

HEARING

STATEMENT

St Albans City and District Local Plan

Matter 3 – The Green Belt

On behalf of

Taylor Wimpey Strategic Land
(Land at Hill Dye Road, Wheathampstead)
(Respondent no.330)

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 Hill Dyke Road, Wheathampstead ('the Site') through the plan-making process. The Site is proposed for allocation in the DLP (Allocation M2) for residential development.
- 1.4 Representations were made on the Regulation 19 Publication Draft Local Plan by TWSL and in respect of the Site (respondent no.330), through which changes to the plan were sought ('the Regulation 19 representations').
- 1.5 Matters raised within this Hearing Statement seek to avoid repeating points already made in the Regulation 19 representations, unless they expressly relate to the Matters, Issues and Questions published.
- 1.6 Our position is that the DLP is capable of being made sound, but that modifications are required to ensure this is the case.
- 1.7 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 discussed in our Regulation 19 representations, we suggest that the Council's recent housing delivery record (as measured by the Housing Delivery Test) underlines the inherent challenges in meeting development needs in the District without impinging on the Green Belt.
- 2.2 The inability to meet development needs without alterations to the Green Belt boundary was more directly evidence as part of preparation of the DLP through the Council's Housing and Economic Land Availability Assessment (2021) ('the HELAA') and its accompanying Appendix B – the draft Urban Capacity Study (2022) ('the UCS').
- 2.3 We note that the Council has published the Green Belt and Exceptional Circumstances - Evidence Paper (September 2024) ('the Green Belt Topic Paper'). The Green Belt Topic Paper makes clear that the Council was alive to the need to fully examine all other reasonable options for meeting housing needs before concluding that alterations to the Green Belt were necessary. Indeed, the Green Belt Topic Paper confirms the Council's approach to minimising alterations to the Green Belt has been *"underlain by the concept of 'leaving no stone unturned' in the search for appropriate sites on brownfield land"* (paragraph 3.3).

3. ISSUE 2 – GREEN BELT REVIEW

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?

- 3.1 We consider that the Green Belt Review undertaken by the Council provides robust evidence supporting the removal of land from the Green Belt that the DLP proposes.
- 3.2 In particular, at least insofar as concerns the Site, we consider that the Green Belt Review's appraisal has overstated the contribution made by sites to the purposes of the Green Belt.
- 3.3 This is discussed in our Regulation 19 representations at paragraphs 7.33 to 7.40.
- 3.4 For example, we note that the Green Belt Review concludes the Site makes a significant contribution to Purpose 3 of the Green Belt by virtue of it containing less than 3% built form and possessing a strong unspoilt rural character. At Table 4.9 of the review, it explains that such characteristics will result in a site being awarded the highest 'score' in terms of its contribution to Purpose 3. We suggest that there are additional factors which, if accounted for, could result in such sites being found to make a less significant contribution to Purpose 3.
- 3.5 Separately, it should be recognised that Purpose 2 of the Green Belt is to ***"to prevent neighbouring towns merging into one another"*** (NPPF paragraph 143. Emphasis added). The PPG¹ has more recently reiterated that this purpose is intended to relate only to the prevention of towns from merging into one another, not villages. Consequently, in the case of the Site (which adjoins the village of Wheathampstead) it (as well as similarly located sites) clearly makes no contribution to this purpose.
- 3.6 None of the above undermines the soundness of the proposed allocation of the Site. On the contrary, it is considered that the evidence justifying its allocation is even stronger once the above is accounted for.

¹ Paragraph: 005 Reference ID: 64-005-20250225

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 The existence of exceptional circumstances justifying alterations of the Green Belt boundary is discussed in detail in our Regulation 19 representation (please see paragraphs 3.7 – 3.29).
- 4.2 In summary, if one were to go through the five points outlined in **Calverton** (set out at paragraph 3.11 of our Regulation 19 representations), we submit that one would inevitably reach the conclusion that there are exceptional circumstances justifying Green Belt alterations (as set out in our Regulation 19 representations, at paragraphs 3.12 – 3.24). We suggest that the DLP's evidence base makes this position very clear, including the HELAA and Green Belt Review. Additionally, it is notable that the Green Belt Topic Paper confirms the factors used to consider whether exceptional circumstances exist are those that **Calverton** suggest be considered.
- 4.3 Additionally, one of the key aspects of **Calverton**, we suggest, is that it confirms that in considering whether the extent of development needs might constitute exceptional circumstances, it is not sufficient to simply consider whether development needs can be met without impinging on the Green Belt. Instead, it is important to consider whether they can be *sustainably* met without recourse to using some land designated Green Belt.
- 4.4 Furthermore, **Compton**² confirms that exceptional circumstances justifying alterations to the Green Belt exist provided that the circumstances relied upon can be rationally considered to constitute exceptional circumstances, i.e. it is not necessary to 'tick off' the points raised in **Calverton**. In the case of St Albans – the severity of market and affordable housing shortages – the exceptional circumstances referenced within the Council's Green Belt Topic Paper are clearly not irrational.
- 4.5 It should also be recognised that several appeals for major residential development have been allowed in recent years in the District's Green Belt, through which very special circumstances linked to the absence of an adequate housing land supply / severity of housing shortages were found to exist. Given that **Compton** confirms that the bar is higher for demonstrating the existence of very

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

special circumstances than exceptional circumstances, this further suggests there are exceptional circumstances justifying alterations to the Green Belt to help address housing needs.

- 4.6 Additionally, whilst it is recognised that this Local Plan is being considered in relation to national policy set out in the December 2023 NPPF, it is nevertheless relevant to note that, for the purposes of decision-making, relevant national policy is currently that within the 2024 NPPF. The 2024 NPPF makes clear that where there is inadequate housing land supply and / or a persistent record of under-delivery of housing, residential development of Green Belt which meets the definition of grey belt is, subject to other criteria being met, not inappropriate. The corollary of this is that, if an up-to-date Local Plan is not put in place for St Albans, the District would continue to face a significant housing land supply shortage, and it is highly likely that further development of Green Belt land would occur in any case in order to address such shortages, albeit on an unplanned basis.