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Chairman: Richard Knox-Johnston

Vice-Chairman: Paul Bartlett

Hon. Secretary: Andy Smith

Hon. Treasurer: Rod Muir

London Green Belt Council

24 Floral Court

Ashted KT21 2JL

Tel 07737 271676

Web londongreenbeltcouncil.org.uk

Twitter @LondonGreenBelt

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Response to the National Planning Policy Framework

by the London Green Belt Council

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The London Green Belt Council (LGBC) brings together over 100 organisations including local councils, residents' associations and environmental groups with a shared concern for the protection of the London Metropolitan Green Belt.

Q1-4

We welcome the changes as set out but there are still major threats to Green Belt. Developers will still, using speculative applications, be able to override Green Belt protection. They should be expected to adhere to local policies especially brownfield first.

If a brownfield first policy was to be adopted, this would allow local authorities to insist that developers build on brownfield sites before being allowed to use greenfield land especially Green Belt.

There is also the use by developers of the tilted balance. This appears to ignore already approved planning permissions unless they have been built out. The Local Authority has limited powers to enforce build out. The 5-year housing land supply should be scrapped for all Local Planning Authorities (LPAs) who can demonstrate they have given the requisite number of planning permissions. It should be appreciated that supply is not and will not be, consistent.

Buffers should not be part of the 5YHLS calculations as they penalise councils facing challenges unfairly, due to land constraints, especially those listed in footnote 7

The changes on deliverability are welcomed but there needs to be more detail on transitional arrangements.

Q5

There is concern over the future of Neighbourhood Plans. In spite of the considerable effort by local people on a voluntary basis, Inspectors are overruling them and in effect rendering the plans worthless. They need to be strengthened and given much more weight in order to encourage local communities to spend valuable time creating them.

Continuing to base the Standard Methodology on 2014 projections will result in LPAs delaying local plans because of lack of confidence in the calculated figures and creating plans that sacrifice designated areas.

Q8

Yes. What precisely, constitutes “Exceptional circumstances”? The definition should be much more clearly defined. It appears that LPAs can interpret the phrase as they wish with no restraints. There have recently been two appeals in Hertfordshire where Inspectors have found that the lack of affordable housing is a reason for exceptional circumstances. This carries the risk that planning permission being granted for any scheme in the green belt that has an element of affordable housing.

To avoid costly appeals the LPAs are interpreting this to mean that building affordable housing on Green Belt is not only acceptable but encouraged.

The provision of affordable housing should not constitute Exceptional Circumstances on any designate land – whether it be Green Belt, AONB, National Parks, Local Green Space, land subject to flooding or Best and Most Versatile (BMV) agricultural land.

Instead, provision of affordable housing should be aligned with brownfield policies – where young people and families want to live, close to infrastructure existing urban amenities and public transport, not something easily achieved in most rural areas especially Green Belt.

The “standard method” has lost credibility because it is still based on figures which were subsequently admitted by the ONS as incorrect. This is borne out by the reports in 2016, 2017 and that of 2020. Subsequently the census is likely to reinforce these trends.

Clarity is needed on an alternative approach to the standard methodology However it is not acceptable to wait until the further census data is released in 2024/25, when important decisions, including substantial further loss of Green Belt, need to be made.

The 2014 figures credibility is further questioned in that they overestimate UK population growth by five million when compared to the latest 2020 figures.

There is a recognised need for housing for young people and young families but this is not prioritised by the larger developers. Since affordable housing is less profitable it is being set at a much lower priority than market housing.

In London’s Green Belt we see, where planning permission is given to build in the Green Belt, 4/5 bedroomed housing at a very low density of 14 homes per hectare. There is little or no affordable housing being built and where the permission includes affordable housing, it is built at the end of construction on the site, once the market housing has been sold.

One of the main reasons why there is so little affordable housing being built is because of variation agreements which should be stopped immediately if the situation is to improve.

At present large developers apply for planning permission with, say, 40% affordable housing. However, having gained planning permission they then come back to the LPA claiming that their profit will be reduced. They then negotiate, through a variation agreement, a reduction of affordable housing or even a deletion of the requirement.

Q9

There are two important questions in this section.

We would wholeheartedly agree that there should be no obligation to consider Green Belt for housing purposes. However, this amendment does not include commercial buildings and this needs to be made clear that Green Belt is also protected from such developments.

The proposal does not stop a LPA from taking Green Belt if it wishes and this could result in further considerable loss of Green Belt land. The problem this presents is that the neighbouring LPA's Green Belt may be considerably affected and yet they will not have a say.

There is no overall authority for the whole of the capital's Green Belt which is the largest in England. There are 56 different LPA's all with their own policies and there is often little consistency. Therefore, any policy that allows an LPA in London's Green Belt to make a decision to sacrifice such land would lead to further inconsistencies and conflict and be detrimental to long term strategic planning. There is a need to follow the example of the authority in the Ontario Green Belt In Canada which offers a partial solution.

The second part of the question is densities and how these can be improved. There are already some interesting and innovative developments in central London where densities are increasing and also where living in a community with common areas is being adopted. They are especially appreciated by young people whose lifestyle is accommodated.

Q10

There are also some very good designs for 100 homes per hectare where some houses have small gardens and with no blocks of flats over four storeys in height. Again, they are built with a view to creating a community which is popular with young people. Some of these designs, although high density, because of the variety of architecture, would fit into any urban area. An important aspect of good quality high density housing could and should be much more affordable.

The important requirement is that any high density development should have easy access to the Green Belt especially for recreation and assistance with mental health.

Q11- 12

We believe that plans should be based on appropriate evidence. The importance of soundness, in our opinion, should not be diminished. There have been some plans submitted to an EiP which have predicted considerable growth rates totally out of keeping

with the area and entirely unsubstantiated. Inspectors have played an important part in ensuring a realistic approach.

Often LPAs submit one scenario for growth without any evidence that alternatives have been considered and this would have resulted in poor planning. We therefore believe plans should have to be justified in order that LPA are encouraged to seriously consider alternatives.

Q 13 – 15

We enthusiastically support the “brownfield first” approach as it will be important to the protection of Green Belt.

The amount of brownfield is very much understated. In a recent survey of a London Borough, involving a GPS search, followed by an on the ground survey, the amount of brownfield identified was nearly ten times the amount that was noted on the LPAs brownfield register.

Our experience is that Brownfield Registers are not accurate and are not up to date. They include only brownfield that is readily available and ignore land which could become available if the LPA took the challenge more seriously and if the it had greater powers to unlock important land.

Unfortunately, brownfield land is not given the priority it should be by LPAs as it is not a legal requirement to have an up to date and accurate brownfield register and the lack of resource that is available to them. There ought to be greater pressure on those LPAs especially those with urban areas to complete a thorough survey and analysis. Also they should be given powers to acquire brownfield and make it available for development.

In addition, a clear brownfield first policy from government would greatly increase the incentive to develop this wasted land and, in our opinion, produce more affordable housing especially for young people and young families.

Q22

Yes

LPAs should be encouraged to build more social housing with incentives.

Q 23

We support the change to paragraph 62 but are concerned that this might become an exceptional circumstance to build this housing in the Green Belt.

The countryside is not ideal for older people’s housing in that it is often not close enough to the important facilities that older people require such as shopping, the surgery and hospitals. Ideally these facilities need to be within walking distance and a frequent bus service.

Older people do need access to the countryside and proper transport facilities should be able to provide an efficient service but it is acknowledged that frequency is not so important as for everyday purposes.

The NPPF needs to make clear that housing for older people is not an exceptional circumstance.

Q 26 – 29

There is an urgent need for affordable and affordable rental rural housing, especially for young people and young families, in the countryside including Green Belt in order to ensure that villages and small towns continue to thrive with an age and social element. There are brownfield sites available that could be used.

However, we do not agree that these important sites need to be financed by market housing, as developers would have you believe.

There is a need for neighbourhood plans to identify land for affordable rural housing. However, it must be appreciated that neighbourhood plans need to have greater security and be protected from speculative development, otherwise there is little incentive to identify such land.

The situation at appeals is less than satisfactory with Inspectors too keen to overrule Neighbourhood plans.

Q 30 – 31

Yes

We very much support action being taken against developers who do not build out in a timely way and to penalise them for previous failures, as the delay in development causes greater pressure on greenfield.

The sanctions suggested are unlikely to work as any developer with poor previous behaviour would only have to start a new company to overcome the restriction.

Past behaviour that could be considered is the timely start and completion of a site with planning permission, poor quality and unimaginative housing, failure to ensure proper handling of water (including surface water and sewage) and ignoring conditions imposed either at an appeal or by an LPA when granting planning permission.

Enforcing imposed planning conditions is becoming a major problem as LPAs are not willing to take action because of cost.

Q32

No

Build out is very important to preserving the countryside especially Green Belt. According to the Local Government Association, there are approximately 1.2 million homes with planning permission that have yet to be built. This puts considerable pressure on LPAs to produce further land for development and generally this is greenfield and on Green Belt.

The question needs to be asked, why is there this delay? There is an element of land banking which has been taking place, there is an element of marketability and there appears to be a deliberate delay in affordable housing being constructed until the market housing has been completed and sold.

Developers claim that the delay in build out is caused by planning measures and restrictions, but they often cause the major delay by negotiating a variation agreement.

Actions which may speed up build out include doing away with the ability to negotiate a variation agreement. Developers are large businesses and must make a business decision at the time they apply for planning permission and not be allowed to renegotiate once they have planning permission.

Another action that would speed up completion is, after a reasonable time, from the date of receiving planning permission, a developer would have to pay to the LPA the rateable value of the properties for which he has permission until they are sold.

Q 37

We are very much in favour of any policy which increases biodiversity. However, the application of Biodiversity Net Gain (BNG) does not appear to be implemented in the way that it was originally envisaged, and the regulations are in need of considerable tightening.

We are beginning to see developers deliberately allowing land, on which they have options and intend to apply for planning permission, to deteriorate in order to have a much lower base line for BNG.

The important reduction of habitats needs urgent action and government has acknowledged this. However, we do not believe that policy on BNG is working nor do we believe that it will work. The matter, bearing in mind nature loss, needs to be re-examined and further, stricter rules applied.

We very much support green corridors and would suggest further, clearer policies are needed to protect them.

Q 38

The policy on BMV land needs considerable revision if it is to be saved for food security. Good agricultural land is being lost daily to unnecessary development and especially solar farms. Land that has produced food since medieval times is suddenly being taken for solar schemes as it is not BMV.

We believe that we are at the beginning of a food crisis with good farming land likely to be lost to sea level rise and the continued problems associated with importing nearly half of the food we consume, due to climate change and the Ukraine war.

We would seek a moratorium on any further solar installations on farmland until there has been a revision of BMV and the urgent need for a land strategy. In addition a BMV restriction needs to be set up and the grades extended to include 3(b).

There is also a further problem that needs to be examined. Some LPAs have considerable BMV while neighbouring it have far less. The NPPF sets out the development can only take place if other quality land can be substituted. This, when a LPA has considerable BMV and housing pressure is not working. Building is taking place on the best quality agricultural land. This needs to be investigated and action taken to ensure that BMV land is treated as a designation such as Green Belt.

Q 39 - 40

The climate change emergency is one of the biggest challenges to be faced. We believe that the Green Belt has an important role to play which, in addition will give economic advantage. The London Green Belt provides carbon sequestration in the plants, earth and trees that occur within its boundaries. It provides flood protection for London and contributes to the fresh water supply. It supplies clean air for those living in polluted parts of the capital. It provides, as was proven in the Covid pandemic, an opportunity for those suffering mental illness and/or stress.

None of these factors appear to be considered when planning applications are permitted. In any local plan or planning application for Green Belt now being considered, all these aspects should be included to ensure that those living and working in London have the opportunity, as far as climate change is concerned, to make use of the benefits of Green Belt.

These benefits also have economic advantages in protecting the capital from flood, pollution and temperature rise but most of all by a considerable saving to the NHS for alleviating mental illness.

Generally, we would support any action that ensures that any new build is planned to take effect of climate change with proper insulation, more environmental heating and with electricity generation e.g. roof solar panels etc.

Q 41 – 42

As far as the London Green Belt is considered, there appears to be little need for wind turbines. However if there are to be applications then the effect on the landscape would need to be a priority. The height of turbines now being produced is such that they can be seen for a considerable distance and their effect on the landscape would be considerable.

At present applications are being granted on a time limited basis and this help the soften the blow to those who object. However, if the time length were to be lengthened without public consideration or consultation, then this would increase local opposition. In any case having a fixed period for a turbine would ensure that turbines were removed rather than become derelict ugly structures at the end of their life. There should also be a bond before any development is begun to ensure that there are funds to properly remove both wind turbines and solar panels to ensure restoration takes place even if the company that owns them goes into liquidation.

A full definition of “baseline” needs to be included. The baseline should be the area before a turbine is erected not a landscape with turbines already in place as paragraph 160 appears to imply.

Q 43

No, as there is insufficient detail.

We are keen to support community involvement in any such renewable scheme so that local people have the final say. If there is reliance on community benefits, then there needs to be more detail about the definition of such benefits.

Q 44

We totally agree.

Apparently there is 250,000 hectares of roof space in England and like brownfield first we would support roof space first for solar panels. This would imitate Germany which has had such a policy for some time and is conscious about the importance of its agricultural land.

Planning policy should be changed to ensure that all new industrial buildings, especially those used in fulfilment should have to have solar panels on their roofs. This could be enforced by building regulations.

There should also be incentives and penalties to encourage buildings that have already been erected to install solar panels.

This is a sure way of ensuring that LPAs and the country are able to make a large and important contribution to the climate emergency.

Q 49 – 50 & 52

We have mixed views on these questions. If it is intended to take decision making from local communities which takes away their ability to make a decision on design, density and the number and type of home then our answer would be no.

There are reasons why National Development Management Policies (NDMPs) do have an important role. A few suggestions would be designated areas such as Green Belt, AONB and National Parks; brownfield first; flooding; rooftop solar; heritage assets; BMV land; Local Green Space; ancient woodland; planning for net zero etc.

Q 55

There must be a brownfield first policy in order that developers have clear understanding and certainty. A strong policy on this topic would be likely to unlock considerable land resources and ensure that LPAs carry out proper surveys and analysis of brownfield resource to which new brownfield would be continuously added as it became available to ensure such land is to be recycled.

There should also be powers given to LPAs to compulsory purchase land where either the ownership is in doubt, or which is being deliberately held back.

It should be included in an NDMP that there should be no development on greenfield while brownfield is available. CPRE estimates that there is enough brownfield for 1.2 million homes.

We are concerned at the pressure that housing demand is having on the reduction of London's Green Belt – 44,000 acres last year. Action is needed and quickly if further large losses are not to occur.

Q 56

Yes, but with due regard to reducing light pollution.

Richard Knox-Johnston

On behalf of the Directors of the London Green Belt Council CIC