

JOINT PLANNING LAW CONFERENCE

MAKING THE MOST OF OUR HERITAGE?

A RADICAL REVIEW

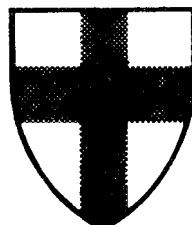
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My paper is concerned with our rural heritage. Opinions in the contemporary debate differ sharply stemming largely from the self-interest of the proponent. I must declare my particular interest.

I moved my family out of London 12 years ago into beautiful countryside on the Sussex Kent border. We bought a small farm. It was the time of the good life. Over the years we have enlarged the farm (and the overdraft) and now we farm a mixed farm of sheep, arable, cider apples and specialist vegetables. Although very beautiful (AONB) it is on the Wadhurst clay; some of the unkindest land in the country, certainly the South East. Farming here has always been difficult and with the future looming for agriculture it looks grim, but agriculture plays a vital part in retaining (indeed having created) the beauty. And so agriculture absolutely must survive, supported if necessary; not necessarily subsidies or direct financial grants. I advocate that landowners should be encouraged to develop their own ideas of how to make the most of their land. Whatever is necessary to underwrite the agricultural future of the farms should be sympathetically considered. These plans should be fully discussed with local planning authorities in a spirit of co-operation and mutual understanding of priorities. Trust must be created. The onus is upon both landowners and local planning authorities. The responsibility is heavy - the rural heritage is at stake.

Let me define my rural heritage. Not I think a contrived or pompous description for something whose essence is rurality which has been passed down to us, and for which we have a responsibility to pass on to our successors, affected no doubt by the needs of our time but essentially maintained intact.

This heritage is an assemblage. It includes:

1. Wilderness. The mountains and moors where really man has no place.
2. Special Landscapes where the natural landscape is clearly the priority. The coastal areas, uplands and fells, river valleys.

3. The Working Landscape. Essentially agricultural, but other employment in the countryside is necessary and therefore acceptable in principle, providing it is compatible with the countryside's essential rurality.
4. The Living Landscape. Our heritage includes homes in the countryside. From farms and cottages, estates, hamlets, villages and towns. Development of these should in principle continue consistently with maintenance of essential rurality.

The policy approach towards these parts of the heritage differs and should differ in recognition of the priorities and needs of each.

The approach to the wilderness areas need not detain us long. The rare quality of wilderness absolutely must be maintained. Man should have the lowest priority here. If necessary the very presence of man may be restricted or prohibited (as in Yellowstone National Park, in the USA). The test is the effect on the quality of wilderness. This is not to say that every national park is absolutely inviolate. The fuss over the Okehampton Bypass in my view confuses the principle of protection with the real priority of maintaining the wilderness quality. A stark example of the priority accorded is the construction of Roadford Reservoir in a beautiful Devon valley flooding farms and homes (including listed buildings) rather than construct another reservoir on Dartmoor. At the time I was acutely concerned whether the priorities were right. In retrospect I am convinced they were. The wilderness must be protected. Risks should not be taken.

The special landscape areas need not detain us long either. Man's traditional role must be preserved since it is part of the essence of that heritage. Fell farming, for example, must continue (where would TV be without 'One Man and his Dog'?). Agriculture must also continue in the Dales and many coastal areas. Direct financial support (currently provided) must continue at whatever level is required. The agricultural operations here should be controlled to secure the traditional way of life. Barns, fencing etc must be in traditional materials. The agencies to secure this should be the MAFF and the Countryside Commission with ministers responsible to Parliament for

maintaining this part of our heritage. The role of local planning authorities would be to monitor, goad and guide compatible strategies and decide planning applications for all development in the usual way with rights of appeal to the Secretary of State. There is a clear need for partnership here between Government, local authorities, authoritative responsible agencies, landowners and farmers.

The approach to the working and living landscapes is not so straightforward. Priorities are perceived as sharply different depending on individual attitudes and responsibilities. As a result of the decline of the agricultural imperative, the fuss over the draft of circular 16/87 and the debate since the issue of 16/87 it is essential for Government to set out some really clear guidance. Serplan in their important statement "The countryside in the South East" say:

"Planners do not simply respond to the changes taking place around them, but seek to harness these changes to create potential opportunities to meet long-term objectives. It is therefore necessary to be clear what sort of future for the countryside is envisaged".

It is vital for Government to give guidance on what sort of a future for the countryside is envisaged. Indeed it is the responsibility of Government to do so having taken into account all interests and then establishing priorities. Although Serplan's three identified fundamental objectives are admirable:

- "i To encourage suitable measures aimed at supporting the economic viability and social vitality of rural areas and maintaining the productive capability of the land;
- ii To maintain and enhance the natural beauty, wildlife and amenity of the countryside; and,
- iii To improve opportunities for access and enjoyment of the countryside."

Who doubts that in the application of policies towards realising these objectives and in the attitude towards them, local planning authorities will approach them in the order (ii), (iii), (i). Is that what we want? Whilst

readily accepting that what is needed is balance, in my view the order of priority is firmly (i), (ii), (iii). It should be so stated. The closest Serplan will go is:

"The fundamental starting point is to create the right framework for agriculture in the region to thrive, and to ensure that some of the best agricultural land in the country is conserved".

However, read with their conclusions on regional guidance:

"Statements made in the regional guidance regarding the preservation of good agricultural land and conservation of the countryside should be strengthened".

and:

"As advocated by many others, conference strongly supports the view that the forecast downturn in agricultural production represents an opportunity to undertake considerable environmental improvements, and to make provision for the conservation and establishment of wildlife habitats in the region. Equally important is the need to take advantage of the opportunities presented to increase public access to the countryside for recreational purposes".

Policies from Serplan to secure the agricultural future of the less good agricultural land look remote. A future battleground between wildlife habitat conservationists and recreational access is being encouraged. The farmers best hope lies in his identification as an endangered species and the first human entry into the UK Red Book.

Current guidance from Government is ambiguous and contradictory. Circular 16/87 para 3:

"...when considering the allocation of land for development and in deciding any application for planning permission that affects agricultural land, the agricultural implications must be considered together with the environmental and economic aspects. The agricultural quality of the land

and the need to control the rate at which land is taken for development are among the factors to be included in that assessment, together with the need to facilitate development and economic activity that provides jobs and the continuing need to protect the countryside for its own sake rather than primarily for the productive value of the land".

This is repeated in PPG 7 Para 9. But what does "protection of the countryside for its own sake" actually mean? It does not apparently mean a blanket protection of all countryside as a planning policy, since the Isle of Wight replacement structure plan has been modified by the Secretary of State to delete just such a policy. Perhaps the answer lies in Para 2 of PPG 7:

"...a mechanism for balancing the requirements of development and the continuing need to protect the countryside for the sake of its beauty, its diversity of landscape and the wealth of its natural resources, and for its ecological, agricultural and recreational value...".

If these are the elements that need consideration then I suspect many people would argue that that is to miss the point of countryside which is not necessarily anything special, but rather the antithesis of urban, and needs to be extensive enough to provide the contrast. However, what priority should be afforded to such a role? In my view very little since this is to demote the countryside into merely an urban service; an extended country park. Even worse, countryside protection is being used as a device to introduce severe constraint policies in order to deny development proposals; acting indeed as a surrogate green belt. It is notable that the local plan inspector on the Hart local plan recommended the deletion of such a blanket policy but Hart Council is awaiting the outcome of the EIP into the second alterations to the NE Hampshire structure plan where a similar policy has been put forward by Hampshire County Council. I believe a blanket restrictive policy is unworkable, indeed actually damaging to the countryside which can and should continue to admit development.

The correct approach is to consider any proposal for development within the countryside on the basis of priority interest but always recognising that development can affect the structure of the countryside on a permanent basis. Thus the important task is to be sure that all the relevant interests have been identified and priorities afforded.

How To Establish The Priorities

In my view the fundamental principle which must be accepted is that the working and living landscapes are dynamic. They have changed, will change and should be allowed to change to meet contemporary requirements and foreseeable needs. The recognition of Serplan to "harness" change is encouraging but there is already evidence of very reactionary attitudes in seeking to turn the clock back, in some cases centuries (eg Hampshire County Council recreating the Royal Forest of Eversley) in response to suburban attitudes.

John Betjeman exposed this in his poem:

Ye Olde Cottage
(quite near a town)

The happy haunt of typists, common, pert,
'We're in the country now!' they say, and wear
Tweed clothes, and let the wind disturb their hair.
And carry ash sticks. 'Don't be silly, Gert!
Afraid of cows?' 'Oh Elsie, mind my skirt,
It will get muddy.' 'Oh, just look! down there
A factory...' 'O dearest, how they dare
To ruin all the country with their dirt!'

And Gert and Elsie's cottage - 'just too sweet'
With rustic furniture, no bath, no drains,
But still it is so countrified. A friend
Can sleep upon the sofa. And they eat
Off pottery (hand-painted). Oh! the pains
And saving for their game of let's pretend!

Given that attitudes reflect self-interest it is important to establish priorities within the interests themselves. My priority would be:

1. Those living and working in the country;
2. Those living in the country;
3. Those working in the country;
4. Those living elsewhere seeking recreation in the country.

It is necessary to grasp the need for priority recognition since category (4) on a head count may well vastly out number category (1) and yet for a continuation of a working and living landscape category (1) is essential.

Next I believe it is necessary to identify fundamental imperatives:

1. Rural prosperity must be secured;
2. Rural character must be maintained;
3. Greater access must be encouraged consistently with (1) and (2).

The attitude of partnership must be developed. The prime agencies to assist landowners and local authorities here are the MAFF, CLA, NFU, Nature Conservancy Council, Countryside Commission, CPRE, Ramblers Association and rural development agencies such as COSIRA. From the right attitudes at agency level will increasingly develop partnership at the local and personal level.

Actually I approach with confidence the tasks of balancing priorities since it has worked well in the past even when there has been hostility between some farming interests and some environmental interests (with faults on both sides) and yet as Serplan states:

"Conference starts from the premise that the countryside is one of the nation's most precious assets. It provides an environment that is greatly cherished by all".

This is a countryside created and maintained by those living and working there despite significant absence of planning controls over agricultural/forestry operations.

Provided we continue to support farming there is no reason to suppose that this cherished asset will be destroyed. If however farming is not supported or worse deliberately allowed to go to the wall then maintenance of the asset presents huge difficulties.

The fundamental lesson to learn from the past is that the countryside is capable of providing a working and living landscape and can continue to do so. There should, therefore, be no automatic cries of outrage at proposals for housing or employment in the countryside. The approach should be, are they needed? Can they be assimilated without prejudicing the essential countryside character within which they are proposed? Here I depart as a matter of emphasis from Serplan whose acceptance of alternative activities to agriculture is conditional upon their being "appropriate to their countryside setting". As far as I can judge this really implies countrycraft type uses chiefly in redundant agricultural buildings. Whilst housing if at all then restricted to rural community needs.

The Working Landscape

Agriculture must continue to be the dominant use. The nation needs the food produced (even if some surplus continues, is that not a reasonable insurance against shortage?). The reality of the working landscape depends on agriculture. Serplan in an exceptionally strong statement says:

"To maintain its quality, the countryside must be underpinned by the right framework for the agricultural industry to prosper".

The problems for agriculture have been discussed by Michael Boddington. At the personal level, I can confirm that for farmers, confusion and loss of confidence persists. But the maintenance of countryside requires investment in manpower and machinery. Drainage, building, fencing, tree belts and spinneys may not be cost effective and therefore economic but they are borne by a landowner with confidence in the future and underwritten by viable agriculture. These environmental and ecological improvements are threatened by the current confusion and loss of confidence. It must be recognised that it takes time for farming rotations to be altered and whilst uncertainty persists farmers cannot develop new directions.

Loss of confidence stems from the clear impression that the UK Government in its drive to reform the CAP (highly desirable) is quite prepared to sacrifice British farmers. UK ministers do not appear to fight (or wheel and deal) for British farmers as do the European ministers for their farmers. British farmers endure a competitive disadvantage through the green pound mechanism.

It seems an extraordinary situation when all agree that British farmers have triumphantly succeeded in implementing the consistent policy of successive Governments to produce more food (frequently incurring large debts in the process).

Given the confidence I believe another lesson can be learnt. British farmers have proved their initiative and determination. In the new circumstances, with direction and encouragement, they can develop new initiatives a new framework for their farms underwriting agriculture and protecting the countryside. Landowners are the obvious guardian of the working countryside since it is in their interest to maintain the asset and usually they live there and enjoy their environment.

I advocate therefore a policy which encourages farmers and landowners to develop their own ideas for securing the future of their agricultural operations. MAFF will need to develop its ADAS service to assist, and local planning authorities too, should develop a specialist service to provide advice. Agencies such as COSIRA should be expanded and strengthened. The mechanism should be the production of a farm plan. This would identify all proposed operations, enable the effect on the countryside to be assessed and where non agricultural development is proposed in order to underpin the agricultural viability then the farm plan should disclose the economic justification. Provided the non agricultural development does not prejudice the essential rurality of the countryside then it should be permitted.

Quite apart from the farm plan strategy land should be sought to provide for rural employment opportunities. Already low agriculture will decline still further as a rural employer.

Furthermore, the rural community does not enjoy the range of retail services available to the urban dweller. Opportunities should be sought to enable more retail development in the countryside in reach of rural communities so that they may benefit from the wider range and lower price now available to the urban dwellers.

Provided there is a genuine desire to find such opportunities then who would seriously doubt that opportunities exist where the essential rurality of the countryside will not be prejudiced.

These are opportunities that present themselves in the knowledge that vast areas of land are to be taken out of agriculture in order to reduce surpluses. A 20% reduction is generally mooted. The implications for the countryside of such a release are enormous. Unused or low-tended land grows weeds and scrub frequently hideous (docks in our part of the world). Whether set-aside or extensification is selected there must be introduced incentives to keep the land attractive. Thus weed control and scrub prevention may be necessary. The role of the farmer may include that of public guardian in respect of his land. He will need to be compensated for the loss of productive capacity and the increased costs of maintenance including weed control. The principle behind ESA's should be extended and a means of compensation drawing on the example of part VI of The Town and Country Planning Act 1947, in respect of the loss of development value of land should be introduced.

The partnership approach which I have advocated involves a real welcome for greater public access to the countryside including agricultural land. Less intensive agricultural operations create the opportunity for increasing public access without prejudicing the farming operations. Farm plans should contain proposals for enhanced public access. There is a big task ahead to reconcile the sometimes hostile attitudes of farmers towards trespassers and ramblers and vice versa. However there is no better immediate demonstration of the effect of the farm plan system as providing public benefit than increasing public access. A positive advisory approach by Ramblers Association could produce wide public benefits. The Countryside Commission's suggestion that farmers should be the paid guardian of footpaths responsible for keeping them up and being paid to do so deserves positive consideration.

I believe, therefore, that there is plenty of opportunity for a working landscape based on agriculture underwritten by other development for which there is a need itself either in providing employment or providing services commonplace to urbanites. This alternative development can be introduced without prejudicing the rural quality of the countryside. It is best left to farmers to initiate their strategy for the future identifying what is needed to sustain that; it is important that advice should be provided by MAFF (ADAS). The farmplan should then be agreed with the planning authority and may even be subject to public consultation.

The Living Environment

Housing is no stranger in the countryside and the surplus land available must be positively considered for its suitability to meet housing needs and aspirations. The means of achieving countryside housing varies from individual or a few houses on many farms to new villages and towns. The test would again be the loss of essential rurality. In the South East it is particularly urgent to seek to meet the needs of the rural community. Serplan in another strong statement says:

"Lower-income households in the rural areas share considerable problems with their inner city counterparts...government should address the problem of low cost housing in rural areas with great urgency".

There must be many opportunities on farms for introducing new appropriately designed cottages to meet their needs. Rural housing agencies could acquire them (or lease them from the farmer) and let them to the qualified rural applicants.

The living landscape too, therefore, presents enormous scope for meeting housing needs without endangering essential rurality. Alas this creates greatest opposition of all. And yet housing in every form has been successfully assimilated in the countryside frequently adding to its quality. The opportunity exists to continue that and automatic opposition must be disregarded. Instead the test should be the effect on the particular quality of the countryside at stake. In this way we will meet contemporary needs and still hand down a precious rural heritage.

The title of my paper (set for me) is "a radical approach". Is my approach radical? I think not (as no doubt every radical thinks). I believe it is empirical. It is based on the lesson of the past; that there is commonality of interest in protecting the countryside; that partnership is possible; that scope exists for meeting housing and rural employment needs without prejudicing the essential quality of the countryside; that farming should be protected; that all should share in this with increased public access. By these means we protect and make the most of our rural heritage.

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