



**Daisy Cooper MP**

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**Levelling-up and Regeneration Bill: reforms to national planning policy consultation**

We are writing with a joint response to the [Levelling-up and Regeneration Bill: reforms to national planning policy](#) consultation, as Member of Parliament for St Albans, and the Leaders of St Albans and Three Rivers District Councils.

This follows our [joint letter of 31 August 2021](#) to the former Secretary of State for Housing, Communities and Local Government, expressing our dismay at the Government's approach to planning in relation to the Hertfordshire Green Belt.

**Protecting Green Belt Land (NPPF Chapter 13)**

As expressed in our previous letter, the protection of the Green Belt is of paramount importance here in Hertfordshire. Green Belt isn't just a nice to have: it is a vital resource that provides habitats for wildlife, agricultural use, local food, relaxation and fresh air, not to mention its original purpose of preventing urban sprawl.

As such, we cautiously welcome the amendments to Paragraph 142 relating to the development of local plans. As we understand it, this strengthens the status of Green Belt land. Currently it is possible for the Planning Inspector to instruct local authorities to change Green Belt boundaries to accommodate government housing targets; the amendment to para 142 is more explicit that Green Belt boundaries are not required to be reviewed and altered to meet centrally produced housing targets, calculated using the Government's standard method.

This change in approach by the Government is particularly welcome, in the context of previous responses from Ministers to written parliamentary questions posed in [March 2021](#),

[March 2022](#), and [June 2022](#) which suggested the existing protections to the Green Belt in the NPPF were already adequate.

However, this limited protection extends only to the development of local plans, and does not protect the Green Belt from speculative applications by developers. Such applications, in spite of protestations from Ministers that NPPF protections exist, have been blighting communities across Hertfordshire – acutely so in our constituencies and districts: around the village of Colney Heath in the south of St Albans, the countryside to the north of the city, and around Bedmond and Abbots Langley in Three Rivers district.

The consultation introduction, at [Chapter 3](#), acknowledges that due to the overly complicated and restrictive current rules for developing local plans, only around four in ten local authorities have been able to adopt a local plan. In the meantime, conflicting messaging in the NPPF and the lack of a definition in the document for what constitutes a “very special circumstance” combine to allow the Planning Inspector to overturn local authority refusals for inappropriate Green Belt development.

An example of this was in the case of an application to develop [Roundhouse Farm near Colney Heath](#), where the Planning Inspector said:

*“I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However I note that this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.”*

The proposed amendment to Paragraph 142 would not appear to have prevented this decision, as no amendments have been made to Paragraph 150 which deals with applications affecting the Green Belt.

**We urge the Government to take forward the proposal in [Amendment NC101](#) tabled by Daisy Cooper MP during the Commons stages of the Levelling Up and Regeneration Bill which would explicitly set out that unmet need does not constitute a very special circumstance when considering approvals on Green Belt land. This would give effect to the government’s own Written [Ministerial Statement HCWS423](#) of 17 December 2015.**

This could be easily adopted by amending Paragraph 150 as follows:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Such considerations cannot include meeting objectively assessed need for housing.*

## **Delivering a sufficient supply of homes (NPPF Chapter 5)**

As Liberal Democrats, we are deeply concerned by the housing crisis facing the country, and recognise that an undersupply of affordable homes is the root cause of this emergency.

For that reason, we support the principle of social and affordable housing targets, which are based on the latest available demand and population growth data, and which recognise physical constraints such as Green Belt and areas of natural beauty.

We welcome the addition of clarification in Paragraph 61 that the standard method calculation is only an advisory starting point, and that it has been made clearer that particular characteristics of an authority area may justify the use of an alternative approach to reaching a deliverable housing needs figure.

In addition, we are encouraged by the addition in Footnote 30 prioritising the use of brownfield land and under-utilised urban sites when developing local plans.

However, it is disappointing that there is no explicit reference to Green Belt being such an exceptional circumstance, which would justify such taking an alternative approach to reaching an achievable local housing target.

**Further, we call on Ministers to urgently implement the proposal in [Amendment NC102](#) tabled by Daisy Cooper MP during the Commons Stages of the Bill, which would enable local authorities to use the most up to date household projections published by the ONS.**

The current requirement to use 2014 data places additional burden on many areas in Hertfordshire, where [recent analysis](#) shows if the most recent data was used the annual housing need figure produced by the standard method calculation would be reduced by up to 60%.

## **Meeting the challenge of climate change, flooding and coastal change (NPPF Chapter 14)**

Ministers will know that Daisy Cooper MP has been at the [forefront of challenging](#) the restrictions placed on onshore wind – an effective ban since 2015 – by the inclusion of Footnote 54 (Footnote 63 in the proposed revision) of the NPPF.

The addition of Footnote 62, and the amendments to Footnote 63, are welcomed but do not go far enough. Our approach to tackling the climate emergency must include investing in renewables, especially where there is broad community support, and onshore wind installations can bring the benefits of skilled employment and energy security, at a fraction of the cost and scale of offshore wind projects.

We call on Ministers to implement the measures in Amendment NC103 tabled by Daisy Cooper MP during the Commons Stages of the Bill, which would end the presumption against onshore wind turbines in its entirety, while respecting local authorities are best placed to assess appropriateness of sites, and community support for such schemes.

The Levelling Up and Regeneration Bill, and the revision of the NPPF, represent a lost opportunity to adopt the [Local Electricity Bill](#) which could establish a framework to support the growth of community energy schemes, guarantee small energy generators a stable tariff for selling energy, and establish a local energy supply mechanism to enable community renewable generation schemes to sell directly to local people.

**We urge the Secretary of State to work with Cabinet colleagues to implement the regulatory and planning changes that would enable the small scale community based generation of low carbon electricity.**

### **Devolve powers to local authorities**

We also strongly support the calls by the Local Government Association for more powers to be given to councils to tackle the growing problem of land banking. More than one million homes that have been granted planning permission have yet to be built out.

Specifically, we support councils being given the power to charge 100% council tax for every unbuilt development, from the point that the original planning permission would have expired. To enable truly affordable social housing for rent, local authorities should be given compulsory purchase powers to acquire stalled housing sites, or sites where developers do not build out to timescales contractually agreed with the local planning authority.

As such, we welcome the moves by the Government to reform the Land Compensation Act to diminish the hope value (the term used to describe the market value of land based on the expectation of getting planning permission for development on it) and allow councils to purchase land closer to its existing use value, which will make Compulsory Purchase Orders less costly for councils to use. However, we urge the Government to remove the hope value entirely from the Land Compensation Act so that land can be purchased at its existing use value.

### **A real community-led planning system**

We remain disappointed that on the whole, there has been no real move towards a community-led planning system which devolves the decision-making power to local councils. Simply tinkering around the edges of our planning system by introducing design codes, and paying lip service to community consultation and neighbourhood plans, will not end the developer-led planning system.

The continued caps on planning application fees imposed by central government result in an effective subsidy of almost £2 billion per year. In St Albans alone, it amounts to a subsidy of £3 million per year – with council tax-payers left to foot the bill.

We urge you to allow local planning departments to properly recoup the costs of assessing and granting planning permissions, and give them the cash they need to conduct fair and effective enforcement activity, when developers flout the law.

It was encouraging to hear the [Secretary of State agree in principle](#) with [Amendment NC100](#) to the Bill, which would allow councils like St Albans to set fees for processing applications in line with the cost of determining them.

We regret that since that commitment in November 2022 that a Minister would meet with Daisy Cooper MP to discuss the proposal, no such meeting has been forthcoming. We would welcome the opportunity to discuss this with the appropriate Minister, and look forward to a reply from the Minister of State, to confirm a date in due course.

We also note the launch on 28 February on a separate consultation entitled [Increasing planning fees and performance: technical consultation](#), which we will respond to separately in due course.

Yours sincerely,

**Daisy Cooper MP**  
Member of Parliament  
for St Albans

**Cllr Chris White**  
Leader of St Albans City  
and District Council

**Cllr Sarah Nelmes**  
Leader of Three Rivers  
District Council