



**Consultation Response**  
22nd March 2016

## **1. Statement of Objection**

Billericay Action Group objects to Brentwood Borough Council meeting its Objectively Assessed Need (OAN).

The Council is not obliged to remove any land from Green Belt, and the Appendix is included to reinforce that point.

Brentwood can build around 2500 homes without Green Belt loss and this is the minimum Brentwood are obliged to build. This is far more than the borough's local needs (Natural Change\Growth) of 1200-1560<sup>1</sup> homes over the Plan period, so if the OAN is met a large majority of homes would be for incomers.

We would prefer Brentwood to use Green Belt as a constraint to meeting OAN and so produce a sub-OAN Housing target of 2500.

Meeting the OAN effects SE Essex in a number of undesirable ways, including the unnecessary creation of Dunton Garden Suburb on the edge of Basildon.

---

<sup>1</sup> Greater Essex Demographic Forecasts Phase 7

## Appendix A: Green Belt Protection

### A.1. Nick Boles to Sir Michael Pitt - 03/03/2014

The Under-secretary of State wrote to the Chief Executive of the Planning Inspectorate to castigate the NPI for misinterpreting the NPPF\PPG and emphasise that the government would step in to protect Green Belt if the NPI pressurised authorities to re-draw Green Belt boundaries against their will.

"I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations...

...It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority."

### A.2. Eric Pickles to Dunton campaigners

In 2015, Eric Pickles, the then Secretary of State for Communities and Local Government met Phillip Gibbs and Derrick Fellowes of RAID (Residents Against Inappropriate Development).

Mr Pickles stated, on the record, that there was no obligation for local authorities to build on green Belt, even if that meant they could not meet their OAN.

### A.3. Letter from Eric Pickles to an Ingrave resident

In Eric Pickles wrote to an Ingrave resident concerned about the potential Dunton Garden Suburb development.

"I think I need to kill a couple of myths that seem to have crept into the debate.

Firstly the government is not opposing ANY housing numbers...the figures are derived from the Council's own estimation of housing needs.

Secondly, there will be no building on the Green Belt unless there are exceptional circumstances. Failure to meet the Council's housing targets are not 'exceptional circumstance'. Too many people have told me that they have been given the impression the Local Plan will only be passed if it includes building on the Green Belt. This is both wrong and misleading."

There are many similar communications from Eric Pickles and Brandon Lewis available.

**A.4. Central Government criticises LA Officers**

**In October 2014 Eric Pickles gave an interview to the Daily Telegraph.**

The article described the new planning guidance which further strengthened Green Belt Protection and went on to quote a government source criticising the misinterpretation of the NPPF and subsequent bad advice provided by many LA Officers.

“Many council planning officers are telling their councillors that they have to remove Green Belt protection when drawing up their Local Plans, in order to meet [housing] demand.

“We are making clear that this isn’t the case, and they can take into account development restrictions – such ongoing Green Belt protection – when drawing up their Local Plans and determining how many houses they want to plan for.”

**A.5. Ministerial Statements in Parliament**

“...So green belt should be re-designated only in exceptional circumstances and as a last resort. Furthermore, the NPPF notes green belt as one of the environmental constraints on development in the framework and *local planning process.*” (our italics)

**Brandon Lewis MP 5<sup>th</sup> March 2015.**

**Then Minister of State for Housing and Planning - Hansard 396WH**

The same point has been made by ministers in parliament one more than one other occasion, for instance by James Wharton in Parliament on 26<sup>th</sup> January 2016.

**A.6. Planning Inspector’s visit to Castle Point**

In 2014 Planning Inspector Keith Holland met Castle Point Councillors and Officers and advised them that they need not build on Green belt to meet OAN.

[http://www.echo-news.co.uk/news/11450184.Video\\_\\_Green\\_belt\\_land\\_in\\_Essex\\_could\\_be\\_saved\\_after\\_leaked\\_video\\_shows\\_planning\\_inspector\\_saying\\_Government\\_would\\_not\\_force\\_councils\\_to\\_build\\_homes/](http://www.echo-news.co.uk/news/11450184.Video__Green_belt_land_in_Essex_could_be_saved_after_leaked_video_shows_planning_inspector_saying_Government_would_not_force_councils_to_build_homes/)

**A.7. Castle Point Councillors and Officers visit Parliament**

In June 2015, Rebecca Harris MP (Con) arranged for Castle Point Councillors and Officers to meet Brandon Lewis, now the Secretary of State for Communities and Local Government and Planning Inspectors at the Houses of Parliament.

Councillors left with confidence that they need not develop Green Belt.

<http://www.rebeccaharris.org/news/minister-confirms-green-belt-can-be-protected>.

**A.8. Rebecca Harris MP writes to Echo to summarise LA responsibilities**

In November 2015 Rebecca Harris wrote to the Evening Echo to clarify that the Government does not set housing targets and also to clarify the responsibilities of Local Authorities.

"...In fact there are no longer government targets. Councils are instead asked to calculate properly their projected need, then apply constraints that might exist for allocating them, one of which is green belt, and then show what numbers they can actually achieve.

"Councils can choose to over-ride the new stronger green belt protections and build on the green belt if they can give good evidence as to why they should be permitted to do so and the Government is unlikely to turn them down."

"However it is the Councils choice, not something the government will impose, as was the case under the old planning law, before the coalition planning law changes."

"Different ministers and different planning inspectors have repeatedly explained this to councillors in person"

**A.9.** E-mail from Kriti Bami (Asst. Private Secretary to Brandon Lewis)  
Ms Bami wrote to Rebecca Harris MP on 27<sup>th</sup> January 2016, to re-iterate that GB remains protected and to soothe fears about the consequences of government taking over a Plan.- 27/01/2016.

"...We have safeguarded planning protection for Green Belt, open countryside and other important environmental designations. However it is for local authorities to decide the most appropriate approach for their area. Where green belt is constraining a local authority from meeting objectively-assessed need, then they may wish to consider whether exceptional circumstances exist to warrant re-drawing their Green Belt boundaries, but these are decisions for the local authority.

"The report refers to our commitment to intervene where a Local Plan has not been produced by early 2017, where this will accelerate getting a Plan in place. We will be consulting on criteria that will inform our decisions on where to intervene...Should the Secretary of State need to step in, measures in the Housing and Planning Bill would give him options to enable more decisions to be made locally"

**A.10.** Castle Point Conclusion

As a consequence of repeated re-assurances from ministers and planning inspectors, Castle Point Councillors have decided to develop a Plan based on a sub-OAN Housing Target with little or no Green Belt loss.

**A.11.** NPPF\PPG – Chapter and Verse

The NPPF describes how, once established, Green Belt boundaries should only be altered in 'exceptional circumstances', through the preparation or review of the Local Plan (Para 83 NPPF).

It goes on to say that (our emphasis):

**"As with previous Green Belt policy**, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." (Para 87 NPPF)

Planning Practice Guidance further clarifies this:

"The Framework is clear local planning authorities should, through their Local Plans, meet objectively assessed needs **unless** any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to... land designated as **Green Belt.**" (Para 044 NPPG)

"...assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any **constraints such as Green Belt**, which indicate that development should be restricted and which may **restrain the ability of an authority to meet its need.**" (Para 045 NPPG)

"Unmet housing need...is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt." (Para 034 NPPG)

An OAN can take no account of Green Belt, however it is also clear that Green Belt is a constraint on meeting an OAN and that a sub-OAN Housing Target should be standard practice where GB does act as a constraint.

The Green Belt has five purposes (Para 80 NPPF):

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Green Belt achieves these aims by keeping the land 'permanently open' (Para 79 NPPF), and it is hoped that this document makes clear that there is no requirement in the NPPF or elsewhere, for LA's to remove land from the Green Belt.

**To summarise: Removing land from Green Belt is a choice, not an obligation.**

**A.12.** If GB was not protected, what would its purpose be?

Most local authorities aren't lucky enough to be within one of the Green Belts and so they must generally meet their OAN.

Plan making gives them an opportunity to state where they want this development to take place, and crucially where they don't want it to take place (subject to still meeting the OAN).

*If Green Belt wasn't a legitimate constraint to meeting OAN, what would its purpose be?*

If it wasn't a legitimate constraint then a Green Belt authority would have no advantages over a non-Green Belt authority.

**A.13.** Other authorities have approved sub-OAN Housing Targets

As of March 2014, fifteen local authorities have approved local plans with sub-OAN Housing Targets. Some of these are based on environmental constraints such as AONB, which, like Green Belt is mentioned as a constraint in NPPF\PPG.