

### **Matter 3 – The Green Belt**

- 1.1 This Hearing Statement has been prepared by Urbanissta Ltd on behalf of Lands Improvement Holdings ('LIH') and Lawes Agricultural Trust ('LAT') in relation to Land at North East Redbourn ('Site'). It supplements, updates and in some instances relies upon material prepared and submitted at Regulation 18 and 19 stages ('LIH/LAT Submissions')<sup>1</sup> of the Local Plan.
- 1.2 Assistance has also been provided by Davvid Jarvis Associates (DJA) and Town Legal in preparing these representations and in preparing Appendix 1<sup>2</sup>.
- 1.3 LIH is a strategic development company that acquires land and is the promoter partner of the Site owners, LAT. The Site has been deemed surplus to LAT's operational requirements and is available to provide longer term funding to support LAT. Together LIH and LAT seek to secure the release of the Site from the Green Belt for a residential led development scheme. The Site is an omission site.

### **Issue 1 – Principle of Green Belt Release**

- 1.4 With regards to Issue 1, the LIH/LAT Submissions address the following questions MIQ1, MIQ2, MIQ3, MIQ4.

MIQ1 Has the Council examined fully all other reasonable options for meeting housing needs as required by the Framework?

- 1.5 The LIH/LAT Submissions show<sup>3</sup> that StADC has not fully explored all reasonable options for meeting needs and has not fully engaged with neighbouring authorities contrary to paragraph 146 of the NPPF.

MIQ2 In response to the Inspectors' Initial Questions, the Council refers to the application of buffers around settlements to help determine which sites to allocate. Is this approach justified, effective and consistent with national planning policy?

- 1.6 There is no basis in the NPPF or PPG for the use of buffers in the definition of Green Belt. This 'buffer approach' is therefore not justified, effective, or consistent with national planning policy.
- 1.7 The extent of the buffer defined at 4.2 of GBR2 (Arup) places an arbitrary distance of 250m and 400m on the buffer, determined by the scale of the settlement it adjoins. This approach potentially excludes areas of a sufficient scale that are inset into settlements or are defined by clearly defensible boundaries that in every other way are entirely appropriate to be developed.
- 1.8 The application of a 'buffer' relates to a spatial dimension, it does however also suggest an element of containment. The matter of containment has not been fully assessed as part of the Stage 2 Green Belt Review or associated land use allocations.
- 1.9 The LIH/LAT Submissions show that for the Site, the matter of containment was clearly overlooked (the A5183 bypass) which demonstrates the rather haphazard way the methodology has been applied and shows a lack of soundness in approach.
- 1.10 In addition, the LIH/LAT Submissions detail that the buffers around existing settlements have not been assessed or applied consistently.
- 1.11 The Site can be defined as 'grey belt' under the NPPF (2024) (based upon StADC's own assessment) as the Site does not perform strongly against Green Belt purposes a), b) and d).

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<sup>1</sup> LIH/LAT Submissions:

- Regulation 19 - St Albans Technical Submission - Final Draft - 7th November 2024 and associated material listed in paragraph 2.1 & 2.4 p8;
- Regulation 18 - St Albans Technical Submission - Final Submission - 25th Sept 23 and Identified Sites Deliverability Assessment (September 2023) and associated material listed paragraph 1.6 p8.
- Appendix 3 - Green Belt Appraisal & Landscape Analysis 07 November 2024

<sup>2</sup> Town Legal Letter to StADC 18th June 2024

<sup>3</sup> Paragraph 2.29 – 2.32, 2.50, 3.20, 4.4, 4.61 and 4.71 – 4.74 and Section 5.0 LIH/LAT Submission - Regulation 19 - St Albans Technical Submission - Final Draft - 7th November 2024

- MIQ3 Having determined, at a strategic level, that alterations to the Green Belt boundary would be necessary, how did the Council determine the location of Green Belt releases? How does this correlate to the settlement hierarchy and spatial strategy?
- 1.12 StADC have not provided sufficient evidence detailing how the strategic green belt alterations have been undertaken. The LIH/LAT Submissions set out a series of inconsistencies and errors in the SA and IDP<sup>4</sup> which have led to poor spatial land use decision-making.
- 1.13 It is considered that the Council has had a fixed predetermined position of the sites that it has sought to allocate (potentially those which link back to proposed sites in the previous failed Local Plans) and then sought to retrofit technical evidence around such or disregarded evidence such as the Green Belt Review completely.
- 1.14 The lack of consistency in approach and robustness in assessment undermines the strength of justification for the release and/or omission of sites from the Plan.
- MIQ4 In deciding to review the Green Belt boundary, how did the Council consider the provision of safeguarded land? Is the Plan consistent with paragraph 148c) of the Framework, which sets out that, where necessary, areas of safeguarded land between the urban area and the Green Belt should be identified to meet longer-term development needs?
- 1.15 Given the pressures that StADC is under in terms of its housing requirement(s), should it be determined that additional site allocations were required to ensure soundness of the Plan, then the potential for identifying additional safeguarded land to meet future housing needs could be a useful tool. Clear monitoring and review provisions would also be required, which links to Policies SP1/SP3 (and the stepped trajectory) to facilitate safeguarded site release, where performance on allocations, not for whatever reason does not meet the key thresholds.
- Issue 2 – Green Belt Review**
- 1.16 With regards to Issue 2, we address questions MIQ3, MIQ4, MIQ5, MIQ6, MIQ7.
- MIQ3 Is the methodology by which sites have been assessed in the Stage 2 Green Belt Review sufficiently robust and transparent to support the proposed boundary revisions? If not, what approach should have been used and why?
- 1.17 LIH Submissions show that the Stage 2 Green Belt Review methodology has not been robustly undertaken or assessed. Sites have been allocated (or discounted) in a spurious and inconsistent manner. The SA and IDP assumptions to the Plan have not adequately assessed the differing spatial options and their potential implications for the green belt. No relationship to this and the site allocations has been demonstrated.
- 1.18 The methodology has been applied incorrectly - for example in respect of a permanent boundary such as the A5183 bypass to the Site's eastern boundary was not accurately considered in the Site's assessment.
- 1.19 The outer boundary of SA-6 is seen as readily recognisable and permanent, whereas the same boundary for SA-7 is assessed as readily recognisable and not necessarily permanent. This must be inaccurate as the bypass forms the outer boundary to both Parcels as detailed in the LIH Submissions.
- MIQ4 How did the evidence in the Stage 2 Green Belt Review inform decisions about which sites to allocate?
- 1.20 The way the Stage 2 Green Belt Review findings were applied, (not withstanding their inaccuracies) resulted in Sites either being assessed further, or withdrawn from further consideration. If a site was considered to have 'failed' the Stage 2 Green Belt Review no assessment was made of the site's benefits/mitigation opportunities or ability to overcome any potential infrastructure deficits.
- 1.21 In many cases, sites that performs strongly against the purposes of Green Belt have been allocated. The judgement appears to stem from the categorisation of importance in wider impacts, rather than the effect on the Green Belt.
- 1.22 Such a 'blinker' approach has resulted in spatial decisions being taken in an unbalanced manner.

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<sup>4</sup> Section 7.0 and 9.0 LIH/LAT Submission - Regulation 19 - St Albans Technical Submission - Final Draft - 7th November 2024

MIQ5 Where the evidence recommended that areas were not taken forward for further consideration, how did the Council consider this in the plan-making process?

- 1.23 As an 'omission' site, no further robust assessments that we are aware of, have taken place on sites that were considered unfavourably by the Stage 2 Green Belt Review.
- 1.24 We would also wish to highlight that sites that were carried forward as allocations have been included in the Local Plan, despite having performed poorly in the Stage 2 Green Belt review. This lack of consistency is of concern and no clear assessment of the basis for decision making has been provided by StADC.

MIQ6 How was the potential for mitigation considered in the Stage 2 Green Belt Review? Was this considered on a consistent basis for all sites?

- 1.25 LIH/LAT Submissions<sup>1</sup> show that mitigation was not fully addressed in respect of the site selection assessments. The Site's Suitable Alternative Natural Green Space (SANG) was not even considered and as detailed above, the ability for other allocations to meet local infrastructure needs – such as secondary school provision – not fully assessed.

MIQ7 Does the evidence consider ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, as required by paragraph 147 of the Framework?

- 1.26 LIH/LAT Submissions show that compensatory measures were not considered as part of the site selection assessment process.
- 1.27 Had such been considered, the Site's proposed SANG provisions which meets not only the needs arising from the Site, but also will contribute towards meeting wider local SANG needs would have been considered; as would the range of sustainability benefits that the Site would provide, and the undeniable local economic and social benefits associated with its development in meeting specific housing and employment needs in support of the Rothamsted Campus.
- 1.28 The misconceived SA, IDP and Stage 2 Green Belt Review, discount the Site based upon poor performance with little consistency of application or evidence of 'trading off' of benefits and constraints.
- 1.29 For example, the SANG proposed at the Site could also offer benefits to other development sites as part of such a 'trade off'.

**Issue 3 – Exceptional Circumstances**

MIQ1 Do exceptional circumstances exist to alter the Green Belt boundary in St Albans and has this been fully evidenced and justified as part of the plan-making process?

- 1.30 Yes, exceptional circumstances exist give the significant level of unmet need and affordable housing crisis existing within StADC's administrative area, but the evidence for the spatial decisions taken as to where green belt boundaries should be amended is flawed in methodology and basis and, shortsighted in nature, and as such is unjustified and contrary to the NPPF.