

**Councils Full Response to Inspectors' Letter to the Council of 2 July 2019 -
Wednesday 31 July 2019**

[Section 3: Paragraphs 12 - 20]

Green Belt

12. The Local Plan proposes substantial Green Belt boundary alterations to enable land to come forward for development. National Policy sets out that Green Belt boundaries should only be altered in exceptional circumstances. The nature and extent of the harm to the Green Belt and the effect on the Green Belt objectives must be considered in the assessment as to whether exceptional circumstances are demonstrated.

13. As set out in our Initial Question 16, in seeking to re-draw the Green Belt boundary we would expect to see that the Council has followed a two-staged approach. Stage 1 concerns the evidence gathering and assessment that leads to an in principle decision that a review of the GB boundary may be justified to help meet development needs in a sustainable way. It is set out at paragraph 137 of the National Planning Policy Framework (the Framework) and requires the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.

14. Step 1 of this staged approach requires a thorough investigation of the capacity of the existing urban areas (suitable brownfield sites and underutilised land) and whether this has been maximised having regard to optimising densities. Subtracting this from the OAHN figure leaves the amount of development that cannot be accommodated within the urban areas. This process also needs to be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need. Step 2 involves considering if there is any non-Green Belt rural land which could meet any of the unmet need (steps 1 and 2 are recognised at paragraph 12.1.6 of the St Albans Green Belt Review (Doc GB001)).

15. Together these steps give a scale of unmet need which could only be met by Green Belt release and are necessary to determine whether the review of the Green Belt is justified in principle. Stage 2 then determines which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable. All these factors are then considered to reach a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases.

16. An explanation of how Stage 1 of this approach has been undertaken is needed. This should set out specifically what work has been done, when and how. In terms of Stage 2, how the relevant factors described above were assessed and balanced in order to reach the conclusion in relation to exceptional circumstances also needs to be explained.

17. The Green Belt Review Purposes Assessment for Dacorum, St Albans and Welwyn Hatfield (November 2013) (Doc GB004) identifies a number of strategic parcels of land in the Green Belt and assesses a number of smaller sub-areas within these as making the least contribution towards Green Belt purposes. It identifies a number of larger (strategic sub areas) (x8) and smaller scale areas of land (x8) within St Albans which could be considered for further assessment.

18. The 8 strategic sub-areas are then considered in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) (Doc GB001) which identifies 9 sites for potential Green Belt release and future development and ranks them in three tiers (in order of suitability for release). However, it is not clear how this analysis of the 9 sites influenced the selection of the broad locations proposed for development. Additionally, as far as we can see, there is no explanation as to how the smaller scale areas of land identified in the wider study (Doc GB004), and their potential contribution to housing supply, have been considered.

19. The Council's response to our initial Question 16 is noted. However, we do not regard the extract of the March 2019 Planning Policy Committee (PPC) meeting report to provide adequate background information to what is a key plank of the Council's development strategy. It relies on references to caselaw and the Framework, which whilst providing a useful context, do not explain St Alban's approach to the Green Belt and why the changes sought are justified. It also refers to PPC meetings in March, May and June 2018 and to others in June 2015 and June 2016. It may well be that the issue of exceptional circumstances has been addressed by PPC at depth since 2013 but that is not evident without a detailed interrogation of multiple PPC reports stretching over a number of years and considerable analysis of a good number of other documents/processes/data as listed in paragraph 4.9 of the March 2019 PPC report.

20. As previously requested, this information needs presenting in a Green Belt Topic paper to cover the stages, steps and questions set out above, in order to enable our understanding of the Council's rationale and approach with regards to this important matter.

The Council has provided the requested topic paper, which is attached.

SADC Green Belt Topic Paper – 31 July 2019

This topic paper is divided into the following sections:

1. A high level summary addressing the 3 matters which have been identified by the Inspectors in their letter of 2 July 2019; this includes references to passages identified in the second section of the topic paper.
2. A chronologically-based detailed response setting out the relevant work addressing the matters raised by the Inspectors.

1 - High Level Summary

Introduction

- 1.1 This topic paper addresses the matters set out in paragraphs 12-20 of the Inspectors' letter dated 2 July 2019. There is a long and complex history of Green Belt-related work which this topic paper sets out.

Overview

- 1.2 The Green Belt release assessment has adopted a two stage approach. Stage 1 involves:
a thorough investigation of the capacity of the existing urban areas and subtracting this from the OAHN figure; obtaining information on other available sites in discussions with neighbouring authorities; and considering if there is any non-Green Belt rural land which could meet any of the unmet need)

Stage 2 involves assessing:
which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable; and reaching a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases.

- 1.3 These stages have been carried out twice by the Council. The first occasion was between 2013-2016 during the development of the draft [Strategic Local Plan \(2016\)](#). The second occasion was between 2017-2019 in the development of the current submitted draft Local Plan (LP). The draft LP process of going through Stage 1 and Stage 2 built on the earlier draft SLP work, in an updated context.
- 1.4 Ongoing dialogue with neighbouring and nearby LPAs throughout 2013-2016 and 2017-19 to see if they could accommodate any of SADC's housing 'need' has been an ongoing feature – with no reasonable prospect that such need would be met elsewhere.

Matter 1

The Inspectors state: **“14. Step 1 of this staged approach requires a thorough investigation of the capacity of the existing urban areas (suitable brownfield**

sites and underutilised land) and whether this has been maximised having regard to optimising densities. Subtracting this from the OAHN figure leaves the amount of development that cannot be accommodated within the urban areas. This process also needs to be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need. Step 2 involves considering if there is any non-Green Belt rural land which could meet any of the unmet need (steps 1 and 2 are recognised at paragraph 12.1.6 of the St Albans Green Belt Review (Doc GB001)).

15. Together these steps give a scale of unmet need which could only be met by Green Belt release and are necessary to determine whether the review of the Green Belt is justified in principle. Stage 2 then determines which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable. All these factors are then considered to reach a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases.

16. An explanation of how Stage 1 of this approach has been undertaken is needed. This should set out specifically what work has been done, when and how. In terms of Stage 2, how the relevant factors described above were assessed and balanced in order to reach the conclusion in relation to exceptional circumstances also needs to be explained.”

1.5 The Inspectors have indicated two steps in the first part of the staged approach. The first is: “Step 1 of this staged approach requires a thorough investigation of the capacity of the existing urban areas (suitable brownfield sites and underutilised land) and whether this has been maximised having regard to optimising densities.”

1.6 This step was undertaken through the housing trajectory/land supply data in the draft LP (2018). This itself has been informed by the ‘Call for Sites’ (2018) (Doc [SHLAA003](#)), Authorities Monitoring Report (2018) (Doc [AMR001](#)) and Strategic Housing Land Availability Assessment (Doc [SHLAA002](#)) (2018 update) processes. The housing trajectory itself (LP Appendix 2) not only included updated assumptions about urban capacity, Green Belt PDL, windfall etc. it also showed results from proposed policies in the draft LP itself to fully explore non-Green Belt potential sources of housing. These included the new category “Local Plan / NPPF Choices – Delivering Urban Optimisation”. The total capacity from all of these sources is circa 5,000 homes, clearly far short of the 14,608 homes set out by the Government’s ‘standard methodology’ for housing ‘need’. This clearly indicates the scale of unmet needs which could only be met by Green Belt release.

The second step set out by the Inspectors is: “Step 2 involves considering if there is any non-Green Belt rural land which could meet any of the unmet need (steps 1 and 2 are recognised at paragraph 12.1.6 of the St Albans Green Belt Review (Doc [GB001](#))).”

1.7 There is no non-Green belt rural land within this District. This step was investigated further through the Duty to Co-operate discussions with adjoining and nearby LPAs

throughout the period 2013-2019. The more recent of these Meeting Notes have been included in the examination documents (Doc [CD028](#)).

- 1.8 Contextual consideration of whether or not there was any realistic prospect of any non-Green Belt rural land (in other Districts) meeting any of SADC's need was set out in the [June 2018 PPC Report](#) (as set out in more detail in extracts from the June 2018 PPC Report 'Draft Local Plan for Publication (Regulation 19 Stage) Consultation - Recommendation to June Cabinet' at paragraphs 4.13 and 4.14 below):

...The District is wholly bounded by the Green Belt [i.e. there is no non-Green Belt rural land] and Duty to Cooperate discussions with adjoining and nearby authorities currently show no reasonable prospect of the District's housing need being met elsewhere at this point in time. Work with adjoining and nearby authorities is ongoing.

The second stage is set out by the Inspectors as: "Stage 2 then determines which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable. All these factors are then considered to reach a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases."

- 1.9 This stage was undertaken through the independent SKM Green Belt Review (Part 1 2013 (Doc [GB004](#)) and Part 2 (Doc [GB001](#)) 2014, the [Strategic Site Selection work](#) (2018) and the Sustainability Appraisal (SA Working Notes and SA Report 2018 (Doc [CD009](#))). The SKM Stage 1 Green Belt Review work looked at every part of the Green Belt in the district and examined it in relation to Green Belt purposes. This was undertaken jointly with Dacorum and Welwyn & Hatfield Councils, taking a wide strategic view of the Green Belt. The SKM stage 2 work involved more detailed examination of potential boundaries and sites. Together this provided a robust baseline understanding of the nature and extent of harm to the Green Belt and effect on Green Belt objectives.
- 1.10 The understanding of these issues was clear from the start of the draft LP process, as indicated below in extracts from the September 2017 Member Presentation and PPC September 2017 Report – '[Local Plan Next Steps and Direction of Travel](#)'.
- 1.11 The Council undertook the [Strategic Site Selection work](#) (2018) to review the existing SKM identified sites and to seek further potential sites to make up the 'shortfall'. As indicated in more detail in extracts from the PPC March 2018 Report – '[Local Plan - Development Strategy and Draft Strategic Site Selection Process](#)' including at paragraph 4.5 below):

Stage 1

1. Green Belt Review evaluation will be undertaken on the basis of a judgement of impact on (i.e. 'damage' to) Green Belt purposes (taking account of the purposes defined in and considered in the relevant parcel

assessment in the GBR). Sites are rated as 'higher impact', 'medium impact' or 'lower impact' (set out as Red Amber Green (RAG)). It is important to remember that the independent Green Belt Review set out that "All strategic parcels in the Green Belt, at least in part, clearly perform a key role". The assessment is a comparative one in the context of understanding relative impacts on the Green Belt. To achieve 'further consideration for development' the site must be evaluated as lower or medium impact (Green or Amber). Any Red rating (higher impact) will rule a site out for further consideration.

Stage 2

2. Suitability will set out as (Red Amber Green) if there are any issues which are overriding constraints to development – eg Access, Transport, Heritage, Biodiversity, Flood Risk. Any Red rating will rule a site out for further consideration.

3. Availability will set out as (Red Amber Green) if there are any issues which are overriding constraints to development in terms of land ownership, restrictive covenants etc. Any Red rating will rule a site out for further consideration.

Stage 3

4. Unique contribution to improve public services and facilities, e.g. public transport - (set out as Red Amber Green). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale

5. Unique contribution to enhancing local high quality job opportunities and the aspirations of the Hertfordshire Local Economic Partnership / Hertfordshire EnviroTech Enterprise Zone - (set out as Green Amber Red). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale.

6. Unique contribution to other infrastructure provision or community benefits - (set out as Red Amber Green). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale

7. Deliverable / Achievable is there is a reasonable prospect that the development, including all key aspects (including viability) being assessed as part of the overall 'package' proposed, is viable and deliverable (set out as Red Amber Green). Any Red rating will rule a site out for further consideration.

8. An overall evaluation judgement will be recorded (set out as Red Amber Green) as how the site is evaluated for further consideration for development in the Plan.

1.12 This work resulted in the 8 strategic sub-areas considered in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) ([GB001](#)) being judged as

8 'Green' (low impact) rated sites (the ninth site being the wholly employment providing site at East Hemel Central) and four additional 'Amber' (medium impact) rated sites. When reviewing the non-GB capacity in more detail (LP Appendix 2), all 8 of the 'Green' and three of the four 'Amber' sites were required to meet the 'standard methodology' figures for housing 'need'. The advantages of the three selected 'Amber' sites were considered by PPC to be greater than that for the non-selected fourth site.

- 1.13 As indicated in more detail in extracts from the [SA Working Note](#) (May 2018) quoted below:

Seventy sites capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land were considered at Stage 1, and of these 12 received either a Green or Amber rating and passed through to Stage 2. At Stage 2 all those 12 sites received a Green rating in relation to 'suitability' and 'availability' and passed through to Stage 3. At the end of Stage 3 the evaluation forms concluded that 8 of the 12 sites had an overall evaluation of Green. These are the same 8 sites that were concluded in the Green Belt Review as making the least contribution towards Green Belt purposes. These sites are East Hemel Hempstead (North), East Hemel Hempstead (South), Land at Chiswell Green, North East Harpenden, North West Harpenden, North St Albans and East St Albans. The evaluation forms concluded that the remaining 4 sites had an overall evaluation of Amber. These sites are South East Hemel Hempstead, North Hemel Hempstead, the Former Radlett Aerodrome (Park Street Garden Village) and North East Redbourn.

...

Of the 12 potential (Green / Amber rated) Broad Locations considered in detail, 11 were selected for inclusion in the Publication Draft Local Plan. The one Broad Location which was not taken forward was North East of Redbourn. This was because the advantages of the other three sites which had received an Amber rating in the Council's Strategic Site Selection process were considered to be greater than those for North East of Redbourn.

- 1.14 It can be noted there was a further testing of potential alternative approaches indicated in more detail in extracts from the June 2018 PPC Report '[Draft Local Plan for Publication \(Regulation 19 Stage\) Consultation - Recommendation to June Cabinet – Appendix 1](#)' below):

Alternative housing development strategy options and effects of different strategies tested against the current proposed strategy

Currently, other strategy options are:–

1) North East Redbourn – Amber rated

...

2) Using Red rated sites

...

3) Different delivery trajectories

- ...
- 4) Other LPAs delivering development
- ...
- 5) Neighbourhood Plans
- ...
- 6) Development of a number of smaller sites currently in the Green Belt

1.15 The draft SA Working Note was considered by PPC and Cabinet in June 2018. The finalised SA report accompanied the LP Reg 19 consultation in September - October 2018. It set out:

4.4.3 Planning Policy Committee (PPC) meeting 12th June 2018 - Park Street Garden Village Broad Location Re-evaluation

In relation to the Park Street Garden Village Broad Location, following the overall site selection process and the findings, the Council undertook a re-evaluation to look more specifically at the relative importance and merits of using the site either for housing or as a Strategic Rail Freight Interchange⁶. This has some general relevance for the selection of Local Plan Broad Locations for housing, as the re-evaluation looked at six alternative strategies for delivering elsewhere the level of housing that could be delivered at Park Street Garden Village. These alternative strategy options were as follows: North East Redbourn; Using Red rated sites; Different delivery trajectories; Other LPAs delivering development; Neighbourhood Plans; and Development of a number of smaller sites currently in the Green Belt.

St Albans Planning Policy Committee meeting 12th June 2018. Agenda Item 10.

<http://stalbans.moderngov.co.uk/documents/s50035482/PPC%20June%202018%20-%20Draft%20Local%20Plan%20-%20Appendix%201%20-%20Re-evaluation%20of%20approach%20FINAL.pdf>

Of these six alternative strategies, five were not considered by the Council to be reasonable alternatives because they involved reliance on development that was contrary to the strategy set for the plan (minimisation of adverse impacts on Green Belt purposes (Green Belt review led) and / or greater dispersal of development, with less favourable outcomes for community benefits and infrastructure improvement. They were therefore not subject to SA. The one exception was the site/alternative strategy option to develop the site at North East Redbourn Broad Location which had previously been considered to be a reasonable alternative in the wider context of the Local Plan site evaluation process and had therefore been subject to SA alongside the 11 other 'Green' and 'Amber' rated sites (see Section 4.4.3). However, as noted above the advantages of the other sites were considered to be greater than those for North East of Redbourn. Additionally, in relation to the particular consideration of that site being an alternative to Park Street Garden Village, the Council considered that the North East Redbourn option would not deliver the equivalent quantum of housing development required within the Plan period and it would also not generate as many other significant benefits as those identified in association with the Park Street Garden Village.

1.16 The consideration of 'exceptional circumstances' is indicated in more detail in extracts from the June 2018 PPC Report '[Draft Local Plan for Publication \(Regulation 19 Stage\) Consultation - Recommendation to June Cabinet](#)' below):

4.11 As mentioned at the PPC meetings in March and May 2018, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is a key issue for the draft LP.

4.12 As addressed by PPC in considerable depth since its inception in 2013, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is central to the draft LP. PPC reports considered the issue to some degree at its March and May 2018 meetings. PPC has considered the policy and legal context of 'exceptional circumstances' in detail most recently at its meetings in June 2015 and June 2016. As set out in those reports, the Calverton case most directly addresses the matter of 'exceptional circumstances'. The 2015 and 2016 reports also refer directly to the legal and national policy contexts in which those court decisions were taken.

4.13 As always it is important that judgments are read as a whole and in context. That is also the same for reading of the NPPF. However it is possible to summarise the process officers have used to come to their conclusions by using paragraph 51 of Calverton as shorthand. It sets out:

In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

4.14 In simple terms in relation to Calverton paragraph 51 above:

Preamble and (i) - are addressed in the Government's proposed standard methodology, the St Albans SHMA and SHMA update and the South West Herts Group SHMA

(ii) - Can be found in 'housing trajectory/land supply data in the draft LP. This itself has been informed by the 'Call for Sites', Authorities Monitoring Report and Strategic Housing Land Availability Assessment processes

(iii) - The District is wholly bounded by the Green Belt and Duty to Cooperate discussions with adjoining and nearby authorities currently show no reasonable prospect of the District's housing need being met elsewhere at this point in time. Work with adjoining and nearby authorities is ongoing. The NPPF / sustainable development approach is also covered in the Strategic Site Selection work and the Sustainability Appraisal

(iv) - This is addressed in the independent SKM Green Belt Review and the Strategic Site Selection work

(v) - This is addressed by a combination of the Green Belt Review, land supply information and the development approach in the draft LP

4.15 A broadly similar approach exists in relation to the economic development land at East Hemel Hempstead in the draft LP. However the understanding of 'need' relates also to the stock and supply of economic development land in the district and sub-region and the priorities of the Hertfordshire Local Economic Partnership.

4.16 As set out in the case law, the issue of 'exceptional circumstances' must be addressed with reference to the individual Broad Locations and the Spatial Strategy of the LP as a whole. In summary, the SKM Review and the Strategic Site Selection work sets out the key impacts in direct relation to the Green Belt. The Strategic Site Selection work and the SA evaluates a range of likely economic, environmental and social impacts/benefits/costs. The Strategic Site Selection work/developer engagement process has given further detail that assists in considering other impacts in relation to the deliverability of the overall aspirations set out in the draft LP.

...

4.18 The Committee will note that the draft Local Plan at Appendix 3 contains 11 Broad Locations. These consist of all 8 of the Green rated sites from the Strategic Site Selection process (report on this Agenda). Officers have come to the conclusion at this time that the advantages of 2 of the included sites (Hemel Hempstead North and South East Hemel Hempstead), as identified, are greater than that of the excluded sites. In relation to the Park Street Garden Village Broad Location, this continues to be a conditional allocation.

...

4.21 At this time and on the basis of the evidence, officers consider that the test for 'exceptional circumstances' requiring alteration to Green Belt boundaries as set out in the draft LP at Appendix 3 has been made.

- 1.17 The Council considers that the work referenced above shows that all reasonable options have been fully explored prior to deciding to amend Green Belt boundaries in the draft LP. It also shows how the relevant factors were assessed and balanced in order to reach the conclusion in relation to exceptional circumstances.

Matter 2

The Inspectors state: **18. The 8 strategic sub-areas are then considered in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) (Doc GB001) which identifies 9 sites for potential Green Belt release and future development and ranks them in three tiers (in order of suitability for release). However, it is not clear how this analysis of the 9 sites influenced the selection of the broad locations proposed for development...**

- 1.18 As set out in response to Matter 1 above, consultants SKM on behalf of the Council undertook the Green Belt Review work identified in documents [GB0001-GB0004](#). This provided the foundation in identifying which Green Belt strategic scale sites least met the purposes of the Green Belt and could be considered to meet development need and be removed from the Green Belt.
- 1.19 The work identified above for Step 1 'a thorough investigation of the capacity of the existing urban areas (suitable brownfield sites and underutilised land) and whether this has been maximised having regard to optimising densities' showed a significant shortfall against the Government's 'Standard methodology' figure of 913 homes per annum. This shortfall could not be met even by including all 9 sites identified in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) ([GB001](#)). In determining the capacity of the 8 SKM-identified sites for housing, a net density of 40dph was applied which was higher than historic rate to ensure best use of land. For all 8 Green Belt strategic housing sites this gave a total capacity of circa 6,000 homes. When combined with the total non-Green Belt green field capacity previously identified as also circa 5,000 homes, this circa 11,000 total was clearly far short of the 14,608 homes set out by the Government's 'standard methodology' for housing 'need'.
- 1.20 As also set out above in response to Matter 1, this work resulted in the 8 strategic sub-areas considered in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) ([GB001](#)) being judged as 8 'Green' (low impact) rated sites (the ninth site being the wholly employment providing site at East Hemel Central) and four additional 'Amber' (medium impact) rated sites. When reviewing the non-GB capacity in more detail (LP Appendix 2), all 8 of the 'Green' and three of the four 'Amber' sites were required to meet the 'standard methodology' figures for housing 'need'. The advantages of the three selected 'Amber' sites were considered by PPC to be greater than that for the non-selected fourth site.
- 1.21 For the avoidance of doubt, based on the approach taken above, as all 9 sites (8 residential) identified in the Green Belt Review Sites and Boundaries Study for St Albans (February 2014) ([GB001](#)) were ranked as 'Green' (low impact), then their ranking in three tiers was ultimately not considered relevant.

Matter 3

The Inspectors state: **18. ...Additionally, as far as we can see, there is no explanation as to how the smaller scale areas of land identified in the wider**

study (Doc GB004), and their potential contribution to housing supply, have been considered.

- 1.22 The Council considered the potential for these sites identified in [GB004](#) as part of the SHLAA work ([SHLAA 2018 and earlier iterations](#)). Their overall capacity of 300-500 homes had also been considered more directly as part of the PPC January 2014 Report – '[Housing Land Supply/Urban Capacity Update](#)', including:

5.25 Sinclair Knight Merz (SKM), a consultancy, was commissioned by the Council to undertake an independent Green Belt Review. The output of the most recent report includes detailed recommendations for potential inner Green Belt boundary revisions and estimates of potential dwelling capacity for small scale revisions to Green Belt boundaries. On the assumption that the identified sites are allocated for residential development, indicative capacities are in the order of 300-500 dwellings. Officers previously set out this indicative capacity at a PPC meeting, which the consultants agreed.

- 1.23 In the [draft SLP](#) (2016) these SKM identified potential small scale Green Belt green field sites were subsumed in a wider category of potential small scale Green Belt green field sites to be looked at in more detail in the following Detailed Local Plan (DLP) (as part of the two-stage Local Plan then envisaged – the SLP followed by the DLP). This overall category included the SKM identified sites, small scale affordable housing and sites through Neighbourhood Planning. This was indicated most directly as part of the PPC January 2014 Report – '[Housing Land Supply/Urban Capacity Update](#)', including:

5.26 This indicative figure contributes to the Green Belt green field capacity identified in the 20 year land supply, to be delivered through the Detailed Local Plan (DLP).

5.27 A further contribution to small scale Green Belt green field sites is expected to be delivered through neighbourhood planning. To date, the Council has received three applications from Parish Councils to designate Neighbourhood Areas.

5.28 The Redbourn Neighbourhood Area was confirmed by Cabinet at its meeting of 21 November 2013. The consultation period for comments on the proposed Colney Heath Neighbourhood Area closed on 10 January 2014. A report will be brought before Cabinet on 27 February 2014 to consider designation of the Colney Heath Neighbourhood Area. Sandridge Parish Council has also applied to designate the parish as a Neighbourhood Area, the consultation for which is due to commence in February 2014. Further applications for Neighbourhood Areas are likely to come forward over the Plan period and work alongside the Local Plan in delivering residential development on small scale Green Belt green field sites.

5.29 The District Local Plan Review 1994, through Policy 8, seeks to deliver small scale affordable housing in the Green Belt. Some housing has been delivered on the basis of this policy and some garage sites in Green Belt

villages of a similar nature are currently being assessed by the Council's Housing department. This has contributed to, and is likely to continue to contribute, a modest additional delivery of housing. The draft SLP Pre-Submission 2012 policies proposed some minor changes to the Green Belt, to be taken forward through the DLP and updated Proposals Map.

5.30 It is reasonable to assume that through these processes small scale developments on current Green Belt green field sites will deliver in the order of 500 dwellings over the Plan period 2011-2031.

- 1.24 In taking forward the current draft LP, the Council decided that only strategic scale Green Belt sites – as Broad Locations - would be taken forward. In the context of potential Green Belt release, the advantages of strategic scale sites over smaller ones was an explicit evaluative choice made by the Council. The consideration was based on a judgment that the strategic scale sites offer infrastructure and community benefits in a way that small sites do not (for example, all of the Broad Locations in the draft LP will be providing at least one school within the Broad Location).

- 1.25 As set out explicitly in the May 2018 PPC [Questions and Answers](#)

The draft Plan process is clearly based on identification of strategic level sites in the Green belt (see Planning Policy Committee papers Item 10. - para 4.4 in particular). This is an appropriate approach to Green Belt review and release, bearing in mind 'exceptional circumstances' need to be demonstrated in order to justify any change to GB boundaries. More than sufficient provision to meet 'need' has been identified. Small sites in the Green Belt submitted through the call for sites have not been needed or assessed. Further Green Belt small site opportunities will be available through policies set out in the LP (eg rural exception sites) and through Neighbourhood Plans.

The NPPF revision (at draft / consultation stage only) referred to does not set out that 'small site' locations need be in the Green Belt.

- 1.26 As set out in more detail in extracts from the June 2018 PPC Report '[Draft Local Plan for Publication \(Regulation 19 Stage\) Consultation - Recommendation to June Cabinet](#)' at Appendix 1 below):

Identification of sufficient smaller sites would unacceptably spread the adverse impacts of development on Green Belt purposes. It would also prevent the Plan maximising the infrastructure and community benefits that will arise only from larger scale urban extensions. The Local Plan Development Strategy clearly sets out to achieve a range of socio – economic benefits and this arises particularly from larger sites that are likely to provide a range of services and facilities that will benefit the whole community, not just new residents.

- 1.27 It is also important to note that, as set out in the May 2018 PPC Answer above, the Council also made explicit that further opportunities exist for these smaller scale areas of land identified in the wider study ([GB004](#)) through Neighbourhood Plans or

through draft LP Policy L4 Affordable housing development in the Green Belt (rural exception sites).

2 - Detailed Response - Chronology of Meetings and Documents

- 2.1 A chronological account of the key public consideration of relevant issues is considered the most legible way of accessing and understanding all the considerable amount of relevant material.
- 2.2 All Meetings referred to below were held in public and documents have been and are available on the Council's website.
- 2.3 All text in italics are direct quotes from the referenced documents.
- 2.4 Key items are highlighted in red text.
- 2.5 Considerations date back to the Full Council meeting of [28 November 2012](#).

Full Council 28 November 2012

- 2.6 A Full Council meeting was due to consider a report on the Agenda entitled "Pre-Submission Strategic Local Plan". Before considering that report the pre-submission Strategic Local Plan (SLP 2012) was withdrawn when Councillors agreed the motion below.

COUNCIL DECISION:

That this Council agrees to the following recommendations put forward by No Oaklands Housing Action Group:

- 1. An independent review of Green Belt boundaries and a Green Belt Study of all potential housing locations needs to be undertaken now.*
- 2. There needs to be clarity on how sites will be delivered and this is implied by an allocation of strategic sites.*
- 3. Detailed delivery matters such as availability and infrastructure requirements need resolving.*
- 4. Oaklands should retain its Green Belt green field status in any future policy review or boundary change to prevent urban sprawl and coalescence with Hatfield.*
- 5. An alternative site should be considered.*
- 6. Green Belt release should only be considered when the district has run out of sites within its urban land.*
- 7. An independent commission of housing need in St Albans and its District should be set up to inform the evidence base.*

- 2.7 The body of Full Council at that time therefore effectively required consideration of both 'stage 1' and 'stage 2' to be carried out simultaneously. The last element of stage 2 – "reach a conclusion as to whether exceptional circumstances exist for each of the individual Green Belt releases" was set out for specific consideration as a later element, as shown directly in the follow-up Cabinet meeting on [20 December 2012](#).

Cabinet 20 Dec 2012

Cabinet Report - Information Regarding the Council Decision of 28 November and the Strategic Local Plan

1.1 - To identify implications of the Council decision of 28 November, both individually and collectively, and to outline ways to take them forward.

...

4.1 There was no report on the motion that was passed and no detailed discussion of the meaning of the motion at the Council meeting. The analysis in the table below seeks to clarify the meaning of the individual points of the Council decision of 28 November and their implications, both individually and collectively. Given the complexity of both the background and the motion itself, this report is an initial response.

...

One output of the study needs to be a prioritised list of Green Belt sites across the District. The sites would be prioritised on the basis of how well they meet the five purposes of the Green Belt. Those that contribute the least to the five purposes could be considered for release for housing.

Initially the work should identify sufficient Green Belt land to accommodate the ONS households projections number of 688 per annum. This could subsequently be related to meeting different levels of housing if supported by the housing needs study (see point 7). All options would have to be further assessed in due course through a full sustainability appraisal.

NPPF paragraph 83 advises “Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”

In due course, if the Council does decide the existing Green Belt boundaries are to be altered, it will need to demonstrate that exceptional circumstances exist to require this.

2.8 Cabinet in [January 2013](#) then considered how best to take forward the work, effectively taking forward both Stages 1 and 2.

Cabinet January 2013

PPC Report - Follow Up Report to 20 December Cabinet Report on November 28 Council and the Strategic Local Plan

...

Section 4

Independent Review of Green Belt Boundaries and Green Belt Study of Potential Housing Locations

...

4.2 Following the 20 December Cabinet a review of other councils' Green Belt boundary studies (including the Coventry area and Gloucestershire referred to in Appendix 1) has been undertaken and common features have been identified. In those reviews, parcels or sectors of Green Belt adjoining urban areas are measured against how they contribute towards the five purposes of Green Belts as set out in paragraph 80 of the National Planning Policy Framework (NPPF). For clarity, the five purposes as set out in the NPPF are essentially the same as those in the previous Planning Policy Guidance 2: Green Belts and reflect the longstanding approach to Green Belts at a national level. They are:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into each other;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 Green Belt reviews carried out by consultants have detailed scoring methodologies to identify how significantly parcels of Green Belt land (using an agreed methodology to identify boundaries) perform against each of the purposes. These Green Belt parcels should adjoin settlements which are not washed over by the Green Belt. The parcels would then be graded by the extent of their contribution they make to the purposes. Identification at this stage would not automatically mean that any parcels would necessarily be developed or lose their Green Belt status.

4.4 This piece of work would form the Independent Review of Green Belt Boundaries. This strategic assessment would provide an objective and independent review of Green Belt boundaries to facilitate clear decision making and option testing once other evidence is available, including the Independent Commission of Housing Need. The output of this study would be a report, with executive summary and maps, which would set out a review and analysis to identify parcels of the Green Belt and their contribution towards the purposes. Subject to detail, this is the suggested high level methodology that this Council should follow.

4.5 The Council motion point 1 also required a Green Belt Study of potential housing locations (Green Belt Sites Study) to be carried out. It is recommended that the Independent Review of Green Belt Boundaries and the Green Belt Sites Study would form two parts of an overall Green Belt Study. The Green Belt Sites Study would follow as the second part being informed by the Green Belt review. This is what other authorities who wanted to carry out a review of Green Belt boundaries as well as a potential development sites study have done.

4.6 This second part would then look at the parcels of land which least met the purposes of Green Belt. Informed by housing need figure/figures and a current understanding of the potential for fulfilling housing need on urban

sites, it would assess and score each of these parcels against a range of environmental and physical constraints that might prevent future sustainable development. This examination of constraints will also focus on opportunities to overcome these constraints. For example in the Coventry area study these constraints included:

- primary constraints (ancient woodland, registered parks and gardens; SSSI's, scheduled ancient monuments; flood zones)
- secondary constraints (nature reserves, conservation areas; other local designations; geological sites; railtracks; main roads)
- existing or proposed development
- assessment of landscape value
- connectivity to the urban area

4.7 In this district this would also include additional constraints such as impact on historic character. *It should be noted that it would not necessarily follow that those sites with the fewest constraints would then be identified for development. A number of other considerations and evidence will need to be taken into account, including the availability and capacity of land, infrastructure and land ownership constraints, as well as the sustainability appraisal. When considering Green Belt locations the study must also consider the need to promote sustainable patterns of development.* A similar type of assessment could be suitable for this district to fulfil the requirements of the Green Belt Site Study.

4.8 In order to fulfil the requirements of the NPPF, the study must examine if there is a need to identify areas of Green Belt that may be required to meet development needs beyond the plan period. Green Belt boundaries would need to be capable of enduring beyond the plan period.

4.9 Because the Green Belts Boundary Study is of a strategic nature, it would be more appropriate if it were carried out jointly with adjoining authorities covering a strategic area of the Green Belt. Discussions will therefore be held with adjoining authorities but the Council recognises the need to minimise delays in carrying out the studies. More detail on the reasons for this are set out in the section beginning at paragraph 4.19.

4.10 After these discussions, the next step would then be to agree to a project brief prior setting out an invitation to tender. This project brief will set out how expressions of interest will be assessed. It is recommended that experience of carrying out such reviews and robustness of the methodology be given greater weight than costs and timescales to ensure that the studies withstand intensive scrutiny. Detailed methodologies for both parts of the overall Green Belt Study would be informed by consultants who have carried out studies in the past. For consistency it is recommended that both parts of the study are carried out by the same consultants. An outline terms of reference for the Green Belt studies is set out in Appendix 2.

Independent Commission of Housing Need

4.11 The 20 December Cabinet report noted that there were two potential types of study which could be used to fulfil point 7 of the November Council Motion. This could be an updated Strategic Housing Market Assessment (SHMA) or a bespoke study of housing need carried out an expert consultant in the field.

4.12 Following on from this it is officer opinion that a SHMA update is the most suitable as it is the approach set out in the NPPF to assess housing need. Paragraph 159 of the NPPF states that:

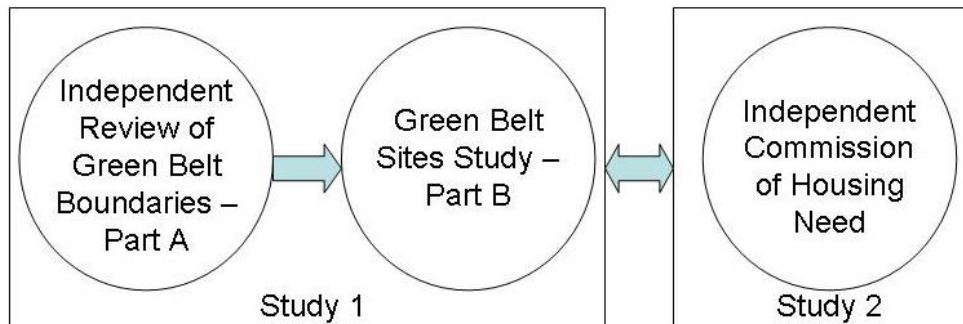
“local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
 - caters for housing demand and the scale of housing supply necessary to meet this demand”

4.13 The Council’s current SHMA was carried it jointly with other southern and central Hertfordshire councils to cover a wider housing market area. However, it predates the NPPF and could be considered not to fully meet the above requirements as the level of need was restricted by the now revoked East of England Plan (EEP) figures. The SHMA update will also reflect 2011 census data, including changes in household formation and size, as well as a considered approach to an appropriate range of historic data.

4.14 Once a SHMA update has been prepared by independent consultants, it will then be possible to determine whether it is appropriate to seek to meet this unconstrained level of “need”. The determination requires a judgement of the balance of social, economic and environmental objectives, in the pursuit of sustainable development. This will take account of the environmental and physical characteristics of, and constraints within the district. These constraints (identified in the evidence base including the Green Belt studies and Sustainability Appraisal) could mean that this “need” could not be appropriately met in this district. If this is the case then discussions should be held with a view to agreeing that all or part of this “need” be accommodated by surrounding authorities. Such discussions are required by the NPPF. Alternative levels of housing provision for this district would have to be subject to testing. This would include sustainability appraisal. This work would inform

and be informed by the Green Belt Sites Study. This relationship between the studies is set out in the diagram below



4.15 This SHMA update can be carried out at the same time as the first part of the overall Green Belt Study. Alongside this in-house up to date urban capacity work it can be used to determine what level of Green Belt land would be required to meet the objectively assessed levels of housing “need”.

2.9 The Panning Policy Committee (PPC) was created in September 2013. Its [Terms of Reference](#) set out:

A Committee established by Council on 11 September 2013:

(i) To make recommendations to Cabinet on the development of the:

- a) Strategic Local Plan*
- b) Other Development Plan Documents ("DPDs")*
- c) Supplementary Planning Documents ("SPDs")*
- d) Local Plan evidence base*
- e) Community Infrastructure Levy (CIL).*

2.10 The technical work earlier set out by Cabinet was taken forward by consultants and officers in 2013. By Autumn 2013 PPC had been set up as the cross-party Member oversight body for Local Plan and related work.

2.11 A [January 2014](#) PPC report set out the detailed and robust understanding of urban capacity, Green Belt previously developed land capacity and housing land supply that had been developed over time.

2.12 It also set out that the capacity of the small scale Green Belt green field sites (identified in GB0001/4) as being 300-500 homes.

PPC - January 2014

PPC January 2014 Report - Housing Land Supply/Urban Capacity Update

Purpose of the report

1.1 To report on the District's current housing land supply position (5 and 20 year) and to examine the supply likely to be available from known and expected urban capacity and other previously developed land over the proposed Plan period to 2031.

...

Housing projections and dwelling provision requirements

5.1 The Council's housing land supply has been subject to several challenges at Appeal Public Inquiries and Hearings and these have been rigorously examined by various inspectors. All inspectors have supported the Council's approach to land supply overall. In matters of individual site detail, they have either wholly supported the Council's conclusions on every site and every issue or supported nearly all, with a couple of exceptions.

5.2 As an example, at the most recent Appeal Public Inquiry (Hunston, decision now quashed), the Inspector wholly agreed with the Council's approach to the appropriateness of the 5% buffer, windfalls and completions data. The Inspector also agreed almost all of the sites and capacities comprising the 2,183 dwellings in the Council's trajectory. She considered, however, on balance, that the 50 dwellings within the 5 year period for the Civic Centre Opportunity Site was not sufficiently certain. She also concluded that delivery would be slightly later for the former HSBC site, meaning capacity should be reduced by 45 within the 5 years and that 7 fewer dwellings would be forthcoming on the former Ariston Works site.

5.3 The Council's approach to housing land supply, including the assumed windfall trajectory, has therefore been thoroughly tested in public by Inspectors at Appeal and is robustly justified.

5.4 Land supply calculations involve assessing the delivery trajectory from sites under construction, existing planning permissions and expected future development, including in the form of Plan broad locations, allocations and predictions for currently unidentified sites.

5.5 Key issues in this include assumptions about and assessment of windfall delivery, the impact of office to residential uses and the residential development of garden land. Legislation and Government guidance on these matters has recently changed and the implications are considered as they affect the housing trajectory.

...

Housing land supply

5.22 The Council needs to identify sufficient land within the District to deliver the agreed housing requirement over the Plan period and specific deliverable sites for the 5 year supply. As has previously been outlined at PPC, it is most appropriate to prepare the SLP on the basis of a 20 year Plan period from 2011-2031.

5.23 Taking a 1 September 2013 baseline, the District has a 5 year housing land supply of 2,243 dwellings, demonstrating a housing land supply of 4.01 years, at a rate of 532 dpa.

5.24 From a review of current housing trajectory data it is reasonable to assume that commitments, known / expected future 'urban capacity' and previously developed land in the Green Belt (which would likely meet the test of "no greater impact" set out at paragraph 89 of the NPPF) will result in the delivery of approximately 4,500 dwellings (225 dpa) over the 20 year Plan period.

5.25 Sinclair Knight Merz (SKM), a consultancy, was commissioned by the Council to undertake an independent Green Belt Review. The output of the most recent report includes detailed recommendations for potential inner Green Belt boundary revisions and estimates of potential dwelling capacity for small scale revisions to Green Belt boundaries. On the assumption that the identified sites are allocated for residential development, indicative capacities are in the order of 300-500 dwellings. Officers previously set out this indicative capacity at a PPC meeting, which the consultants agreed.

5.26 This indicative figure contributes to the Green Belt green field capacity identified in the 20 year land supply, to be delivered through the Detailed Local Plan (DLP).

5.27 A further contribution to small scale Green Belt green field sites is expected to be delivered through neighbourhood planning. To date, the Council has received three applications from Parish Councils to designate Neighbourhood Areas.

5.28 The Redbourn Neighbourhood Area was confirmed by Cabinet at its meeting of 21 November 2013. The consultation period for comments on the proposed Colney Heath Neighbourhood Area closed on 10 January 2014. A report will be brought before Cabinet on 27 February 2014 to consider designation of the Colney Heath Neighbourhood Area. Sandridge Parish Council has also applied to designate the parish as a Neighbourhood Area, the consultation for which is due to commence in February 2014. Further applications for Neighbourhood Areas are likely to come forward over the Plan period and work alongside the Local Plan in delivering residential development on small scale Green Belt green field sites.

5.29 The District Local Plan Review 1994, through Policy 8, seeks to deliver small scale affordable housing in the Green Belt. Some housing has been delivered on the basis of this policy and some garage sites in Green Belt

villages of a similar nature are currently being assessed by the Council's Housing department. This has contributed to, and is likely to continue to contribute, a modest additional delivery of housing. The draft SLP Pre-Submission 2012 policies proposed some minor changes to the Green Belt, to be taken forward through the DLP and updated Proposals Map.

5.30 It is reasonable to assume that through these processes small scale developments on current Green Belt green field sites will deliver in the order of 500 dwellings over the Plan period 2011-2031.

...

20 year land supply

5.40 As at 1 September 2013, as set out in more detail at Appendix 2, the district has a total urban and Green Belt PDL capacity of 4,064 dwellings. Completions from 1 April 2011 to 1 September 2013 total 876 dwellings, amounting to 4,940 dwellings. The capacity including the contribution of small scale currently Green Belt green field sites through the DLP and neighbourhood planning is approximately 5,500 dwellings.

6 Conclusions

6.1 *The District has a total urban and Green Belt PDL capacity of 4,064 dwellings. Completions from 1 April 2011 to 1 September 2013 total 876 dwellings, amounting to 4,940 dwellings. The capacity including the contribution of small scale currently Green Belt green field sites through the DLP and neighbourhood planning is approximately 5,500 dwellings.*

6.2 *The Council can reasonably plan on the basis that, for the Plan period 2011-2031, approximately 5,000 new dwellings can be delivered (250dpa) through currently identified means. If small scale Green Belt green field sites are added, this amounts to approximately 5,500 dwellings.*

- 2.13 The SKM Independent Green Belt Review work was finalised and reported to PPC in late 2013 and early 2014, culminating in a report to PPC in [March 2014](#). This included the extract from [GB001](#) 'Green Belt Review: Sites and Boundaries Study'.

PPC 4 March 2014

PPC 4 March 2014 Report - Independent Green Belt Review - Part 2 (Final Report)

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4. Background Information

4.1 *The Independent Green Belt Review Parts 1 and 2 were reported to the October and December meetings of the Committee.*

4.2 *At the December meeting the consultant's explained that their Part 2 written report needed further work and refinement before it was finalised.*

4.3 The final report is now complete and has been published with this PPC report. It is available on the Council's web site (see web link below).

Green Belt Review: Sites and Boundaries Study - SKM Enviros Consultants

[NB: Now Examination document GB001]

...
12.1.6. In determining the overall development strategy for St Albans City and District, the Council will need to take into account a much wider range of considerations (beyond the scope of this study) to determine whether, how and when each of the nine sites identified for potential Green Belt release could realistically come forward for development. These considerations will necessarily include, among others:

- „ The overall level of ‘objectively assessed need’ for housing and other forms of development;
- „ The supply of housing that could be provided by non-Green Belt land;
- „ The supply of housing that could be provided by other Green Belt land not considered in this study, including small scale sub-area identified in the Part 1 study;
- „ Infrastructure requirements (relating to transport e.g. highways, and social infrastructure e.g. local services and facilities) associated with potential sites and alternative development locations and the associated implications for deliverability;
- „ The viability of the plan as a whole and any strategic development locations;
- „ The rate at which the market will absorb new housing, particularly on larger strategic sites;
- „ The availability of the land to deliver the potential development (willingness of the landowners to sell the land for development); and,
- „ Consultation with stakeholders, local community and adjoining local authorities.

2.14 Having now got the full picture for Step 1 – urban capacity and background information on Green Belt options, PPC considered over several meetings a methodology for evaluating GB and sustainable development impacts of different sites and different development strategy options. This was brought together in reports to the [July 2014](#) PPC meeting.

PPC July 2014

PPC Report - Final Report – Green Belt Strategic Sub Area (Sites) and Development Strategy Options

2. Recommendations

2.1 That the Committee endorses the ‘Strategic Local Plan - Technical Report; Development Site and Strategy Options Evaluation’ as a detailed basis for further work on the SLP.

2.2 That in reaching its conclusions on the evaluation work undertaken, the Committee also has regard to the results of the independent Sustainability Appraisal of this stage of plan preparation (see separate report on the meeting agenda).

2.3 That the Committee advises the Portfolio Holder to work with the Head of Planning and Building Control to revise the Strategic Local Plan. This to be in the form of a preferred option draft for consultation, with a view to PPC recommending a draft to Cabinet for approval in September 2014 and public consultation in Autumn 2014. Further, it is suggested that, taking account of all the results of the Committee's work to date, the revision be prepared on the basis of:

i) a 20 year Plan period 2011-31

ii) an accepted full objectively assessed need for market and affordable housing based on a migration led (10 year) forecast being met with a plan housing requirement / target of 8,720 dwellings (436 average per annum) addressing that need in full

iii) an assessed contribution of 5,000 dwellings from prioritising the housing development capacity of existing urban areas and previously developed land in the Green Belt and some minor Green Belt changes

iv) an assessed 'Green Belt gap' of land sufficient for up to 4,000 dwellings

v) a mixed development strategy option to fill the 'Green Belt gap'

vi) a sites package to achieve the mixed development strategy consisting of 'broad locations' for development at East Hemel Hempstead (S1 and 2) and East St Albans (S 3) and North West Harpenden (S5) with capacity calculated on a 40 dwellings per hectare net density assumption (with a general assumption of 40% of the gross site area of all sites to be potentially set aside for infrastructure and open space)

vii) a long term safeguarding and phasing approach to development and Green Belt boundary change at East Hemel Hempstead in the latter part of the Plan period (2026 – 2031)

viii) 'broad locations' defined as such in diagrammatic form (this will not take areas of land out of the Green Belt, as this will be done through the Detailed Local Plan (DLP) and its Policies Maps.

ix) specific planning requirements for 'broad locations' designed to ensure economic, social and environmental needs and aspirations are met, to be detailed in SLP and DLP policies and Masterplans.

...

4.9 The Committee has commissioned specialist external advice on the issue of how the need to identify exceptional circumstances to justify altering Green Belt boundaries is to be judged in legal terms. The Advice received is the subject of a separate report elsewhere on the meeting agenda. The relevant legal points were introduced in brief in a report to the Committee's 19 June meeting (Agenda item 10).

4.10 As set out in that report, the legal advice received is useful in setting out the context of decision-making around the issue of "exceptional circumstances" and its relationship to the tests of "soundness". It is very important to read and consider the Advice Note in full and then to relate it to the evidence base for the District, when considering moving forward with the Strategic Local Plan. This has been done by officers in producing this report.

...

Strategic Local Plan Development Site and Strategy Options Evaluation

5.1 Draft (un-scored) work on site evaluations was considered at the Committee's May meeting. Additional work on this has now been completed. Officers are grateful for the detailed information drawing on local knowledge submitted. The additional work takes particular account of:

- informal feedback received from Members not on the Committee, local councils, and other interested bodies
- detailed submissions from developer and landowner interests
- detailed advice provided by HCC on education needs
- additional research on transport related issues, drawing on previous SLP consultation work (at 'in principle' level)

5.2 The additional work addresses, as far as is possible at this stage, the issues raised by the Committee in May.

5.3 As previously indicated at PPC a linked evaluation of development strategy options (not previously considered) has also been undertaken. This deals with the choices between different packages of development sites and the relationships between the substantive evaluation and issues of deliverability and timescales for development.

5.4 The evaluation results have now been scored using the agreed framework. This allows the options to be ranked.

5.5 A summary of the site evaluation scores and rankings is at Appendix 1. A summary of the strategy evaluation scores and rankings is at Appendix 2. In reading these summaries it should be noted that an option that performs well attracts a higher score.

5.6 Overall the evaluation results in a recommendation that the Committee agree the following points as a basis for preparation of the revised SLP (in the form of a preferred draft Plan for consultation – for more details on consultation see Conclusion below):

- a mixed development strategy option to fill the 'Green Belt gap' a sites package to achieve the mixed development strategy, consisting of 'broad locations' for development at East Hemel Hempstead (S1 and 2) and East St Albans (S3) and North West Harpenden (S5) based on a 40 dwellings per hectare net density assumption (with a general assumption of 40% of the gross site area of all sites to be potentially set aside for infrastructure and open space)

References relate to sites defined in the Independent Green Belt Review. Details are at Appendix 3. However the final extent of areas for housing development and allowances for infrastructure and open space and the phasing of development on those sites will be determined following consultation on the SLP and work on the Detailed Local Plan (DLP). The assumption of 40 dwellings per hectare is important. This is a relatively modest average, net, density in new housing development and should be readily achievable. In reality densities will vary in different parts of a major development. Further information to illustrate this is at Appendix 6. Assumptions made for net density are set in the context of 40% of the gross site area of all sites potentially set aside for infrastructure and open space.

- a long term safeguarding and phasing approach to development and Green Belt boundary change at East Hemel Hempstead in the latter part of the Plan period (2026 – 2031) (the approach to safeguarding land is set out in the NPPF paragraph 85. It sets out that it will involve identifying 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period)
- broad locations' defined as such in diagrammatic form (this will not take areas of land out of the Green Belt, as this will be done through the Detailed Local Plan (DLP) and its Policies Maps).
- specific planning requirements for 'broad locations' designed to ensure economic, social and environmental needs and aspirations are met , to be detailed in SLP and DLP policies

2.15 PPC also explicitly considered the position with regard to what was required with regard to 'Exceptional Circumstances'.

PPC Report - Legal Advice on 'Exceptional Circumstances' and alterations to Green Belt Boundaries (Strategic Local Plan)

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5.3 When the Advice Note as a whole is related to the evidence base for the District, (as has been done by officers in producing the main report on this Agenda), in order to be compliant with the NPPF and to be found 'sound', it is considered necessary to accept that there are 'exceptional circumstances' that justify alteration to the current Green Belt boundaries. This will form part of the basis for the SLP that the public will be consulted upon.

...

Appendix 1

I N THE MATTER OF THE ST ALBANS LOCAL PLAN

ADVICE

1. *I am asked to advise St Albans District Council ("the Council") in connection with the St Albans Local Plan ("the Local Plan").*
2. *In particular, I am asked to provide advice on the question when "exceptional circumstances" exist for the alteration of the Green Belt within the meaning of paragraphs 82-83 of the NPPF, particularly in the context of housing need, given the decision in Gallagher v Solihull MBC [2014] EWHC 1283.*

...

Summary of Conclusions

19. *In summary, I have reached the following conclusions:*
 - a) *The assessment of whether "exceptional circumstances" exist to justify altering the Green Belt is a matter of judgment for the authority which is challengeable only on the usual legal principles.*
 - b) *The Council will need to consider whether exceptional circumstances have been made out against the general issue of soundness in the local plan preparation. In assessing whether the plan is sound, the Council will be required to acknowledge the particular aim of the NPPF to meet objectively assessed needs.*
 - c) *The Inspector, in examining the plan, will consider carefully whether the plan is sound in circumstances where the plan policies will not meet the full objectively assessed needs of the housing market area.*

The Committee RESOLVED

That the Committee recommends to Council that:

- i) *As set out in the Advice Note "The Council will need to consider whether exceptional circumstances have been made out against the general issue of soundness in the local plan preparation. In assessing whether the plan is sound, the Council will be required to acknowledge the particular aim of the NPPF to meet objectively assessed needs."*
- ii) *The Advice Note as a whole is related to the full evidence base for the District. This includes an understanding of the process and outcomes of recent Examinations In Public of Local Authorities' Plans in locations such as Dacorum, Reigate & Banstead and Bath & North East Somerset.*

iii) The draft SLP presented to the public for consultation will be produced on the basis that there are 'exceptional circumstances' that justify alteration to the current Green Belt boundaries.

- 2.16 The Council then took forward the [draft SLP](#) on the basis of stages 1 and 2 set out above. The draft SLP went through Reg 18 consultation from 10 October to 23 November 2014 and Reg 19 publication from 8 January and 19 February 2016.
- 2.17 In [June 2015](#) PPC reports of the Reg 18 SLP consultation concisely set out the approach taken to the development strategy and Green Belt release, effectively taking into account the earlier work regarding stages 1 and 2.

PPC 11 June 2015

PPC Report – Responses to Consultation (Session 5: Overall Consultation Response; including complete “Report of Consultation”)

...

Appendix 1

...

General Conclusions and Next Steps

*Another particular line of detailed critique from landowner / developer interests is to question the development strategy by suggesting it is over reliant on a few large sites; particularly east Hemel Hempstead. They argue that these sites will be slow to deliver and that as a result an alternative or complementary mix of smaller sites should be released from Green Belt. **The SLP strategy is overtly based on previously developed land first, then large Green Belt site releases, because of the economic, social and infrastructure opportunities they create. The committee has previously considered reports looking at the issue, which resulted in the proposed approach.***

...

Conclusions on specific issues raised in the consultation response

...

<u>Most frequently raised points</u>	<u>SADC reply and comments / issues for the Plan</u>
<i>Brownfield land and disused/empty premises should be developed rather than Green Belt land</i>	<p><i>Development of these opportunities is an SLP priority. The issue has been previously addressed in answer to Question 1, 2 and 4. As previously set out:</i></p> <p><i>SLP evidence on potential land supply shows that such land can make a significant contribution to the land needed to meet future needs. “Studies will continue to maintain up to date information on urban redevelopment and previously developed land</i></p>

	<p><i>opportunities (SHLAA). Even after this further work is complete, it will clearly not be close to providing sufficient land to meet currently identified needs in full and so avoid green field Green Belt development.”</i></p> <p><i>No additional areas of brownfield land were identified by respondents for consideration.</i></p>
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2.18 The PPC reports of the Reg 19 SLP consultation set out challenges to the SLP including that to the consideration of options and reasonable alternatives. In consideration and responses the approach taken was concisely set out in [appendix 3](#).

PPC 12 July 2016

PPC Report - Responses to Publication Draft Strategic Local Plan - way forward

...

Appendix 3

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Summary Response Point

1. SLP has not considered all reasonable alternatives / options or not chosen most appropriate development strategy

- *Object to development strategy*
- *Over reliance on strategic locations.*
- *Mixed or dispersed development strategy including a range of small, medium and large sites is more appropriate.*
- *Did not properly consider smaller scale expansion of existing villages & larger settlements, where more sustainable, reliable and timely development can be achieved.*
- *Failed to consider previously developed sites / brownfield land in the Green Belt (eg former HSBC & Harperbury)*
- *London Colney is the third most sustainable location in the District and should have an urban extension.*
- *More sites at St Albans because it is the most sustainable location in the district.*
- *Sandridge should be reclassified as a higher tier settlement*
- *Object to Spatial Strategy Sequential approach priority order which gives priority to urban locations*
- *More flexibility required for GF GB locations and not restricted to small scale infilling and redevelopment of previously developed land.*

Representor(s) raising points

- *Bidwells*

- ...
- *GL Hearn obo London Colney Ltd*

Outline Reply agree/disagree
Disagree

Notes
Soundness Issue

Reply (including notes and references)

SADC undertook an evaluation of 4 development strategy options. The highest scoring strategy was selected for the SLP. The evaluation of development strategy options was undertaken in parallel with an analysis of SKM 8 strategic sites. These analyses together with the planning principles of the NPPF underpin the Spatial Strategy and Development Strategy set out in policy SLP1.

https://www.stalbans.gov.uk/Images/SP_Development_Site_Strategy_Options_EvaluationDraftTechnicalReport_tcm15-45213.pdf

Suggested Actions (including any Changes to Plan)
No Change

- 2.19 Next the SLP was submitted to the Secretary of State in August 2016. An initial hearing to consider Duty to Co-operate (DtC) issues (the preliminary legal test related to strategic cross boundary issues) was held on 26 October 2016. After considering objections to the Plan from adjoining local authorities, the Inspector concluded that the SLP did not meet DtC requirements. The Inspector advised that the plan could not proceed to adoption and should be withdrawn.
- 2.20 The Council challenged the Inspector's decision by way of Judicial Review (JR). The hearing took place on 21/22 June 2017. The approved judgement issued on 13 June 2017 dismissed the Council's case.
- 2.21 It is important to make clear that there were ongoing Portfolio Holder meetings with counterparts at adjoining and nearby Councils throughout the period 2013-2016. In these ongoing DtC discussions SADC explicitly asked if others could accommodate any of SADC's housing 'need'. SADC were equivalently asked the same question by several of the other LPAs. In those discussions there was no indication that any other LPA would realistically take any of SADC's housing 'need'.
- 2.22 The judgment in June 2017 effectively ended the draft SLP and a new process leading to the creation of the current draft Local Plan commenced.
- 2.23 In [September 2017](#) the PPC considered the current context for Plan-making and how best to proceed. This included a cross-party [Member presentation](#).

2.24 The context in regard to the stages 1 and 2 was that there was an updated understanding of urban capacity, including with reference to increasing density in urban areas. The clear direction of travel from the Government was that higher housing 'need' figures would have to be considered. In that context, all reasonable options for seeking to meet need without changing Green Belt boundaries would be fully examined.

2.25 This included updating assumptions about urban capacity, including through increased densities. However, it was clear from the beginning of the draft LP process that urban capacity would not realistically provide enough homes to meet need and Green Belt options would need to be considered.

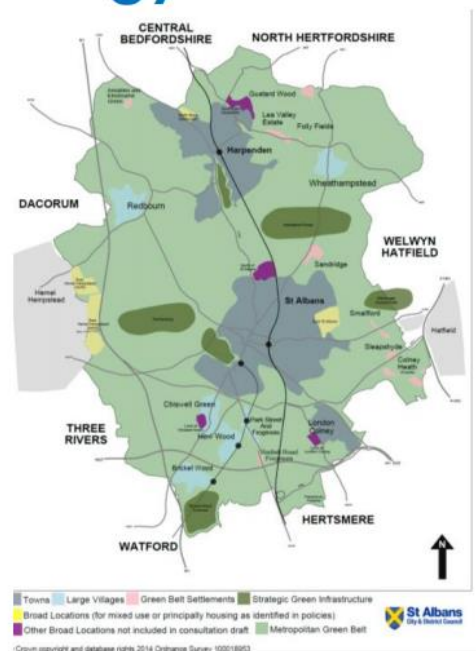
PPC September 2017

PPC September 2017 Member Presentation

IG

Previous Strategy

- Focussed on three major settlements
- Increase density within settlements (5,000 homes)
- Four broad locations in Green Belt (4,000 homes)



Key Questions for New Local Plan

- How to meet housing and employment needs?
- Build and protect sustainable communities?
- Ensure infrastructure is provided?
- Enhance and protect Green Belt?
- Avoid coalescence?
- Protect key ecological habitats/ sites of natural beauty?
- How best to deliver local needs (type, size, mix, tenure)?



Gov HWP Green Belt approach

authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options ... including:

- *making effective use of suitable brownfield sites...;*
- *the potential offered by land which is currently underused, including surplus public sector land where appropriate;*
- *optimising the proposed density of development; and*
- *exploring whether other authorities can help to meet some of the identified development requirement.*



Potential Approaches to Housing Numbers

- Increase density
- Four Broad Locations – SLP
- Four additional Broad Locations - GBR
- Existing villages - small, medium or large - in GB
- 'Garden Suburb(s)' (500 – 5,000 homes)
- 'Garden Village(s)' (1,500 – 10,000 homes) - 10 years+
- 'Garden Town(s)' (10,000+ homes) - 15 years+ - (with other LPAs)



PPC September 2017 Minutes

Presentation

The Government's draft White Paper approach was that Local Planning Authorities should amend Green Belt boundaries only when they had demonstrated that they had examined fully all other reasonable options.

PPC September 2017 Report - Local Plan Next Steps and Direction of Travel

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3.1 *The Council's Draft Strategic Local Plan (SLP) was submitted to the Secretary of State in August 2016.*

3.2 *An initial hearing to consider Duty to Co-operate (DtC) issues (the preliminary legal test related to strategic cross boundary issues) was held on 26 October 2016. After considering objections to the Plan from adjoining local authorities, the Inspector concluded that the SLP did not meet DtC requirements. The Inspector advised that the plan could not proceed to adoption and should be withdrawn.*

3.3 *The Council challenged the Inspector's decision by way of Judicial Review (JR).*

...

4.1 *The Council succeeded in obtaining permission to be heard. This confirmed that in the judge's view there were legal arguments of sufficient merit that they needed to be fully considered. The hearing took place on*

21/22 June 2017. The approved judgement issued on 13 June 2017 dismissed the Council's case.

...

4.5 The clear implication from the Government's outlined approach (in the HWP and subsequently) is that LPAs need to at least start by considering a Plan target that seeks to meet the Government's eventual definition of Objectively Assessed Housing Need (OAN).

4.6 The Government's definition will likely result in a high figure for SADC (and other Hertfordshire LPAs). As a 'best guess', using the Government's latest household growth projections; the information available from the HWP/ LPEG Report and informal discussions with various parties; it may be in the region of 800 dwellings per annum - but it could be more (or fewer).

4.7 It is important to recognise the potential difference between needs assessment figures - OAN and a Plan target. This is recognised in the NPPF and in statute. However, in practice the Government, Planning Inspectorate and nearby/neighbouring Councils appear to expect that development needs figures are translated directly into Plan targets. This seems to apply even in heavily constrained areas (including Green Belt).

Key Factor – 'Housing Need' numbers likely to grow substantially

4.8 Given the points made above it is clear that the Local Plan must propose substantially higher housing need figures. Indicative figures presented in relation to the submission draft SLP position (2011-2031) are shown below.

Updated Indicative Housing Trajectories

4.9 The Table at Appendix 1 provides an updated indicative housing trajectory, based on the proposed new 2018-2036 time period. It identifies the various sources of housing supply that could contribute to meeting housing need. Some elements are in the form of existing planning permissions. Some arise from assumptions about continued development in urban areas or on previously developed land in the Green Belt. Others are options for future Plan sources, largely in the form of levels of Green Belt release.

4.10 This Table is illustrative only, provided to show options, increase understanding and promote discussion. No decisions have been taken on housing numbers, or the ways in which housing targets will be achieved.

Indicative Main Conceptual Options for housing growth locations within and beyond Plan period

4.11 The Local Plan main strategy options, (including as referenced in the Table at Appendix 1), are:

- *Infill, redevelop and increase density in the existing urban areas – City, towns, suburbs and villages*
- *Develop four Broad Locations as identified in the draft SLP*
- *Include four additional Broad Locations as identified in the Independent Green Belt Review*
- *Find further 'Garden Suburb(s)' (500 – 5,000 homes) locations - including possible extended Broad Locations*
- *Expand existing villages through small, medium or large scale Green Belt development. This could be achieved through the Neighbourhood Plan Process, including possibly setting local quotas for each Neighbourhood Plan*
- *Find sites for 'Garden Village(s)' (1,500 – 10,000 homes) within the District. (This is a longer term solution - possibly 10 years till first completions)*
- *Strategic solutions that involve working with other LPAs to find sites for 'Garden Town(s)' (10,000+ homes). (This is likely to take circa 15 years till first completions)*

Appendix 1 Updated Indicative Housing Trajectories (Sep 2017)

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total	Ave 18-36
Base	434	394	418	433	416	361	339	265	265	265	265	265	265	265	265	265	265	265	5,700	315
SLP 4x BLs			180	180	400	400	400	400	315	315	315	315	215	215	215				4,000	
SLP BLs - denser + small additional areas																165	165	165	500	
Total																			9,700	540
4 Additional BLs			72	72	172	267	267	195	195	280	280	280	280						2,360	
Total																			12,060	670
Neighbourhood Plan (NP) 'GB Quotas'		25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	425	
Nominal New 'Garden Village'										250	250	250	250	250	250	250	250	250	2,250	
Total	434	419	695	710	1,013	1,053	1,031	885	800	1,135	1,135	1,135	1,035	755	755	705	705	705	14,760	820

NB: Indicative 18 Yr Plan period 2018-2036 @ 800 dpa = 14,400

NB: Past Short (5yr)/Medium (10yr)/Long (15yr) term averages all = circa 360 per annum (also 360 = former Regional Plan target)

NB: Nominal "under-supply" v DCLG projections 2013 - 2018 = circa 1,000 – Potentially to be made up in Local Plan = circa 60 pa potentially to be added (case law suggests early delivery required if possible)

2.26 At the [September 2017](#) PPC meeting discussion was also had that referenced the many Portfolio Holder DtC discussions that had taken place in preceding months and years. The need to consider all reasonable options, including potentially those in other Districts/Boroughs, before considering Green Belt release was emphasised.

PPC September 2017 - Minutes

Progressing the drafting of the Local Plan

Matters in the SLP/DLP would be re-visited by officers before being included in the draft Local Plan and everything in it would be open for consideration by the Committee, before being subject to public consultation.

Format of the new Local Plan

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A Member referred to the Housing White Paper draft proposals, which made clear that in assessing whether Green Belt land should be released for development Local Planning Authorities would need to demonstrate that they had fully assessed all other reasonable options. He was aware of land around Tring which he understood was neither in the Green Belt nor an Area of Outstanding Natural Beauty and which, in his view, would need to be considered for new housing. He considered that Dacorum Borough Council needed to be asked again if that land could be brought forward for development in its Local Plan.

- 2.27 [PPC considered](#) the Government's proposed new starting point for considering levels of housing 'need', that would be used for the draft LP unless constraints were ultimately to be applied.

PPC October 2017

PPC October 2017 Report - DCLG 'Planning for the right homes in the right places': consultation proposals

...

3.1 This consultation explains Government proposals to take forward a number of proposed changes to national planning policy / guidance raised in the Housing White Paper 'Fixing our broken housing market' (February 2017). This itself had been informed by work previously by the Local Plan Expert Group in 2016. The government intends to produce an updated draft National Planning Policy Framework (NPPF) in 'early' 2018 and to finalise the updated NPPF in 'spring' 2018.

...

4.2 The most important parts of the consultation for the Committee's work in preparing a new local plan are 'the approach to calculating the local housing need' (standard housing needs assessment methodology) and the 'Statement of Common Ground' (which will be required to satisfy the Duty to Cooperate – DtC).

4.3 In respect of calculation of housing need the Government has published illustrative figures for all local planning authorities (LPAs). The figures for the Council (SADC) and nearby / adjoining LPAs potentially involved with SADC in DtC arrangements are summarised in Appendix 1. This is an initial analysis / interpretation by officers and should not be taken as definitive at this stage. There are still issues of detail in application of the methodology that need to be better understood.

4.4 It is important to note that the proposed methodology gives a needs figure of 913 dwellings per annum (dpa) for SADC. *Under the approach to the draft new Local Plan agreed by the Committee at its last meeting, this sets the housing need figure (and unless constraints are ultimately applied) the housing provision target that the Council will seek to meet in the Local Plan.*

2.28 [PPC considered](#) the level of need and realistic urban capacity, including the urban capacity that would be provided by increasing density within existing urban areas.

PPC October 2017 Report - Indicative Draft Local Plan (Issues and Options) Consultation Document, including Call for Sites (for statutory Regulation 18 consultation stage)

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Appendix 1 – Consultation Issues and Questions

3) Potential Approaches to Housing Numbers

There are a significant number of existing sites within the District with planning permission for housing or that will come forward over a period of time as 'business as usual'. These amount to approximately 5,000 dwellings over the period 2020-2036.

The Government requires the Council to seek to provide 14,608 dwellings. Therefore, the Council needs to consider what new approaches would be best to provide the additional 9-10,000 homes required.

There are seven potential sources of additional provision. No one of these will realistically fully provide for all of the 9,000-10,000 additional homes within the period 2020-2036. Therefore the Council will need to consider a combination of several of these sources.

1 - Increase density within existing urban areas

2 - Use the four strategic scale Broad Locations identified in the independent Green Belt Review and included in the previous draft Strategic Local Plan

3 - Use the other four strategic scale Broad Locations identified in the independent Green Belt Review and not included in the previous draft Strategic Local Plan

4 - Expand existing villages - small, medium or large scale development in the Green Belt

5 - Further expand existing towns - 'Garden Suburb(s)' (500 – 5,000 homes) in the Green Belt

6 - Create new village scale settlements - 'Garden Village(s)' (1,500 – 10,000 homes) – realistically 10 years+ till first completions, in the Green Belt

7 - Create new town scale settlements - 'Garden Town(s)' (10,000+ homes) – realistically 15 years+ till first completions - (with other Local Planning Authorities) in or possibly beyond the Green Belt

2.29 PPC, in considering the proposed 'call for sites', was conscious that it would have to ultimately consider the issue of exceptional circumstances.

2.30 In the summer and autumn of 2017 there was a full round of Portfolio Holder DtC discussions with neighbouring and nearby LPAs. In those discussions there was no indication that any other LPA would realistically take any of SADC's housing 'need'.

2.31 It is important to recognise that all the LPAs within the South West Herts Group (SWHG) are wholly bounded by the Metropolitan Green Belt (except for one area of land in north west Dacorum). Outside the agreed Housing Market Area of SWHG, adjoining Welwyn & Hatfield District is also wholly bounded by the Green Belt; and adjoining Central Bedfordshire is bounded by the Green Belt in all of its southern part, extending beyond the northern part of Luton.

PPC November 2017

[PPC November 2017 Minutes](#)

Draft Local Plan (Issues and Options) consultation document

...

· Within the call for sites, land owners' attention will need to be drawn to the need ultimately for the Council to decide if 'exceptional circumstances' exist to release land from the Green Belt. It would be helpful to both land owners and the Council to be clear at any early stage about the sort of significant community advantages which could be taken into consideration.

2.32 PPC in [January 2018](#) directly considered what was then required by the Government with regard to the proposed 'draft NPPF2'. This is broadly similar to what is now required under NPPF (2019) paragraph 137. It clearly was addressing the need to fully explore all reasonable options sequentially before considering Green Belt options.

PPC January 2018

PPC Agenda Item 9 - Spatial Planning Summary Update

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Call for Sites

*The call for new housing sites to be put forward by landowners and potential developers starts 9th January until 21st February 2018. There will also be a call for sites for non residential uses – including employment, health, schools and Gypsy & Traveller sites. **The next step in the consideration of sites put forward will be a review of options for meeting development requirements, including:***

- **making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;***

- *the potential offered by land which is currently underused, including surplus public sector land where appropriate;*
- *optimising the proposed density of development; and exploring whether other authorities can help to meet some of the identified development requirement.*

It is likely that to meet development requirements consideration will need to be given to releasing land from the Green Belt. As set out in previous Planning Policy Committee reports, by definition, as not being part of the identified 8 locations identified as causing 'least damage' to Green Belt purposes, any other locations would cause a higher degree of damage to Green Belt purposes.

The Council, once the details of the new sites have been received, will need to consider if there are any unique opportunities that might be provided in association with any sites put forward that might override the additional level of damage to Green Belt purposes. Including (for these and the 8 sites identified in the Green Belt Review) how the impact is to be offset by compensatory improvements to the environmental quality or accessibility of remaining Green Belt land. This could, for example, include community forests, nature reserves or allotments. As set out in previous Planning Policy Committee reports, other factors to consider might be:

1 - Unique contribution to improve public services and facilities, eg public transport

2 - Unique contribution to enhancing local high quality job opportunities and the aspirations of the Hertfordshire Local Economic Partnership / Hertfordshire EnviroTech Enterprise Zone

3 - Unique contribution to other infrastructure provision or community benefits
The Housing White Paper is suggesting that local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs.

2.33 PPC in January set out the draft forms for a [call for sites](#). This call for sites was explicitly seeking to get updated info for potential sites at any scale and in any locations – large or small, urban or Green Belt.

'Call for Sites' consultation January 2018

Call For Sites - Site Identification Form

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You are invited to put forward any new sites, and the latest information/position regarding existing/known sites, that you would like the Council to consider for its new Local Plan.

Although this 'Call for Sites' focuses primarily on sites for residential development, we are also looking for sites for other uses, such as sites for Employment, Health, Schools, Gypsy and Traveller, and 'Other' uses.

- 2.34 The Council carried out a high level draft Local Plan (LP) Reg 18 consultation and simultaneous 'Call for sites' from 9 January – 21 February 2018.
- 2.35 In taking next steps, PPC then considered a draft methodology to start to look at development strategy and development site options. This equates to - "Stage 2 then determines which sites would best meet the identified need having regard to Green Belt harm and other relevant considerations including whether they are suitably located and developable".
- 2.36 The [PPC report](#) made clear that consideration of whether or not 'exceptional circumstances' existed for GB boundary change was an important, but later phase of work.

PPC March 2018

PPC March 2018 Report - Local Plan - Development Strategy and Draft Strategic Site Selection Process

1. Purpose Of Report

1.1 To agree a strategic site selection process to assist with progressing the draft Local Plan.

...

3. Background Information

3.1 The Local Plan Regulation 18 consultation and 'Call for sites' are now complete. The Council has committed in its published Local Development Scheme and in response to the Intervention Letter from the Secretary of State to make swift progress with its Local Plan.

3.2 There is evidence already available already to allow the committee to make progress and further evidence will come in reports to the committee in April. One key area where progress is now needed is the consideration of potential strategic scale (circa minimum 500 homes or 14 hectares of developable land) development sites.

3.3 The committee has already started to consider the issue of strategic site evaluation and selection process in recent months.

4.1 A significant number of responses to the 'Call for sites' for potential strategic scale sites have been received (see also a report elsewhere on this Agenda). A process of evaluation now needs to be undertaken.

Strategic Site Selection - Evaluation Method

4.2 This evaluation will be of potential strategic scale sites only. These are sites capable of accommodating residential development of a minimum of circa 500 dwellings or 14 Hectares of developable land.

4.3 For the Strategic Sites, site area and indicative site capacity will be calculated and recorded for all such sites. This will generally be on the basis of the method set out in the Council's Green Belt Review (GBR) (60% of the available land area assumed to be available for residential development. Net residential density on this area calculated on the basis of 40 dwellings per hectare).

4.4 The evaluation covers responses to 2018 'Call for sites' and previous Strategic Housing Land Availability Assessment submissions in the above category.

4.5 The evaluation uses the criteria below, based on the approach in PPC reports mentioned above (and as similarly set out in the Call for sites and Local Plan regulation 18 consultation background materials).

Stage 1

1. Green Belt Review evaluation will be undertaken on the basis of a judgement of impact on (i.e. 'damage' to) Green Belt purposes (taking account of the purposes defined in and considered in the relevant parcel assessment in the GBR). Sites are rated as 'higher impact', 'medium impact' or 'lower impact' (set out as Red Amber Green (RAG)). It is important to remember that the independent Green Belt Review set out that "All strategic parcels in the Green Belt, at least in part, clearly perform a key role". The assessment is a comparative one in the context of understanding relative impacts on the Green Belt. To achieve 'further consideration for development' the site must be evaluated as lower or medium impact (Green or Amber). Any Red rating (higher impact) will rule a site out for further consideration.

Stage 2

2. Suitability will set out as (Red Amber Green) if there are any issues which are overriding constraints to development – eg Access, Transport, Heritage, Biodiversity, Flood Risk. Any Red rating will rule a site out for further consideration.

3. Availability will set out as (Red Amber Green) if there are any issues which are overriding constraints to development in terms of land ownership, restrictive covenants etc. Any Red rating will rule a site out for further consideration.

Stage 3

4. Unique contribution to improve public services and facilities, e.g. public transport - (set out as Red Amber Green). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale

5. Unique contribution to enhancing local high quality job opportunities and the aspirations of the Hertfordshire Local Economic Partnership / Hertfordshire EnviroTech Enterprise Zone - (set out as Green Amber Red). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale.

6. Unique contribution to other infrastructure provision or community benefits - (set out as Red Amber Green). Any Green rating is considered to be potentially significantly positive at a District wide (or even wider) scale

7. Deliverable / Achievable is there is a reasonable prospect that the development, including all key aspects (including viability) being assessed as part of the overall 'package' proposed, is viable and deliverable (set out as Red Amber Green). Any Red rating will rule a site out for further consideration.

8. An overall evaluation judgement will be recorded (set out as Red Amber Green) as how the site is evaluated for further consideration for development in the Plan.

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4.8 Further, it is important to bear in mind that when considering potential Green Belt release in due course, the principles set out in the Calverton and Gallagher cases regarding Exceptional Circumstances will be important. The Calverton and Gallagher cases have been considered on several occasions at PPC, including in reports in June 2015 and June 2016. These cases and issues will be addressed in PPC reports in coming months.

PPC March 2018 – PPC Minute

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Local Plan – Development Strategy and Draft Strategic Site Selection Process

The Committee was invited to agree a strategic site selection process to assist with progressing the draft Local Plan.

To assist members of the Committee when considering potential Green Belt releases in due course, officers undertook to remind them of the principles set out in the Calverton and Gallagher cases. These had been referred to in 2 reports made to Committee in June 2015 and June 2016, the links to which are set out immediately below.

[http://stalbans.moderngov.co.uk/documents/s50016824/11%20June 2015%20PPC - G%20Belt%20Except%20Circs.pdf](http://stalbans.moderngov.co.uk/documents/s50016824/11%20June%202015%20PPC%20-%20G%20Belt%20Except%20Circs.pdf)

<http://stalbands.moderngov.co.uk/documents/s50023853/PPC%20June%202016%20-%20SLP%20Submission%20and%20recommendation%20to%20Cabinet%20-%20Final.pdf>

A question was asked about the three stage evaluation process of potential Strategic Sites. The Chairman replied that under Stage 1 of the process a 'Red' rating which was given to any one of the sites suggested meant it would have a higher impact (i.e. 'damage' to the Green Belt) and that site would then automatically be ruled out for further consideration. Under Stage 2, any 'Red' rating given to a site because it had any issue which was an overriding constraint to development ('suitability' or 'availability') would again rule it out for further consideration. How many sites would be likely to drop out under the three stage evaluation process was not known at present.

HoPBC advised that an assessment of potential sites following officer evaluation would be presented to the meeting of this Committee on 22 May 2018. Further checking of the RAG ratings would then be undertaken by an Evaluation Validation Panel of this Committee in order that a final assessment of potential Strategic Sites could be presented to the Committee in June. This was an extremely challenging timescale. Members were asked to set aside the evaluation of potential sites which had occurred during the production of the Strategic Local Plan, because under the Local Plan the process of evaluation would be different.

HoPBC also advised that the Committee might potentially end up with more potential sites than the number which might actually be needed. In such circumstances the Committee would have to make choices. In the event of any very large sites going forward, their delivery period might be longer than that of the Local Plan. Part of the consideration by this Committee would include the timescales for delivery. Such sites might potentially be identified for future development under the next Local Plan. Full Council would finally decide which sites would be included in the Local Plan in the light of recommendations from this Committee and Cabinet.

- 2.37 [PPC considered](#) responses to the 'Call for sites'. This covered sites of any size, small or large and across both urban and Green Belt areas. Large numbers of sites were submitted, but there were very few new ones, especially new urban sites. This was as expected, because of the existing robust evidence and understanding of urban capacity.

PPC April 2018

PPC April 2018 Report - Draft Local Plan and Call for Sites - Report of Consultation

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Call for Sites Consultation responses

4.7 The submissions are presented in Appendices 2 and 3 to this report.

4.8 As noted by the Committee in March, it is very important to bear in mind that the report simply sets out all the sites that have been submitted for consideration. No decisions have yet been taken on what will be included or excluded from the Local Plan itself. Based on previous submissions under the Call for Sites, it is indeed highly likely that a large proportion of the sites submitted will not be allocated for development.

4.9 As can be seen in the schedule of submitted sites 2018 (Appendix 2) and the map of submitted sites 2018 (Appendix 3), there is a widespread distribution of such sites across the District.

4.10 It should be noted that the Strategic Site Assessment process agreed by PPC will include sites submitted to previous 'call for sites' exercises as well. The large majority of sites that have previously been submitted have also been submitted in 2018 and are set out in Appendix 2 and 3. There are a small number of sites where submissions previously made were not made this time.

[Extract from Appendix 2]

APPENDIX 2: Schedule of submitted sites 2018

Site Address	Green Belt or Urban	Area (ha)	Parish	Site reference	Number of dwellings proposed in submission	Proposed use if not residential
South of Hillydye Road (Ayot Estate)	GB	3.598	Wheathampstead	SHLAA-GB-W-3	100	
Off Codicote Road (Former Murphy Chemicals Storage Yard)	GB	1.383	Wheathampstead	SHLAA-GB-W-7	Not Given	
Folly Meadow, off Lower Luton Road	GB	1.417	Wheathampstead	SHLAA-GB-W-11	25	
Land, North of Tippendell Lane, How Wood	GB	11.45	St Stephen	SHLAA-GB-PS-14	250	
Between Tippendell Lane and Orchard Drive, How Wood	GB	2.319	St Stephen	SHLAA-GB-HW-15	50 to 60	
R/o 42-52 Bucknalls Drive, Bricket Wood	GB	1.507	St Stephen	SHLAA-GB-BW-16	15	
North of Blackhorse Lane	GB	1.663	Redbourn	SHLAA-GB-R-19	Not Given	
West of St Albans Road, South of Hopkins Crescent	GB	0.4	Sandridge	SHLAA-GB-S-24	10 to 20	
Pound Farm, High Street	GB	1.381	Sandridge	SHLAA-GB-S-25	Not Given	
Land to the north east of Sandridge	GB	3.792	Sandridge	SHLAA-GB-S-26	Not Given	
West of Morris Recreation Ground, adjacent to A1081 and White Horse Lane	U	0.126	London Colney	SHLAA-U-LC-33	35	
Land at Roundhouse Farm, Roestock Lane	GB	5.337	Colney Heath	SHLAA-GB-CH-37	120	
Noke Side, Chiswell Green (Parts A & B)	GB	1.044	St Stephen	SHLAA-GB-CG-40	Not Given	
St Julian's Farm, off Watling Street (Part of 255)	GB	4.327	St Stephen	SHLAA-GB-PS-46	Not Given	
Land at Piggottshill Lane	GB	0.94	Harpenden Town	SHLAA-GB-H-59	6	
Land adjacent to Falconer's Field	GB	1.158	Harpenden Town	SHLAA-GB-H-60	Not Given	
Land north of Beesonend Lane	GB	4.125	Harpenden Town	SHLAA-GB-H-61	Not Given	
South of Cross Lane, west of railway line	GB	6.471	Harpenden Town	SHLAA-GB-H-67	85 to 120	
Southdown Industrial Estate, Southdown Road	U	2.382	Harpenden Town	SHLAA-U-H-69	Not Given	

2.38 PPC then looked at options for potential Green Belt release. This work built on the earlier SKM Green Belt Review work, in the context of higher housing 'need' based on the Government's 'Standard Methodology'. This used rigorous Green Belt analysis allied to a simple RAG system, in the [Strategic Site Selection report](#).

2.39 In the Strategic Site Selection report, the 8 sites identified in the SKM GB review ([GB004](#)) were identified as 'Green' (low impact) rated. This showed the lowest levels of Green Belt impact for strategic scale sites. As this did not provide sufficient sites to at least consider options to wholly meet identified housing 'need' (standard methodology) four additional sites not identified in the SKM work were identified. These four sites all demonstrated the next category of 'medium impact' strategic scale Green Belt impacts, after the Green sites and were identified as 'Amber' sites.

PPC 22 May 2018

PPC [May 2018 Agenda Item 8 \(iii\)](#) Letter from SEGRO

PPC [May 2018 Report](#) - Local Plan – Draft Strategic Site Selection Evaluation Outcomes

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3.5 It was previously agreed at PPC's March meeting that strategic scale sites are those that are "capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land". The evaluations cover responses to the 2018 'Call for Sites 2018' and previous Strategic Housing Land Availability Assessment (SHLAA) submissions.

3.6 As agreed at March's PPC meeting, each site has been evaluated using a Red Amber Green (RAG) system. Each site has been assessed against three stages and eight criteria as follows:

Stage 1

1. Green Belt Review (GBR) evaluation

Stage 2

*2. Suitability
3. Availability*

Stage 3

*4. Unique contribution to improve public services and facilities
5. Unique contribution to enhancing local high quality job opportunities
6. Unique contribution to other infrastructure provision or community
7. Deliverable / Achievable
8. Overall Evaluation*

3.7 As agreed at March's PPC meeting, any Red rating given at Stage 1 or Stage 2 rules the site out for further consideration.

...

4.4 The thresholds agreed by PPC at its March 2018 meeting were “sites capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land”. A number of sites have been submitted which are not small, but also do not meet the scale or capacity thresholds agreed. Although these sites can be noted for general awareness, they fall sufficiently below the overall scale and dwelling capacity to not be taken forward to Stage 1 assessment. Such sites, between 10.5h and 14h dwellings or of a capacity of 375-500 dwellings, are therefore included as Table 2 of Appendix 1. Other sites included in Table 2 include those which have been superseded by new site submissions with similar site boundaries, and those which have been constructed since the submission.

...

4.6 There is a map of the Table 1 (Appendix 1) strategic scale sites at Appendix 2a. The combined sites referred to in paragraph 4.4 above and within Table 2 of Appendix 1, are included as Appendix 2b. The evaluation forms are at Appendix 3. The methodology for the assessments are as agreed in the March 2018 PPC meeting.

4.7 The independent Green Belt Review (GBR) identifies strategic land parcels, and assessed each parcel against its level of contribution to the 5 Green Belt purposes. The level of contribution could be ‘Significant’, ‘Partial’ or ‘Limited/No’. For Stage 1, any ‘Significant’ or ‘Partial’ assessments against any of the 5 purposes have been quoted in italics in the evaluation forms.

...

4.9 The committee is reminded that the GBR provided indicative boundaries for the strategic sites. The GBR explicitly set out that these indicative boundaries would need to be looked at further in determining what should be finalised boundaries for a Local Plan. These current assessments are based on evolving considerations, including opportunities to deliver additional housing. It is expected that the Local Plan/masterplanning process will review the indicative boundaries and bring forward final boundaries.

4.10 Some of the strategic scale sites will have been given an evaluation against Stage 1 of Red, were ‘shortlisted’ as part of the 2009 Strategic Housing Land Availability Assessment (SHLAA). It should be noted that the SHLAA was only a very high level document and sites ‘shortlisted’ in it were not assessed in the context of a strategic GBR. The GBR is at the core of this Strategic Sites Selection methodology which effectively supersedes the 2009 SHLAA.

4.11 The evaluation forms conclude that 8 sites have an overall evaluation of Green. These are the same 8 sites that were concluded in the GBR as making the least contribution towards Green Belt purposes. These sites are East Hemel Hempstead (North), East Hemel Hempstead (South), Land at Chiswell Green, North East Harpenden, North West Harpenden, North St Albans and East St Albans.

4.12 The evaluation forms concludes that 4 sites have an overall evaluation of Amber. These sites are South East Hemel Hempstead, North Hemel

Hempstead, the Former Radlett Aerodrome and North East Redbourn.

PPC May 2018 Minutes

...

Local Plan - Draft Strategic Site Evaluation Outcomes

...

Members commented that it had been generally intended that sites contribute more than 500 dwellings but page 108 showed a site of 420 dwellings. They asked how this met thresholds. Officers replied that the threshold and capacity assessment method was very important in initially identifying the larger, strategic opportunities, but the Committee had previously agreed that it not be applied absolutely. The threshold was circa 500 homes or circa 14 hectares of developable land. Site specific circumstances had also been factored in. The site in question was a case in point, where detailed assessment showed that it could contribute 580 dwellings.

2.40 PPC in May 2018 also considered an indicative draft of the LP. It took on board directly the need to increasing density in policy S1 and S2. The draft trajectory at [appendix 3](#) shows clearly that the Council was seeking to fully explore all reasonable options to bring forward non-Green Belt land.

2.41 The appendix 3 shows not only updated assumptions about urban capacity, Green Belt PDL, windfall etc. it also shows results from proposed policies in the draft LP itself to fully explore non-Green Belt potential sources of housing. These included the new category “Local Plan / NPPF Choices – Delivering Urban Optimisation”, showing residential delivery from:

Intensification / Conversion of Employment Land
Council Owned Sites
Increased Density in Higher Buildings

2.42 Even with these approaches, it still left a very large ‘gap’ when taken against Government’s ‘standard methodology’. The appendix 3 (now LP appendix 2) showed total capacity from all of these sources of circa 5,000 homes, clearly far short of the 14,608 homes set out by the Government’s ‘standard methodology’ for housing ‘need’.

2.43 In determining the capacity of the 8 SKM-identified sites for housing, a net density of 40dph was applied which was higher than historic rate to ensure best use of land. For all 8 SKM identified potential Green Belt strategic housing sites this gave a total capacity of circa 6,000 homes. When combined with the total non-Green Belt green field capacity previously identified as also circa 5,000 homes, this circa 11,000 total was clearly far short of the 14,608 homes set out by the Government’s ‘standard methodology’ for housing ‘need’. Therefore all 8 of the Green (low impact) rated sites and 3 of the 4 Amber (medium impact) rated sites were included in the draft LP. The draft LP itself also directly considered the issue of ‘Exceptional Circumstances’.

PPC May 2018 Report - [Indicative new draft Local Plan for Publication \(Regulation 19 stage\) consultation](#)

1.0 Purpose Of Report

1.1 To present an indicative new working version of a draft Local Plan for Publication (Regulation 19 stage) for early review before the June 2018 PPC meeting. At the June meeting a draft Local Plan is due to be recommended to Cabinet.

...

3.1 As agreed at previous PPC meetings, the Committee's work programme sets out consideration of an indicative new draft Local Plan (LP) at this meeting. This is to give councillors an early opportunity to give feedback.

3.2 Following legal advice, further work is required on the evidence base which will necessitate re-evaluation of the approach and strategy for housing development. The draft plan attached to this report should be considered as a working draft and will be subject to change / modification.

...

3.5 The committee is due to receive important further information at the June 2018 meeting which will form part of considerations on the draft LP at that stage. This includes the finalised Strategic Site Selection Process, the full Sustainability Appraisal and a number of the Local Plan Appendices. The working draft LP at Appendix 1 provides an early opportunity for the committee to comment before the draft LP is finalised. As the committee is aware, decisions on the content have not yet been made at this stage.

...

Analysis and Findings

4.1 The national context for the new draft Local Plan is set out through a combination of Statute, Regulations, policy and guidance. At this time, the primary source of national policy is the National Planning Policy Framework (NPPF). As discussed at PPC in April 2018, the government is currently consulting on a revised NPPF. The supporting information for the consultation and discussions with Ministry of Housing, Communities and Local Government (MHCLG) officials (in a variety of forums) indicate that the finalised revised NPPF is highly likely to be very similar to the version consulted on. It is also MHCLG's intention to publish the finalised revised NPPF in July 2018.

4.2 Neither the exact timeframe nor the exact content can be judged as certain at this time. The recent appointment of a new Secretary of State for Housing, Communities and Local Government is a further uncertainty. However the direction of travel from the Government, including for the prioritisation of significantly increased housing delivery, is very clear. There have been an array of consultations including the 'Planning for the Right Homes' consultation in 2017, the Housing White Paper 2017 and the information supporting the current NPPF consultation/ Planning Practice Guidance (PPG) consultation. Overall, it is a reasonable approach to move forward at this time assuming that the NPPF update (colloquially called NPPF

2) will be finalised relatively soon and with content very similar to that currently being consulted upon.

...

4.9 The working draft LP is described as 'indicative' at this stage. This is because it is presented as an early working draft in order to indicate the overall shape and direction of the Plan. This is particularly in respect of 'strategic policies' (following the NPPF 2 requirement) and identification / selection of the Broad Locations for and the Green Belt changes that would result.

4.10 The drafting, particularly of the site allocations, local policies and the Policies Map, is still in need of refinement. Officers consider that there has been sufficient development of the working draft to enable the Committee to give informed comment. Officers intend to present and recommend a further developed draft for the June meeting. This includes tasking into account further comments from the Committee, internal SADC departments and a review of the evidence etc. There will need to be further evaluation of the Broad Locations following the gathering of evidence on the relative merits of different sites, uses and approaches. This had always been envisaged at this stage, due to the very concise timetable for LP development. Formatting and numbering will also be updated.

4.11 The direction of travel from the Government and the Planning Inspectorate is that they support an approach to Local Plan drafting that is very focussed and concise. A general aspiration has been mentioned by some for 'a 50 page Local Plan'.

4.12 Deliberate choices have been made to restrict the draft Local Plan to the essential questions. These are the 'what, where, when, how' questions and the detail that will enable the public, stakeholders, Councillors, applicants and Development Management officers to be clear as to what will and will not gain permission. There will be further supporting information to aid the Inspector at Examination.

4.13 As mentioned at the PPC meeting in March, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is a key issue for the draft LP. It will be addressed in more detail in the reports to the June PPC meeting.

4.14 However, given its importance, it is worth noting that the Calverton legal case most directly addresses the matter of 'exceptional circumstances' (see previous PPC reports on the issues from June 2015 and June 2016). As always it is important that judgments are read as a whole and in context. However it is possible to summarise the key issue by using paragraph 51 of Calverton as shorthand. It sets out:

In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional

circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

4.15 Broadly similar matters apply to potential Green Belt boundary change in relation to both housing and employment need.

4.16 The committee will note that the working draft Local Plan at Appendix 1 contains 11 Broad Locations. These consist of all 8 of the Green rated sites from the draft Strategic Site Selection process (report on this Agenda). Officers have come to the initial draft conclusion that the advantages of 2 of the included sites (Hemel Hempstead North and South East Hemel Hempstead), as identified, are greater than that of the excluded site. In relation to the Park Street Garden Village Broad Location, this is a conditional allocation. After legal advice, this allocation will be the subject of a fresh re-evaluation following the gathering of evidence on the relative merits and importance of delivering the site either for housing or the Strategic Rail Freight Interchange, for which it was found that there was a national need. This re-evaluation will include looking at alternative strategies which would deliver the identified housing elsewhere including options such as identifying a Housing Target for Neighbourhood Plan areas.

4.17 The committee will also be able to note that the draft LP proposes to take the land out of the Green Belt on the former Hill End / Cell Barnes hospital sites. This is the same approach as that in the former draft SLP/DLP and regularises what is now on the ground a suburban part of St Albans.

4.18 As mentioned at paragraph 3.5 above, a full draft Sustainability Appraisal / Strategic Environmental Assessment (SA) will be reported to PPC in June. A draft SA Working Note is at Appendix 4. This is the latest in a series of SA Working Notes and helps provide the Committee with some further understanding of the range of potential impacts of different options.

4.19 As also set out at 3.5 above, it should be noted that other important work is ongoing. This includes the full Sustainability Appraisal, finalisation of the Strategic Site Selection Process (report on agenda), evidence base etc. These work streams could lead to a range of minor or potentially significant changes to the draft.

...
[Appendix 1](#)

...

Chapter 1 – Development Strategy and Metropolitan Green Belt

Policy S1 - Spatial Strategy and Settlement Hierarchy

Development will be concentrated on the basis of settlement categories 1-4 set out in the Table below. This gives priority to larger urban centres, which provide a greater range of services and facilities and to central places within the urban areas that offer greater accessibility by public transport, walking and cycling.

Development must make efficient use of land by increasing the density and height of development. This will be encouraged, particularly in the most accessible parts of the main urban settlements (below).

Policy S2 - Development Strategy

Government figures for housing need, and appropriate approaches to employment land provision, create the exceptional circumstances that necessitate major development in locations previously designated as Green Belt.

All Category 1 settlements and one Category 2 settlement (Chiswell Green) will be expanded at 'Broad Locations' for development. A new settlement, 'Park Street Garden Village', will be created and designated as Category 2 under Policy S1. These locations minimise adverse impacts on the purposes of the Metropolitan Green Belt.

The “exceptional circumstances” required for Green Belt release for development only exist in the Broad Locations set out in Policy S6 and the Policies Map. They also only exist for the specific forms of development and with the required elements set out in Policy S6, the Policies Map and other Policies in the Plan.

...

Appendix 3

HOUSING TRAJECTORY: St Albans District Council 1 April 2018 (Indicative Draft)																										
Description	5 Year Land Supply					Land Supply - To 1 April																			Total	
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	32/33	33/34	34/35	35/36							
Under construction	150	142	49	18	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	367	
With planning permission (full or reserved matters covering whole site)	10	27	95	212	215	170	18	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	757	
Small Sites with permission	90	38	16	10																					154	
Conversions with permission	36	34	14	8																					92	
With outline permission with part(s) covered by reserved matters																									0	
Outline only	0	0	0	47	70	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	171	
Where full Outline or reserved matters at post committee resolution or subject to S106 negotiations	0	0	50	56	50	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	206	
With application submitted	0	0	0	25	25	24	24	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	
With pre-application discussions occurring	0	0	49	40	45	92	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	291	
Allocation only	0	0	0	0	0	18	11	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40	
SHLAA Sites and other sites	0	0	0	40	70	94	45	16	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	273	
Garage Sites Program	13	7	6	18	20	2	5	3	7	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	89	
Windfall Allowance	53	79	89	95	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	1,891	
Office to Residential Prior Approval 10%discount	142	156	113	48	12	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	480	
Council Owned Sites							20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	260	
Unanticipated delay factor*	-62	-57	-55	-73	-71	-73	31	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	0	
Total	432	426	428	544	541	553	324	219	162	169	155	155	155	155	155	155	155	155	155	155	155	155	155	155	5,193	
*Discount is applied to unstated permissions only																										
Local Plan / NPPF Policies - Delivering Urban Optimisation																										
Intensification / Conversion of Employment Land					0	0	0	0	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	440	
Council Owned Sites							0	0	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	220	
Increased Density in Higher Buildings							0	0	0	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	220	
Total	0	0	0	0	0	0	0	0	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	880	
Local Plan - Inc. Broad Locations																										
	Pre plan period					Plan Period																			Post plan	
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total						
Current known/expected delivery (2020-2036)	432	426	428	544	541	553	324	219	162	169	155	155	155	155	155	155	155	155	155	155	155	155	155	155	3,906	
EHH North (1,600 not inc. 120 at Spencers Park Pl)							75	140	180	180	180	180	180	180	140	100	65								1,600	
North Hemel (1,500)															75	125	125	125	125	125	125	125	125	125	1,000	
EHH South (2,400)							75	140	180	180	180	180	180	180	180	180	180	180	180	180	180	180	180	180	2,000	
NW Harpenden (580)							75	75	75	75	75	75	75	55											580	
East St Albans (900 + 348 already permitted)							75	100	100	100	100	100	100	100	100	100	25								900	
N St Albans (1,100)							75	120	120	120	120	120	120	85											1,000	
NE Harpenden (760)										75	75	75	75	75	75	75	75	75	75	75	75	75	75	75	760	
W of London Colney (440)										75	75	75	75	75	65										440	
Chiswell Green (365)								75	75	75	75	75	65												365	
Park Street Garden village 2,300										80	150	180	180	180	180	180	180	180	180	180	180	180	180	180	1,670	
LP / NPPF - Delivering Urban Optimisation										80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	880	
Trajectory Total	432	426	428	544	541	703	744	869	1047	1209	1265	1285	1200	1100	995	920	860	795	795	795	795	795	795	795	14,671	
NB: Trajectory Average 2020-2025; 2025-2030; 2030-2036																										
680																										
1,201																										
NB: Housing Requirement/Target - inc. 20% buffer for 2020-2036 and remainder averaged over 2025-2036																										
565																										
1,075																										
1,075																										
915																										

2.44 In the PPC public [Questions and Answers](#) additional clarity was given regarding the approach to potential 'small sites', particularly potential 'small sites' within the Green Belt. The Council Answer followed the consistent approach at PPC and in the draft LP that strategic scale sites offer infrastructure and community benefits in a way that small sites do not (for example, all of the Broad Locations in the draft LP will be providing at least one school within the Broad Location). In the context of potential Green Belt release, the advantages of strategic scale sites over smaller ones was an explicit evaluative choice made by the Council. Small scale sites in the Green Belt have been assessed in the [SHLAA](#), the [SKM](#) work and in drafting the [SLP](#), but not taken forward in the draft LP due to the strategic approach taken.

PPC May 2018 Public Questions and Answers

Mark Aylward, Director, ATP (for Joshua Carson, King and Co.)

The draft replacement NPPF sets out a very clear obligation to ensure that smaller sites should provide a substantial contribution to the Plan-led delivery of new homes. Can the Chairman seek clarification as to where the draft Plan demonstrates that smaller sites (non-strategic) have been assessed properly and in detail for their potential to be released from the Green Belt? It would appear that very few (if any) such sites have been identified for allocation and this is completely at odds with the advice set out in the emerging replacement NPPF. On the assumption that detailed analysis has been undertaken for all of the submitted sites (including non-strategic sites) can this be published so that all involved in the Plan process are clear how decisions are being arrived at.

[Council Written Answer]

The draft Local Plan Appendix 5 will set out a significant number of 'small sites' with permission in the version to June PPC. The issue is addressed in the draft LP itself.

The draft Plan process is clearly based on identification of strategic level sites in the Green belt (see Planning Policy Committee papers Item 10. - para 4.4 in particular). This is an appropriate approach to Green Belt review and release, bearing in mind 'exceptional circumstances' need to be demonstrated in order to justify any change to GB boundaries. More than sufficient provision to meet 'need' has been identified. Small sites in the Green Belt submitted through the call for sites have not been needed or assessed. Further Green Belt small site opportunities will be available through policies set out in the LP (eg rural exception sites) and through Neighbourhood Plans.

The NPPF revision (at draft / consultation stage only) referred to does not set out that 'small site' locations need be in the Green Belt.

- 2.45 The June 2018 PPC Reports contain the greatest amount of key information in considering these Matters overall. The first main report identifies at paragraphs 4.14 – 4.16 below key considerations from the *Calverton* case and how they have been addressed in considerations by SADC. These *Calverton* stages equate very similarly, though not exactly, to the stages and steps being considered in this topic paper.
- 2.46 It goes on further to set out at paragraph 4.18 that, based on the Strategic Site Selection work, itself based on the earlier Green Belt Review, that all 9 sites identified in the SKM Review were being taken forward as the 8 residential Green rated sites and the one employment site
- 2.47 It also addresses the specific evaluative preference for large sites that can best deliver infrastructure and community benefits at Annex 1.

PPC 12 June 2018

PPC June 2018 [Agenda Item 8 \(i\)](#) – Letters from Hogan Lovells

PPC [June 2018 Report](#) - Draft Local Plan for Publication (Regulation 19 Stage) Consultation - Recommendation to June Cabinet

3.0 Background Information

3.1 As agreed at previous PPC meetings, the Committee's work programme sets out consideration of a new draft Local Plan (LP) at this meeting.

3.2 Following legal advice mentioned in reports to PPC in May 2018, further work has been required on the evidence base which has necessitated re-evaluation of aspects of the approach and strategy for housing development. That work has been undertaken and can be seen at Appendix 1. It is important to note that there will be ongoing work in this area and that it will be subject to further review in the future. Any significant matters will be reported to the Committee for awareness/consideration as appropriate.

...

4.0 Analysis and Findings

4.1 As mentioned in the April 2018 PPC reports, the national context for the new draft Local Plan is set out through a combination of Statute, Regulations, policy and guidance. At this time, the primary source of national policy is the National Planning Policy Framework (NPPF). As discussed at PPC in April 2018, the government is currently consulting on a revised NPPF. The supporting information for the consultation and discussions with Ministry of Housing, Communities and Local Government (MHCLG) officials (in a variety of forums) indicate that the finalised revised NPPF is highly likely to be very similar to the version consulted on. It is also MHCLG's public intention to publish the finalised revised NPPF in July 2018.

4.2 As is common at this stage, in order to inform officer work, an informal discussion with Counsel was held on 25 April. Also as is common at this stage, in order to inform officer work, an informal visit by a senior Planning Inspector was held on 2 May.

4.3 The draft LP makes use of much of the previous good work by the Committee and the input of residents and stakeholders. Therefore, significant elements of the previous draft Strategic Local Plan (SLP) and draft Detailed Local Plan (DLP) have formed bases of much of the detailed policy wording.

4.4 The responses to the Local Plan regulation 18 consultation in January/February 2018, as reported to April PPC, have also themselves informed the draft.

4.5 As mentioned at paragraph 3.3 above, a draft Sustainability Appraisal / Strategic Environmental Assessment (SA) is at Appendix 2. This is the latest in a series of SA reports and SA Working Notes and provides the Committee with updated understanding of the range of potential impacts of the different Plan options considered. The draft SA (and previous Working Notes) includes explanation of important linkages to the overall process of replacing the 1994 District Local Plan Review. This includes the complex history of consultation on various options (most recently in the SLP / DLP). It is important to note that the draft SA includes a new potential reasonable alternative of 1,200 dwellings per annum. This is in order to provide consideration of either choosing to prioritise even higher levels of housing delivery and/or potentially helping neighbouring or nearby authorities to meet any unmet need in their area.

4.6 Following the approach indicated in the Regulation 18 consultation, the draft LP sets out an approach that is seeking to deliver an average of 913 homes per annum. This meets the Government's proposed 'standard methodology' figure for housing need in full across the LP period 2020-2036. In order to allow realistic time for delivery of the homes and infrastructure, the LP takes a 'stepped' approach to housing targets. This has become common in recent years in adopted Plans and is directly addressed in the Government's current Planning Practice Guidance draft update.

4.7 Minor amendments to the drafting, formatting, presentation and numbering etc. will be further updated as the document is finalised for the purposes of public consultation.

4.8 As noted at PPC in May 2018, the direction of travel from the Government and the Planning Inspectorate is that they support an approach to Local Plan drafting that is very focussed and concise. A general aspiration has been mentioned by some for 'a 50 page Local Plan'.

4.9 Deliberate choices have been made to restrict the draft Local Plan to the essential questions. These are the 'what, where, when, how' questions and the detail that will enable the public, stakeholders, Councillors, applicants and Development Management officers to be clear as to what will and will not gain permission. There will be further supporting information to aid the Inspector at Examination.

4.10 As briefly discussed at PPC in May 2018, Broad Location indicative area and capacity calculations are at Appendix 4. It is important to bear in mind that at this stage in the evolution of the draft LP these calculations need to be robust in overall terms, but not absolutely exact.

4.11 As mentioned at the PPC meetings in March and May 2018, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is a key issue for the draft LP.

4.12 As addressed by PPC in considerable depth since its inception in 2013, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is central to the draft LP. PPC reports considered the issue to some degree at its March and May 2018 meetings. PPC has considered the policy and legal context of 'exceptional circumstances' in detail most recently at its meetings in June 2015 and June 2016. As set out in those reports, the Calverton case most directly addresses the matter of 'exceptional circumstances'. The 2015 and 2016 reports also refer directly to the legal and national policy contexts in which those court decisions were taken.

4.13 As always it is important that judgments are read as a whole and in context. That is also the same for reading of the NPPF. However it is possible to summarise the process officers have used to come to their conclusions by using paragraph 51 of Calverton as shorthand. It sets out:

In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

4.14 In simple terms in relation to Calverton paragraph 51 above:

Preamble and (i) - are addressed in the Government's proposed standard methodology, the St Albans SHMA and SHMA update and the South West Herts Group SHMA

(ii) - Can be found in 'housing trajectory/land supply data in the draft LP. This itself has been informed by the 'Call for Sites', Authorities Monitoring Report and Strategic Housing Land Availability Assessment processes

(iii) - The District is wholly bounded by the Green Belt and Duty to Cooperate discussions with adjoining and nearby authorities currently show no reasonable prospect of the District's housing need being met elsewhere at this point in time. Work with adjoining and nearby authorities is ongoing. The NPPF / sustainable development approach is also covered in the Strategic Site Selection work and the Sustainability Appraisal

(iv) - This is addressed in the independent SKM Green Belt Review and the Strategic Site Selection work

(v) - This is addressed by a combination of the Green Belt Review, land supply information and the development approach in the draft LP

4.15 A broadly similar approach exists in relation to the economic development land at East Hemel Hempstead in the draft LP. However the understanding of 'need' relates also to the stock and supply of economic development land in the district and sub-region and the priorities of the Hertfordshire Local Economic Partnership.

4.16 As set out in the case law, the issue of 'exceptional circumstances' must be addressed with reference to the individual Broad Locations and the Spatial Strategy of the LP as a whole. In summary, the SKM Review and the Strategic Site Selection work sets out the key impacts in direct relation to the Green Belt. The Strategic Site Selection work and the SA evaluates a range

of likely economic, environmental and social impacts/benefits/costs. The Strategic Site Selection work/developer engagement process has given further detail that assists in considering other impacts in relation to the deliverability of the overall aspirations set out in the draft LP.

4.17 Paragraph 125 in Gallagher also contains helpful context:

125. From these authorities, a number of propositions are clear and uncontroversial.

i) Planning guidance is a material consideration for planning plan-making and decision-taking. However, it does not have statutory force: the only statutory obligation is to have regard to relevant policies.

ii) The test for redefining a Green Belt boundary has not been changed by the NPPF (nor did Mr Dove suggest otherwise).

a) In Hunston, Sir David Keene said (at [6]) that the NPPF "seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process, but states that 'the general extent of Green belts across the country is already established'". That appears to be a reference to paragraphs 83 and 84 of the NPPF. Paragraph 83 is quoted above (paragraph 109). Paragraph 84 provides: "When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development...". However, it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2: paragraph 83 above), and has always required 7 "exceptional circumstances" to justify a revision. The NPPF makes no change to this.

b) For redefinition of a Green Belt, paragraph 2.7 of PPG2 required exceptional circumstances which "necessitated" a revision of the existing boundary. However, this is a single composite test; because, for these purposes, circumstances are not exceptional unless they do necessitate a revision of the boundary (COPAS at [23] per Simon Brown LJ). Therefore, although the words requiring necessity for a boundary revision have been omitted from paragraph 83 of the NPPF, the test remains the same. Mr Dove expressly accepted that interpretation. He was right to do so.

iii) Exceptional circumstances are required for any revision of the boundary, whether the proposal is to extend or diminish the Green Belt. That is the ratio of Carpets of Worth.

iv) Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law, and a plan-maker may err in law if he fails to adopt a lawful approach to exceptional circumstances. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration."

4.18 The Committee will note that the draft Local Plan at Appendix 3 contains 11 Broad Locations. These consist of all 8 of the Green rated sites from the Strategic Site Selection process (report on this Agenda). Officers have come to the conclusion at this time that the advantages of 2 of the included sites (Hemel Hempstead North and South East Hemel Hempstead), as identified, are greater than that of the excluded sites. In relation to the Park Street Garden Village Broad Location, this continues to be a conditional allocation. After legal advice, this allocation has been the subject of a fresh re-evaluation following the gathering of evidence on the relative merits and importance of delivering the site either for housing or the Strategic Rail Freight Interchange, for which it was found that there was a national need. This re-evaluation has included looking at alternative strategies which would deliver the identified housing elsewhere including options such as identifying a Housing Target for Neighbourhood Plan areas. This re-evaluation is at Appendix 1.

4.19 It is important to note that, as Appendix 1 sets out:

Key issue – At a point in time

This re-evaluation is appropriate for this point in time. It will be revisited as time and the situation progresses. Assessment and judgments for these issues are time-sensitive and there is significant potential for revision. This is in particular given the high likelihood that the new NPPF Update will be published in June/July 2018.

The Regulation 19 formal consultation stage itself is yet to come. This stage and consideration of representations made at this stage will be an important matter for the Council in deciding on progress towards submission. Parties including SEGRO / Helioslough, the Government, the Railfreight industry, HCC etc. will be fully able to respond to that consultation and we welcome their formal feedback at that stage.

Conclusion

Overall, at this time, the current view of officers is that the draft Broad Location for Park Street Garden Village is the most appropriate response to the evidence available. This will be kept under ongoing review, in particular in the light of responses to the Regulation 19 Local Plan formal consultation.

4.20 The Committee will also be able to note that the draft LP proposes to take the land out of the Green Belt on the former Hill End / Cell Barnes hospital sites. This is the same approach as that in the former draft SLP/DLP and regularises what is now, on the ground, a suburban part of St Albans.

4.21 At this time and on the basis of the evidence, officers consider that the test for 'exceptional circumstances' requiring alteration to Green Belt boundaries as set out in the draft LP at Appendix 3 has been made.

APPENDIX 1 – Item 10

Draft Park Street Broad Location - re-evaluation following the gathering of evidence on the relative merits of housing and the SRFI as well as alternative strategies which would deliver the identified housing elsewhere

...

Alternative housing development strategy options and effects of different strategies tested against the current proposed strategy

...

6) Development of a number of smaller sites currently in the Green Belt

This option is a variant on 2) and fails against the same NPPF requirements. Identification of sufficient smaller sites would unacceptably spread the adverse impacts of development on Green Belt purposes. It would also prevent the Plan maximising the infrastructure and community benefits that will arise only from larger scale urban extensions. The Local Plan Development Strategy clearly sets out to achieve a range of socio – economic benefits and this arises particularly from larger sites that are likely to provide a range of services and facilities that will benefit the whole community, not just new residents.

2.48 Following recommendations from PPC and Cabinet, Council considered and decided that the draft Local Plan be published under Reg 19.

Council [11 July 2018](#)

Council [July 2018 Minutes](#) - Decision

(i) That Council agrees to proceed to formal publication of the Draft Local Plan (as presented in the Council Summons) under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012...

2.49 The [draft SA Working Note](#) was considered by PPC and Cabinet in June 2018. The finalised [SA report](#) accompanied the LP Reg 19 consultation in September - October 2018. It set out:

...

4 Development of the Local Plan

4.1 Introduction

The consideration and appraisal of alternative options is an integral part of the plan making and SA processes. The SA needs to consider reasonable alternatives for delivering the objectives of a plan and provide information to the plan makers to be used in the decision making process when selecting the preferred alternatives. It is not the purpose of the SA to decide the alternative

to be chosen for the plan. Sustainability Appraisal is a decision aiding tool rather than a decision making one and the contents of this report should therefore be considered in this light.

...

NB: in undertaking the SA for the SLP and Local Plan some of the options have been considered and assessed at more than one stage in the plan making / SA process, or in some cases a report has reiterated assessments provided in a previous report. This means that there is some repetition in the information provided in Sections 4.2 to 4.4, however for purposes of completeness in the explanation of the work undertaken at each stage the 'repeated information' has been retained or where relevant cross-referenced.

...

Development Strategy Options

Four illustrative development strategy options that might be proposed to fill the Plan requirement / target 'gap' were developed. Variations on these options were also considered to show how different levels of development could be achieved and the sensitivity implications of different housing density assumptions. Generally a 40 dwellings per hectare density assumption was favoured in developing the options.

The four options described below provide different approaches to the utilisation of the sites identified through the Green Belt review process to meet the District's housing needs. It should be noted that the starting point (baseline) for all these options was the provision of housing through: completions from the 2011 plan base date; currently identified land supply in the form of planning permissions; general urban capacity; and some limited recycling of Previously Developed Land (PDL) in the Green Belt. These were common to all the options and should deliver 250 dwellings per annum (dpa). The options for how this baseline will be built on through release of sites from the Green Belt are as follows:

☐ *Option 1 a) Mixed Location / Scale Development; This is a combination of limited releases from the SKM recommendations list to meet shorter term needs and development of east Hemel Hempstead in the medium and long term. This option offers reasonable prospects of delivery and also allows for some site choices from within the SKM recommendations. As east Hemel Hempstead is included, it offers a prospect of addressing sub-regional housing 'need' and subregional employment 'need'/ambition over the long term and the safeguarding of land beyond the Plan period. Duty to Co-operate issues identified by Dacorum's Plan Inspector would also be able to be addressed.*

☐ *Option 1 b) Mixed Location / Scale Development with Smaller, but More, Sites; A variant of the above that relies on using more strategic sites, but including some at a smaller scale than their total areas identified in the SKM studies. This would necessitate more work on detailed Green Belt Boundaries to see what might be appropriate as smaller scale alternatives in some of the selected locations.*

□ *Option 2 Dispersed Development; This approach relies on using all of the recommended SKM Green Belt release areas except east Hemel Hempstead. This offers reasonable prospects of delivery, but does not address sub-regional housing or economic development 'need'/ambition. There would also be no likelihood of safeguarded land beyond the Plan period. Duty to Co-operate issues identified by Dacorum's Plan Inspector would not be able to be addressed. Higher densities than the 40 dph assumed elsewhere would need to be considered.*

□ *Option 3 Concentrated Development; This approach relies very largely on expansion of east Hemel Hempstead as the main method of meeting housing need, with only limited development elsewhere in the District. There is some uncertainty about the capacity of east Hemel Hempstead to actually deliver dwellings at the required rate within the Plan period. It will also rely very heavily on Duty to Co-operate joint planning with Dacorum Borough Council. As in Option1 (a) and (b) as east Hemel Hempstead is included, it offers a prospect of addressing sub-regional housing 'need' and sub-regional employment 'need'/ambition over the long term and the safeguarding of land beyond the Plan period. Duty to Co-operate issues identified by Dacorum's Plan Inspector would also be able to be addressed.*

...

4.2.7 Strategic Local Plan Publication – January 2016

...

Based on the work undertaken on the options in summer 2014 and taking into account the consultation on the Draft SLP in late 2015 the preferred options that were included in the Publication SLP were as follows.

Housing Requirement / Target Options

The housing requirement / target included in the Publication SLP was 436 dwellings per annum (dpa) which is in line with the option for 450 dpa considered in 2014. This option was selected as it fully met the identified need for new housing, whilst at the same time minimising the amount of development required in the Green Belt. The options for lower levels of housing delivery were rejected as they would not meet the identified housing need, whilst the options for levels higher than 450 dpa were rejected as they would have resulted in more Green Belt development than that absolutely necessary to meet the housing need.

Development Strategy Options

The Council's preferred approach for inclusion in the Publication SLP was based on Option 1a. This approach was selected as it was an option which would locate the majority of new development at the edge of the main settlements which are the most sustainable locations in terms of reducing the need to travel to access services and facilities. It also included large strategic sites that would provide the best opportunities for infrastructure provision and

planning gain, including biodiversity enhancements, when compared to a larger number of smaller developments (i.e. Option 1b and Option 2). Option 1a was also selected because by delivering significant levels of growth east of Hemel Hempstead it was one of the options which would have the greatest potential economic benefits as it would help to support the regeneration of Hemel Hempstead which is a key aim of Hertfordshire's Strategic Economic Plan (March 2014). Option 1b was rejected as it did not provide the same level of larger sites and so would not have the same levels of infrastructure and planning gain as Option 1a. Option 2 was rejected for the same reason, but also because the dispersed pattern of development would not be as sustainable. Option 3 was rejected as it relied very largely on expansion of east Hemel Hempstead as the main method of meeting housing need, with only limited development elsewhere in the District, which would mean that the specific housing needs of the major settlements within St Albans District would remain unmet.

Strategic Sub Area Options

The strategic sub areas which were selected for inclusion in the Publication SLP were as follows: Site S1 – east Hemel Hempstead (North); Site S2 – east Hemel Hempstead (South); Site S3 – Sandpit Lane, St Albans; and Site S5 – north Harpenden.

The four sub areas which were not taken forward were: Site S4 – north St Albans; Site S6 – northeast Harpenden; Site S7 – west of London Colney; and Site S8 – west of Chiswell Green.

These four sub areas that were included in the Publication Local Plan were selected because they performed better against the economic, social and environmental criteria set out in the Councils 'Detailed Site Selection Officer Evaluation' (DSSOE) than the other four sub areas.

4.4 Development of the new Local Plan

4.4.1 Regulation 18 SA Working Note – January 2018

A Regulation 18 consultation was undertaken in Jan-Feb 2018. The Local Plan document was accompanied by an SA Working Note which provided a broad assessment of the range of topics covered by the Issues and Options questionnaire.

...

In relation to the level of housing growth, the SA Working Note pointed out that the principles included in the SLP assessments from 2014 will remain valid for the Local Plan 2020-2036. These are that in general terms the higher the level of housing development the greater will be the positive social and economic effects but the greater will also be the negative environmental effects. However this is a simplistic view and it should be acknowledged that in some cases new development can have adverse social effects, for example by overloading existing services and facilities but can also have positive

environmental effects, for example where a large new development provides new community open space or biodiversity enhancements. The actual effects that result from delivering any level of growth will be dependent on the location and characteristics of the development sites allocated.

*The SA for the Local Plan will assess the reasonable alternatives for sites to deliver the development strategy, these sites being identified from future Plan analysis, as well as from availability /deliverability information from the Strategic Housing Land Availability Assessment (SHLAA) and from a new call for additional sites. This assessment will consider the effects that might result from development at each site, taking account of environmental, social and economic constraints and opportunities. **As with previous SA work it will be recognised that the larger strategic sites provide the best opportunities for infrastructure provision and planning gain opportunities, including biodiversity enhancements, when compared to a larger number of smaller developments. The SA undertaken on the reasonable alternatives will inform the selection of sites to be included in the Publication Local Plan.***

...

4.4.2 Options for Housing Number and Broad Locations SA Working Note – May 2018

Following on from the Regulation 18 stage, a second SA Working Note (May 2018) was prepared to report the findings of the assessment of options that were being considered for Broad Locations

...

The actual effects that result from delivering any level of growth will be dependent on the location and characteristics of the development sites allocated.

In relation to the Broad Locations the assessment considered 12 potential locations. These locations were those were identified as potential Broad Locations following the Council's three stage Site Selection Evaluation process.

...

Seventy sites capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land were considered at Stage 1, and of these 12 received either a Green or Amber rating and passed through to Stage 2. At Stage 2 all those 12 sites received a Green rating in relation to 'suitability' and 'availability' and passed through to Stage 3. At the end of Stage 3 the evaluation forms concluded that 8 of the 12 sites had an overall evaluation of Green. These are the same 8 sites that were concluded in the Green Belt Review as making the least contribution towards Green Belt purposes. These sites are East Hemel Hempstead (North), East Hemel Hempstead (South), Land at Chiswell Green, North East Harpenden, North West Harpenden, North St Albans and East St Albans. The evaluation forms concluded that the remaining 4 sites had an overall evaluation of Amber. These sites are South East Hemel Hempstead, North

Hemel Hempstead, the Former Radlett Aerodrome (Park Street Garden Village) and North East Redbourn.

...

Of the 12 potential (Green / Amber rated) Broad Locations considered in detail, 11 were selected for inclusion in the Publication Draft Local Plan. The one Broad Location which was not taken forward was North East of Redbourn. This was because the advantages of the other three sites which had received an Amber rating in the Council's Strategic Site Selection process were considered to be greater than those for North East of Redbourn.

4.4.3 Planning Policy Committee (PPC) meeting 12th June 2018 - Park Street Garden Village Broad Location Re-evaluation

In relation to the Park Street Garden Village Broad Location, following the overall site selection process and the findings, the Council undertook a re-evaluation to look more specifically at the relative importance and merits of using the site either for housing or as a Strategic Rail Freight Interchange. This has some general relevance for the selection of Local Plan Broad Locations for housing, as the re-evaluation looked at six alternative strategies for delivering elsewhere the level of housing that could be delivered at Park Street Garden Village. These alternative strategy options were as follows: North East Redbourn; Using Red rated sites; Different delivery trajectories; Other LPAs delivering development; Neighbourhood Plans; and Development of a number of smaller sites currently in the Green Belt.

Of these six alternative strategies, five were not considered by the Council to be reasonable alternatives because they involved reliance on development that was contrary to the strategy set for the plan (minimisation of adverse impacts on Green Belt purposes (Green Belt review led) and / or greater dispersal of development, with less favourable outcomes for community benefits and infrastructure improvement. They were therefore not subject to SA. The one exception was the site/alternative strategy option to develop the site at North East Redbourn Broad Location which had previously been considered to be a reasonable alternative in the wider context of the Local Plan site evaluation process and had therefore been subject to SA alongside the 11 other 'Green' and 'Amber' rated sites (see Section 4.4.3). However, as noted above the advantages of the other sites were considered to be greater than those for North East of Redbourn. Additionally, in relation to the particular consideration of that site being an alternative to Park Street Garden Village, the Council considered that the North East Redbourn option would not deliver the equivalent quantum of housing development required within the Plan period and it would also not generate as many other significant benefits as those identified in association with the Park Street Garden Village.

2.50 The LP Reg 19 publication took place from September-October 2018. Responses were considered in a number of PPC report in late 2018 and early 2019. This culminated in considerations in [March 2019](#) at PPC.

2.51 PPC in March 2019 considered in detail the responses to the draft LP Reg 19 publication. This included a number of both direct and indirect challenges to the approach taken with regard to the proposed Green Belt releases. PPC considered both the challenges and the responses to them and whether or not there was a need to undertake further work or to take a different approach. The opportunity was taken to highlight key themes underpinning the approach taken in the draft LP. In total, there were over 60 uses of the 'Recommended Reply (including notes and references)' that included the phrase:

Site selection is firmly based on comprehensive GB work which identified the allocated Broad Locations.

2.52 In total, there were over 50 uses of the 'Recommended Reply (including notes and references)' that include the phrase:

Concentrating development in larger sites that can create new communities and deliver infrastructure is a key part of the development strategy.

2.53 In total, there were over 10 uses of the 'Recommended Reply (including notes and references)' that included the phrase:

Development need, overall Plan context and site specific analysis in GB work provide exceptional circumstances for GB release.

PPC [March 2019 Report](#) - Draft Local Plan Publication (Regulation 19 Stage)
Consultation - Detailed representations and recommended responses

[NB: Now finalised as CD0005 - SADC Regulation 22 (c) Consultation Statement]

...

3.3 The Table at Appendix 1 provides a summary of the content of the representations and the officer recommended reply and actions. It is important to note that many of the representations are very detailed and to fully capture the details of the points raised the original representation will need to be considered. Summaries of this kind are by their nature operating at a high level.

The Table is organised in a standard format that records:

- ☐ *Representation Point*
- ☐ *Representor(s) Raising Point - identified by a representor number. This can be used to identify and read the full representation in the Council's consultation portal. Where the representation is from a key organisation or body the representor title / name is also given.*
- ☐ *Outline Reply*
- ☐ *Recommended Reply*
- ☐ *Suggested Actions*

The table is set out in order of policy (and other plan section) headings.

3.4 This analysis serves two main purposes:

□ Local Plan Regulations require the Council to prepare a summary of the representations received at Publication (Regulation 19 stage) and include it as a submission (Regulation 22) document (see further information on statutory submission requirements at Appendix 2). There is no prescribed format for this, but the aim is to assist the Public Examination inspector and participants in the Public Examination (Regulation 24), by providing an organised, easily used, summary of the representations received.

□ It allows PPC to consider the range of representations on the Plan before submission and to decide if it wishes to suggest any changes to Cabinet.

...

4.0 Analysis and Findings

...

4.3 Any suggested changes can take the form of 'minor modifications' to the draft LP (updates, corrections or clarifications), or could potentially be more substantive points of change related to Plan soundness or legal compliance. Depending on the nature of any substantive changes, they may require further publication consultation under Regulation 19 and further Sustainability Appraisal/Strategic Environmental Assessment work. If fundamental matters concerning the Duty To Cooperate (DtC), legal requirements or 'soundness' of the Plan are accepted by the Council, a further whole Regulation 19 publication consultation or even a reversion to Regulation 18 stage may be required.

...

5.0 Conclusions

5.1 The report sets out the concise analysis of the detailed points that have been raised in representations on the Publication Draft Plan and recommended replies and actions. It provides the opportunity for the Committee to consider them and comment as necessary.

...

[Appendix 1](#) - Publication Draft Local Plan - Analysis of Issues Arising (March 2019)

...

1.9 – Plan Evidence

...

Representation Point

Lack of consideration has been given to the proposed site as part of the LP's evidence on assessing sites for the release from the Green Belt.

Representor Raising Point

Mr Pete Hutchison (1153268)

Outline Reply

Disagree

Recommended Reply (including notes and references) Development need and site specific analysis in GB work provide exceptional circumstances for

GB release. Evidence on development strategy / site selection is available in full. Concentrating development in larger sites that can effectively deliver infrastructure is a key part of the development strategy.

Suggested Actions (including any Changes to Plan)
No change

...

S1 Spatial Strategy and Settlement Hierarchy

...

Representation Point

Plan should promote more small and medium sized sites in category 1 settlements rather than using green belt

Representor Raising Point
Hill Residential (1158064)

Outline Reply
Noted

Recommended Reply (including notes and references)
The policy and other LP policies positively supports and does not prevent development in these settlements.

Suggested Actions (including any Changes to Plan)
No change

...

Representation Point

Consideration of infill pockets of development that have existing infrastructure and facilities has not been considered

Representor Raising Point
Mr Antonio Barba (1187384)
D'Arblay Investments (1187404)

Outline Reply
Disagree

Recommended Reply (including notes and references)
Where not in the Green Belt, infill is positively supported in the Plan, subject to design, context etc. Site selection is firmly based on comprehensive GB work which identified the allocated Broad Locations.

Concentrating development in larger sites that can create new communities and deliver infrastructure is a key part of the development strategy.

Suggested Actions (including any Changes to Plan)
No change

...

Representation Point

Sites on brownfield register are close to public transport and should be developed before release of greenbelt.

Representor Raising Point
D'Arblay Investments (1187404)

Outline Reply
Noted

Recommended Reply (including notes and references)
Positively bringing forward brownfield sites, subject to design, context etc. is part of the Plan strategy; but it is not possible to meet all need through this type of development.

Suggested Actions (including any Changes to Plan)
No change

...
S2 Development Strategy

Representation Point
No evidence that harm to the Green Belt has been properly weighed against benefits of meeting the objectively assessed need for housing – housing need is too highly weighted

Representor Raising Point
Ramblers Association (52420)

...
 1185775

Outline Reply
Disagree

Recommended Reply (including notes and references)
Development need, overall Plan context and site specific analysis in GB work provide exceptional circumstances for GB release.

Suggested Actions (including any Changes to Plan)
No change

...
Representation Point
Plan fails to consider sites that can come forward quickly to help maintain a 5 years supply of deliverable housing sites. Requirement of specific deliverable sites for years 1-5 is not met.

Representor Raising Point
ERLP 1 Sarl (1123561)

...
Longbourn Estates (977635)

Outline Reply
Disagree

Recommended Reply (including notes and references)

The Plan necessitates a significant change in approach from previous tight Green Belt restraint. This involves a carefully considered stepped trajectory for delivery of new sites that are best able to deliver to the overall plan development strategy. There are sufficient deliverable sites for years 1-5. This is confirmed in relevant developer representations.

Suggested Actions (including any Changes to Plan)

No change

...

Representation Point

There are small and medium sized sites that would deliver under 500 dwellings which have not been robustly assessed as reasonable alternatives and which constitute 'exceptional circumstances' for Green Belt release

Representor Raising Point

Canton Ltd (1057961)

...

52064

Outline Reply

Disagree

Recommended Reply (including notes and references)

Evidence on development strategy / site selection is available in full.

Suggested Actions (including any Changes to Plan)

No change

...

Representation Point

The site selection process/ Green Belt assessment/ranking of the broad locations is not justified/flawed

Representor Raising Point

CWC Group (1153869)

...

1153539

Outline Reply

Disagree

Recommended Reply (including notes and references)

Site selection is firmly based on comprehensive GB work and the key development strategy points that larger settlements are most appropriate as locations and larger sites deliver greater community benefit.

Suggested Actions (including any Changes to Plan)

No change

...

L1- Housing Size, Type, Mix and Density

...

Representation Point

Concerns that the minimum average housing density of 40dph is too high. “

The average and best new developments are about 25-30 houses per hectare

Representor Raising Point

1184750

1185704

Outline Reply

Disagree

Recommended Reply (including notes and references)

This is an appropriate minimum density to make best use of land and to avoid further pressure on loss of greenfield land/ Green Belt. The NPPF supports optimisation of residential density.

Suggested Actions (including any Changes to Plan)

No change

2.54 The issues addressed in the June 2018 PPC reports were again addressed by PPC, but in the updated context of the new July 2018 NPPF. This included the new NPPF (2019) paragraph 137.

2.55 The context also included the ongoing Portfolio Holder DtC meetings with neighbouring and nearby LPAs over recent years. There was a full round of these Portfolio Holder DtC discussions in summer 2018 in association with the draft SADC LP. All of the Agendas and agreed Meeting Notes are included in the Examination papers ([CD028](#)). The upshot of these discussions and the need to consider Green Belt release was that, at present there is no realistic prospect of other LPAs providing for SADC's housing needs.

PPC 13 March 2019

PPC [March 2019 Report](#) - Draft Local Plan for Submission to the Secretary of State – recommendation to Cabinet

...

1.0 Purpose Of Report

1.1 For the Committee to consider the context of the draft Local Plan (LP) and to recommend it to Cabinet to submit to the Secretary of State for Examination In Public.

...

Green Belt – ‘Exceptional Circumstances’

4.6 As mentioned at the PPC meetings in March, May and June 2018, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is a key issue for the draft LP.

4.7 As addressed by PPC in considerable depth since its inception in 2013, the issue of the 'exceptional circumstances' required to necessitate altering Green Belt boundaries is central to the draft LP. PPC reports considered the issue to some degree at its March, May and June 2018 meetings. PPC has considered the policy and legal context of 'exceptional circumstances' in detail most recently at its meetings in June 2015 and June 2016. As set out in those reports, the Calverton case most directly addresses the matter of 'exceptional circumstances'. The 2015 and 2016 reports also refer directly to the legal and national policy contexts in which those court decisions were taken.

4.8 As always it is important that judgments are read as a whole and in context. That is also the same for reading of the NPPF. However it is possible to summarise the process officers have used to come to their conclusions by using paragraph 51 of Calverton as shorthand. It sets out:

In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

4.9 In simple terms in relation to Calverton paragraph 51 above:

Preamble and (i) – are addressed primarily in the Government's standard methodology; also with the St Albans SHMA and SHMA update and the South West Herts Group SHMA and emerging SHMA Update

(ii) – Can be found in 'housing trajectory/land supply data in the draft LP. This itself has been informed by the 'Call for Sites', Authorities Monitoring Report and Strategic Housing Land Availability Assessment processes.

(iii) - The District is wholly bounded by the Green Belt and Duty to Cooperate discussions with adjoining and nearby authorities currently show no reasonable prospect of the District's housing need being met elsewhere at this point in time. Work with adjoining and nearby authorities is ongoing. The NPPF / sustainable

development approach is also covered in the Strategic Site Selection work and the Sustainability Appraisal

(iv) – This is addressed in the independent SKM Green Belt Review and the Strategic Site Selection work

(v) – This is addressed by a combination of the Green Belt Review, Strategic Site Selection work, land supply information and the development approach in the draft LP

4.10 A broadly similar approach exists in relation to the economic development land at East Hemel Hempstead in the draft LP. However the understanding of 'need' relates also to the stock and supply of economic development land in the district and sub-region and the priorities of the Hertfordshire Local Economic Partnership.

4.11 As set out in the case law, the issue of 'exceptional circumstances' must be addressed with reference to the individual Broad Locations and the Spatial Strategy of the LP as a whole. In summary, the SKM Review and the Strategic Site Selection work sets out the key impacts in direct relation to the Green Belt. The Strategic Site Selection work and the SA evaluates a range of likely economic, environmental and social impacts/benefits/costs. The Strategic Site Selection work/developer engagement process has given further detail that assists in considering other impacts in relation to the deliverability of the overall aspirations set out in the draft LP.

4.12 Paragraph 125 in Gallagher also contains helpful context:

125. From these authorities, a number of propositions are clear and uncontroversial.

i) Planning guidance is a material consideration for planning plan-making and decision-taking. However, it does not have statutory force: the only statutory obligation is to have regard to relevant policies.

ii) The test for redefining a Green Belt boundary has not been changed by the NPPF (nor did Mr Dove suggest otherwise).

a) In Hunston, Sir David Keene said (at [6]) that the NPPF "seems to envisage some review in detail of Green Belt boundaries through the new Local Plan process, but states that 'the general extent of Green belts across the country is already established'". That appears to be a reference to paragraphs 83 and 84 of the NPPF. Paragraph 83 is quoted above (paragraph 109). Paragraph 84 provides: "When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development...". However, it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2: paragraph 83 above), and has always required 7 "exceptional circumstances" to justify a revision. The NPPF makes no change to this.

b) For redefinition of a Green Belt, paragraph 2.7 of PPG2 required exceptional circumstances which "necessitated" a revision of the existing boundary. However, this is a single composite test; because, for these purposes, circumstances are not exceptional unless they do necessitate a revision of the boundary (COPAS at [23] per Simon Brown LJ). Therefore, although the words requiring necessity for a boundary revision have been omitted from paragraph 83 of the NPPF, the test remains the same. Mr Dove expressly accepted that interpretation. He was right to do so.

iii) Exceptional circumstances are required for any revision of the boundary, whether the proposal is to extend or diminish the Green Belt. That is the ratio of Carpets of Worth.

iv) Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law, and a plan-maker may err in law if he fails to adopt a lawful approach to exceptional circumstances. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration."

4.13 It is important to also bear in mind that the NPPF has been updated, including with regard to the Green Belt, since the Hunston and Gallagher cases. Whilst much of the text and the overall thrust of the Government's approach to the Green Belt is either the same or very similar, there are a number of changes. The Government continues to attach great importance to the Green Belt and to set out its fundamental aim, essential characteristics and five purposes. The more updated NPPF text includes at paragraphs 136:

Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. 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.

And 137:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

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.

4.14 At this time and on the basis of the evidence, officers consider that the test for 'exceptional circumstances' requiring alteration to Green Belt boundaries as set out in the draft LP has been made.

Park Street Garden Village

4.15 As addressed at PPC in June 2018, the committee will note that the draft Local Plan contains 11 Broad Locations. In relation to the Park Street Garden Village Broad Location, after legal advice, this allocation was the subject of a re-evaluation following the gathering of evidence on the relative merits and importance of delivering the site either for housing or the Strategic Rail Freight Interchange, for which it was found that there was a national need. This reevaluation included looking at alternative strategies which would deliver the identified housing elsewhere including options such as identifying a Housing Target for Neighbourhood Plan areas. This re-evaluation set out:

Key issue – At a point in time

This re-evaluation is appropriate for this point in time. It will be revisited as time and the situation progresses. Assessment and judgments for these issues are time-sensitive and there is significant potential for revision. This is in particular given the high likelihood that the new NPPF Update will be published in June/July 2018.

The Regulation 19 formal consultation stage itself is yet to come. This stage and consideration of representations made at this stage will be an important matter for the Council in deciding on progress towards submission.

Parties including SEGRO, the Government, the Railfreight industry, HCC etc. will be fully able to respond to that consultation and we welcome their formal feedback at that stage.

...

Conclusion

Overall, at this time, the current view of officers is that the draft Broad Location for Park Street Garden Village is the most appropriate response to the evidence available. This will be kept under ongoing review, in particular in the light of responses to the Regulation 19 Local Plan formal consultation.

4.16 The re-evaluation considered at June 2018 PPC (and Cabinet and Council thereafter) has been further reviewed in the light of more recent considerations (March 2019). These considerations have included:

correspondence reported to Cabinet and Council in June and July 2018, the LP regulation 19 Publication consultation responses (reported elsewhere on the Agenda), further Sustainability Appraisal work (see Appendix 2) and the NPPF 2018 and 2019 revisions. Of particular note is the updated text in the NPPF (2018 and 2019) relating to interchanges for rail freight. Paragraph 104 sets out:

Planning policies should:

...

e) provide for any large scale transport facilities that need to be located in the area⁴², and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements;

⁴² Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services.

4.17 There have also been a number of other related matters where circumstance have moved on – for example the ‘making’ of the Harpenden Neighbourhood Plan in February 2019 and the fact that there have been a further number of conditions discharged in relation to the permitted Strategic Rail Freight Interchange.

4.18 This further review (at Appendix 3) does not alter the overall view of officers that the draft Broad Location for Park Street Garden Village is the most appropriate response to the evidence available.

2.56 That same PPC report included an [Addendum](#) to the SA report as Appendix 2. This responded to the challenges raised regarding the SA during the LP Reg 19 publication September – October 2018.

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Appendix 2 - SA Addendum

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...

The SA has assessed all the options which the Council has considered to be reasonable alternatives. Section 4 of the SA Report provides information on the various stages at which different sites have been considered in the SA process.

As reiterated in the SA Working Note (January 2018), which was produced at the Regulation 18 stage, the Council considered a series of options for the development strategy (see Section 4.4.1. of the SA Report (September 2018)). The Council’s preferred approach was based on Option 1a (Mixed

Location / Scale Development) which relied on larger strategic sites to deliver the levels of development to meet local needs. As a result it was only strategic sites which were subsequently considered for inclusion in the Local Plan

However, whilst the larger strategic sites provide the best opportunities for infrastructure provision and planning gain opportunities, including biodiversity enhancements, when compared to a larger number of smaller developments, the SA of the Publication Local Plan did recognise that in addition to the larger sites, smaller sites do play an important role in delivering the housing requirement.

In the assessment of Policy S4 Housing Strategy and Housing Requirement/Target the SA identifies positive effects against SA13 (Sustainable locations) in relation to the policy's recognition that smaller sites, including those of half a hectare or less, have been and will continue to be an important source of housing land supply.

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...
Section 4.4.2. of the SA Report provides an explanation of why the Land East of Redbourn was not included as an allocation in the Publication Local Plan.

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...
Subsequently, the North East Redbourn site was considered as a 'reasonable alternative' alongside assessments of 11 other broad locations in the SA Working Note prepared for the Planning Policy Committee in May 2018. Section 4.4.2 of the SA Report (September 2018)) provides a summary of the findings, including the reasons behind North East of Redbourn not being taken forward into the Publication Local Plan, whilst the full SA Working Note is included as Appendix E12 to the SA Report. The opportunity for consultation on the SA Report was provided at the Regulation 19 stage.