

Consultation on the Government White Paper : “Fixing our broken housing market”

Response from the Oxford Green Belt Network

The Oxford Green Belt Network was formed in 1997 to preserve and protect the whole of the Oxford Green Belt and thereby to protect the character and setting of the historic city of Oxford as well as to encourage the enjoyment of the Green Belt by improving opportunities for informal recreation. Below are our responses to individual questions in your consultation. Given our area of interest, we have concentrated on those which relate to the Green Belt, though we have also responded to questions which impinge on the development pressures on the Green Belt. We also include relatively minor comments on Q31 and Q32.

Question 1

Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area’s housing requirement?

No. There is no need to add this requirement. It makes the list of priorities unbalanced. The priorities as currently set out in paragraph 156 of the NPPF appear to be appropriate and provide a reasonable balance between social, economic and environmental objectives. The very first of the priorities is “the homes and jobs needed in the area” which covers the proposed addition.

Furthermore, in our experience it is already the case that housing numbers are overwhelmingly the dominant issue in local plan production to the detriment of other matters.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

We welcome the introduction of Spatial Development Strategies, provided that these are produced wholly by democratically elected bodies and not unduly influenced by undemocratic organisations with substantial vested interests such as Local Economic Partnerships. In an area like Oxfordshire with a tightly defined urban authority at the centre surrounded by four Districts such a strategy would be a much needed means of policy co-ordination. **It would be logical for Spatial Development Strategies to allocate strategic housing sites but only if the strategy is comprehensive and also allocates strategic employment sites, includes integrated transport proposals and other policies for environmental protection including the natural and historic environment and, where relevant, Green Belt policy.** Indeed we consider that the definition of Green Belt and a policy for its protection can most effectively be done at the level of a spatial development strategy involving all the authorities within which the Green Belt falls.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a ‘sound’ plan?

We agree that clear and concise evidence should be readily accessible and intelligible to non-professionals. It is our experience that much 'evidence' presented in support of local plans is often highly repetitive and jargon-ridden. We feel that this is often a substitute for careful thought and rigorous analysis. In asking for more concise evidence, therefore, we would stress that we would nevertheless wish for it to be rigorous and objective and indeed more so than at present. In our experience it can also be the case that planning inspectors are more concerned that a process has been followed than that the analysis and argument used within the process are correct. **There should be a greater emphasis on the clarity and quality of evidence rather than on whether a process has been correctly followed.**

We also ask that 'evidence' compiled by organisations which primarily earn their income by working for developers is not acceptable as a basis for preparing local plans or spatial strategies because of conflict of interest. For example, the Oxfordshire SHMA was prepared by consultants (GL Hearn and SQW) who primarily work for the development industry and regularly represent developers at public inquiries including public examinations into local plans. At the Cherwell examination the same person from SQW represented both a developer and the local authority on the same day. At the West Oxfordshire examination GL Hearn represented Crest Homes as well as being asked by the Inspector to comment on the SHMA. We consider these to be unacceptable conflicts of interest.

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

All areas of the country should have statutory spatial development strategies covering areas such as counties which include several lower tier authorities. This would improve coordination of policies on strategic issues such as Green Belt and locations for major developments. We comment more on this below. Local and Neighbourhood Plans should be required to conform to the statutory strategies.

All plans should continue to be subject to external, independent examination. However, our experience of local plan public examinations is that current arrangements are unsatisfactory. These are dominated by developers and their representatives (lawyers and consultants) whose interest is primarily in promoting their individual sites and not the overall planning of an area in order to balance social, economic and environmental matters. Often developers and their representatives make up three-quarters of the participants at the examination. The resources available to them put other organisations, individuals and even local authorities at a substantial disadvantage. **We suggest that promotion of individual sites should occur through written representations and not at public examinations which would then be more free to concentrate on the overall strategy and plan for the area. Quotas should be included for different types of participant so that there is a more equal balance between public bodies, private interest groups and individuals and the development industry.**

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?*
- b)*

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

We note that you also propose to encourage all local authorities to use this standardised approach to assessing housing requirements. It is important therefore that such an approach results in requirements for individual authorities which when summed together are consistent with national level population and household projections. If the total of individual requirements exceeds national requirements it would result in excessive land being made available, substantially reducing local authorities ability to plan effectively for their areas.

If a standardised approach is adopted it should include a check that nationally it does not result in an excessive requirement for housing land in total. Guidance should continue to make clear that plans do not have to meet such requirements where there are adverse impacts because of environmental and policy constraints (such as Green Belt).

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

The WP does not make clear what is meant by maximising the use of suitable land. Would it, for example, include maximising the value of land as 'natural capital'? Without further explanation it is difficult to comment.

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;

Elsewhere we explain that we consider the current methodologies for identifying development needs to be flawed. However, **we agree that identified development needs should not be accommodated where there are "strong reasons .. set out in the NPPF" and that these reasons include land designated as Green Belt.** This is also consistent with paragraph 44 of National Planning Policy Guidance which makes clear that housing and economic needs do not override constraints such as Green Belt. We are dismayed that this policy and guidance appears to be ignored in current plan preparation in Oxfordshire.

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

It would be helpful to have more explanation about what "uncertainty about this aspect of national policy" mentioned in the WP has occurred in practice in order to understand which policies would now be excluded. Without this explanation we cannot comment further.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

We do not agree with the addition of the phrase "as well as any needs that genuinely cannot be met within neighbouring authorities, through a clear

strategy to maximise the use of suitable land;". As mentioned above (see comment on 4(a)) it is not clear what is meant by "maximising the use of suitable land". Also, as further discussed elsewhere, we consider that the current methodologies for assessing needs are flawed and that because of the absence of strong statutory strategic plans, it is possible for individual authorities to inflate their needs in the expectation of forcing their neighbours to accommodate them.

Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

We note that the intention of this change is to be "transparent" and to clarify the meaning of 'exceptional circumstances' in the NPPF in relation to amending Green Belt boundaries. However **we consider that the wording as proposed does not provide clarity or transparency and indeed that it could weaken Green Belt protection.**

Firstly, the meaning of "other reasonable options" is in itself unclear. We consider that there will always be satisfactory alternative options to locating new housing and employment generating development in the Green Belt although such options may require co-operation between local authorities. However, a local planning authority may well be able to argue that it has explored "all other reasonable options" because the term is open to many interpretations. We feel that there is little likelihood of such an argument being challenged by Inspectors and certainly not by the development industry.

We consider that a strong Green Belt policy should be maintained because Green Belt sites are often the most profitable for developers leading to intense pressure for development. Any hint that policy is more flexible opens the door to challenge by developers, for example at local plan examinations.

As the WP states, the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In the case of a number of historic towns and cities, of which Oxford is one, the purpose of this has been to protect the character and setting of the town or city. In relation to Oxford, this is well expressed in Cherwell's adopted local plan which states that "The Oxford Green Belt was designated to restrain development pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area." This statement is as valid now as when the Oxford Green Belt was designated and the Green Belt continues to be needed to protect the historic character of the city (and other similar cities).

It should be made clear that accommodating "identified development requirements", such as for housing or employment generating activities, is not a reason for amending Green Belt boundaries. Current policy and guidance that housing and economic needs do not override constraints on the use of land, such as Green Belt, should be maintained. We consider that exceptional circumstances will only exist in the case of development that cannot possibly be accommodated elsewhere, such as essential infrastructure to serve the existing urban area. We think that alternative (non-Green Belt) locations for housing or employment-generating development will always exist though it may not necessarily

be in the power of individual authorities to designate them.

In Oxfordshire, previous strategic planning policy successfully directed growth away from the city to market towns in the County. However as a statutory County wide strategic plan now does not exist such a policy is now almost impossible to implement. We therefore welcome the development of statutory spatial strategies for combined or unitary authorities and we hope that such a strategy will be developed for Oxfordshire. It is also logical that such strategies would set out Green Belt policy as Green Belts usually cover several District (or Borough) Council areas. Additionally we think that **some employment generating development and associated housing can be re-directed to areas elsewhere in the country in need of economic growth and which have a surplus of development land available. This would require a national policy and we urge the Government to consider it.**

We consider that **current processes for arriving at “identified development requirements” are flawed for several reasons.** Housing requirements (as assessed by SHMAs) are often exaggerated in order to accommodate excessive estimates of future jobs growth in turn often driven by short-term property development projects. Also, requirements for ‘market housing’ can be inflated in order to secure increases in ‘affordable housing’ (through the requirement that a proportion of new homes are ‘affordable’). Both of these situations have occurred in the case of the Oxfordshire SHMA. In addition, individual local authorities may act irresponsibly by promoting economic growth while not considering corresponding provision for housing or assuming that other authorities will meet this need. This has also occurred in Oxfordshire where Oxford City Council has consistently promoted economic development on redevelopment sites which has both restricted the supply of housing land in the city and led to a requirement for more housing in the surrounding Districts and pressure to build on the Oxford Green Belt. This situation has been largely out of the control of the individual Districts but could have been avoided with more integrated planning arrangements.

The WP refers to the NPPF stipulation that Green Belt Boundaries should be amended only “in exceptional circumstances” when plans are being prepared or revised. As it is expected that local plans are to be reviewed every five years the implication is that so might the Green Belt boundary. However, the NPPF goes on to say that “authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period”. For consistency, **the White Paper should make clear that Green Belt is essentially permanent and Green Belt boundaries should last for longer than 15-20 years and not be subject to review each time a local plan is reviewed,**

Finally, we feel that to say (as the WP does) that the proposed change referred to in Question 10(a) would mean that “local communities can hold their councils to account” is meaningless and that the statement represents an abdication of responsibility for protecting the Green Belt by the Government.

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

We agree with the statement that “parts of it [the Green Belt] are not the green fields we often picture, and public access can be limited, depending on ownership and rights of way.” However we disagree with any implication that the land may therefore

be suitable for development. The primary purpose of the Green Belt, as the document says, is to keep land permanently open (and in the case of Oxford to preserve the character and setting of the historic city). This purpose exists regardless of its aesthetic quality or accessibility. Of course land can also be deliberately degraded by owners in the hope that this will improve their prospects of developing it.

We consider that Green Belt land as part of our 'natural capital' and we therefore agree that **ways of enhancing the Green Belt such as suggested in the White Paper should be sought. This should apply to all Green Belt land and not only in cases where, exceptionally, the designation has been removed.** As stated above we do not think that Green Belt should be sacrificed in order to meet "identified development needs" because we consider that alternatives always exist, even if they may not be under the control of the local authority in question.

c) appropriate facilities for existing cemeteries should not to be regarded as inappropriate development' in the Green Belt?

This seems reasonable subject to normal planning control to minimise the impact on the openness of the Green Belt which, we consider, should not permit the construction of any substantial structures.

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

No. Neighbourhood Development Orders should not apply to Green Belt Land as this weakens Green Belt Policy and could conflict with development plans.

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

No. **Green Belt boundaries should be determined at the level of the entire Green Belt and not in neighbourhood plans.** As Green Belts could cover several neighbourhood plans, allowing such plans to set boundaries is likely to result in incompatible boundaries between neighbouring areas. We are also concerned about the possibility of individuals involved in the drawing up of neighbourhood plans seeking to influence boundaries for their own financial gain.

Additionally, Green Belts often cover more than one District Council area and, as we have said above, we consider that Green Belt definition and policy should be set out in a strategic plan for the whole of the area covered by a particular Green Belt.

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

The WP contains no further explanation of this proposal. It is too vague and general. A railway station would presumably be an example of a "transport hub" and could be used to provide access for local or long distance travel. Would access to long distance commuting opportunities be a reason for allocating land for housing? Park and Ride sites exist to relieve pressure on the cities they serve. Adding to that pressure with additional development is not logical. We are also concerned that such a policy would add to pressures for the development of out of town commercial centres attached to Park and Ride facilities.

In relation to previously developed land, instead of being re-developed, it could be restored to uses appropriate to the Green Belt, thereby increasing 'natural capital'. Overall, we repeat that **the fundamental purpose of the Green Belt should be an over-riding consideration and that Green Belt should not be amended to accommodate housing or employment-generating developments.**

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

As stated above, we consider that accommodating "identified development requirements", such as for housing or employment generating activities, is not a reason for amending Green Belt boundaries. We also consider that current estimates of development requirements are often highly exaggerated. There are alternative ways of accommodating genuine development needs which avoid the need to build on the Green Belt.

We consider that the proposed option for other authorities to "help to meet some of the identified development requirement" is ineffective under current planning arrangements and Government should introduce more effective measures. We have already outlined the problems in Oxfordshire where the Green Belt covers 5 District Council areas but there is little genuine strategic planning across those areas. This has allowed the City Council to inflate its housing need by its own planning policies while expecting that it can export this to surrounding authorities who will be forced to deal with the consequences.

The Government should require statutory spatial development strategies (which include Green Belt definition and policy) to be in place for all areas of the country. These would include the whole of the area covered by a Green Belt and a large surrounding area (in our case, the county of Oxfordshire). Such strategies would take precedence over individual local plans which would be required to conform to the strategy.

In addition, **the Government should consider how excessive development pressures in one area might be re-directed in part to other areas of the country where development is needed and where land is available and less expensive.** One possible solution might be 'economic town twinning' whereby two towns or cities develop a long term economic relationship to the benefit of both. Growing businesses in one town may then expand into premises in the other while retaining a presence in both towns. As many businesses are now knowledge based and with the availability of high speed broadband this should now be more feasible than in the past. The need for physical proximity and frequent travel is no longer the constraint it has been. The Government should consider how such arrangements could be encouraged.

Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?;

The definition of affordable housing seems complicated and is difficult to understand. In addition, if "Intermediate housing" ("above social rent but below market levels") is included within the definition, then housing sold or rented at just 1% below market levels would count as affordable. This is presumably not what is intended. This

category should therefore be removed from the definition of affordable housing or the concept should be clarified (for example by specifying a minimum level of discount and a maximum proportion of total affordable housing that can be of this type).

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

“Affordable home ownership products” is not defined. If it includes “Intermediate Housing” then our comment on Q31 applies.

Oxford Green Belt Network, April 2017.

[By e-mail to planningpolicyconsultation@communities.gsi.gov.uk]