

**NPPF 2018:  
Green Belts and the Natural  
Environment**

**September 2018**

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# Chapter 13: The Green Belt

## Chapter 13: Green Belt function and designation



- **Importance, fundamental aim and essential characteristics** remains unchanged - 2018/133; 2012/79
- **Five purposes** remain the same - 2018/134; 2012/80
- **General extent of GBs already established and new GBs only in exceptional circumstances (5 requirements)** remain unchanged - 2018/135; 2012/82
- LPAs to **plan positively** once GBs defined remains unchanged – 2018/141; 2012/81
- **Community Forests** to which **National Forests** now added broadly the same – 2018/142; 2012/92

## Chapter 13: Green Belt definition and review



- **Approach to definition of GB boundaries in plans (6 requirements)** remains unchanged as does the approach to **preventing development in a village** because of its open character's contribution to GB – 2018/139-140; 2012/85-86
- **Review of GB boundaries** however has changed. This is the main change to GB policies in NPPF 2018. In place of the short 2012/83 referring to alterations only in “exceptional circumstances” and to the need to promote sustainable patterns of development in 2012/84 there are now 3 much expanded 2018/136-138

## Chapter 13: Green Belt review (1)

- While still requiring alterations only in **exceptional circumstances** and being such as should endure beyond the plan period –
  - These should be established through strategic policies
  - *“Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”*
- Before concluding there are exceptional circumstances the strategic plan-making authority *“should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development”*
- This should be assessed through examination of the strategic policies which will also consider whether the strategy -

## Chapter 13: Green Belt review (2)

- *“a) makes as much use as possible of suitable brownfield sites and underutilised land;*
- *b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- *c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”*
- Is this intended to fortify GB policy by making clear the basis for exceptional departures or is it a covert signal providing a road map for the removal land from the GB?

## Chapter 13: proposals within the GB (1)

- 2018/143-147 similar to 2012/88-92 including the presumption against inappropriate development, the need to show “very special circumstances” to justify it and the categories of new buildings considered appropriate [2018/145; 2012/89] with some clarification -
  - sport, outdoor recreation etc specifically to allow changes of use and to include burial grounds and allotments and to require that “the facilities” preserve openness and do not conflict with the main purposes
  - to expressly include rural exception sites in 145f for limited affordable housing
  - To expand the basis on which limited infilling and redevelopment of previously developed land is appropriate in 145g to include cases where there would be a contribution to affordable housing need

## Chapter 13: proposals within the GB

- Apparently a response to ***Timmins v Gedling BC*** [2015] PTSR 837, NPPF 2018 specifically includes as appropriate development at 146e **material changes of use** omitted from the 2012 NPPF (though previously national GB policy for many years) –
  - “*material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*”
- Such development is not limited to the categories given and must meet the general rubric in 146 of preserving openness and not conflicting with the purposes of including land in the GB.
- See also ***Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC*** [2018] EWCA Civ 489 on GB policy and openness.



# Chapter 15: The natural environment

## Chapter 15: the natural environment



- **Chap 15 paras 170-177** replaces part of Section 11 of the 2012 edition with climate change and pollution issues in 2012/120-125 replaced by the new Chap 14 (*Meeting the challenge of climate change, flooding and coastal change*). The remainder of Chap 15 deals with ground conditions and pollution (NPPF 2012/120-125).
- Much of the substance of natural environment policy replicates NPPF 2012 but is restructured and reworded – in some cases protection of the environment is put in stronger terms e.g. limitations on scale of development in National Parks and the Broads [172], presumption against major development within Heritage Coasts [173], requirement to protect and enhance biodiversity and geodiversity (not just minimise impact) [174], loss of irreplaceable habitat (e.g. ancient woodland) only for “wholly exceptional reasons” [

## Chapter 15: main points (1)



- Main objectives of policies and decision in 2012/109 now found in 2018/170 but in a more comprehensive form, adding passages formerly in different places in 2012 edition. Includes:
  - **Duties to protect and enhance valued landscapes**, sites of biodiversity or geological value and soils commensurate with their identified status [2018/170a; 2012/109]. NB change in emphasis to protect and enhance biodiversity etc.
  - **Recognise intrinsic character and beauty of the countryside** [2018/170b); 2012/17 & 109] and wider benefits “from natural capital and ecosystem services” (not defined though “ecosystem services” was defined in 2012 as “the benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation”)
  - **Maintaining character of undeveloped coasts** while improving public access where appropriate [2018/107c; 2012/114

## Chapter 15: main points (2)



- Development wherever possible **should help to improve local environmental conditions** e.g. air and water quality [2018/170e; 2012/187?]
- Reworked **general duty for plans** [2018/171; 2012/117 and 114] –
  - *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>53</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”*
- **Protection of National Parks, the Broads and AONBs** remains [2018/172; 2012/115-116] but adds that in the NPs and Bs “scale and extent of development... should be limited”

## Chapter 15: main points (3)



- **AONB policy** in 172 (“exceptional circumstances” with 3 limbs of assessment) largely unchanged other than new footnote 55 which makes it clear that the decision as to what is “major development” is a matter for the decision-maker -
  - *“taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”*
- **Heritage Coast** [2018/173; 2012/114 2<sup>nd</sup> bullet] protected where not protected under 172 and reinforced, policies and decisions –
  - *“should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”*

# Chapter 15: habitats and biodiversity (1)



- Chap 15/174-177 reworking 2012/117-119 though similar
- **Reference to “Habitats Sites”** (defined) rather than “European Sites” (though no change in substance other than inclusion of marine sites)
- **Duty at 174 to *protect and enhance*** and not merely *minimise* impact on biodiversity and geodiversity and reworded duty at 171b [2012/117 bullet 3] to
  - *“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”*
- Though reference to adequate mitigation in 175a maintained, no reference to the recent CJEU cases ***People over Wind*** or ***Grace & Sweetman*** that severely restrict the role of mitigation in Habitats cases
- Encouragement of proposals that support or enhance biodiversity “especially where this can secure **measurable net gains** for biodiversity”

## Chapter 15: habitats and biodiversity (2)



- **Policy on loss or deterioration of “irreplaceable habitats”** [175c] such as ancient woodland and ancient or veteran trees (all defined) enhanced so that simpler balance of benefit clearly outweighing loss (referred to as example in fn 58 where *public benefit* shown) is subject to the overriding requirement of showing there are “***wholly exceptional reasons***”. Unclear whether satisfying such reasons is met (fn 58) by showing that “***the public benefit would clearly outweigh the loss or deterioration of habitat***” since given only as an example arising from public infrastructure projects under TWA or hybrid bills
- **Habitats protection** largely unchanged, including protection for candidate sites (where public consultation initiated). Presumption in favour still disapplied in cases requiring an appropriate assessment under Habitats legislation [2018/117; 2012/119]. Given the reduced role for mitigation in such cases following ***People over Wind***, this provision is likely to have wider effect.