



The Potential Opportunities of the Environment Bill and the role of Local Authorities

David Sutherland



Emerging National Policy



A Green Future: Our 25 Year Plan to Improve the Environment

Climate Change Act - legal commitment to net zero emissions

25 year Env Plan - Natural Capital Approach

Environment Bill - Biodiversity Net Gain

Environment Bill - Local Nature Recovery Strategies

England Tree Strategy

Agriculture Bill - Environmental Land Management Scheme to replace Common Agricultural Policy (CAP)

Biodiversity Net Gain

- All development required to deliver minimum 10% net gain with respect to biodiversity

Local Nature Recovery Strategies?

A new system of spatial strategies for nature

*View of Chiltern Escarpment over Princes Risborough
Photo Credit: Philip Simpkin (Buckinghamshire Council)*

How are they intended to be used?

- Measures set out are not binding - its about presenting **opportunities**
- Strategic Planning tool to inform other plans
i.e Local Plan, Landscape Management Plans
- Guiding decisions on **various funding streams**
i.e net gain, Environment Land Management,
Woodland Creation etc

Who's involved?



*LNRS Launch Photo
Photo Credit: DEFRA*

What will a LNRS contain?

- A Statement of Biodiversity Priorities
- A Local Habitats Map

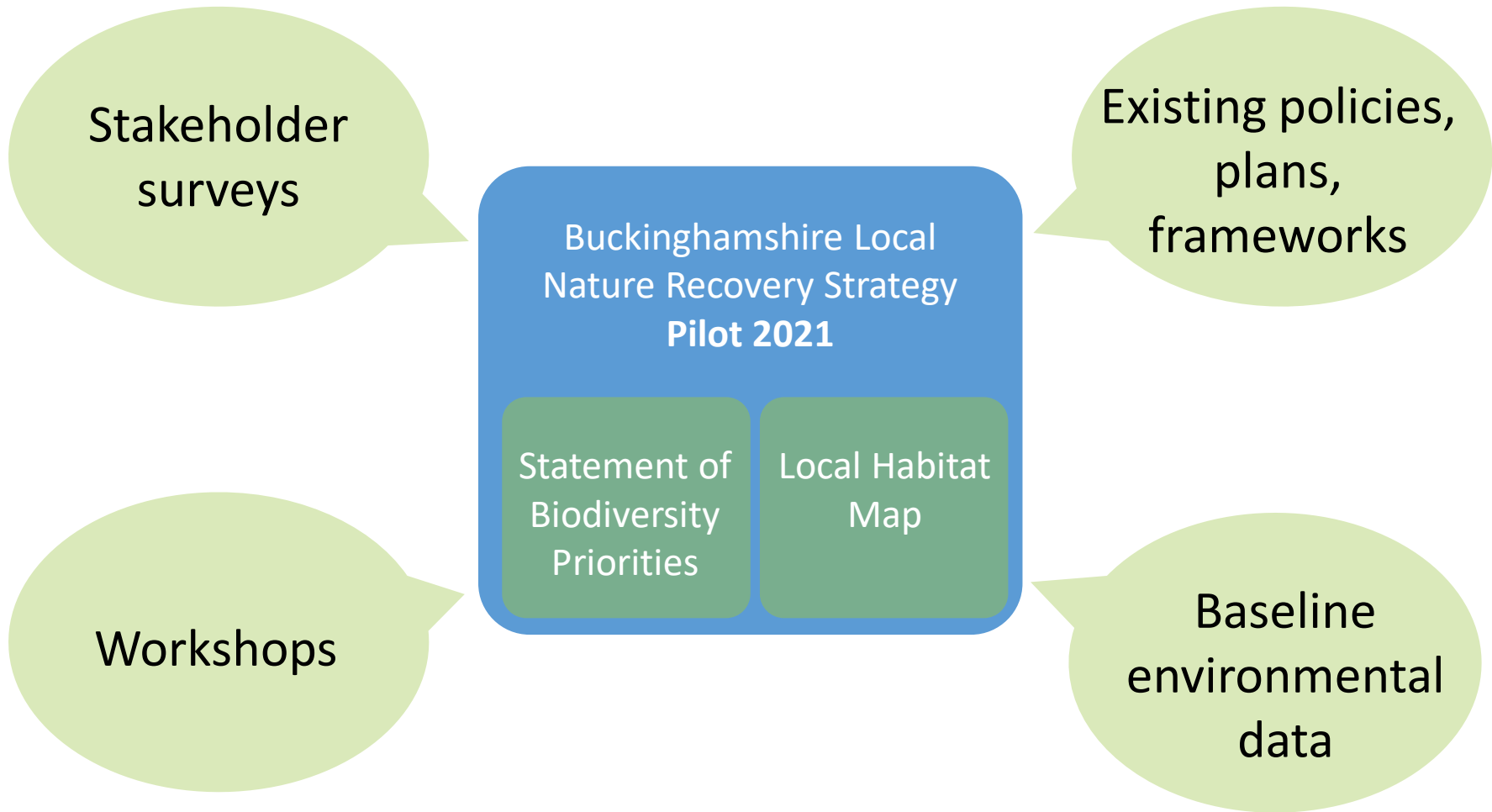
View of Fragrant Orchids

Photo Credit: Andy Fairbanks (BBOWT)

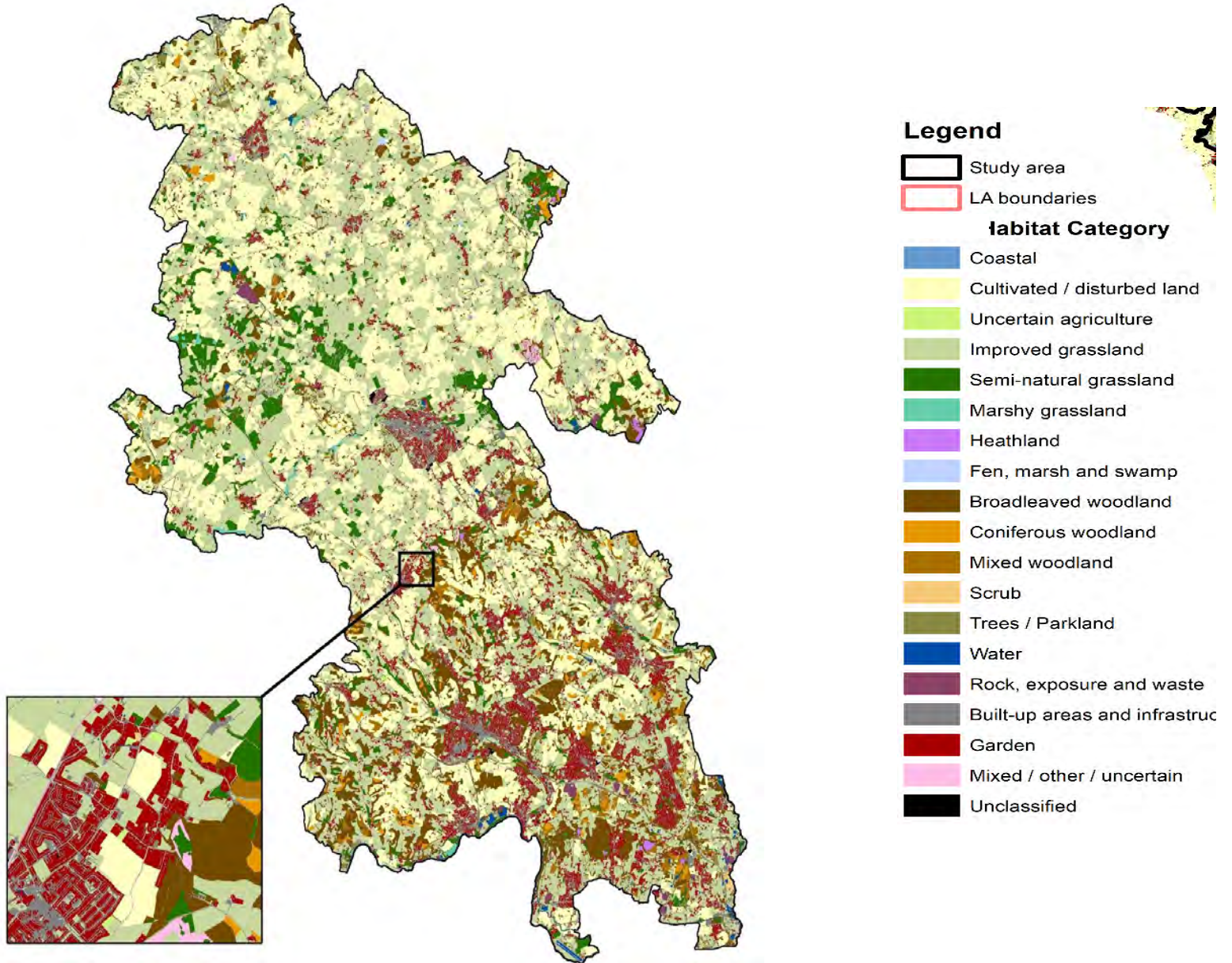
LNRs will identify nature priorities and how they link to wider environmental aims



How it all fits together

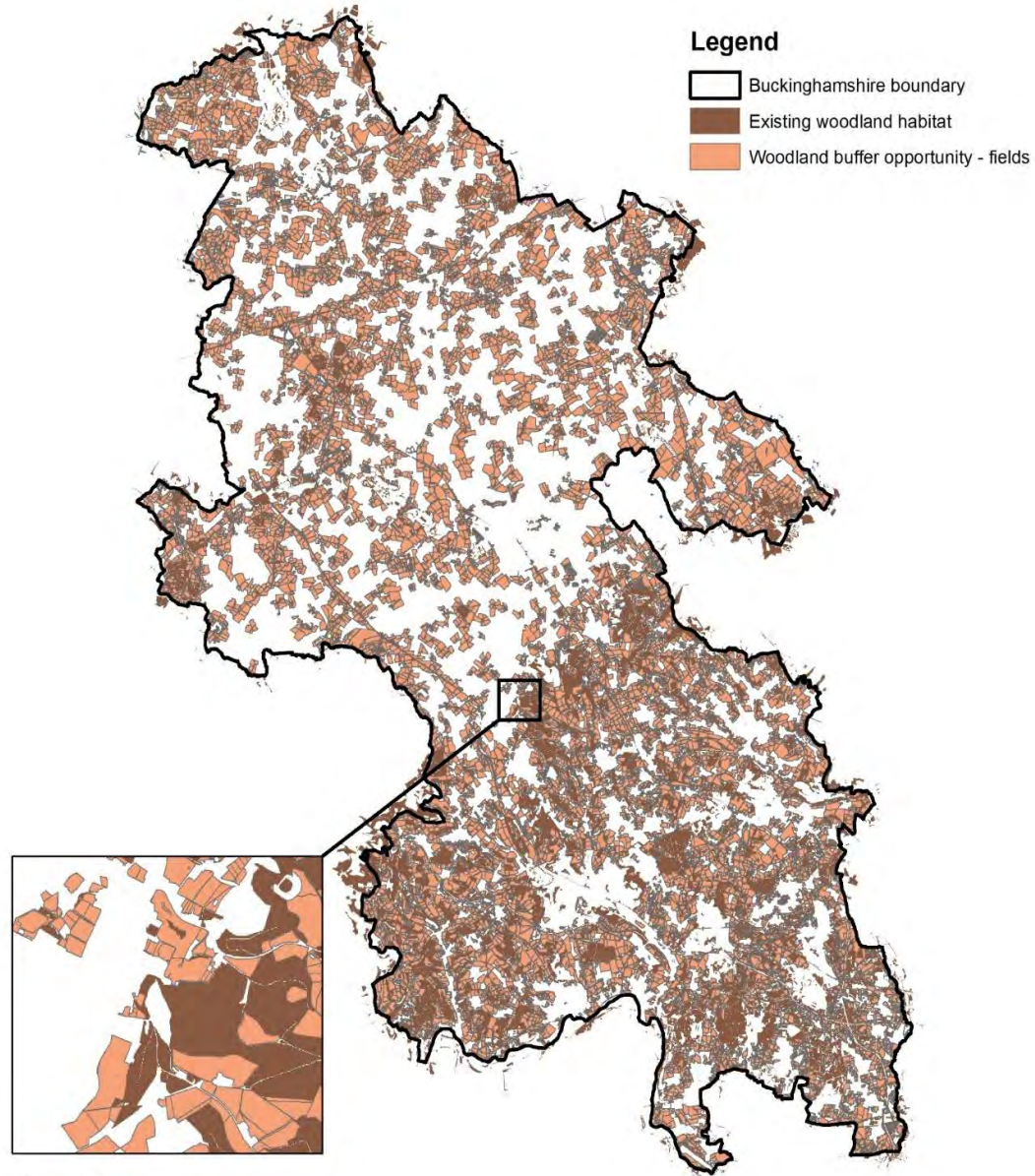


Baseline Broad Habitat Types



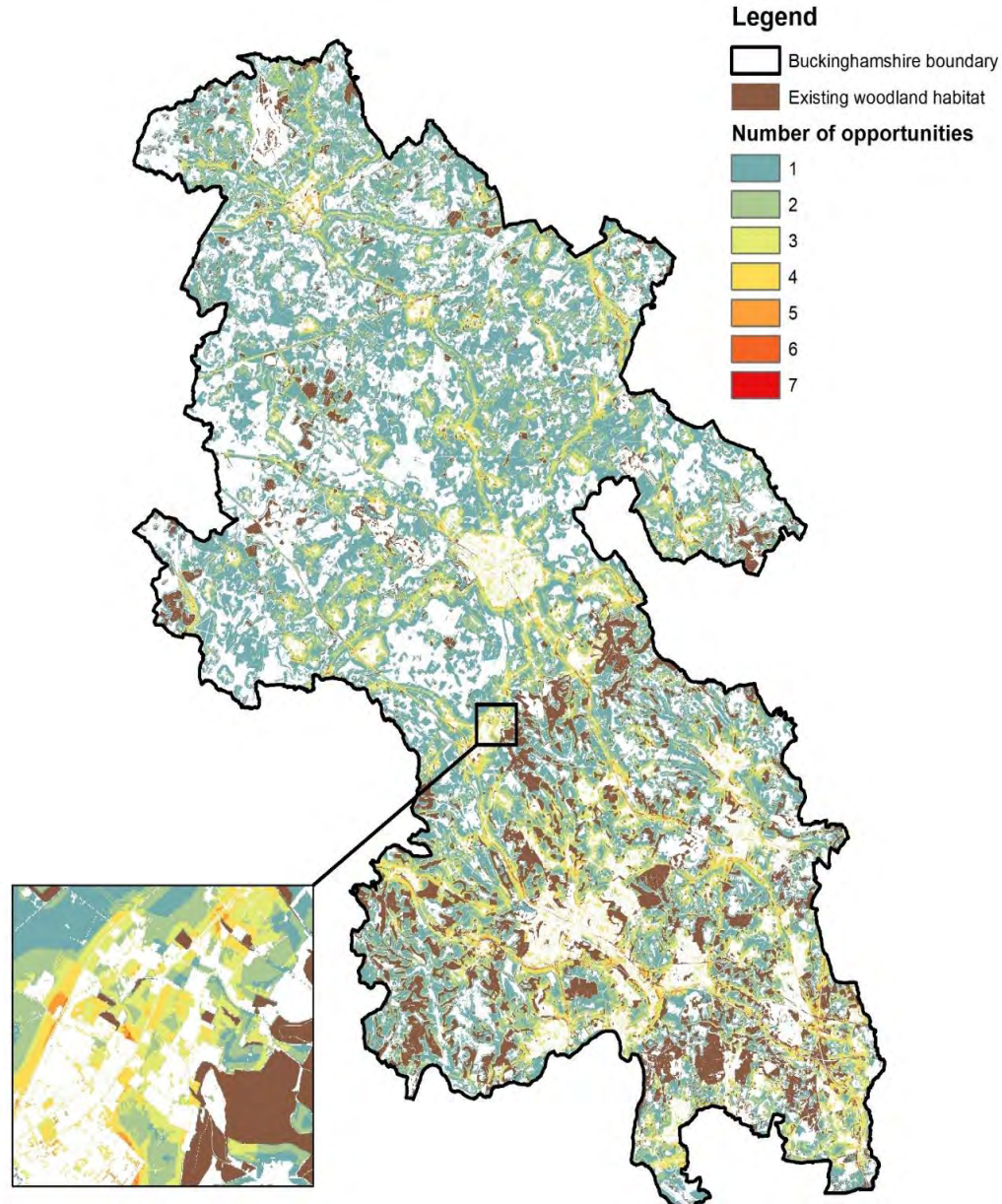
What might LNRS Habitat Map look like?

Opportunities per
habitat type - woodland



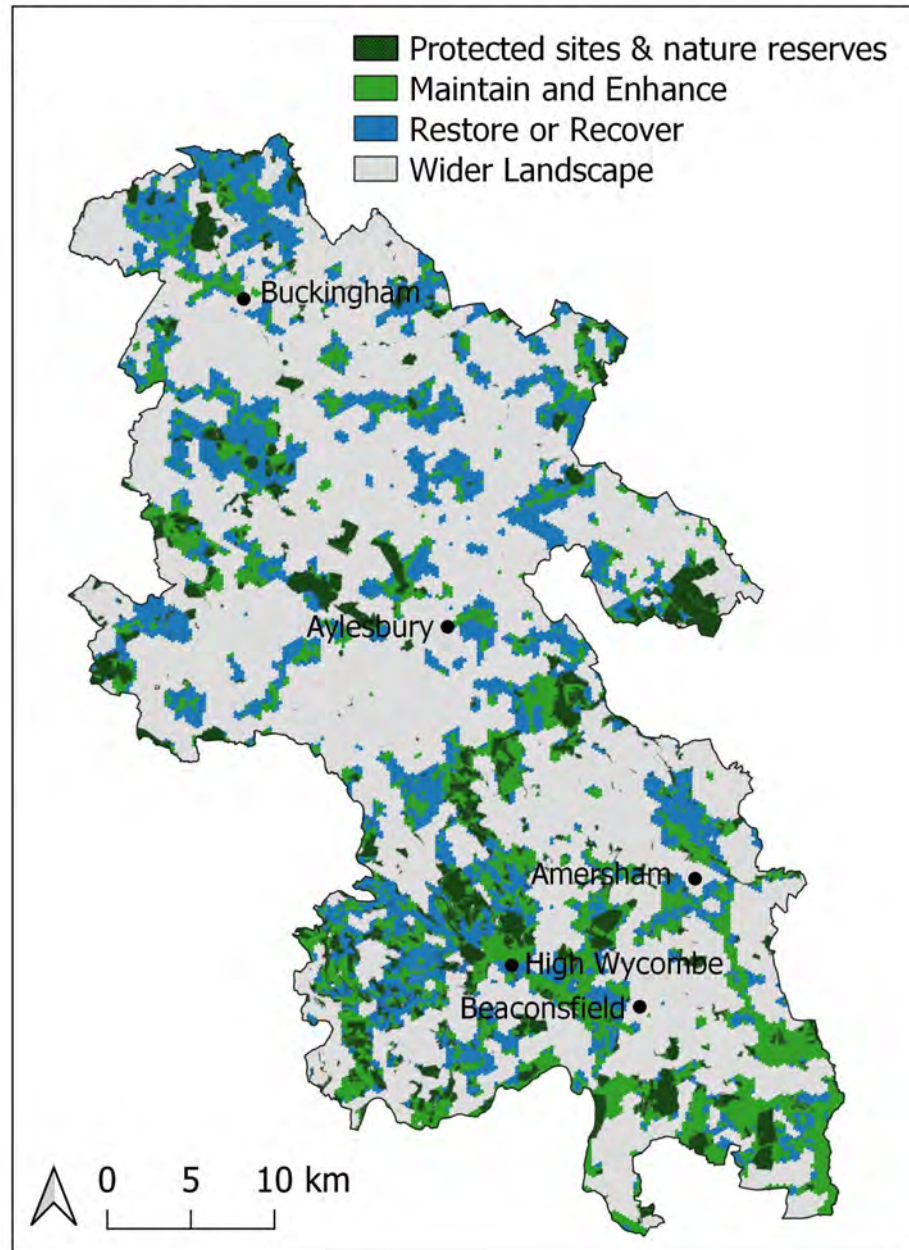
What might a LNRS Habitat Map look like?

**Opportunities per
habitat type -
woodland that are
best located to
deliver multiple
benefits**



What might a LNRS Habitat Map look like?

More of a defined network?



Links to Planning System

- Crucial link although not clear yet how specific guidance on LNRS will be picked up in National Planning Policy Framework
- Aim is to help make decisions as a strategic planning tool to inform other plans
- Evidence base - guiding opportunities, informing where net gain funding should be invested, link to design guides
- Planning weight of LNRS?

Environmental Land Management



Clean and plentiful water



Clean air



Protection from and mitigation of environmental hazards



Mitigation of and adaptation to climate change



Thriving plants and wildlife



Beauty, heritage and engagement

Environmental Land Management

- The Three Schemes

Sustainable Farming Incentive	Local Nature Recovery	Landscape Recovery
Simple actions that achieve environmental outcomes – a foundation	Locally-targeted environmental goals. Encourages collaboration	Landscape and ecosystem recovery through long-term, land use change projects

Conclusion - Opportunities from Environment Bill

- Significant strengthening and introduction of new policies to restore nature but also deliver wider environmental objectives - 2 linked to planning
- All planning authorities will be required to deliver biodiversity net gain scheme
- Responsible Authorities(Higher Tier i.e unitary or County) will be required to produce Local Nature Recovery Strategies – opportunity to channel new sources of funding
- Enhanced duty on local authorities to conserve and enhance biodiversity



Thank you



Improving Green Belt and its Planning

The sub-regional and national planning context

Catriona Riddell
Colne Valley Regional Park Webinar
6 July 2021



The Metropolitan Green Belt – A little bit of history

- Green Belt is a **strategic planning policy** and is supposed to be a two-part approach with areas of constraint (through GB) compensated by areas of growth.
- Until 2011 **strategic plans tested and set the general extent of Green Belt**, clarifying where local reviews of boundaries were needed to support growth.
- Both Surrey Structure Plan and South East Plan had a **general assumption that GB within inner M25 was most fragmented** and under pressure so high level of protection placed on these areas with release of GB outside this area and growth areas outside GB.

South East Plan Policy SP5

POLICY SP5: GREEN BELTS

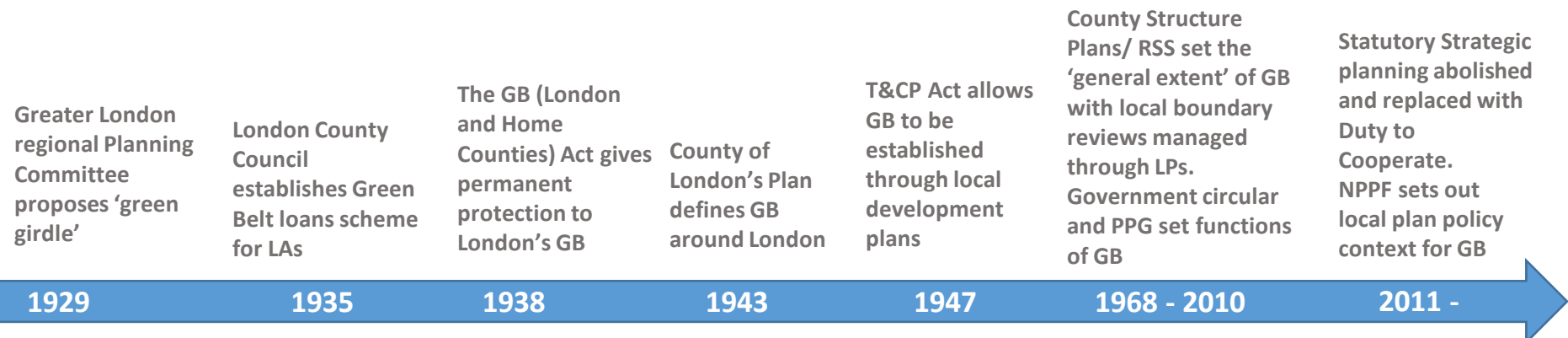
The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural urban fringe. However, in order to meet regional development needs in the most sustainable locations, selective reviews of Green Belt boundaries are required

- in the Metropolitan Green Belt to the north east of Guildford, and possibly to the south of Woking, and
- in the Oxford Green Belt to the south of the City

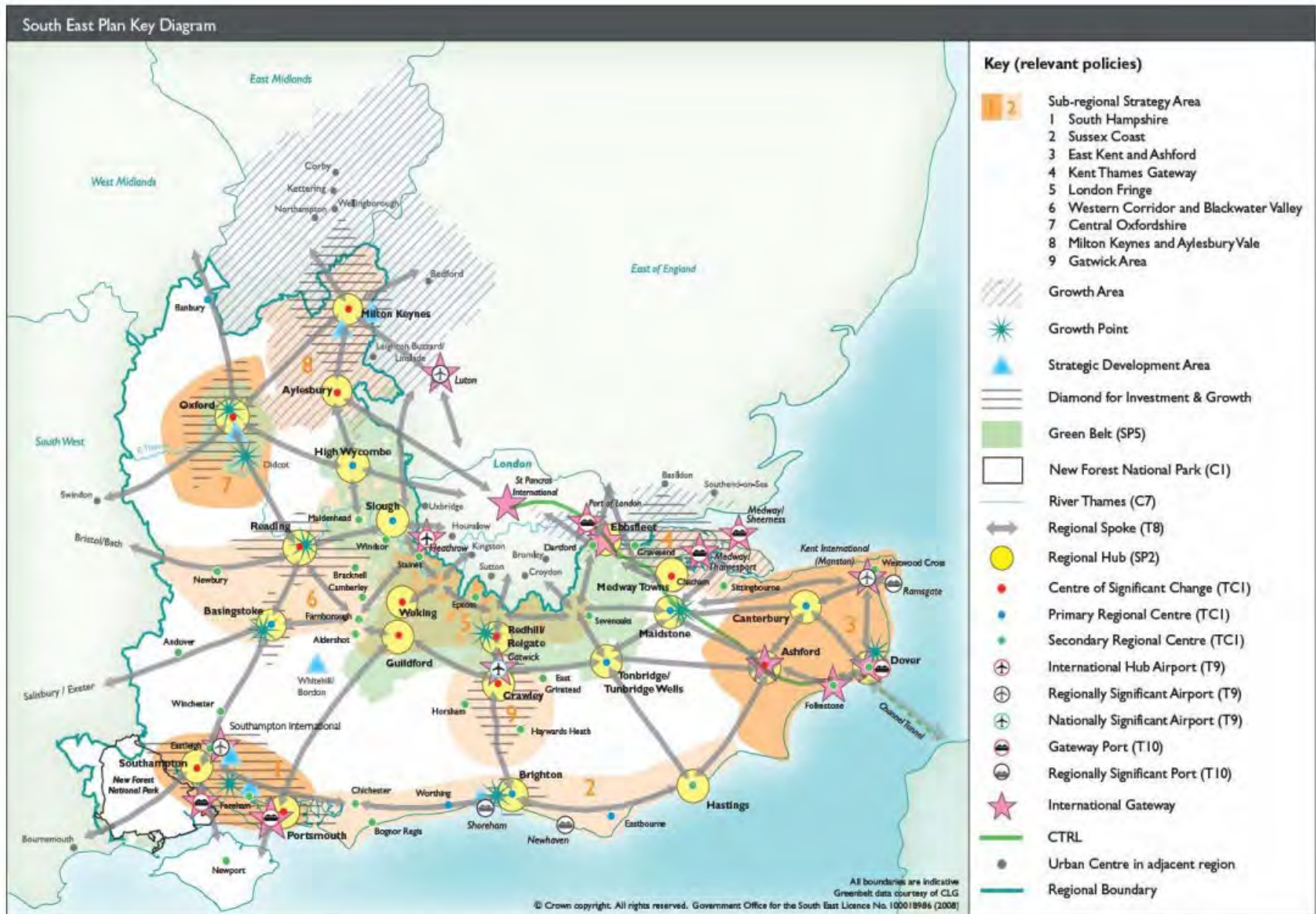
In addition, a boundary review will be required in the area of the former DERA site at Chertsey.

Smaller scale local reviews are likely to be required in other locations, including around Redhill-Reigate, and these should be pursued through the local development framework process.

These reviews should satisfy national criteria for Green Belt releases, accord with the spatial strategy, and ensure that sufficient land is safeguarded to avoid the need for further review to meet development needs to at least 2031. Where reviews cover more than one local authority area they should be undertaken through a joint or co-ordinated approach. Where selective reviews are undertaken local authorities should satisfy themselves that there will not be a need for further review before 2031. In undertaking this exercise the same annual rate of development as set out in Table H1b of this strategy should be assumed for the years 2026-2031.



The Metropolitan Green Belt – A little bit of history



Green Belt since 2011/ 12

- Approach to development within the GB is set out in NPPF (including 5 purposes of GB) with any changes managed through local plan process.
- The general extent of Green Belt should endure unless the LPA determines that there are 'exceptional circumstances' for releasing GB.
- Exceptional circumstances are a matter of planning judgement and can only be determined by the decision-maker (ie the LPA) following a cost-benefit analysis. The need to meet objectively assessed development needs can justify release unless....
- Policies in the NPPF (including GB) provide a *strong reason for restricting the overall scale, type or distribution of development in the plan area or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- Some additional changes can also be made where 'very special circumstances' have been justified through a planning application but this is usually a harder test to justify than 'exceptional circumstances'.

In terms of the 'exceptional circumstances' test for altering Green Belt boundaries:

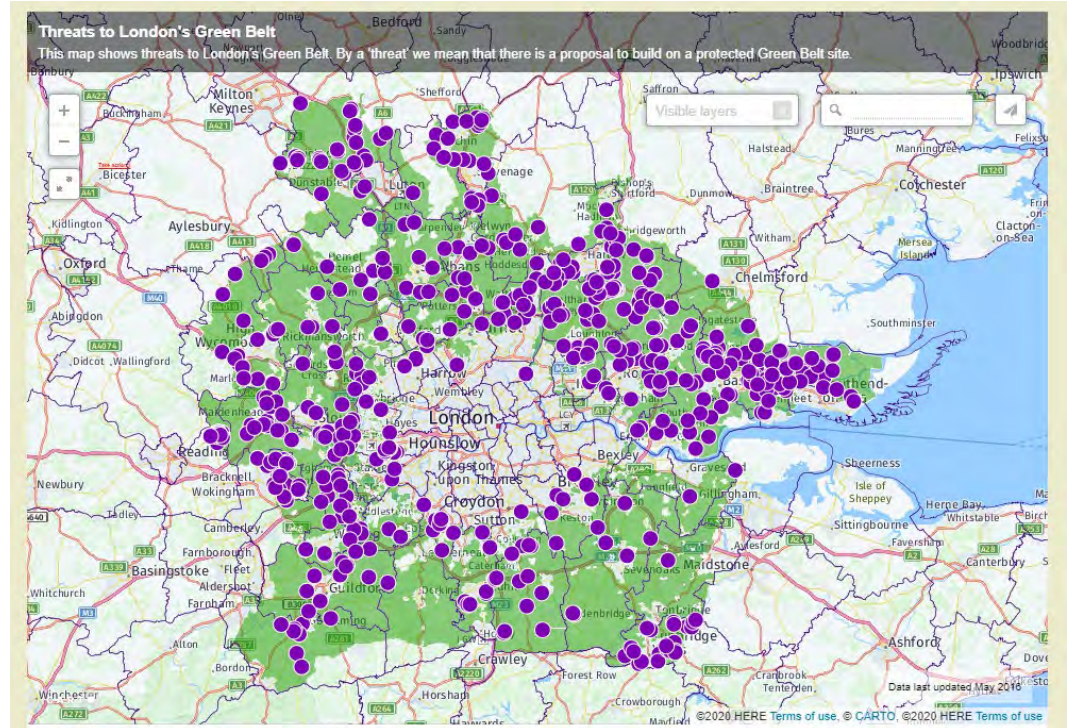
- This is a matter primarily for the decision-maker.
- The judicial emphasis is very much more on assessing the rationality of the judgment rather than providing a definition or criteria. The 'counsel of perfection' set out by Jay J in *Calverton* is not a checklist.
- the test is expressed in deliberately broad terms.
- exceptional circumstances do not connote 'rarity'.
- general planning needs, such as ordinary housing, are not precluded from its scope.
- 'exceptional circumstances' can be found in the accumulation of circumstances, not each of which has to itself be exceptional.

Source: Cornerstone Barristers

[Compton Parish Council & Ors v Guildford Borough Council & Anor \[2019\] EWHC 3242 \(Admin\) \(04 December 2019\) \(bailii.org\)](#)

What are the key issues?

- Green Belt policy is **supposed to be a strategic planning tool**. The **Duty to Cooperate** is **not an effective strategic planning mechanism** and does not work where all LPAs are in the same boat!
- There **needs to be a move away from 'planning by numbers'** with LPAs developing more robust long term visions for their area within which the role of the Green Belt can be properly tested.
- The area of Green Belt within the M25 (generally) is the **most vulnerable and fragmented** and therefore needs to be defended at a strategic level – with counter arguments about it being 'unsustainable'.



[Map of Current Threats to London's Green Belt – London Green Belt Council](#)

- **Green Belt reviews should factor in wider issues** – e.g potential impact of Covid on commuting patterns, access to greenspaces etc and the need for more compact urban living to combat impact of climate change and facilitate more active travel like walking / cycling).
- There should be **much closer integration between Green Belt policy and the role of green infrastructure more generally** – use this as a way of improving quality of and access to Green Belt, as in the London Plan:-

“Green Belt has an important role to play as part of London’s multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility. Such improvements are likely to help human health, biodiversity and improve overall quality of life. Positive management of the Green Belt is a key to improving its quality and hence its positive benefits for Londoners.”

Looking to the future

- Reforms to the planning system proposed in August 2020 to be taken forward through Planning Bill and review of the NPPF. This includes a commitment to replace the Duty to Cooperate and for LPs to allocate land into growth and protected areas (and possibly regeneration areas).
- Housing numbers for local plans are to be set nationally by Government and will take into account national policy, including Green Belt, but no indication yet what this will involve.
- The Government remains committed to maintaining Green Belt and has stated that there is no intention of reviewing current policy but....
- The need for housing in the South East remains very high and London is expected to accommodate 35% more housing (above current objectively assessed needs) in next review of London Plan which also has commitment to a strategic review of the MGB - currently no mechanism for doing this with neighbouring authorities.
- Impact of Covid and Climate Change likely to increase need for 'multi-functional' Green Belt around London with much higher priority given to protecting existing greenspaces and improving quality and accessibility of Green Belt.



Planning Decisions: Local Involvement
Volume 697: debated on Monday 21 June 2021

Christopher Pincher MP:

"Our reforms also include measures to protect and enhance the green belt, taking into account its fundamental importance when considering the constraints that areas face. We have made it clear in the NPPF, through Government investment and through our permitted development rights reforms, and we make it clear once again in our wider planning reforms: brownfield development must come first."

"My hon. Friend must have seen my speech, because I am about to move on to the matter of the green belt, which we will continue to protect, because our policy has not changed. We made a manifesto commitment to the green belt as a means of protecting against urban sprawl, and we mean to keep it. Local authorities should not develop on the green belt, save in exceptional circumstances, and local plan making should recognise the green belt as a constraint on numbers, as my letter to Members of Parliament in December last year made clear. For the record, we will not be accepting the recommendation in the Housing, Communities and Local Government Committee's report for a wholesale review of the green belt."

Thank you!

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Improving the Green Belt & its Planning

The Colne Valley Regional Park – development pressures and responses



Jerry Unsworth

6th July 2021

Colne Valley Regional Park



43 square miles

>3M people within 10 miles

70 lakes + 200km rivers/canals

100's of green spaces, 5 country parks, 20 Nature Reserves, 13 SSSI's

270km of public rights of way

Applying planning policy to the Park

Development picture and current pressures

Planning reform



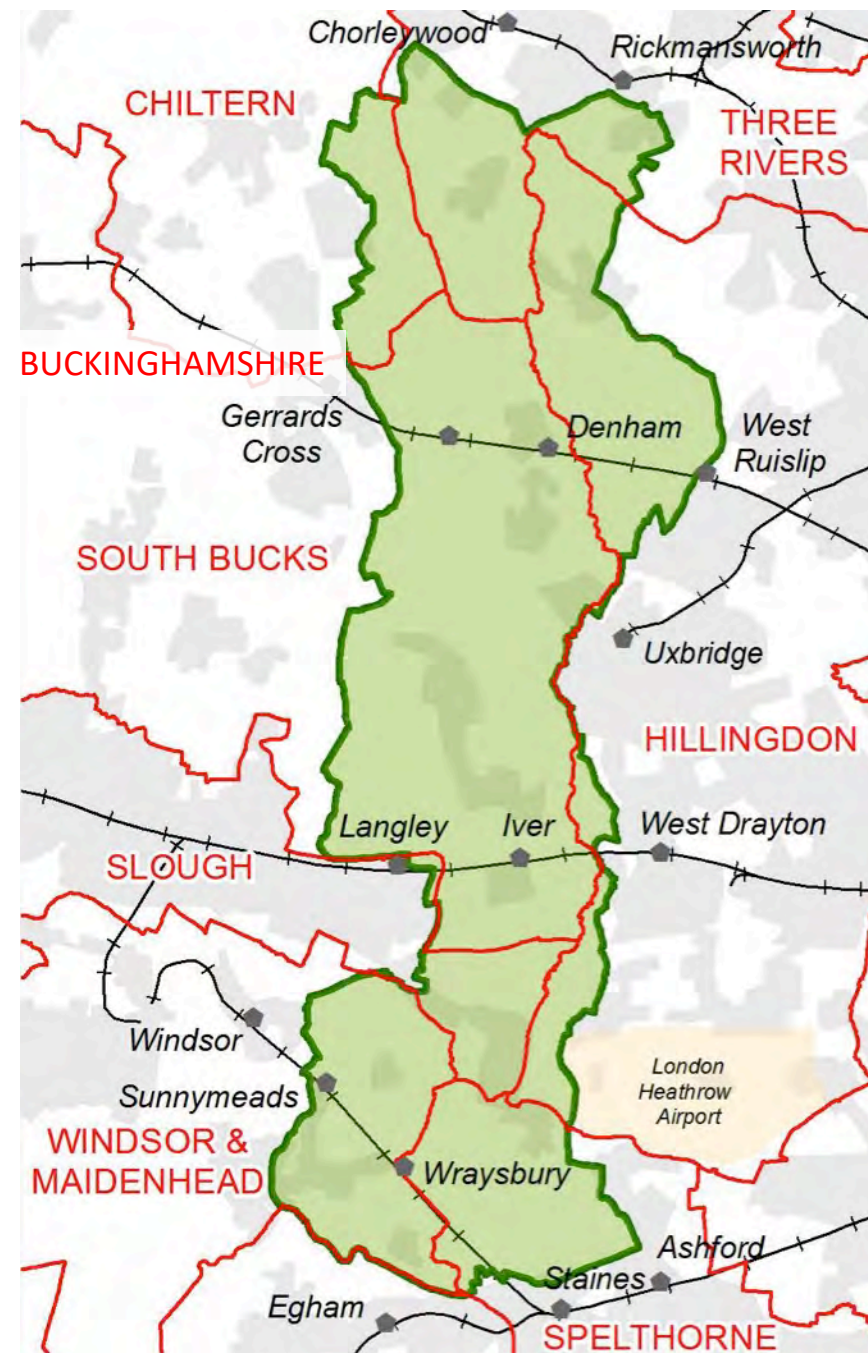
CVRP Founded 1965

6 Objectives

- maintain and **enhance**
- safeguard from **inappropriate development**
- conserve and **enhance biodiversity**
- countryside **recreation accessible to all**
- vibrant and **sustainable rural economy**
- **community participation**, *promoting health and well-being benefits from access to high quality green space*

*Critical part of the 'inner'
Metropolitan Green Belt*

Across many LAs



NORTH

Rickmansworth

CVRP in the mid 1960s

The Chalfonts

Denham

BUCK

The Ivers

Uxbridge

Slough

The Ivers

Heathrow

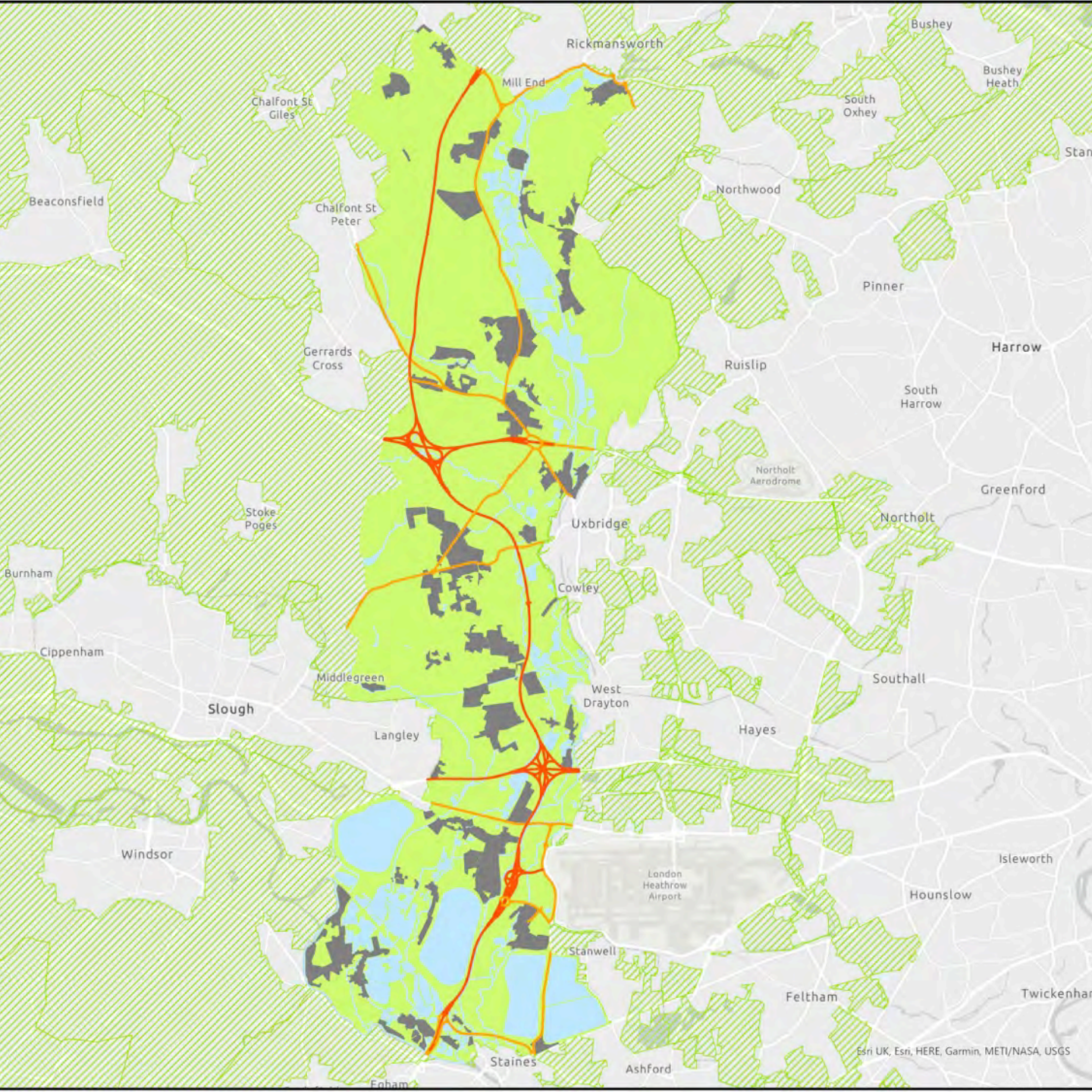
Thames

Staines

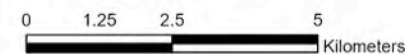
SOUTH



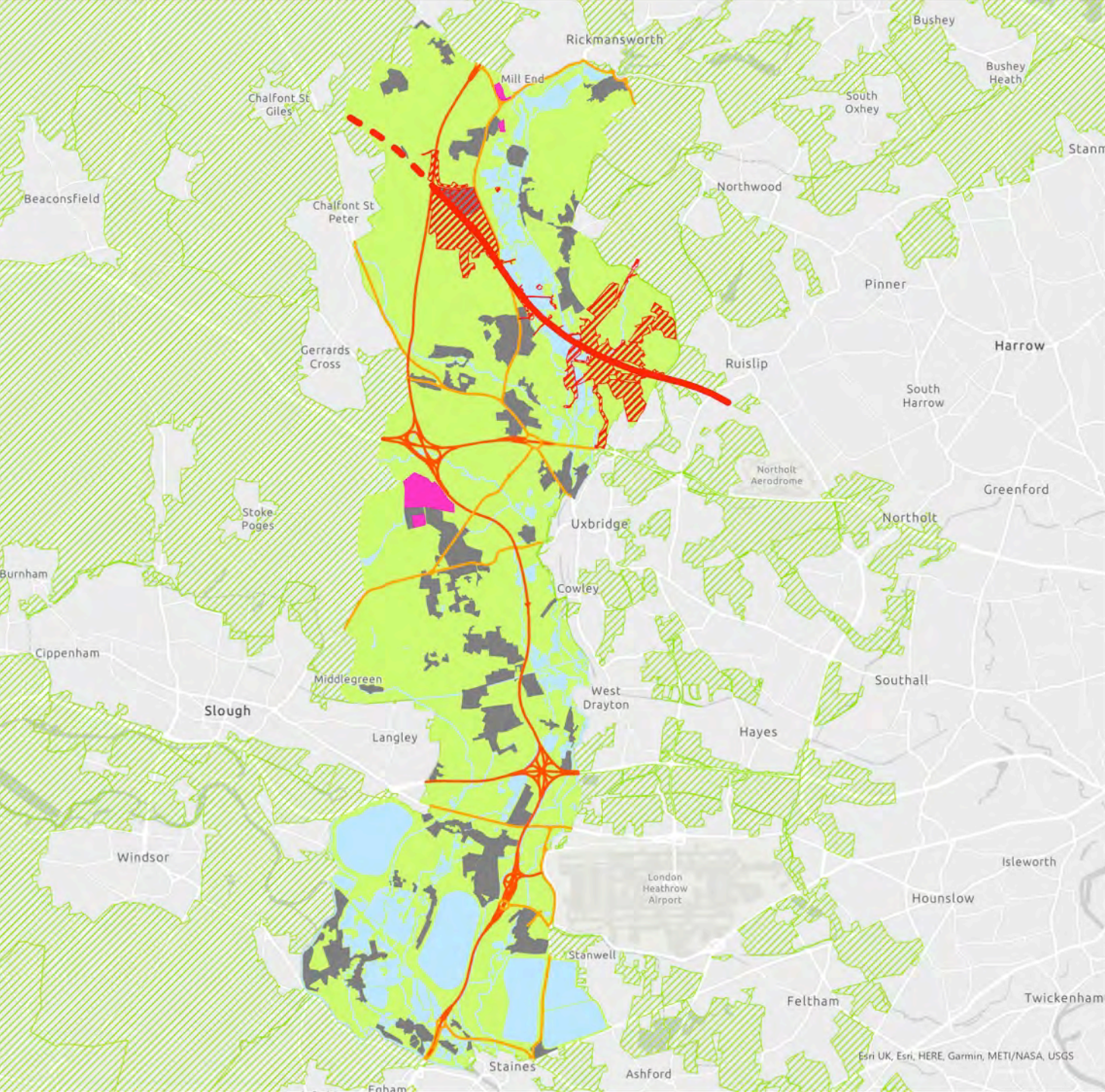
CVRP by about 2010



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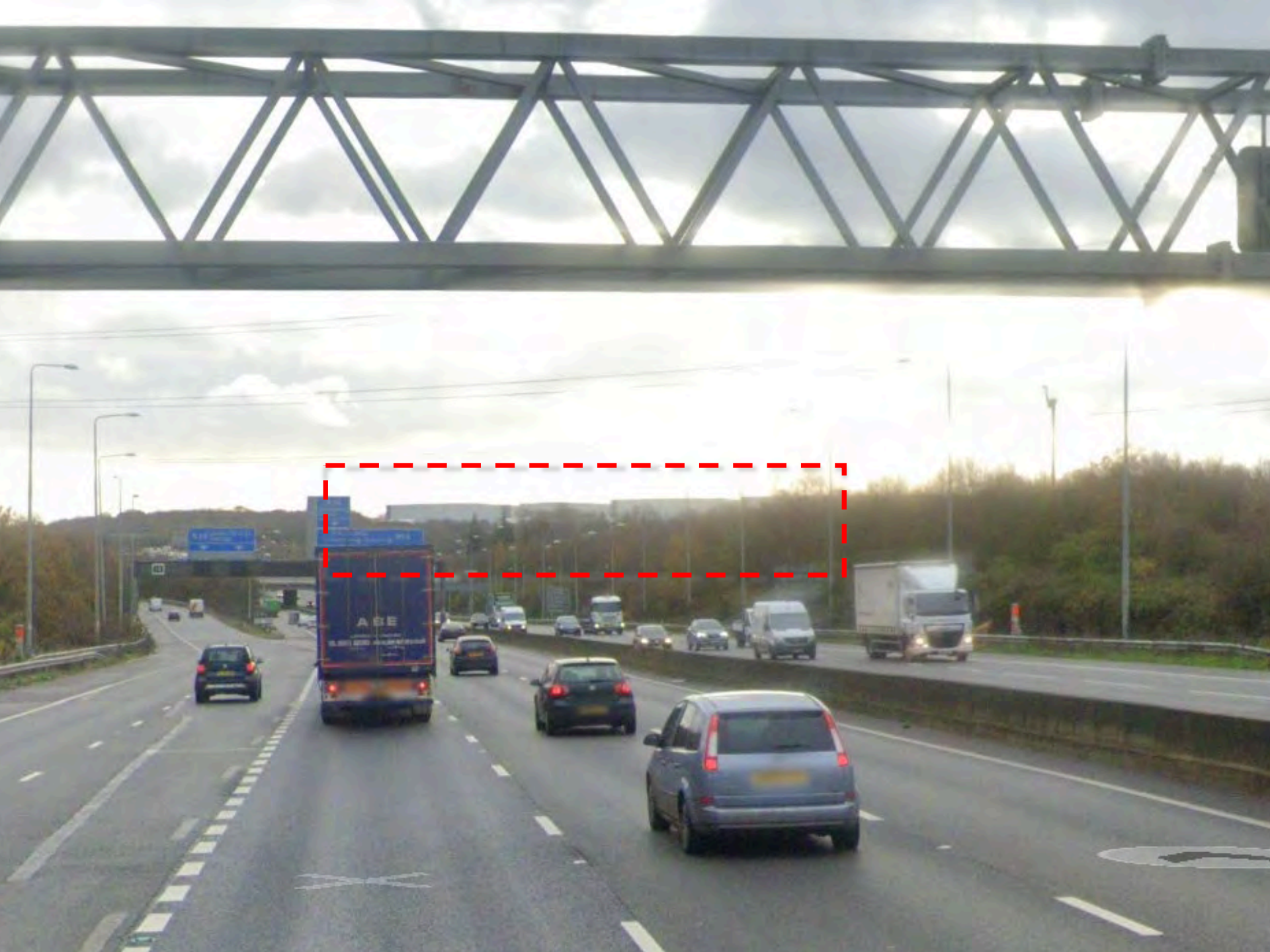
CVRP now



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Applying national policy - observations

Too much just a green wash on a map ... but ...

“141. Once Green Belts have been defined, local planning authorities should plan positively to **enhance their beneficial use**, such as looking for opportunities to **provide access**; to provide opportunities for outdoor **sport and recreation**; to **retain and enhance landscapes, visual amenity and biodiversity**; or to **improve damaged and derelict land**.”

Very special (Planning applications) and exceptional (Plans) circumstances - essentially about meeting the need for development

Housing Formula fails to take proper account of Green Belt

NPPF Para 138 (compensatory improvements) - only for Plans?

“ ... set out ways in which the impact of removing land from the Green Belt can be **offset through compensatory improvements** to the environmental quality and accessibility of remaining Green Belt land.”

A strategic view is needed and a strategy for GB improvement

2019 G.I. Strategy



COLNE & CRANE VALLEYS GREEN INFRASTRUCTURE STRATEGY SEPTEMBER 2019 EXECUTIVE SUMMARY



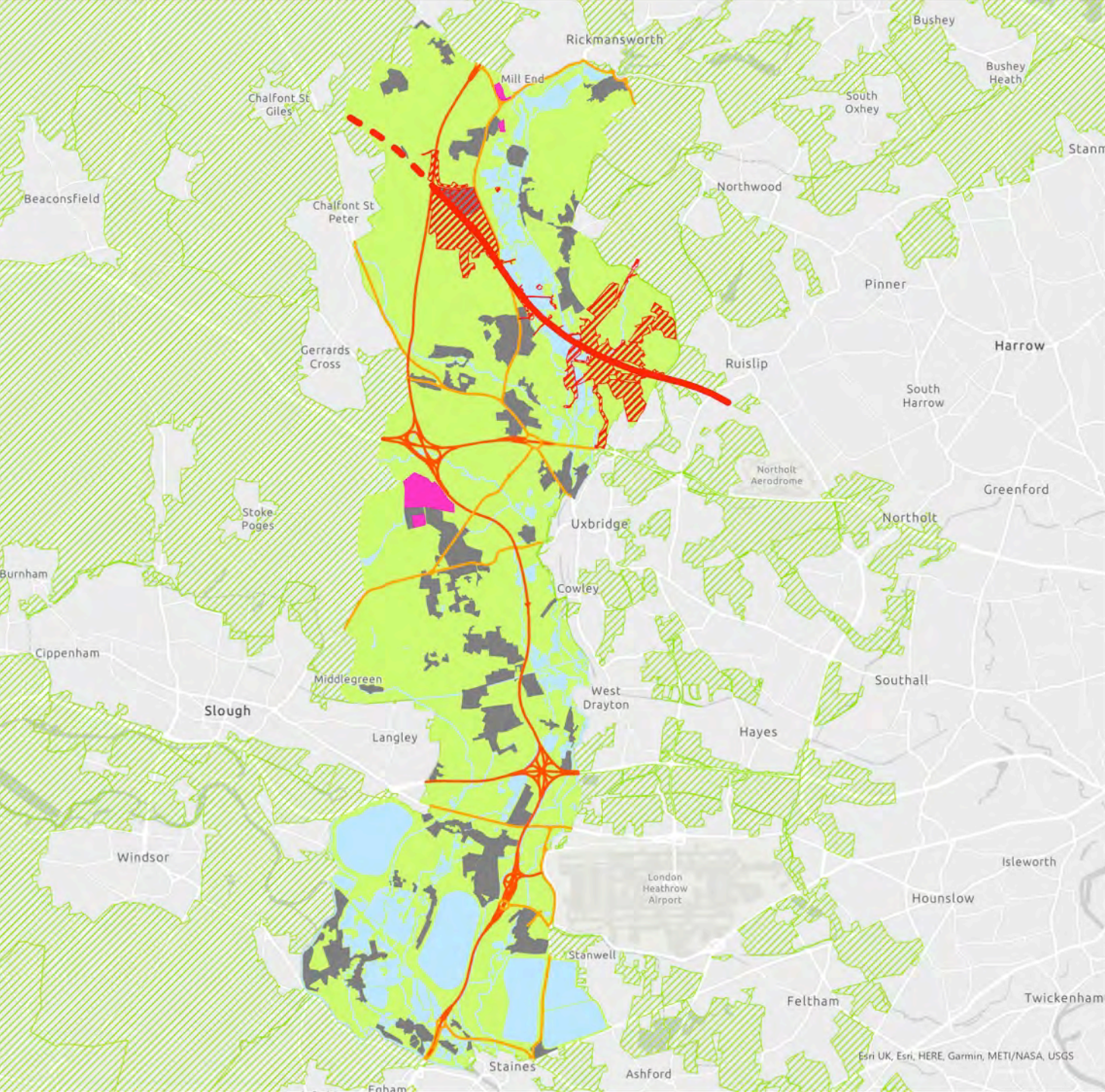
FINALIST

Landscape Planning and
Assessment Award

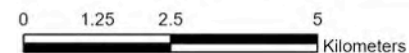


ARUP

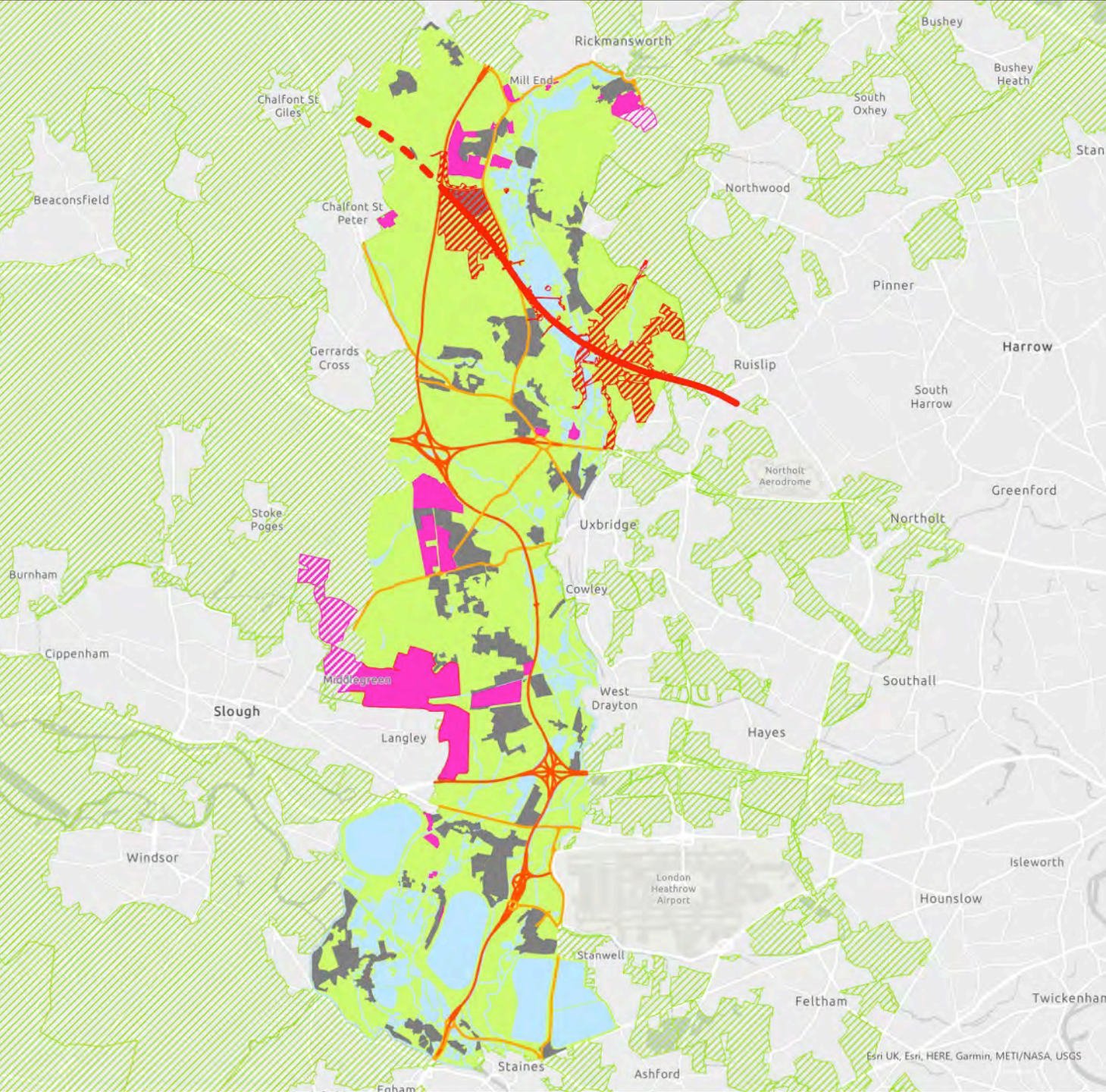
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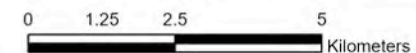


CVRP with local plans sites



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Esri UK, Esri, HERE, Garmin, METI/NASA, USGS



and with
other
infra-
structure
proposals



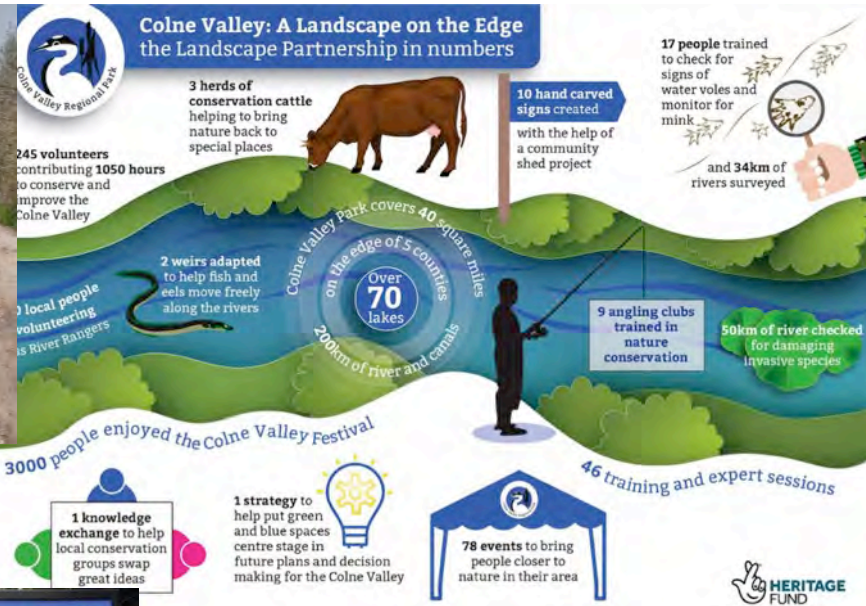
A horizontal scale bar with tick marks at 0, 1.25, 2.5, and 5. The word "Kilometers" is written at the right end of the bar.

Is this where the CVRP and Green Belt should go?

Is it what the government wants and intended?

Time to take stock around the future of the CVRP and Green Belt.

The good work to improve the Colne Valley as a resource for people and nature



Floating Pennywort Removal at Uxbridge Moor

We need your help to remove Floating Pennywort which is suffocating the River Colne in Uxbridge.

Friday 11th October (10:30-15:30)
Everyone welcome. No experience needed.

Meeting Point: 11 Arundel Rd, Uxbridge, UB8 2BP
Confirm your place with Chloe at chloe.croft@colneparadise.org.uk / 07736133057

All you need: outdoor clothes and sturdy shoes/boots. We will provide equipment, refreshment and bogs.

HERITAGE FUND

Please let us know if you are coming by email or phone call. CONTACT DETAILS ARE FOLLOWING

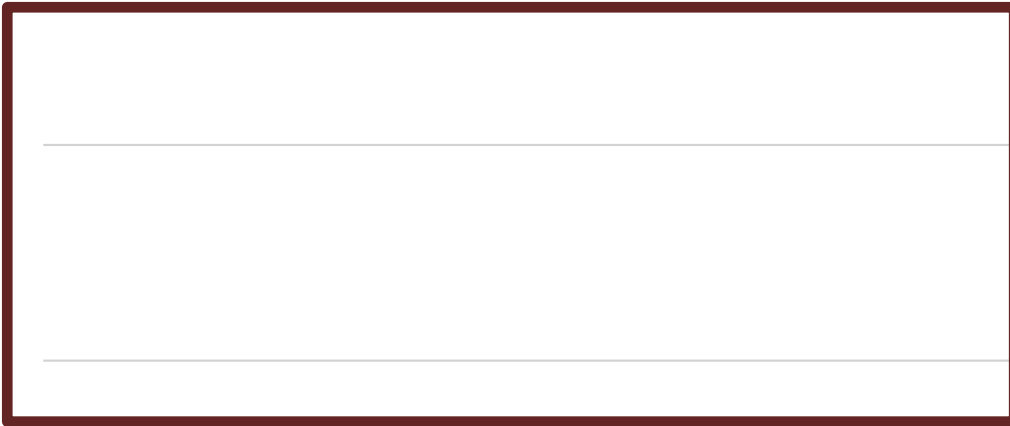
07736133057 chloe.croft@colneparadise.org.uk www.colneparadise.org.uk



That good work is frustrated on a daily basis by so much



Looking ahead & Planning Reform



Johnson faces backlash on planning reform after by-election blow



What appeal consent for 100 homes on an unallocated green belt site reveals about the strength of countryside protections

1 July 2021 by Joey Gardiner

MPs voice support for embedding new 'wild belt' designation in planning system



A strong **Vision** for what the (inner) Green Belt is about – a critical **multi-functional** natural resource



NPPF changed

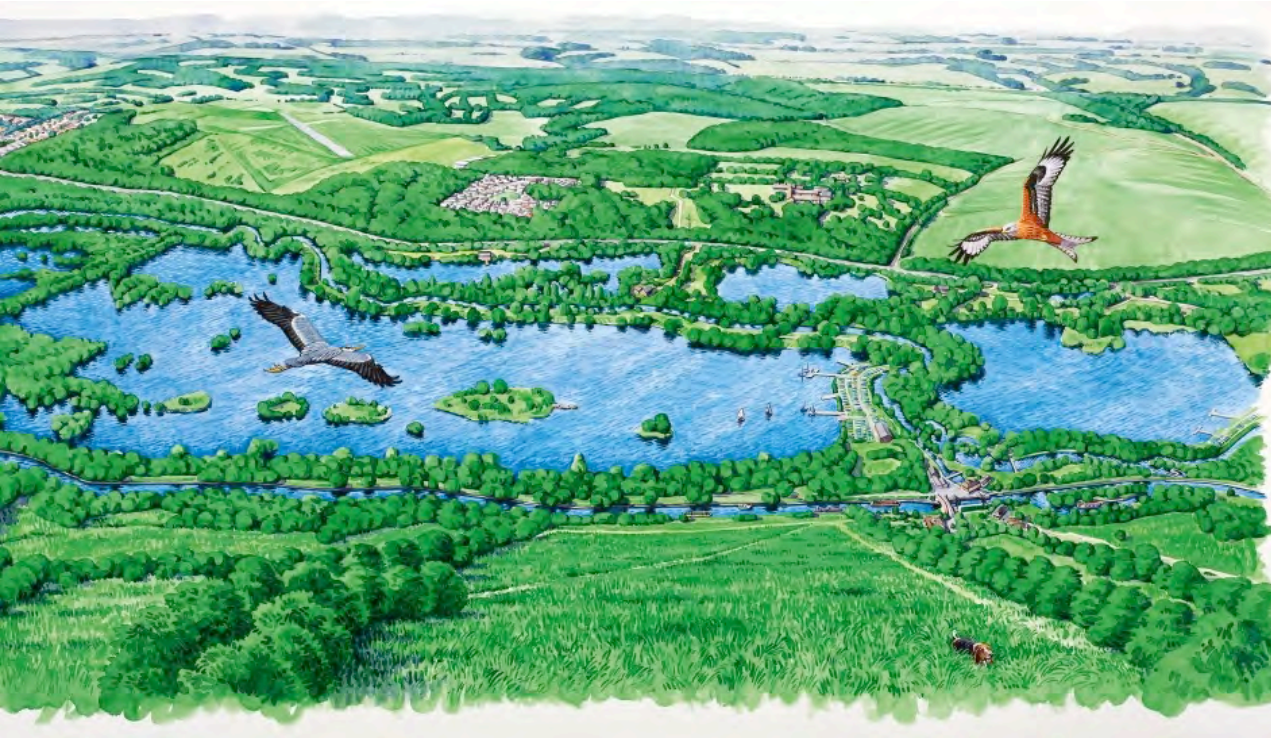
- All major applications seen as strategic
- Only considered through Local Plans
- Housing targets** etc properly **account for GB** and why it has been designated
- Strategic Planning** for the GB



Honesty

A regime to enable CVRP to get on with its job - **with proper resources** to maintain and improve

Thank You



www.colnevalleypark.org.uk

jerry@unsworthplanning.co.uk

