

# The London Green Belt Council

Notes: Issue 148  
June 2007

## The Government Response to the Barker Report

### Introduction

1. The Government has now issued its White Paper 'Planning for a Sustainable Future'. Comments have to be made by 17th August. This issue of Notes concentrates on this and related papers, so as to give members time to formulate their own comments before the deadline.
2. Several papers have been issued for consultation. I have the main White Paper (221 pages), a separate summary paper (21 pages), the Partial Regulatory Impact Assessment relating to these proposals (72 pages), and a list of 69 questions prepared by the Government for consultation. To round off the package nicely there is also a list of four other consultation documents which are being issued separately. They concern Planning Performance Agreements, Planning Fees in England, Changes to Permitted Development Consultation Paper 2, and Improving the Appeal Process in the Planning System. The last one apparently means 'making it proportionate, customer focused, efficient, and well resourced'.
3. The introduction explains that 'to help it understand how the planning system could best respond to some of the key challenges of the future' the Government commissioned two reports, one by Kate Barker on planning policy and procedures and one by Rod Ellington on the long-term links between transport, transport infrastructure, and economic productivity, growth and stability. The response to the Ellington report occupies the first half of the White Paper. It is wide-ranging and, though some aspects are fundamental to the future operation of the planning system, its recommendations are not specifically directed to green belts. I therefore think it would be less confusing if I leave that part aside and come back to it later.

### Green Belts

4. The second half of the White Paper starts (in para. 6.3) by saying 'on the whole the planning system works well' but can nevertheless be improved by building on recent reforms rather than by fundamental reorganisation. Many will think that a questionable assertion but, be that as it may, the proposals occupy three chapters dealing respectively with (Ch.7) a positive framework for sustainable development taking account inter alia of climate change, (Ch.8) giving local authorities more power to shape places and (Ch.9) 'making the planning system more efficient and effective'. Of course, much of this is fine words and we have to read between the lines but so far as green belt is concerned the wording is surprisingly clear and direct, so I quote it in full:

7.62. Green belts perform an important function in preventing urban sprawl, preventing towns from merging into one another, safeguarding the countryside from encroachment, preserving the setting and character of historic towns, and helping urban regeneration. The Government is committed to the principles of the green belt and will make no fundamental change to planning policy as set out in PPG2.

7.63 Policy is that, once designated, inappropriate development should only take place in green belts in very special circumstances. Where development has the potential to enhance the surrounding area by improving community access to open green space, providing additional recreational facilities, or enhancing biodiversity and wildlife, these are material factors that should be weighed into the balance by decision-makers when planning applications are determined.

7.64. Decisions on green belt boundaries should be made through the development plan process as current policy allows for. To ensure that future development takes place in the most appropriate and sustainable locations it is also important that planning authorities should where

appropriate continue to review green belt boundaries when they are drawing up their development plans, as current planning policy allows them to do, and as has already been undertaken in some areas.

5. Appendix B to the White Paper lists all Kate Barker's recommendations and gives the formal Government response to each. Her recommendation 9 covers green belt and greens spaces generally. It reads -

- In the light of growing demand for land and the need to ensure that areas of high public value (such as sites with important or endangered wildlife) or areas of high risk from flooding due to climate change are adequately protected -

1. regional planning bodies and local planning authorities should review green belt boundaries as part of their Regional Spatial Strategy / Local Development Framework processes to ensure that, they remain relevant and appropriate, given the need to ensure that any planned development takes place in the most sustainable location;
2. local planning authorities should ensure that the quality of the green belts is enhanced through adopting a more positive approach towards applications that can be shown to enhance the surrounding areas through, for example, the creation of open access woodland or public parks in place of low-grade agricultural land; and
3. the Government should consider how best to protect and enhance valued green space in towns and cities. In this context the Government should review the merits of different models of protecting valued open spaces including the 'green wedge' approach.

6. The Government's formal response to the above recommendations is:

Decisions on green belt boundaries should be made through the development plan process as current policy allows for. To ensure that future development takes place in the most appropriate and sustainable locations it is also important that planning authorities should, where appropriate, continue to review green belt boundaries when they are drawing up their development plans, as current planning policy allows them to do and has already been undertaken in some areas,

The Government is committed to the principles of the green belt and will make no fundamental change to policy in this area.

Existing Government policy (PPG17) already asks planning authorities to proactively plan for the protection and enforcement of valued green space in towns and cities, including efficient and effective countryside.

7. The quotations above are, of course, correct in stressing, where they do, the continuation of existing policy. It is, however, possible to stress such continuation whilst making slight variations of emphasis, and we should pick that up. For example, the stress in PPG2 is on the long-term nature of green belt designation, though it might be reviewed in very special circumstances: the stress above is almost a hint that boundaries can be reviewed each time the development plan is reviewed. There is also rather more than a hint in the words in para. 7.63 that development might be acceptable in green belt 'where development has the potential... for providing additional recreational facilities' Built development (it does not say 'built' but that is what it would almost always be) should never, even if it is to generate money for helping to generate recreational facilities, be a criterion in the green belt context. Here and elsewhere much will depend on how rigorously inspectors examining the development plans test such proposals (i.e. test their 'soundness' to use current governmentspeak). To be fair, they seem to be taking their responsibility very seriously indeed as the example later in these Notes shows - so much so that I actually began to feel sorry for the planning officers.

8. More serious is the implication of two earlier paragraphs, 7.60-61, These include

'As a first step we propose to carry out a comprehensive review of the current planning policy statements and guidance, and other key relevant policy material. The key aim, of the review will be to achieve a significant streamlining of the existing suite of documents by separating out policy from guidance and limiting the amount of central guidance to those matters which are strategic and necessary to achieve a consistent approach to decision making....The review itself is not about

creating new policy, but about better managing and communicating existing policy, and separating this from supplementary guidance. Our ambition however is to secure a significant reduction in the volume of policy and guidance'

Any comments that members make to the Dept. for Communities and Local Government (DCLG) should make clear that we do not want PPG2 interfered with in this way. It has been of immense help to inspectors and objectors at many inquiries. The Government has said several times in recent years that it has no current(sic) plans to revise PPG2. Weakening it will create more work, not less, and lead to more dissatisfaction with the results.

9. The fallacy that streamlining statements is a good thing and will save work seems to originate from the first of Kate Barker's 'Headline Recommendations', summarised in para. 1.29 of the White Paper as 'streamline policy and process through reducing policy guidance, unifying consent regimes and reforming plan-making'. Our experience is that now that PPG2 is over 10 years old there are relatively few controversial green belt cases. If there were no expressed policy, or that policy kept changing, there would be less predictability and more controversy.

10. Other matters which we had criticised in the Barker report and which the Government fortunately seems to have no great desire to follow up are:

- 1) Barker having fallen for the developers' and RTPI's arguments that less scenic green belt could well be developed. The White Paper does not seem to mention it, but neither is it supported in their comments. So if we maintain the status quo, i.e. the basic principle that the quality of the scenery is not a consideration, that is good; but we must watch to ensure that that is not watered down;
- 2) Barker's emphasis on market considerations seems generally to have been treated similarly;
- 3) Barker's so-called 'goodwill payments', which we described as bribes and said that any third-world country would be delighted to have embodied in policy seems to have been skillfully snubbed without actually saying so. The formal statement of Barker's recommendation (Rcdn 31) was 'Business should make use of the potential to offer direct community goodwill payments on a voluntary basis when this may help to facilitate development'. The Government's formal response is 'Developers are not prevented from making goodwill payments to individuals. However, any such payment would be outside of the planning system, and cannot directly influence or be taken into account by a local planning authority in its determination of any planning application.'

### **Other general matters and questions for public consultation**

11. Barker also put forward a group of proposals designed to limit the time and cost of Ministerial intervention, e.g. by changing call-in regulations. So far as green belt is concerned, it has considerably benefited from Ministerial call-in and we would rather have the situation unchanged. The Government's response is to discuss a number of possibilities (Ch. 9), stressing that only about 5% of requests for call-in are actually called in, but the rest involve a considerable amount of work. So a number of proposals to reduce Ministerial involvement will be published this summer. However, it says quite clearly 'Notwithstanding these measures, the Secretary of State needs to retain a discretion to recover from planning inspectors any appeal for his/her own decision.' We await the promised paper.

12. Other matters of general environmental concern, discussed mainly in the first half of the White Paper, are climate change and nationally significant infrastructure projects. The preparation of major policy statements covering these subjects, and the links between them, is proposed, as well as then creation of an independent planning commission to take the decisions on major projects, within policies approved by Ministers but relieving them of casework decisions. The last issue is perhaps the most controversial, but there are arguments both ways. A table gives examples of the considerations that the commission would have to take into account. Green Belt is not mentioned, but we could ask that it should be.

13. Ranging over all these matters, and more, are the very broad matters on which the White Paper

asks for comment. A condensed example relates to National Policy Statements for key infrastructure sectors in order to help clarify policy, provide a clearer strategic framework, and remove a source of delay from inquiries. 'Do you agree in principle. If not, do you have any alternative suggestions for helping to achieve these objectives.... Should any other criteria be included.....Should they be the primary consideration against which a proposed Infrastructure Planning Commission should reach its decisions'.

14. Another table on how the national policy statements might address climate change says that they 'would need to address the vital issues of mitigation and adaptation. The potential impact of infrastructure on carbon dioxide emissions, and how to minimise the impact as far as possible would have to be considered.... We would expect [the national policy statements] to address the impact of the construction and operation of the infrastructure itself, as distinct from its use, through principles of, for example, design or energy efficiency that would minimise the carbon impact'. Readers are asked whether they agree the proposed core issues that the statements would cover, or should other criteria be included. As regards the one above, we might query why the use of infrastructure should be excluded from the policy considerations. In the case of an airport, for instance, the issue seems not to be what will be the effect of building or extending an airport, but rather what will be the effect of the increase in air traffic which would require the new infrastructure.

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### **Conclusion**

15. To sum up, the result so far as green belt is concerned is surprisingly clear and firm. Of course, there are looseness of wording in places, but things might have been very much worse, and the worst excesses of the Barker report are played down or ignored. One recognition of this is the comment in Planning by the RTPI's Director of Policy and Research '....Of course there were disappointments. The DCLG predictably backed away from discussing green belt policy in the light of climate change...'

### **How Sound is Soundness?**

16. Paragraph 7 above refers to how rigorously inspectors are testing plans for soundness. The following are extracts from an inspector's report to the Lichfield District Council on his examination of their Core Strategy Development Plan document:

'....there are two serious deficiencies which I do not consider it possible to remedy by making a binding recommendation for change because the nature and extent of those changes would require further consultation and/or sustainability appraisal....As these two deficiencies relate to critical aspects of the strategy they lead me to the conclusion that the submitted DPD is fundamentally unsound and that it should not be adopted, it should be withdrawn to enable work to be done on a revised strategy'. [The deficiencies are lack of a 10-year supply of housing land, and the inclusion in the strategy of policies that are not clearly justified].

'Turning to green belt it seems to me that the function of defining the general extent of the green belt, formerly a matter for structure plans, must now fall to the core strategy with the justification for any detailed change to boundaries being contained in another development plan document.. Furthermore the guidance in paras. 2.6 and 2.7 of PPG2 on defining boundaries still applies....There needs to be robust evidence that supports the contention that there are exceptional circumstances....[there follows much detail]..... My conclusion in relation to green belt is that the submitted DPD is unsound because it fails to meet the PPG2 requirement to justify changes to the existing boundaries on the basis of evidence of exceptional circumstances'