

Public question received from S Fox.

I should like to submit a request to the Members of South Ribble Borough Council to consider that the council institutes the following issues for bye law enforcement, firstly that the Green Belt is an inappropriate location for Permission in Principle (PIP - Stage 1) dwellings and that a comprehensive ecological survey for Protected Species (including Bats) should be included in such planning applications at Stage 2 (Technical Details). Unfortunately a comprehensive ecological survey is not included in Stage 2 (Technical details)

Latterly there have been several PIP planning applications with permissions on the Green Belt in my area, which is inappropriate according to the legislation and nor have any ecological surveys been undertaken to ascertain the presence of Protected Species, including Bats (even with evidence of their presence) which to my way is a matter of profound concern and an apparent contradiction with Wildlife Legislation.

Background information.

1. Permission in principle was introduced in 2017 by LUHC Department and then the legislation was revised in June 2018.

The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

Stage 2 does not include a comprehensive ecological survey to ascertain the presence of Protected Species, including Bats, which to my way of thinking is a matter of profound concern, even when there is evidence of their presence.

Permission for PIP planning applications should only be given on Brownfield sites (previously developed land in residential settlements within a village on land on a Brownfield register) which would certainly exclude the Green Belt.

2. Development and Planning Trigger List for Bat Surveys.

Conversion, demolition, modification, removal of large or small buildings and derelict buildings :-

Agricultural - barns, farmhouses, outbuildings of traditional brick or stone construction and/or with exposed wooden beams.

Buildings with weather boarding and/or hanging tiles that are within 200M of a watercourse or woodland.

Pre 1960 detached dwellings and structures within 200M of a watercourse or woodland,

Pre 1914 buildings within 400M of a watercourse or woodland.

Pre 1914 buildings with gable ends or slate roofs regardless of location.

Buildings located within or immediately adjacent to a watercourse or woodland.

Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding, if following a preliminary roof assessment, the site appears to be particularly suited to Bats.

In addition :-

If Bat species are known to be present in the immediate and wider locality and in the case of nearby felled trees were probably foraging sites and roosting areas for Bats.

The nature of any nearby property may provide access opportunities being available for Bats, eg. roof space, with the surroundings trees providing foraging or roosting opportunities.

Rural and semi-rural locations are located in and amidst habitat that can be considered favourable for Bat commuting and foraging activities.

Concluding statement :-

It is the legal duty of the planning authority to take into consideration the possible presence of all Protected Species, such as Bats, when determining an application, which may have an adverse impact on them. The presence of any protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would

be likely to result in harm to the species or its habitat. In the case of PIP, it would be in the interests to know if there is Biodiversity and Ecology value at the site because should there be, total disregard of it would be a breach of the Wildlife & Countryside Act 1981 as amended and also would not be meeting legal obligations under the "Conservation of Habitats and Species amendment - EU Exit Regulations 2019 (SI 2019/579)" or local planning policy.

I therefore request Members of South Ribble Borough Council to consider the introduction of Bye-Law enforcement to ensure that Green Belt is an inappropriate location for PIP and that a comprehensive ecological survey must be undertaken if any PIP planning application is affected by the Development and Planning Trigger List for Bat Surveys

Response

Planning in Principle applications are an alternative way of obtaining planning permission for housing led development, and separate the consideration of matters of principle for proposed development (PIP) from the technical detail (TD); the actual permission in law being the TD stage NOT the PIP which is as it says simply to establish a principle.

For this reason, and as set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use – Green Belt being a land use designation. The applicant at this stage is obliged only to provide a location plan identifying the site (TCP PIP Order 2017 S58 D1(a-c)) and its surroundings. No other detail is mandatory.

All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted. As the title implies, the TD stage requires submission of all relevant documentation to provide for a technically detailed assessment of the whole scheme, as would occur had the applicant sought determination of a 'full' permission. This includes, but is not limited to full ecological assessment (including time limited secondary survey where this is deemed necessary by the assessing ecologist). All matters relating to ecological assessment must be concluded in advance of any TD decision as required by Government Circular 06/2005

In line with the above PIP regulations the land use element of the proposal would take into account Green Belt Policy provided by both National Planning Policy Framework 2021 and South Ribble Local Plan Policy G1. Both support the general presumption against Green Belt development other than for specifically detailed, exempt purposes. The granting of planning permission for new buildings in the Green Belt which do not benefit from exemption (listed below) will therefore be considered inappropriate, unless it can be demonstrated that there are very special circumstances which clearly outweigh the harm caused to the Green Belts open nature.

Exceptions as prescribed by both NPPF and Policy G1 (Green Belt) are:

- a) buildings for agriculture and forestry;
- b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages, and limited affordable housing for local community needs under policies set out in this Local Plan;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

Government, in its publication of the NPPF and adoption by examination of the South Ribble Local Plan therefore confirms that there is no absolute restriction on development in Green Belt areas, rather that any proposal shall be assessed, and either granted exemption following consideration against the aforementioned exemptions, or where this is not the case the applicant must demonstrate that there are in the Councils opinion very special circumstances which outweigh the harm caused to the Green Belt by that development. In that respect therefore it is not in the Councils gift to allow or prevent particular types of development or application (e.g. PIPs) in such areas, and arguably any developer prevented from doing so by By-law would simply apply for full or outline permission instead; so circumventing this constraint.

In summary, and in response to points one and two of Ms Fox's question

1 Green Belt is not an inappropriate location for 'PIP dwellings' (sic) unless determined to be so on an applications individual merits. The Green Belt allocation covers almost 80% of the borough of South Ribble within which there are a number of relevant sites which are more than suitable for re-development. A blanket refusal would preclude those sites which could benefit visually and from an economic perspective

2. It is a legal requirement that an ecology report and additional documentation is provided, and assessed as being acceptable prior to validation of any planning application – TD or other – where the site sits within a prescribed set of circumstances. Ms Fox is correct that the Council has a statutory duty towards protection of the environment. This has been the case for many years, and where there is doubt the Councils consultee ecologist opinion is sought. As existing legislation provides for the same there is little to be gained by adopting replicate constraint

3. Prevention of PIP applications in the Green Belt would be a worthless exercise, when a) the developer can lawfully approach proposals via different routes and, b) any refusal on these grounds alone is likely to fail at appeal with the Planning Inspectorate, with a potential award of costs to the Council on the grounds of unreasonable behaviour

4. Any additional regulation would contradict both Government policy and that adopted by its elected members