



Office of the
Deputy Prime Minister

Creating sustainable communities

*Draft of the Town and Country
Planning (Green Belt) Direction 2005*

Analysis of Consultation Responses



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January 2006

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Introduction

On 18 July 2005 the Office of the Deputy Prime Minister issued a public consultation paper containing a draft of a proposed new Town and Country Planning (Green Belt) Direction. The consultation period ran until 14 October 2005.

The aim of the new Green Belt Direction is to provide greater clarity on the type and scale of proposed developments in the Green Belt that should be referred to the Secretary of State (SoS) to decide whether he wishes to call in the application for his own determination.

The consultation draft of the new Direction was based on a requirement for local planning authorities to refer any planning application for inappropriate development in the Green Belt that they proposed to approve that involved the construction of buildings of more than 1,000 square metres floor space. In addition, there would be a requirement for any planning application for any other inappropriate development which, by reason of its scale, nature or location would significantly impact on the openness of the Green Belt, to be similarly referred.

The consultation paper made clear that this ('option (iii)') was the Government's preferred option for the new Direction. But the paper also put forward three other options:

- Option (i) would require *all* planning applications where the local planning authority were proposing to grant consent for inappropriate development in the Green Belt to be referred to the Secretary of State;
- Option (ii) would require the referral of any planning application in the Green Belt which the local planning authority were minded to approve, where the development would significantly prejudice the implementation of the development plan's Green Belt policies.
- Option (iv) was the 'do nothing' option.

As well as the text of the draft Direction itself, the consultation paper also included a draft Circular to accompany the Direction, providing guidance for local planning authorities on its implementation.

Through a number of specific questions the consultation paper sought views on the Government's proposals for a new Green Belt Direction, on the text of the preferred option and on the draft accompanying Circular.

Responses to the Consultation Draft

GENERAL SUMMARY

The Office of the Deputy Prime Minister received 81 responses in total. 32 (40%) of these were from local authorities, including local planning authorities and county councils. The other 49 responses came from a range of organisations, representative bodies, private companies, local groups and individuals.

The key outcome of the consultation was that 43% of respondents expressed clear support for the proposed new Direction, with a further 20% expressing qualified support, or at least saying they had no objections. If those respondents who did not express a clear view on the proposal are excluded, three-quarters were in favour to some degree (or had no objection), with half expressing clear support.

The views on the proposed criteria for referral of applications, as set out in the draft Direction, were rather more varied. Nonetheless, the majority of those expressing a clear view agreed with the proposed criteria.

The most favoured alternative to the Government's preferred option was option (i) with 10 respondents (12%) saying they preferred this approach.

RESPONSES TO SPECIFIC QUESTIONS POSED IN THE CONSULTATION PAPER

In response to the question: *Do you agree with the Government's preference for introducing a new Green Belt Direction in accordance with option (iii)?* – the views expressed were:

	Support	Qualified Support/ No Objection	Do Not Support	No Clear View
Local Authorities	17	7	4	4
Environmental/Conserv. Groups	8	3	7	3
Other Bodies/Companies	7	6	7	3
Individuals	3	—	—	2
Total	35	16	18	12
%	(43%)	(20%)	(22%)	(15%)

Overall, about 63% of respondents expressed some form of positive support for the Government's preferred option (iii). Generally, these respondents saw the merit in introducing a new Direction of this nature in providing greater clarity and consistency in the referral of applications for development in the Green Belt.

Amongst the few local authorities that did not support the proposal, it was felt that a new Green Belt Direction was unnecessary as the existing referral arrangements under the 'Departures' Direction were adequate. Consistency in interpretation and application was not seen as an issue, or any inconsistencies were seen as an acceptable reflection of local discretion and local circumstances. Another view was that the preferred option (iii) would not provide any greater clarity as to the type and nature of applications to be referred.

The views amongst other respondents who did not support the proposal were more varied. One view (amongst environmental & conservation groups) was that it did not provide sufficiently robust protection for the Green Belt (and hence their preferences for option (i)). Some other bodies took a different view and thought the proposed Direction was unnecessary and would result in a further erosion of local discretion. Another respondent thought the proposed Direction would lead to more referrals and a slowing down of the planning system, to the cost of businesses. Another fear was that it would have an adverse impact on minerals developments. One or two respondents felt that the setting of arbitrary thresholds for referral would create practical difficulties and result in inconsistencies in implementation. Another view was that the inclusion of the threshold as proposed would risk weakening protection for the Green Belt, as some authorities may interpret this threshold as a more general indicator of the size of developments that were or were not inappropriate.

In response to the question: *Do you agree with the proposed criteria for referral as set out in the draft Direction?* – the views were:

	Agree *	Qualified Support/ No Objection	Do Not Agree *	No Clear View
Local Authorities	14	5	6	7
Environmental/Conserv. Groups	7	1	8	5
Other Bodies/Companies	6	2	8	7
Individuals	2	–	1	2
Total	29	8	23	21

* Includes views implied by the response to the first question.

A varying range of comments and views were expressed on the proposed criteria. The majority of those expressing a clear view felt that they were appropriate, although a few queried why the floorspace threshold had been set at 1,000sqm. The most common reason for objecting to the proposed 1,000sqm threshold was that it was set too high with various lower thresholds suggested instead. However, one or two respondents suggested that this threshold should be the minimum for referral. Related to this view, there were some calls for the criteria in 3(b) of the draft Direction to be omitted.

Other respondents were concerned about the cumulative impact of a number of small-scale developments that wouldn't be picked up individually by the Direction. Others thought that the criteria lacked clarity; that they should also refer to the number of new dwellings to be built, or to re-use of existing buildings; or that they should not be applied to minerals workings. Some definitional issues were also raised, eg., in relation to 'floorspace' and 'scale', 'nature' and 'location'.

The responses, where expressed, to the question: *Do you think the guidance in paragraphs 10–17 of the draft Circular at Annex A is clear and appropriate?* were:

	Yes	Broadly yes, but qualified	No, or concerns
Local Authorities	9	4	1
Others	5	–	11
Total	14	4	12

A number of respondents commented that they found the guidance in the draft Circular clear and helpful. The more detailed and concerned comments generally reflected or related to the views and comments on the proposed criteria of the Direction. In addition, one or two respondents wanted to see biodiversity mentioned as a consideration in assessing impact on openness, whilst another felt that design should also be a factor. Consideration of ‘sustainability’ was also mentioned as an omission. Another view was that the guidance should make clear that it is ‘built development’ that is of concern, whilst a further respondent felt that more guidance on ancillary development related to minerals and waste activities, and on development on major developed sites would be helpful.

A number of comments were made about the detailed text of the draft guidance, in some cases seeking (or suggesting the need for) further clarity.

In response to the question: *If you do not agree with the Government’s preference for option (iii), would you prefer option (i) or (ii), or the ‘no change’ option?* – the views were:

	Prefer Option (i)	Prefer Option (ii)	Prefer No Change	Other Option or No Clear View
Local Authorities	1	–	2	1
Environmental/Conserv. Groups	7	–	–	–
Other Bodies/Companies	1	1	2	3
Individuals	1	–	–	–
Total	10	1	4	4

These views largely reflected the views and comments expressed in relation to the first and second questions above.

In response to the question: *Do you think there will be any significant resource implications for your authority (or organisation) in implementing option (iii), or any other option?*, local authorities did not believe there would be any such implications for them through implementing option (iii), although two or three authorities mentioned that option (i) would have resource implications.

A small number of other respondents did raise concerns about the potential adverse impact that the proposed Direction would have on their businesses or business sectors. These concerns were largely based on fears that the Direction would lead to more applications being referred to, and possibly subsequently called-in by, the Secretary of State, resulting in further delays in the planning process. These fears appeared to arise from a possible misunderstanding of either certain aspects of the proposed Direction and accompanying circular, and/or of existing policies that will not be changed by the Direction.

PARTIAL REGULATORY IMPACT ASSESSMENT (RIA)

Largely related to these fears and concerns, just a few respondents commented on the Partial RIA. One comment was that the RIA did not properly reflect that the Green Belt often contained small businesses which may need to modernize or expand. Another concern was that option (iii) would result in more minerals developments in the Green

Belt being called-in and that the RIA didn't reflect the additional costs and delays that would result. One or two others suggested or implied that an estimate of the (additional) cost of implementing the Directive with a lower floorspace threshold, or of adopting option (i), was needed.

OTHER COMMENTS RELATING TO WIDER POLICIES

More generally in responding to the consultation paper, there were a number of views and comments expressed about (or which more appropriately related to) the Government's planning policies on the Green Belt, its target for each region to maintain or increase the area designated as Green Belt in local plans, and on the Secretary of State's call-in policy. Some respondents, including a number of those who expressed no overall view on the proposed Direction, saw changes to policies in PPG2 as being more important, although the changes suggested were varied and not necessarily compatible.

Whilst these views have been noted, the policies with which they are concerned will not be altered by the proposed Green Belt Direction and therefore do not come within the scope of this consultation.