley, where the S/S is reported as having approved a mixed development scheme after finding very special circumstances sufficient to outweigh harm to the green belt. The council had not allocated the site for housing though there was not a clearly demonstrated five-year supply of sites. The inspector was surprised that it had not taken the advice of the unitary development plan inspector, its consultants, or its chief planning officer and concluded that its continued resistance represented very special circumstances sufficient to outweigh harm to the green belt. Even the Secretary of State could not swallow that extraordinary conclusion which seems to undermine the whole basis of government. The S/S noted that the council was entitled to disagree with the advice it was given, but she said she would have expected it to take early steps to meet the need. It was its failure to develop an implementation strategy that constituted the very special circumstances.

6. At a time when the RTPI are giving repeated publicity to any argument they can think of (e.g. reducing vehicle mileage to reduce pollution) to justify developing green belt, it is refreshing to read a letter in Planning standing the argument on its head on behalf of farming interests – and its to the RTPI's credit that it prints it. The letter from a writer in Morecambe begins by pointing out that at a time when pressure for a review of green belts is growing another aspect of the policy mix needs more attention. This is ensuring the continuity of our food supplies in the face of climate change etc. 'The point is that agricultural land in the green belt is closer to markets, with fewer food miles and potentially greater sustainability. In some cases the land is high quality... What better location for growing more food in the face of upward pressures on food prices! If we are to have a review of the green belt before a fresh PPS2, it is coming at a very important time...A multi-functional policy towards the urban fringe must remain an important goal. Farming and food interests must be among the key stake-holders involved in any debate....The flexibility of retaining agricultural land close to centres of population should not be disregarded'.

7. A group of householders secured retrospective planning permission to extend their gardens into Staffordshire green belt after an inspector agreed that very special circumstances had been demonstrated. The site, between a housing estate and the Trent and Mersey Canal, was dominated by woodland, and the householders had acquired it to keep it free from development. They had then fenced it off and extended their gardens to include individual plots of it. The inspector agreed that it was likely to be better managed in this way, and he took into account their having agreed to the removal of permitted development rights, so that they would be unable to introduce domestic paraphernalia.

Tailpiece: Keeping Planning Staff Fit for Purpose (?).

Congratulations to twelve planning staff in my own district of Hertsmere. They are raising funds for a medical charity by climbing the stairs of their five-storey office block 553 times in their own time - the equivalent of climbing Everest. I am sure they will be well on top of their jobs by the time they have finished.

R.W.G. Smith