



- 7 DEC 1984

crispin
[Signature]

Dear Mr. Jenkin,

In July Patrick Jenkin published a consultation paper on "The Transfer of the Greater London Council's Interest in Land under the Green Belt (London and Home Counties) Act 1938". It concerns the future of some 12,200 acres of land inside and outside Greater London which is currently owned by the GLC together with other interests amounting to less than outright ownership in a further 27,500 acres. The paper set out a range of options and in view of the local interest at the time in the areas affected I felt sure you would wish to have details of the outcome.

/ Enclosed is a copy of the press notice Patrick issued together
/ with a copy of our, more detailed, paper "Decisions in Response to Consultation". As you will see, we are proposing to transfer the land to the London boroughs and to the Home Counties; much of the 1938 land is in fact already owned and successfully managed by these authorities and the transfer will enable them to consolidate holdings.

Patrick has also taken this opportunity to reconfirm our absolute commitment to protecting this land and to regarding it as inalienable. A full statement, which I am sure will be welcomed, is included in paragraph 6 of the enclosed paper.

[Signature]
Kenneth

KENNETH BAKER

Press Notice

494

7 November 1984

1938 ACT LAND: PATRICK JENKIN PUBLISHES HIS DECISIONS

Patrick Jenkin, Secretary of State for the Environment, today announced his decision to prepare an Order, to take effect, subject to the enactment of the main substantive legislation, on the day of abolition of the Greater London Council, transferring their interests in land under the Green Belt (London and Home Counties) Act 1938. The Statement of Decisions published today in response to earlier consultations proposes that:

- (1) Land owned by the GLC within London will pass to London Boroughs.
- (2) Land owned by the GLC outside London will pass to Counties.
- (3) GLC interests in land owned by other authorities will pass to the owning authority.
- (4) Exceptional arrangements will be possible in a number of cases, for example, where land straddles a local authority boundary, is adjacent to land owned by a District Council, or some other arrangement would unify the management of an estate.

Mr Jenkin said today:-

"This land is significant both historically and as an important amenity resource for London and the Home Counties. Many of the sites are in key locations to provide visual coherence to surrounding areas of Green Belt. Others supply useful recreational facilities. My aim has been to secure its future protection while providing a transfer which would, by removing an unnecessary tier of day-to-day local government consultation, make the most efficient use of resources and provide the greatest scope for effective management of interests under the Act.

"I have already set out, in Departmental Circular 14/84, my policy for the continued protection of Green Belt under planning legislation. The arrangements for reorganisation of local government in the metropolitan areas will not in any way affect this and I am satisfied that the arrangements set out in the paper I am publishing today provide a sound basis for the future management of 1938 Act land.

"Much of the 1938 Act land is already owned and successfully managed by London Boroughs and County and District Councils in the Home Counties. This transfer provides an opportunity for these authorities to consolidate neighbouring properties and for a considerable simplification of administration of the Act.

"I am also taking this opportunity to remind authorities of my own considerable powers and responsibilities for the oversight of all 1938 Act interests, including those being transferred when the GLC is abolished, and of my continuing determination to regard this land as inalienable."

NOTES TO EDITORS

1. The consultation paper on 'The Transfer of the Greater London Council's Interest in Land under the Green Belt (London & Home Counties) Act 1938' was published this summer. Interests in nearly 40,000 acres of open land in and around London are to be transferred.

2. A copy of the paper outlining the decisions is attached.

Press Enquiries: 01-212 3494/5
(out of hours: 01-212 7132)

Public Enquiries: 01-212 3434
(ask for Public Enquiries Unit)

DECISIONS IN RESPONSE TO CONSULTATION

THE TRANSFER OF THE GREATER LONDON COUNCIL'S INTEREST IN LAND UNDER THE GREEN BELT (LONDON & HOME COUNTIES) ACT 1938

1. The Consultation Paper on "The Transfer of the Greater London Council's Interest in Land under the Green Belt (London & Home Counties) Act 1938" was published this summer. This paper reports on the decisions taken in response to consultation. It also sets out Government policy on 1938 Act land and, in particular, the policy of the Secretary of State in exercising his powers and duties under the Act.
2. The response to consultation indicated considerable concern about the future of this land. There was support for the suggestion that holdings should be consolidated with other local authority holdings in each area. Concern was also expressed about the need to maintain one overall interest in the management and protection of 1938 Act land.
3. The Secretary of State recognises the importance of this land and his aim has been to secure its future protection while making the most efficient use of resources and providing the greatest scope for consolidation and simplification of interests under the Act.⁽¹⁾ Accordingly it has been decided that, within London, as proposed in Option C of the Consultation Paper, 1938 Act land owned by the GLC will pass to the relevant London Borough. Outside London, however, it has been necessary to take account

(1) Any financial implications of this transfer will be taken into account in the general financial arrangements for abolition

of the pattern of existing land holdings. The Home Counties already have a substantial tranche of land holdings and are better placed to accommodate the management of this land. It has therefore been decided that 1938 Act land owned by the GLC outside Greater London will pass to the relevant County Councils. This will enable the County Councils to consolidate their holdings and to co ordinate more effectively the management of land under the Act. It is, however, recognised that there are some sites where, in the interest of efficiency and good land management, a different arrangement would exceptionally be more appropriate, this could be the case, for example, where 1938 Act land owned by the GLC straddles the Greater London boundary or where it is adjacent to land owned by a District Council. The Secretary of State will therefore be willing to consider on their merits any representations he receives from the affected local authorities for special treatment for particular sites, where these straddle boundaries or, for example, abut 1938 Act land under the ownership of another local authority willing to undertake a sensible consolidation. (2)

4. With respect to the transfer of the GLC 1938 Act interests which amount to less than outright ownership - the so called "contributing interests" - the policy is to simplify the subsequent management and administration of such interests. Option C of the Consultation Paper proposed that where the GLC has a contributing interest with a single London Borough the GLC

(2) Smallholdings will pass to the designated Shire Counties as proposed in the White Paper.

interest would pass to that London Borough and where the only other contributing authority is a County the GLC interest would pass to that County. It has now been decided that where the GLC has a contributing interest in relation to land vested in another local authority the contributing interest should be transferred to that authority. Where the land is not owned by an authority under the Act the contributing interest should pass to the London Borough or County Council as appropriate. Again it is appreciated that, in view of the diversity of existing arrangements under the 1938 Act, a different arrangement for the future may exceptionally prove more effective. The Secretary of State is therefore willing to consider on their merits any representations for special treatment for particular sites, for example, where the effect would be to unify the management of an estate.

5. In coming to these decisions the Secretary of State has had regard to the fact that much of the 1938 Act land is already owned and successfully managed by London Boroughs, County Councils and District Councils. He has also had regard to his own overall powers to protect land under the Act which will not be affected by the proposals described above. These are briefly:-
- (a) the requirement for local authorities to obtain consent to the disposal or appropriation to other purposes of Green Belt land vested in them;
 - (b) the requirement for public utilities to obtain consent before initiating any compulsory purchase of 1938 Act land;
 - (c) the requirement that any person proposing to erect a building on 1938 Act land must obtain consent;

- (d) the confirmation of byelaws regulating the use of 1938 Act land;
- (e) the power to enforce any of the restrictions imposed by the Act on the land.

6. Government policy on the designation and protection from inappropriate development of Green Belts has, since the 1950's, been applied through the Town and Country Planning legislation. This ensures a consistency of approach across all Green Belt land, including 1938 Act land and that in its vicinity. At the same time the Secretary of State maintains a special interest in all 1938 Act holdings and it should be noted that, in the exercise of his powers of guardianship, there has been great stability and little or no change in the period of nearly 50 years of their application. The Consultation Paper on the transfer of GLC interests made it clear that no change of policy was proposed. This should dispel any doubts there may be or any uncertainty as to the future. The Secretary of State recognises the significance of this land both historically and as an important amenity resource for London and the Home Counties. Many of the sites are in key locations to provide visual coherence to surrounding areas of Green Belt. Others supply a significant recreational facility. The Secretary of State continues to urge authorities with 1938 Act interests to manage this land having regard to best practice and taking all the necessary steps to enhance the countryside. By taking the lead in these areas authorities can help to ensure the future agricultural, recreational and amenity value of the Metropolitan Green Belt. The Secretary of State also wishes to take this

opportunity to remind authorities that he regards this land as inalienable:
Agreements were acquired giving a public authority interest in each holding.
The intention was that this should be in perpetuity and, while the Secretary
of State must continue to consider any proposals on their merits, he would
only agree to changes in the most exceptional circumstances.

DOE
PLUP 1 November . 1984