



Alan C.Scott  
National Planning Policy Framework  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Dear Mr Scott,

3<sup>rd</sup> October 2011

### **DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Herewith the response of the Oxford Green Belt Network (OGBN) to the consultation on the above.

The Oxford Green Belt Network was set up some 15 years ago to promote interest in the Green Belt and to protect it from inappropriate forms of development. We respond to planning applications, appear at inquiries, help students, and give advice when needed, especially to the 60 or so parish councils in the Oxford Green Belt. We have no political links but maintain contact with other amenity groups. Members of our Steering Committee - mostly drawn from parish councils - have studied the NPPF carefully and discussed it in the light of our own experience in the Oxford Green Belt. I am asked to let you have our considered views on the NPPF as it might affect Green Belts and these are set out below using paragraph numbers from the Green Belt section of the draft document.

#### Overall

We regret the intention to replace the planning guidance in the form of PPG.2 with a much shorter and more general section on Green Belts in the NPPF. PPG.2 is well known to planners, local politicians and developers and the guidance that it affords is clear and has proved very useful over the years. Its advice is more specific and less open to question than the more open-ended statements in the NPPF. If the Government really does recognize the fact that Green Belts are different from the rest of the countryside, it would go a long way to supporting that view if PPG.2 were to be retained. It would also help greatly those of us who work to protect the Green Belt and to ensure that it fulfils its purposes.

#### Paragraph 135

We are pleased that the phrase “visual amenity”, not used in the draft produced by the Practitioners Advisory group (PAG), has been added to this paragraph albeit not in the helpful form of paragraph 3.15 of PPG.2. However, we regret the omission from the draft NPPF of any reference to the fact that “the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection” (paragraph 1.7 of PPG.2). This statement has been invaluable in discouraging landowners from allowing the condition and appearance of their land to deteriorate in the hope of obtaining planning permission. Without it, the quality of the Green Belt’s landscape and environment is at greater risk and we shall find more potential developers claiming that a particular part of the Green Belt, which they own or on which they have an option to buy (common in Green Belts), should be developed since it no longer appears to fulfil a Green Belt function. We also believe that, without it, it will be more difficult to carry out the expressed intention of enhancing landscapes in the Green Belt. We therefore urge reinstatement from PPG.2 of the reference to quality of landscape not being relevant.

#### Paragraph 141

We anticipate real problems arising as a result of this paragraph. For example, the new advice could take some existing plans out of conformity and drawing new village boundaries could lead to delay in producing local plans when the advice should be encouraging the speedy production of local plans. Another problem relates to what is meant by “open character” and how it will be interpreted. Most villages have open areas within them; some are more tentacular than others, and shapes and densities vary a good deal..

Arising from this, and fundamentally so far as we are concerned, the paragraph invites villages to be taken out of the Green Belt if they are reasonably compact, making them “inset” rather than being “washed over” as many of them are at present. If this happens, the number of inset villages is likely to grow considerably and the Green Belt will be full of holes, in our view undermining its whole purpose. It is our experience that parish councils value the fact that their village, even if it is fairly compact, is washed over by the Green Belt. The building of, for example, affordable housing, is not prevented if exceptional circumstances for such development are seen to exist, and the fact that the village is washed over gives the local council greater power to resist development pressures from outside the village, pressures that can operate against local interests. We recommend that this paragraph should be removed from the Draft NPPF.

#### Paragraph 142

PPG.2 states categorically in Section 3 that there is a “general presumption against inappropriate development” in Green Belts. This phrase was retained in the draft produced by the PAG, but has been dropped from the NPPF in favour of the much looser statement that inappropriate development is harmful. We conclude that this represents a weakening of the commitment to protection of the Green Belt, and we would seek the phrase’s reinstatement as in the PAG recommended text if the NPPF is to go ahead.

#### Paragraph 143

Paragraph 143 of the Draft NPPF advises local authorities to ensure that “substantial weight” is given to any potential harm to the Green Belt. This phrase, “substantial weight”, appears to us to be typical of the kind of phrasing that is likely to leave the NPPF open to endless dispute over the meaning of words and what is intended by them. Such ambiguity will be resolved only by costly legal challenges

and will slow down the entire planning process, contrary to the aim of the NPPF. We suggest as an alternative that “..... local authorities should work to ensure that the Green Belt is unharmed. ‘Very special circumstances’ will not exist unless....”

#### Paragraph 144

Difficulties arise in the case of this paragraph over the distinction between dwellings and other buildings. It provides yet another example of how the brevity of NPPF’s advice will confuse more than it clarifies, and will lead to protracted argument and the sort of delays that the Government says it wishes to avoid.

The word “dwelling”, used by the PAG, has been changed in the third and fourth bullet points to “building”. We believe that the distinction between the two is an important one and that “dwelling”, not “building” should be used in the context of what degree of alteration or replacement is acceptable, as is the case in paragraph 3.6 of PPG.2. Otherwise paragraph 144 gives carte blanche to all kinds of new or replacement buildings and is likely to result in endless debate over the nature, purpose and design of the building concerned, as well as over the amount of the proposed extension that is permissible.

We anticipate that similar debate will arise over the interpretation of “previously developed sites” as used in the sixth bullet point. Use of this term greatly widens development potential beyond the “major developed sites” (Annex C of PPG.2) which have been delimited up to now by local authorities. It may be the Government’s wish to do this, but we believe it will be harmful to the Green Belt by encouraging development of a kind and in a place that warrants more sympathetic redevelopment. We therefore believe that the existing distinction in PPG.2 based on major developed sites should be retained.

#### Paragraph 145

We believe that the forms of development identified as acceptable in this paragraph should be made much clearer. What, for example, is meant by “engineering operations”? The definition of “engineering operations” is already debated at planning inquiries and should be made clear; otherwise we are forced to conclude that electricity pylons, wind turbines etc are all permissible.

Likewise, “local transport infrastructure” needs more explanation of precisely what is covered by the term. PPG.2 had helpful notes on park and ride and we should like to know what other forms of infrastructure you are anticipating as being acceptable.

The fourth bullet point about re-use of buildings corresponds with paragraph 3.8(c) in PPG.2 but without the reference to major reconstruction, dropped from the PAG draft. But there it ends, and we have none of the useful guidance in PPG.2 (3.8(b)) about the avoidance of extensive external storage, hard standing, car parking and fencing. These are just the issues which we constantly encounter in the Oxford Green Belt and we anticipate continuing debate and differences of opinion over them in the future if guidance omits reference to these actual examples of what so often conflicts with openness.

The inclusion of “development brought under a Community Right to Build Order” (bullet point five) is, in our view, the most open-ended of all the forms of development considered not inappropriate. We do not yet know how widely these Orders will be taken up and how extensive their proposals will be, so would urge caution against granting this kind of blank cheque without any further clarification or conditions. We have noted that the NPPF’s Impact Assessment considers that these Community

Right to Build schemes could lead to greater development in the Green Belt. This would seem to contradict the Government's stated intention of protecting the Green Belt.

#### Paragraph 146

The inclusion of this paragraph leads us to believe that policy is generally supportive of renewable energy projects in the Green Belt. We note the need for very special circumstances but we are left wondering whether these will apply in every case or, if not, what will outweigh the environmental benefits to which the paragraph refers. It would be helpful to have some suggestion of what might count as more important than these benefits, for example visual amenity.

#### Other parts of the Draft NPPF

As a Green Belt organization we have focussed our comments on the actual Green Belt section of the Draft NPPF. But there are other parts of the NPPF which give us cause for concern. One of these is the omission of offices from the sequential test that currently directs retail and other land uses to city centres, edges of centre and suburbs, before finally allowing consideration of the urban fringe as a location. Removal of offices from the test will inevitably favour edge-of-town sites for business parks, with consequences for cities like Oxford which have a Green Belt intended to prevent just this kind of fringe development. It is development which, by encouraging car use, cannot be regarded as sustainable.

#### Conclusion

The brevity of the NPPF, and its paucity of explanation, will, we believe, give rise to protracted argument over how the guidance is to be interpreted and is thus unlikely to speed up the planning process. It is our view that the planning profession, which operates under strict rules relating to the timing of decisions, is being unfairly treated as scapegoat. We consider that delays in bringing forward development are more likely to be due to the reluctance of the construction companies to release land and to build affordable housing, and to the financial institutions' wish to replenish their reserves rather than lending to businesses and first-time buyers. The referral of planning applications by local planning authorities very often results in the successful re-submission of much higher quality proposals for development, and the presumption in the NPPF that all applications for sustainable development will be approved without delay removes this vital stage from the present planning process, a stage which enables it to deliver the most appropriate development, rather than the marginally acceptable development which the NPPF now seems to be encouraging.

We are concerned about the "presumption in favour of sustainable development" as it lacks clear definition and confuses the plan-led approach contained in current legislation. If, however, this "presumption" is to remain, we would like the NPPF to state clearly that the presumption in favour of sustainable development does not apply to development in Green Belts. As things are at present, it is unclear to us whether it is meant to apply to Green Belts or not. The presumption in Green Belts has hitherto, of course, been that development was inappropriate unless very special circumstances could be established. **We would therefore like to see that same distinction between Green Belt and non-Green Belt land spelled out at some point in the NPPF.** If the distinction is not made clear, we shall be forced to conclude that the Government does not give to the Green Belt the special protection that it claims to give it.

So far as "sustainability" is concerned, we would argue that this term should go well beyond any narrow economic context to include, above all, protection of the environment, local as well as national, for the benefit of the generations to come. By managing urban development and by

preserving urban surroundings for the well-being, physical and mental, of both city and village populations, the Green Belt exemplifies sustainability in practice. The definition of “sustainable” development in the draft NPPF is currently inadequate and ambiguous, and to provide any useful guidance to LPAs a more comprehensive definition is required, illustrated with examples of the specific interpretation of “sustainable” in different planning contexts.

I am afraid that our knowledge of the forces at work in the Oxford Green Belt lead us to conclude that the NPPF does not offer the degree of protection to Green Belts that it is the Government’s stated intention to preserve. We hope that note will be taken of the points we have raised above in support of our opinion.

Yours sincerely,

D.I.Scargill (Chairman of OGBN)  
on behalf of the Oxford Green Belt Network