

May 2020

London Green Belt Council E-Newsletter

Virtual Planning Committees

Coronavirus is having a dramatic effect on the way we conduct our lives. The disruption we are experiencing is resulting in doing things very differently. A specific example is the greater use of technology to avoid face-to-face contact and this will inevitably become much more the custom. This challenge is being faced by central and local government in supporting democratic processes. A key area is planning and development which relies on councils making important decisions by committee to achieve sustainable development and support the UK economy.

At the end of March, the government passed emergency legislation to allow local councillors to make decisions at 'virtual' committees conducted online, and regulations implementing the new rules came into force a few days later. The government has warned authorities that they should take advantage of these new powers to hold virtual planning committees rather than postpone meetings. This is involving harnessing video conferencing facilities.

Steps are taken to ensure residents can participate in line with council rules. CPRE has called on the government and councils to ensure that the public continues to have a say in planning decisions during the coronavirus outbreak, after highlighting alleged cases where decisions made by virtual committees or under emergency delegated powers were taken with restricted public involvement.

A further example of employing technology is in publicising planning applications through social media if they cannot be discharged through the existing specific requirements for site notices, neighbour notifications or newspaper publicity.

Finally, the government is exploring the use of virtual hearings and written submissions for local plan examinations. It is considering "temporarily relaxing" requirements on community engagement and hard copy documents in relation to plan production.

The London Metropolitan Green Belt

Reigate & Banstead Borough Council has approved plans for a retirement village in the Green Belt at the old Grade II* listed Headquarters of Legal & General at Tadworth. The HQ building will be converted into 131 assisted living homes, with 19 units in St Monica's House, both of which are in previously developed land. A further 130 units will be built on the existing car park. Amongst the very special circumstances given to outweigh the harm to the Green Belt were funding the repair of the main Grade II* listed building. The village will also include a café, cinema and theatre, library, creche, shops, a restaurant and wellness centre, and the refurbishment of the existing swimming pool. Interestingly, the planning committee made the decision at a virtual planning meeting.

Mole Valley has published its draft local plan through to 2033 that will increase its housing target by 140%. About 65% of new homes would be allocated in brownfield sites, within or on the edge of main built-up areas such as Leatherhead and Dorking. Three quarters of the District lies within the Metropolitan Green Belt, which will result in changes to the extent of the Green Belt in a limited number of locations if the Plan is approved. Of the 68 site allocations, 18 are in Green Belt land.

The Planning Inspectorate has raised serious concerns about the **St Albans City & District Council** draft local plan in terms of legal compliance and soundness. These concerns include a failure to engage constructively and actively (Duty to Cooperate) with neighbouring authorities on their ability to accommodate St Alban's housing needs outside of the Green Belt and the proposed Radlett Strategic Rail Freight Interchange. Further, that there is inadequate evidence that exceptional circumstances exist to alter the boundaries of the Green Belt. As plans cannot be modified at the examination stage to ensure compliance with the duty, the councils would have to start the plan-making process again, at a significant cost to all involved. It must be galling for the Council as the previous draft plan had to be withdrawn in 2016 because of a failure in the duty to cooperate.

Sevenoaks District Council has mounted a legal challenge in response to the Planning Inspectorate citing a failure to work with its neighbouring councils to find sites for homes. Sevenoaks is heavily constrained with 93% of its area in the Green Belt, and the remaining 7% close to being fully developed. The Examiner has found that, whilst **Tunbridge Wells Borough Council** and **Tonbridge & Malling Borough Council** say they are unable to take "unmet need" from Sevenoaks, in part due to the extent of Green Belt, no proper engagement at the right time has taken place that would have enabled all three authorities

to properly grapple with the issues arising from unmet housing need. The Council has also written to Robert Jenrick, Housing Secretary, about the “misguided conclusions” of the Examiner in recommending withdrawal of its draft local plan.

An Inspector has dismissed an appeal for development in a Green Belt site in **Bedfordshire**. The proposal was for 120 dwellings where 50% were being earmarked as affordable housing (the local plan specifies qualifying sites should provide 30% affordable). The appellant argued that this generous offer would outweigh the harm to the Green Belt. The Inspector, however, decided that this and any other benefits would not offset the loss of openness of the Green Belt, harm to landscape character, loss of a local gap and loss of high-quality agricultural land.

Epping Forest District Council has put a hold over 100 planning applications due to concerns by Natural England about the impact of new housing on air quality in a protected woodland, the Epping Forest Special Area of Conservation (EFSAC). Important in deciding whether to grant planning permissions, the Council must consider the level of development proposed in the Council’s emerging Local Plan as part of an in-combination “test”. This was highlighted by Natural England which has objected to the draft plan. There has been a knock-on effect in halting the examination of the draft. Natural England is concerned about habitats within the EFSAC being sensitive to concentrations of air pollutants, e.g. nitrogen (NOx) and ammonia (NH3), and these can be affected by emissions from road traffic. The Council is continuing to work on the updated Habitat Regulations Assessment and the preparation of a mitigation strategy to address the impact on air quality for the EFSAC. It is anticipated that consultation on the Main Modifications to the draft local plan will take place from October onwards.

Robert Jenrick, Housing Secretary, has written to Sadiq Khan, London Mayor, setting out detailed modifications required before the London Plan would be considered acceptable. Among the key changes he is insisting on is amending the Plan’s steadfast line on Green Belt development to bring it into line with national policy, allowing development in “very special circumstances” and Green Belt release in local plans where “exceptional circumstances” are deemed to exist. To increase the number of new homes getting built in London, the government wants greater attention to optimising density and the freeing up of industrial floorspace for new housing development. The Mayor is now considering the Secretary of State’s response and taking the statutory steps to finalise the Plan.

You may remember that we provided some comment and analysis from the London Green Belt Council on a report by the National Audit Office in March 2019, which included those councils potentially at risk arising from the Housing Delivery Test.

The Government introduced new measures for new homes in local council areas in 2018 (NPPF 73). Where delivery has fallen below 95% of its housing requirement over the previous three years, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Failure to deliver on these targets results in increasing penalties for non-performance, leaving the door open to speculative development planning applications.

However, for those councils with under 85% of their requirement, they will be required to add a 20% buffer to their five-year housing land supply requirement, instead of the usual 5% buffer. It is worse still for those under 45%, as they will be vulnerable to speculative applications because their local planning policies for housing will be deemed out-of-date.

The London Green Belt Council believes that the Housing Delivery Test is a serious concern. It is the developers who build the homes, not the councils.

Local authorities cannot increase the supply of new homes just through their own efforts. It is unreasonable for local authorities to be given the responsibility for meeting housing delivery targets, but not the authority and control to achieve these.

On the following pages you will find the analysis for those councils within the London Metropolitan Green Belt, but also, for completeness, those in Central London that are not in the LMGB.

Patrick Griffin, Vice-Chair LGBC

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Area	Planning authority	Total number of homes required 2016-19	Total number of homes delivered 2016-19	2019 measurement	2019 consequence
London	City of London	275	88	32%	Presumption
London	Havering	3,510	1,167	33%	Presumption
London	Haringey	4,506	2,488	55%	Buffer
London	Kensington and Chelsea	1,234	703	57%	Buffer
London	Redbridge	3,370	2,017	60%	Buffer
London	Islington	3,792	2,388	63%	Buffer
London	London Legacy Devt Corpn	4,415	3,032	69%	Buffer
London	Watford	1,371	956	70%	Buffer
London	Tower Hamlets	10,318	7,780	75%	Buffer
London	Enfield	2,394	1,839	77%	Buffer
London	Newham	6,740	5,210	77%	Buffer
London	Kingston upon Thames	1,649	1,288	78%	Buffer
London	Camden	3,360	2,924	87%	Action plan
London	Hackney	4,797	4,180	87%	Action plan
London	Barnet	6,832	6,139	90%	Action plan
London	Greenwich	6,432	5,775	90%	Action plan
London	Southwark	7,047	6,552	93%	Action plan
London	Lewisham	4,078	4,111	101%	None
London	Westminster	3,022	3,087	102%	None
London	Hounslow	2,466	2,571	104%	None
London	Brent	4,575	4,890	107%	None
London	Waltham Forest	2,430	2,590	107%	None
London	Merton	1,207	1,330	110%	None
London	Bromley	1,923	2,174	113%	None
London	Ealing	3,525	4,214	120%	None
London	Lambeth	3,585	4,320	121%	None
London	Richmond upon Thames	945	1,147	121%	None
London	Bexley	1,239	1,608	130%	None
London	Croydon	4,939	6,544	132%	None
London	Wandsworth	4,719	6,605	140%	None
London	Sutton	1,281	2,013	157%	None
London	Hammersmith and Fulham	2,174	3,676	169%	None
London	Harrow	1,565	2,646	169%	None
London	Hillingdon	1,462	2,696	184%	None
Bedfordshire	Central Bedfordshire	5,860	6,018	103%	None
Bedfordshire	Luton	1,275	2,363	185%	None
Berkshire	Slough	2,528	1,911	76%	Buffer
Berkshire	Windsor and Maidenhead	1,966	1,905	97%	None
Berkshire	Bracknell Forest	1,687	1,662	99%	None
Berkshire	Wokingham	2,156	3,780	175%	None
Presumption in favour of sustainable development					
20% land buffer					
Action plan					
No additional action required at present					

Area	Planning authority	Total number of homes required 2016-19	Total number of homes delivered 2016-19	2019 measurement	2019 consequence
Buckinghamshire	South Bucks	1,073	1,196	111%	None
Buckinghamshire	Chiltern	726	877	121%	None
Buckinghamshire	Aylesbury Vale	3,449	4,495	130%	None
Buckinghamshire	Wycombe	1,474	2,352	160%	None
Essex	Basildon	2,506	1,093	44%	Presumption
Essex	Epping Forest	2,266	1,139	50%	Buffer
Essex	Thurrock	2,835	1,868	66%	Buffer
Essex	Rochford	876	677	77%	Buffer
Essex	Harlow	1,150	1,297	113%	None
Essex	Chelmsford	2,321	3,266	141%	None
Essex	Uttlesford	1,749	2,677	153%	None
Hertfordshire	Three Rivers	1,367	560	41%	Presumption
Hertfordshire	North Hertfordshire	2,395	1,042	44%	Presumption
Hertfordshire	St Albans	2,219	1,397	63%	Buffer
Hertfordshire	Welwyn Hatfield	2,034	1,448	71%	Buffer
Hertfordshire	Broxbourne	1,343	1,082	81%	Buffer
Hertfordshire	East Hertfordshire	2,418	2,121	88%	Action plan
Hertfordshire	Stevenage	1,120	1,262	113%	None
Hertfordshire	Hertsmere	1,296	1,609	124%	None
Hertfordshire	Dacorum	1,379	1,900	138%	None
Kent	Medway	4,328	1,978	46%	Buffer
Kent	Sevenoaks	1,712	1,212	71%	Buffer
Kent	Gravesham	975	734	75%	Buffer
Kent	Tunbridge Wells	1,795	1,546	86%	Action plan
Kent	Tonbridge and Malling	2,095	2,451	117%	None
Kent	Maidstone	2,642	3,577	135%	None
Kent	Dartford	1,991	3,206	161%	None
Surrey	Epsom and Ewell	1,374	673	49%	Buffer
Surrey	Elmbridge	1,421	824	58%	Buffer
Surrey	Spelthorne	1,509	904	60%	Buffer
Surrey	Guildford	1,627	1,343	83%	Buffer
Surrey	Waverley	1,614	1,375	85%	Action plan
Surrey	Mole Valley	1,123	1,004	89%	Action plan
Surrey	Woking	1,022	988	97%	None
Surrey	Reigate and Banstead	1,380	1,639	119%	None
Surrey	Surrey Heath	781	947	121%	None
Surrey	Runnymede	1,344	1,651	123%	None
Presumption in favour of sustainable development					
20% land buffer					
Action plan					
No additional action required at present					