

HEARING STATEMENT

St Albans City and District Local Plan

Matter 3 – The Green Belt

On behalf of
Taylor Wimpey Strategic Land
(Land at Pipers Lane, Harpenden)
(Respondent no.317)

April 2025

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf Taylor Wimpey Strategic Land (TWSL) in response to questions set out in Matter 3 (The Green Belt) of the Matters, Issues and Questions published in respect of the examination of the St Albans City and District Local Plan ('the Draft Local Plan' or 'DLP').
- 1.2 This Hearing Statement includes responses to specific questions under Issue 1 (Principle of Green Belt release); Issue 2 (Green Belt Review); and Issue 3 (Exceptional Circumstances) of Matter 3.
- 1.3 TWSL is promoting the residential development of Land at Pipers Lane, Harpenden ('the Site') through the plan-making process.
- 1.4 The Site forms most of the land referenced WH12 in the Council's Call for Sites; and WH-04-21 in the Council's Housing and Economic Land Availability Assessment (HELAA) (2021/22).
- 1.5 The Site is not proposed to be allocated in the DLP.
- 1.6 Representations ('the Regulation 19 representations') were made on the Regulation 19 Publication Draft Local Plan by TWSL and in respect of the Site (respondent no.317), through which changes to the plan were sought.
- 1.7 Matters raised within this Hearing Statement seek to avoid repeating points already made in the representations on the Regulation 19 iteration of the DLP, unless they expressly relate to the Matters, Issues and Questions published.
- 1.8 Our position is that the DLP is capable of being made sound, but that modifications are required to ensure this is the case.
- 1.9 Under the 2024 NPPF transitional arrangement, it is recognised that the DLP will be examined in relation to national policies contained in the December 2023 NPPF. Consequently, unless expressly stated otherwise, references to the NPPF in this Hearing Statement refer to the December 2023 NPPF.

2. ISSUE 1 – PRINCIPLE OF GREEN BELT RELEASE

Question 1

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

- 2.1 As set out in our Regulation 19 representations (please see paragraphs 3.23 – 3.30) the inability to sustainably meet housing needs in the District without impinging on the Green Belt has been clearly evidenced.
- 2.2 It is clear that the Council has sought to maximise the potential contribution to housing land supply from non-Green Belt sites, and established this will not meet needs in full. We note that the Council has summarised the evidence which supports the principle of altering the Green Belt through this Local Plan in the Green Belt and Exceptional Circumstances - Evidence Paper (September 2024) (‘the Green Belt Topic Paper’).
- 2.3 Furthermore, as confirmed in *Calverton*¹ it is not simply a case of whether development needs can be met in full, but whether they could *sustainably* be met without impinging on the Green Belt. In the case of a District such as St Albans with multiple settlements, each with varying levels of sustainability to accommodate growth; and each requiring their vitality and vibrancy to be supported, and housing provision for their communities, the spatial distribution of non-Green Belt sites would need to be carefully considered.
- 2.4 Additionally, as confirmed through *Compton*², the relevant test is whether the circumstances relied upon, taken together, can rationally be considered to constitute exceptional circumstances which justify the release of land from the Green Belt. In the case of St Albans, the extent of housing needs (market and affordable) and the very clear evidence that only a small proportion of this need could be met through development of non-Green Belt land, could rationally be concluded to constitute exceptional circumstances justifying alterations to the Green Belt. It is also relevant to note that the Green Belt in the District has remained unaltered since adoption of the 1994 Local Plan. It has persisted well beyond a typical plan period.
- 2.5 Our principal concern is not whether exceptional circumstances have been demonstrated which justify allocation of land currently Green Belt (we suggest they clearly have) but that the evidence

¹ *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin)

² *Compton PC v Guildford Borough Council & SSHCLG* [2019] EWHC 3242 (Admin)

base supports the removal of more land from the Green Belt and its allocation for development than the DLP proposes.

- 2.6 We note that the Council's Green Belt Topic Paper confirms the Council approach to minimising alterations to the Green Belt has been *"the 'underlain by the concept of 'leaving no stone unturned' in the search for appropriate sites on brownfield land'"* (paragraph 3.3). This perhaps explains what we consider to be an overly optimistic appraisal of the deliverability of non-Green Belt sites relied upon to help deliver housing for the District (and in particular, Harpenden), as highlighted in our Regulation 19 representations (please see paragraphs 4.8 – 4.41).
- 2.7 Separately, we are unclear how the Council's consideration of exceptional circumstances has considered the need for the revised Green Belt boundary to be capable of enduring **beyond** the plan period, as required by the NPPF (paragraph 145).
- 2.8 It appears evident that even if all of the windfall contributions, urban intensification, brownfield sites of questionable deliverability, etc. were to come forward as the Council's predicts, the revised Green Belt boundary would still not be capable of enduring **beyond** the plan period.
- 2.9 Indeed, given the limited extent of the alterations to the Green Belt boundary, together with the extent of housing need the 2024 NPPF and its accompanying Standard Method will require a future Local Plan for the District to address, it appears inevitable that the Green Belt boundary will require further review well before the end of the plan period.
- 2.10 This is an issue we consider can be addressed through main modifications to the DLP which allocate additional sites for residential development. Whilst this would mean greater alterations to the Green Belt in the short-term, it would help ensure that one of the key objectives of the Green Belt – their permanence – has greater prospects of being achieved over the longer term. It would also provide greater certainty for local communities, stakeholders, and infrastructure providers.

3. ISSUE 2 – GREEN BELT REVIEW

Question 1

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

- 3.1 Where the Stage 2 Green Belt Review 2023 (GB 02.02) ('the Green Belt Review') recommended areas were not taken forward for further consideration for potential alterations, from how it was applied in the consideration of Land at Pipers Lane ('the Site') this appears to have been treated as an absolute and a key determinative factor, which has overridden any sustainability considerations or other planning matters.
- 3.2 For example, in the case of how the SA of the DLP considered the Site, at paragraph 5.4.70 it states that other non-strategic options were "*inherently*" judged to perform poorly if they were not recommended by the Green Belt Review.
- 3.3 This has resulted in the unjustified rejection of sites such as the Site. We submit this approach needs to be seen in the context of the multitude of factors that indicate that the DLP, as currently proposed, does not allocate sufficient sites to ensure housing needs can be met in full or that the Green Belt boundary is capable of enduring beyond the plan period.
- 3.4 In addition, it is not clear how the Council has considered criticisms of its approach to the appraisal of specific sites' contributions to the purposes of the Green Belt as part of the plan-making process.

Question 3

Is the methodology by which sites have been assessed in the Stage 2 Green Belt Review sufficiently robust and transparent to support the proposed revisions? If not, what approach should have been used and why?

- 3.5 As set out in our Regulation 19 representations, we consider that the Green Belt Review has overstated the importance of sub-area SA-37 (which includes the Site) to the purposes of the Green Belt, and by extension has overstated the contribution made by the Site. We also consider the Site has the potential to be developed in a manner that would result in substantially less harm to the Green Belt than the Green Belt Review implies (please see paragraphs 6.5 – 6.14 of our Regulation 19 representations).

- 3.6 Additionally, we note that SA-37 (which adjoins the town of Harpenden, and the nearest neighbouring settlement to which is the village of Wheathampstead) is given a 'score' of 3 by the Green Belt Review in relation to Green Belt Purpose 2. Purpose 2 of the Green Belt is to *"to prevent neighbouring towns merging into one another"* (NPPF paragraph 143. Emphasis added). As per our Regulation 19 representations (paragraph 6.11), we consider the Green Belt Review has overstated this parcel's importance in relation to this purpose. In any case, more recently, the PPG³ has reiterated that Purpose 2 is intended to relate only to the prevention of **towns** from merging into one another, not villages. Even if one were to disregard this clarification, the December 2023 NPPF expressly referred to the prevention of the merger of towns
- 3.7 The Site has evidently been assessed as being more important to the purposes of the Green Belt than is actually the case. This is of particular importance given the seemingly determinative role the Green Belt Review has had in the site selection process; and given the DLP as currently drafted proposes too few allocations to meet housing needs in the early years of the plan period.
- 3.8 We suggest that a proportionate and pragmatic solution to the above would be for the Council to revisit sites that have been rejected on the basis of their alleged contribution to the purposes of the Green Belt; and seek to identify additional allocations from these to meet in full (or at least better meet) housing needs in the early years of the plan period.

Question 5

Where the evidence recommended that areas were not taken forward for further consideration, how did the Council consider this in the plan-making process? How did the evidence in the Stage 2 Green Belt Review inform decisions about which sites to allocate?

- 3.9 As per our response to Question 1 above, we consider that too much weight has been given to the Green Belt Review in terms of decisions as to what sites **not** to allocate in the DLP.
- 3.10 It appears that where sites **are** proposed to be removed from the Green Belt, the Green Belt Review provides appropriate, proportionate justification for the necessary alterations to the Green Belt. The problem is rather that the Green Belt Review has overstated the harm release of the Green Belt would cause to the purposes of the Green Belt, resulting in fewer sites being proposed for allocation by the DLP than otherwise might be the case.

³ Paragraph: 005 Reference ID: 64-005-20250225

- 3.11 In particular, once it was established that the basket of sites proposed to be allocated would not be sufficient to meet housing needs in the short-term, we consider the Council should have revisited sites that had been rejected on the basis of the Green Belt Review.
- 3.12 Furthermore, and again as noted in our response to Question 1 but relevant here also, it is not clear how the Green Belt Review and / or the plan-making process as a whole has considered specific criticisms of the Green Belt Review submitted in response to consultation on the DLP. If these had been appropriately considered, we suggest that additional sites (or at the very least one additional site) could have been identified as being capable of being released from the Green Belt without resulting in the degree of harm to the Green Belt's purposes that the Green Belt Review suggested.
- 3.13 This is particularly problematic given the seeming importance placed on the findings of the Green Belt Review in seeking to limit sites for allocations.
- 3.14 This again is an issue we consider can be resolved through main modifications: by revisiting sites previously rejected on the basis of the alleged harm their development would cause to the purposes of the Green Belt.

Question 6

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

- 3.15 It appears that not only was the Site rejected on the basis of an overstated contribution to the purposes of the Green Belt; but that this did not consider potential mitigation that could be incorporated into the development of the Site which would have further limited any harm to the purposes of the Green Belt, discussed in our Regulation 19 representation, paragraphs 5.26 and 5.30 in particular.
- 3.16 As **Calverton** confirms, in considering whether exceptional circumstances justify alterations to the Green Belt boundary, it is necessary to consider the extent to which identified harms to the purposes of the Green Belt may be mitigated.
- 3.17 In the case of the DLP, revisiting sites previously rejected to determine whether alleged harms to Green Belt purposes can be mitigated has the potential to identify additional sites to be allocated that would limit, if not necessarily address in full, the shortfall in housing the DLP as currently drafted would result in.

4. ISSUE 3 – EXCEPTIONAL CIRCUMSTANCES

Question 1

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 planmaking process?

- 4.1 As set out in our response to Issues 1 and 2 of Matter 3, we consider not only is there clear evidence of there being exceptional circumstances which justify alterations to the Green Belt boundary; but that the evidence indicates exceptional circumstances which justifies a greater release of Green Belt than the DLP currently proposes.
- 4.2 Such factors include: the extent of housing need in the short-term that the DLP is not proposing to meet in full; the inability to meet this without impinging on the Green Belt (the DLP's evidence base has already confirmed a smaller number of dwellings cannot be delivered in the early years of the plan period without alterations to the Green Belt); the limited extent of harm to the purposes of the Green Belt in respect of at least one site not currently proposed to be allocated, and which could deliver additional home in the early years of the plan period; and the potential for even this limited degree of harm to be mitigated.