

>>> Grey belt policy and its role within the green belt

Lord Moylan

First I need to talk about hats. I'm currently the opposition transport spokesman in the Lords, but I want to emphasise that I'm not here with that hat on, and you shouldn't take anything I say as official opposition policy on the matters I'm discussing.

The reason I'm here is that until the end of January, I chaired the House of Lords Built Environment Select Committee for nearly three years. In the last few months of my term, we had a bit of a gap in our plans. The idea of the grey belt came out in September and, with my planning background, I found it intriguing. My committee decided it would be a good idea to conduct a short inquiry.

Long inquiries produce printed reports but short inquiries produce letters to the government, which they're required to reply to. So, we conducted a short inquiry, produced a letter to the government, and it was released around

Christmas.

Brian has access to that letter, which is a public document available through this link <https://tinyurl.com/4r39yy97>. By chance, the government, which is obliged to reply, did so last week. I've also sent the link <https://tinyurl.com/3xaj8yjh> to Brian so that all these documents are easily accessible to anyone here today who wants to see them.

You might be interested in knowing what we thought about the grey belt and what we included in the letter. I won't read the entire thing or cover all the points, but I want to start with a negative statement. We didn't approach the issue with any animus against development in the Green Belt. We weren't a NIMBY committee. It was a cross-party committee. We weren't a committee that set out to say everything must be done to stop development in the Green Belt. We were very open to ideas, but we were originally



Lord Moylan, recently chairman of the Lords built environment committee addresses the meeting

Good afternoon everyone, and welcome!

It's a real pleasure to have you all here today. I'd like to start by extending a warm welcome all of you who've joined us for this afternoon's discussion and am looking forward to your participation in the Q and A events.

outlook is quite different from what the position was a year ago at last year's conference and what is a critical time for planning: the government has made clear its aspirations for growth and development. A robust and effective planning system is central to achieving these goals. The way we manage and plan for growth today will determine the economic opportunities and quality of life for generations to come.

Since the government came into office in July 2024, we've seen a series of measures introduced, and proposed, aimed at reforming the planning system to better facilitate these ambitions. Most notably, the government has introduced the revised National Planning Policy Framework (NPPF) (and along with it the principle of grey belt which we will hear more about later today) and, more recently, issued the Planning and Infrastructure Bill. These ini-



Michele Vas, Partner, Dentons

tiatives represent a step forward, and no doubt we'll be hearing from today's speakers whether these reforms truly go far enough in addressing the challenges we face.

In addition, we've witnessed the re-introduction of housing targets, new towns, and, like Lazarus, the rise, once again, of proposed various forms of development corporations to drive forward the growth agenda and await the findings of the New Towns taskforce. The government is also re-invigorating the Cambridge to Oxford Arc as a critical area for

expansion, with a focus on unlocking its potential for innovation, housing, and economic growth.

At the local level, we've seen proposals for devolution and reforms to planning committees designed to improve the speed and efficiency of decision-making. These changes are seen as crucial to enhancing the economic growth we all hope to see, allowing us to better meet the demands of our communities and businesses.

On a national scale, the government has committed to regularly updating national policy statements and introducing measures that streamline the decision-making process for nationally significant infrastructure projects. These steps aim to reduce the ability of third parties to challenge decisions that are crucial for the timely delivery of infrastructure and housing. The de facto ban to on-shore wind development has been removed, renewable energy sources are being promoted along with improved technological infrastructure such as data centres.

We have a lot to cover today, and I'm excited to hear the perspectives of our speakers, who will bring valuable insights on the reforms we've seen and the road ahead. Once again, thank you for being here, and I look forward to a productive and engaging discussion. ■

>>> baffled by the concept of grey belts. The idea of building on previously developed land already existed, and there were already powers to allow development in the Green Belt in exceptional circumstances. We had seen development in the Green Belt, and we wondered what this new proposal would add.

The government seemed to talk about previously used sites like petrol stations, which would have high contamination costs and be relatively small. At the other end of the scale, for example abandoned airfields, many had already been developed, and no new powers were needed for that.

I came to the conclusion that possibly the government was being genuinely clever and was using the idea of grey belt development to shake up the debate and present development in the Green Belt in a different light. This idea challenged some of the very hard positions that existed, and I thought it was effective in dissolving them.

In my view, I don't know how clever MHCLG is nowadays, but I believe that's what its most important effect was. It didn't really create a new planning category, as I'll discuss in a moment. Instead, it fostered a much more open conversation than I thought had been the case before. When the NPPF was introduced, it contained a provision that seemed unrelated to the grey belt issue but ultimately undermined the entire concept. This provision stated that local authorities unable to make a five-year provision for residential or commercial demand within their area were obliged to allocate Green Belt land to it, specifically local authorities adjacent to the Green Belt. This meant they would have to allocate Green Belt land for residential or commercial development if they couldn't accommodate it within their own urban areas.

However, this essentially destroyed the grey belt idea. It didn't mandate the allocation of grey belt land or require prioritisation of previously developed sites, greybelt. Instead, it simply mandated the allocation of Green Belt land. This raises the question of where grey belt fits into the plan and what distinguishes it.

After all, once developed, it becomes difficult to determine whether a site was previously grey belt or Green Belt. There's no way to tell if there was a factory or a green field there before development. The distinction essentially collapses. I believe this was a bold move by the government, and they seem to have got away with it.

Another outstanding question raised by grey belt, which I believe hasn't been fully addressed, is that it implies the possibility of isolated sites within the Green Belt. However, I think they probably meant small urban extensions, which are adjacent to the existing urban environment and would be developed as extensions. These sites would be eas-

ier to service in terms of transport for local amenities and access to schools, if properly planned. Living on an old factory site surrounded by fields, three miles from the nearest shop, would be much more challenging. Urban extension was likely what they had in mind, but that was never resolved. The focus was on previously identified sites, which could be isolated, but I believe the ambition was more for modest urban extensions.

The entire process has been quite interesting to observe. We made a few other points. We don't think it will significantly impact the housing market. As I mentioned, I believe the difference it has made is in the conversation about Green Belt development.

We also said, as we have in nearly every planning-related report we have produced, that we don't believe the planning system has the resources to cope with the demands placed on it. This doesn't necessarily mean more planning officers are the solution. There must be a limit to how much of the workforce is engaged in planning. It might mean asking planning officers to do less and delegating some of the regulatory responsibilities.

But that's a story for another day. That was our perspective. We found it very interesting. The government's reply doesn't really address most of the important issues, but that's par for the course. Government replies often provide answers that are simply cut and pasted from previous replies. So, while they may not directly address the question, they can provide answers that are related to it. That's generally sufficient in government replies. However, it's important to review the reply and form your own opinion.

I don't believe it will make a significant difference unless it drives substantial urban extensions. And that's not currently the government's policy, I think, but it might become so. I'm happy to answer questions. I'm delighted to be here and to be able to say yes to Brian's request. Now, it's your turn for questions. ■

Discussion

Chairman: I've got a question, and that is, I've heard a number of observers say what you've just said, that it's a concept of great weight in itself may not have a direct impact. But actually, listening to Have I got planning news for you from Landmark members as one does...

Moylan: I saw Lord Banner on Temple station just 15 minutes ago.

...Well, lovely, but you can see him on YouTube tomorrow night as well. And we all can. But the point is that they have already got appeal decision letters where the inspectors have relied on the notion of a grey belt to justify the permission. So I think the discussion has got into the bloodstream. And just one little point, the two documents that

Lord Moylan refers to, when we report this in April's Planning in London magazine, I will certainly provide the links to them so that you can get them [SEE previous page].

Lord Moylan: You're quite right, Brian, it has entered the bloodstream, but the remarkably interesting thing, and this is the cleverness, I think, is that it's done so with far less protest than you might have expected, so far at least. I mean, that might be different when particular sites come forward and you get huge local protests, but I think it's gone through so far very much more smoothly than you might expect.

There is a much bigger thing. After all, choosing the right place is just picking sites. The bigger question is whether the government is missing a trick by not using this change to take the chance to have a more coherent policy on the identification of land for sustainable development as opposed to picking sites that happen to have been previously developed or whatever it might be. And of course that's right but everyone talks about this notion of sustainable development.

Everyone says why are you building a housing estate that is x miles from the school and where there is no bus service and everyone has to use the car to go everywhere and so and so on, but everyone carries on building them. And the truth is, I don't think there is either the intellectual capacity or the organizational structure to bring this ideal, if that's what it is, into effect. And the government is increasingly and will be increasingly driven by numbers as the days tick by and the 1,500,000 and the date of the next election start to converge, and the government is going to get more frantic about delivering its numbers.

Speaker 3

Duncan Bowie, loosely attached to UCL, formerly a planner at City Hall. Given your experience with the previous mayor of London, how do you think discussions about urban extensions on the edge of London, some of which would be outside the existing London boundary, how do you think they've actually progressed in terms of politics and the structures which don't currently exist?

Moylan: Well, I don't really know. If you look at the London Green Belt and you map onto it the boundaries of the Greater London Authority, of course, the great bulk of the London Green Belt is not in Greater London. But there is Green Belt inside the Greater London boundaries. There is designated Green Belt, especially around the northern side of the Greater London Authority area within the boundaries. And it is a good question unless parts of it are of astonishing beauty, it is a good question whether there is a case for still having Green Belt inside Great London Authority boundary, in my view.

Bowie: Sorry, is that answer adjacent to the question in terms of getting the shires to build new >>>

>>> towns that feed London?

Moylan: Well I don't know, it is of course an adjacent answer, you're quite right, or it's an answer to an adjacent question, which is you can do a lot yourself without actually troubling Hertfordshire or Surrey, because there is a lot of land available to be developed. But you're always going to have difficulty getting local authorities outside London to agree to new towns.

As to large new towns, I used to be on the board of the Ebbsfleet Development Corporation and that might be regarded as a bit of an exception, but most of the successful new towns, the post-war ones, were established by authorities that had powers that I don't think would today pass the European Convention on Human Rights.

Mrs Rayner is trying to do something about basic land values, which is the idea of taking value that accrues to a private landowner, from a regulatory system admittedly, but taking value and stealing it from them by determining the value of that person's land and not using the market price. That I think is already on the edge of what will be admitted under the European Convention on Human Rights in terms of rights to private property. But if you have the sort of corporation that built Milton Keynes, basically they had completely draconian powers to build Milton Keynes. And I suspect that's sort of what it takes. When you compare that to the powers that the Ebbsfleet Development Corporation has, that's easier if the site is empty, it's previously unoccupied, and so on and so on, so there's less push and the local authorities are on side. But when you do look at it, powers are very, very much more limited.

Speaker 7

And I don't think that's through anxiety, I think it's through legal worry.

Moylan: But maybe we should just blast through and say, forget the European Convention on Human Rights, you know, put our banner up with Suella.

Speaker 9

Do you agree that the type of urban areas, Thames Estuary, South Essex and North Kent, which was mentioned absolutely, in terms of London, they're really strong candidates in low land value terms for focusing this grey belt concept?

Moylan: well, they are, but I also sort of have a transport background. And Ebbsfleet has a 19 minute connection to St Pancras and transport really is sort of everything. London's existing pattern, its growth, its development was built around the transport network largely, not the other way around. And so I agree that these places are very attractive, potentially in terms of land value, but they've got to have accessibility. Distance isn't the important thing. The important thing is accessibility and capacity. And a place like Ebbsfleet does have those things, obviously, because as I've just explained that station

takes you straight into St Pancras on the new HS1 line. But there are lots of other places that don't. The real value is in accessibility. Which leads me to the other point, that really it's not the development of the houses on the fringe of cities that matter, it's actually that the infrastructure is in to make that possible.

Speaker 12

Moylan: Yes, but all I was saying is it's possibly easier to extend existing infrastructure, which might just be a bus route, or an urban extension, than it is to give a decent service to an isolated grey belt site, six miles into the Green Belt with nothing around it and you know, no services or facilities at all, we're in just a country lane. Which is why the Thames Estuary is quite strong already, because if you weave together the rail networks and roads, actually the infrastructure is already there. And it would be perfect for a brand new airport to replace Heathrow. It's something I used to argue for and still believe in, yes.

Speaker 13

A slightly different question. Could you clarify what you think the differences are between the terms grey belt and brownfield, green belt and greenfield sites?

Moylan: To me, they're analogous. Well, if I were the Secretary of State for MHCLG, I'd feel obliged to answer that question, but I have the great liberty of being in opposition so I ask the questions and she gives the answers. And I don't have to answer it. I mean, I don't know, it's a matter of context. People tend to use the term brownfield when they're talking about sites being redeveloped, which are in urban areas. So one building is replacing another building. Grey belt was simply a way of trying to designate what existed within designated Green Belt that contributed very little to it in amenity terms, and therefore might be redeveloped. Does it come to the same thing in practice? I don't think so entirely, but I think that it's the difference of context that determines the different language rather than the definition.

Speaker 19

Do you think this overlaying new devolution agenda is going to complicate the whole shebang? Some like Kent are not doing it because they've been allowed to, some like East and West Sussex are doing it. Are we going to have a border control, a border on the transport front? When you look at what's gone on around Horsham and the amount of traffic it's generating, how on earth are we going to do it when developers are renegeing on 106 agreements?

Moylan: Well, I don't know that I know what's behind all those questions. As far as the NPPF is concerned, you are right that there is and this is all within one ministry, so you'd think they'd have thought it through.

There is an unfortunate interaction with what you would refer to as devolution, I think, and the government does, and I call local government reorganisation, because that's what we've always called it, when you reorganise local government and you merge different tiers or you merge parallel authorities to make them bigger.

My general view is that local government reorganization should never be embarked on because the downsides are immediate, enduring, and palpable, whereas the upsides are entirely distant and largely theoretical. And the downsides are that everyone starts worrying about what their job is going to be rather than what the job is today and getting on with it. Huge costs are incurred in managing mergers and things like that.

And in London, every reorganisation of London boroughs has resulted in a new town hall. So you have to build a new town hall to mark the creation of this great new local authority. We have all our 1970s halls, the 1965 reorganisation, we have all of them, some been knocked down, our 1890s town halls from the creation of the metropolitan boroughs and so on. I'm sure if we reorganise London again we'd have another layer of town halls and that is your monument.

What actually changes? I don't know. To complicate the life of local authorities and local planning authorities by doing that, by making local plans more difficult to read, I mean the lack of local plans, but when you put local authorities together and you need to start with new local plans, presumably, then everything is being set back at just the time with the clock ticking that you want everything to be moving forward on the ground.

So I think there is a serious issue in the interaction of those two things. I don't think the reorganisation of local government is helpful at all. It's driven by political considerations, but nothing to do with planning. It's not helpful to the government's agenda of delivery.

Speaker 20

Do you think too much of the focus Grey belt was about housing delivery, given a lot of the Greenbelt in London was designated before its motorway network was built. So the M4 built in 1962, Hayes Bypass built in 1983, all through the Greenbelt in Ealing and in Hillington. And the way you have that Grey belt land next to the strategic motorway network, you have an opportunity to actually release it for industrial uses or distribution uses, particularly in Hounslow, Heathrow, and in North London. And in releasing that land, going to the point about sustainability, where it's accessing massive investments in strategic transport over the last half century, you could then release industrial land, which is closer to stations, say, on the Elizabeth line.

So rather than always thinking about it as hous-

ing, it might release other land for housing you could plan in a kind of more joined up, sustainable manner, and also make the most of the billions of pounds spent on building motorways, bypasses, and the Elizabeth Line.

Moylan: I think that sounds eminently sensible. I mean, the government and its predecessor are both driven by making up what they regard as a shortage, a serious shortage of housing and their focus is on housing all of the time. And you're quite right, there is a demand for other land. I don't think the grey belt was exclusively intended for housing. I think they'd have tolerated other sorts of development on grey belt land. But the focus, yes, what you're promising people is, we're going to build more houses and the price of houses will come down and it'll all be more affordable. You're not promising them more warehouses. Even though we may need warehouses, but that's not what people are interested in hearing about. So I think what you're saying is absolutely right.

You're left, of course, with the problem that reorganizing all these bits of land when they're in different ownerships, the whole planning system depends on landowners coming forward with proposals. There isn't a top-down reorganization, but if you had a top-down reorganization. I mean, we might as well be living in the Soviet Union as far as private property is concerned.

Speaker 21

I was at a very interesting talk last night where I learned that Be First, the experience in Barking and Dagenham, was in fact the future, and it was going to lead to all other powers, is this then not the case?

Moylan: I haven't entirely kept up with Be First. I know it's the development arm of Barking and Dagenham, but I'm not sure what your point is.

It's not just that. It works as a planning authority. And building control. It works in that way. So they're doing all the local authority applications, all the master plan stuff as well. It's kind of interesting. It was quite a competitive thing.

Moylan: I started out with great admiration for the planning system developed in the post-war period but I reached the conclusion quite a long time ago that it's unfixable and anything changed by MHCLG is that they never give up. So anything that looks like it's an improvement in terms of smoothness or speed or flexibility is achieved simply by keeping all the regulations but moving them to a different part of the system. And never actually getting rid of anything.

And then apart from that, you've got the whole question of habitats regulations and whether we're willing to confront that. My committee, when I was chairing it, did a major report, called Environmental Regulation and Housebuilding, early last year, on the interaction between natural and local planning authorities, and how it had come to be that 14% of

England had a ban on residential development because of Natural England. But not because the housing made the natural situation worse, it's because that was all the farming and the sewage, not the houses.

That's the part of the system that Natural England had purchase on. And so that's the part they squeezed, even though the housing and how much, you know, domestic sewage does a house use? Compared to what farmers are generating but they have no purchase on farmers. This is a mad system as we set out. And then we're never willing to confront the root cause. The root cause with Natural England is the Habitats Regulations. There'd been a failure of regulation over quite a few years by the last government and probably Labour before that to actually confront the fact that there are licences issued by the Environment Agency which do and are now regulating the way that farmers will discharge. And I absolutely agree that we'd end up in a completely bonkers place. But it was a very long, slow train coming for a long time. And the house building sector just failed to see it coming.

Speaker 22

Why would the housebuilders have to see it coming? Well, no one was looking. I mean, the Water Framework Directive, all of those things, not just the Habitat Regulations, have been there for a long time. And these issues were raised in an Environment Agency report 20 years ago. And all I'm saying is that there are things that planning is going to do about sticking stuff in the right place. And there's a load of other regulation of other stuff, which other bits of government do. But if we choose not to regulate through other means, and make the planning regime do it, then we're all stuffed.

Moylan: I'm not disagreeing with what you're saying, but let me reframe what you're saying. What you're saying is you have two agencies of the state, huge, unaccountable, independent powers, both responsible in the same ministry. I think that's correct. Both responsible in the same way. One of which is issuing permits to farmers to put slurry into rivers. The other of which is stopping house builders putting up houses because the farmers have put slurry in the rivers. As if stopping builders putting houses up would make a material difference.

But that's it. That's the English system. And it's all driven as I say, fundamentally by the Habitats Regulations, the Water Services Directive 2 and so on, which still have force. And in fact, I can't remember which ones of them are carried over and which have been replaced. But in effect, the law has been carried on as it was. And nobody's been willing to confront that. Well, that's not quite true. The last Conservative government did make a very half-hearted effort, but in a procedurally cack-handed way, which meant that when it was defeated in the Lords, it couldn't be brought back, which is a very



unusual case for the Lords to actually make a decision, and the Commons can't do anything about it.

But nobody else has tried. Labour opposed it. But that's our system. And you more or less put your finger on. To deal with it, I don't think you can sort that out by moving a few bits here or there, you have to go to the root of it.

I suppose my point is that you choose to regulate the planning system, the regulatory system is sophisticated. There are lots of levers that can be pulled, but it takes an exercise of political will. And it's desire to actually make the right decisions across government. And that's what didn't happen for about 20 years. And that's why there's been a bit of a slow motion train wreck..

Chairman: I suggest we end on a rather constructive note!

And you have opened the floor to **William Burgon, Director of Planning at the Ministry**, who sends me a text message saying he's snuck in at the back of the room and has listened to all your pearls of wisdom.

Moylan: Yes, William, you came to give evidence to our committee, let me give you the floor.

Chairman: Just to point out that Natural England is also in the room. Well, they're everywhere.

You stirred the pot brilliantly for the opening of the afternoon and I thank you very much for your time.

Thank you. ■

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