

September 2020

London Green Belt Council E-Newsletter

Ministry of Housing, Communities and Local Government Consultations

1. The Government has announced a consultation on its White Paper about proposed reforms to the planning system. These proposals will have far-reaching effects with Whitehall imposing housing requirements on local councils, with potentially those in more affluent areas required to release the most land. The proposals include a national design code that will set out clear rules for developers nationally, which can be influenced at a local level. Land will be categorised as follows:
 - Protected areas – development on Green Belt land along with Areas of Outstanding Natural Beauty and those judged to have “rich heritage” will continue to be restricted as now with policy remaining a decision for local authorities as they prepare their plans.
 - Growth areas – land suitable for growth will be approved for development while plans are prepared, meaning new homes, schools, shops and business space can be built quickly and efficiently, as long as local design standards are met.
 - Renewal areas – land appropriate for renewal will enable much quicker development where it is well-designed in a way which reflects community preferences.

The consultation closes on 29 October 2020 and details can be found here - <https://www.gov.uk/government/consultations/planning-for-the-future>

2. The Government has also published its consultation on proposed changes to calculating housing need across England, based on a new standard method. However, there are serious concerns that the new formula will not deliver the target of housing being desired. For the southeast, the algorithm would generate figures much greater than what could be achieved. For London, this would be nearly 95,000 homes each year, where no more than 40,000 homes in a year have been built since 2000. Such a target would inevitably result in massive release of Green Belt land.

The consultation closes on 1 October 2020 and details can be found here - <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

The London Metropolitan Green Belt

3. The Ministry of Housing, Communities and Local Government has reported that in 2019/20, 15 local authorities adopted new local plans that involved changes to Green Belt boundaries. Large amounts of Green Belt were released during the year. **Guildford Borough Council** was way out in front with 1,470ha, which was nearly half the total loss

of Green Belt in England. In Hertfordshire, **Stevenage Council** had the largest proportion of Green Belt loss with a 30% reduction of 80ha during the year. Throughout England, there was 7% more Green Belt lost year-on-year, and this represented the second highest reduction in the past decade.

4. **Slough Borough Council** later this year is consulting on its Spatial Strategy as part of its Local Plan preparation. Because land is heavily constrained, it is contemplating some Green Belt release for residential development. Ten possible Green Belt sites have been identified on the edge of Slough to meet housing needs. However, the Council is also promoting cross border expansion to meet unmet housing needs in the “Northern Expansion”. Curiously, this area is in **Buckinghamshire Council**. Even more curious is that in the examination of the Chiltern & South Bucks Local Plan (now part of Buckinghamshire Council), the examiner has stated there is a strong likelihood for the Council to have to withdraw its Plan because of failings in its duty to cooperate, having particular regard to Slough’s unmet housing needs.
5. **St Albans City and District Council** is once again in trouble with its Local Plan now with failings in its duty to cooperate with neighbouring councils, having failed in this respect in 2014 with its previous draft plan. This time, it wished to allocate a site for a 2,300-home development, which had been earmarked for a strategic rail freight interchange. Concerns had been raised at the examination resulting in the council proposing to remove this garden village site from the allocations. Concerns had also been raised that the council had proposed allocations in the Green Belt without having engaged with neighbouring councils about how they could accommodate the St Albans unmet housing need. The inspector however has made clear that failings in the duty cannot be remedied once the plan has been submitted. St Albans Council has yet to respond.

Green Belts Generally

6. The High Court has decided that plans by **Leeds City Council** for the unlawful release of Green Belt must go back to the Planning Inspectorate for further consideration. This would have involved the release of 37 Green Belt sites to allow the building of over 4,000 homes. The core strategy adopted in 2014 required 66,000 homes to be built through to 2030 and could only have been managed with Green Belt release. However, Government in 2017 set out housing need based on a new standardised method which reduced the figure to 42,000. The council ploughed on with the larger figure maintaining there were exceptional circumstances for the release. In the High Court decision, the judge determined that with the sharp drop in overall housing requirement, there was no clear explanation in the report by the inspectors for their decision that exceptional circumstances existed to justify the level of Green Belt releases. The inspectors had made an error of law in failing to give adequate reasons, as there would have been the loss of a significant quantum of Green Belt land which was not properly justified in terms of national policy.

7. **South Oxfordshire District Council** has found following the hearings at the examination of its local plan that there were good reasons for a housing target being set at a higher level than would arise from the standard housing need method. This would result in significant releases of Green Belt. Progress on the examination of the local plan has been hampered by the change in political administration in May 2019. This resulted in an intervention by MHCLG in the autumn to ensure the process was not halted and then this year demanding the plan be adopted by this December. The inspector in the preliminary post-hearings report has advised that the housing figure for South Oxfordshire (18,000), together with an additional 5,000 homes for Oxford City's unmet need, was higher than what would derive from the standard method but was still justified. These reasons included that a higher figure was necessary to boost housing supply and for housing affordability, affordable housing need and the housing obstacles to economic growth. There would be no alternative to the alteration of the Green Belt boundaries.

Local Plan – Green Belts and Exceptional Circumstances

8. Green Belt boundaries can only be altered in preparing local plans where “exceptional circumstances” are required. A study has been carried out into 18 local plan examination reports from 2018/19 and 2019/20 by *Planning* magazine to highlight five of the most frequent factors to justify exceptional circumstances for Green Belt release. These are:
- **Unmet Need for Development**
Housing need and availability of affordable homes are advocated in the main, but also employment growth and educational requirements.
 - **The Release is the Most Sustainable Option**
Locating development outside the Green Belt would not be a sustainable approach where there is need for local access to services and facilities, and access to sustainable modes of transport.
 - **Lack of Contribution to Green Belt Purposes**
Where Green Belt reviews have taken place, councils may acquiesce to the release of land that scores less well against the national policy tests.
 - **Creation of Defensible Boundaries**
Clear boundaries provided by existing roads, woodland, hedgerows, railways lines and other physical features may bolster the permanence of the Green Belt and provide a more robust barrier to future encroachment.
 - **Limited Visual Impact**
Visual impact could be a relevant factor in exercising planning judgement when considering the impact of development on Green Belt openness.

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