



For and on behalf of:  
**Moralis Group**

## **ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION IN PUBLIC**

**Matter 3 – Green Belt**

**Hearing Statement**

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## **1.0 INTRODUCTION**

- 1.1 This response to Matter 3 of the Inspectors' MIQs in respect of the St Albans City & District Local Plan Examination has been prepared by the Research & Analysis team within DLP Planning Ltd. We have been instructed to appear at the Examination on behalf of Moralis Group.
- 1.2 Submissions were made on behalf of Moralis Group to the Regulation 19 consultation on the emerging Local Plan, objecting to the Submission Version of the Local Plan on several grounds, including its failure of the four tests of soundness in the NPPF, paragraph 35. This statement should be read in conjunction with those submissions.
- 1.3 The cumulative effect of the issues raised in our previous representations and our submitted hearing statements for Matters 1 to 3, are such that the Draft Local Plan should not be allowed to continue through the examination process in its current form.

## 2.0 MATTER 1 – THE GREEN BELT

### a) Issue 1 – Principle of Green Belt Release

***Q1 - Has the Council examined fully all other reasonable options for meeting housing needs as required by the Framework?***

- 1.4 We agree that given the lack of available land within the District in non-Green Belt locations to meet identified needs, that exceptional circumstances exist to warrant Green Belt release. In our view the requirements of NPPF paragraph 146 have been met.

***Q2 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?***

- 1.5 We support the intentions of this approach as it considered to generally be in accordance with paragraphs 109 and 147 of the NPPF insofar as it seeks to promote sustainable patterns of development. However, we take issue with the extent of the buffers identified.
- 1.6 Paragraph 4.2.1 of the Arup Stage 2 Green Belt Review (GB 02.02) defines a buffer of 400m for 'main settlements' and 250m for 'lower order settlements'. No robust justification is provided within the evidence base for these distances, and they represent a very arbitrary notion of what is 'sustainable'.
- 1.7 In the spirit of NPPF paragraphs 109 and 114 a more robust approach would be to identify sustainable areas of search within the Green Belt based on accessibility to sustainable modes of transport, with the objective of limiting the need to travel. It does not always follow that locations closest to built-up areas offer the best choice of transport modes.
- 1.8 This would lend itself to a strategy which gives greater consideration to larger development (i.e. 400 dwellings +) around key transport hubs such as train stations, as opposed to a series of small encroachments on the edge of settlements in less sustainable locations.

***Q3 - 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?***

- 1.9 For Council

***Q4 In deciding to review the Green Belt boundary, how did the Council consider the provision of safeguarded land? Is the Plan consistent with paragraph 148 c) 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?***

- 1.10 We see no evidence that the provision of safeguarded land was considered in the Council's evidence base.
- 1.11 Given that plan as submitted contains a housing target that is less than 80% of the 2024 LHN

figure of 1,544dpa, the Council will be required to undertake an immediate review of the plan under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023, as expected by paragraph 236 of the NPPF 2024. In that regard, further sites for housing will need to be found immediately upon adoption and making decisions now about where those homes will go seems like an inherently sensible approach and will provide certainty for those tasked with delivering. This approach would be consistent with NPPF paragraph 148 c).

## **b) Issue 2 – Green Belt Review**

***Q1 How does the methodology in the 2023 Stage 2 Green Belt Review differ from the earlier studies in 2013 and 2014 referenced above?***

1.12 For Council

***Q2 How were the areas selected for assessment in the Stage 2 Green Belt Review and what are they based on? How do the areas differ from previous assessments of the Green Belt?***

1.13 For Council

1.14 ***Q3 - 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?***

1.15 No response

***Q4 - How did the evidence in the Stage 2 Green Belt Review inform decisions about which sites to allocate?***

1.16 For the reasons set out within our client's Regulation 19 submissions and elsewhere in this statement, we are concerned that the Stage 2 Green Belt Review didn't provide a robust assessment of sites and this therefore meant the Council did not choose to consider allocation of a higher number of Green Belt sites, and particularly more medium-large sites in sustainable locations such as Bricket Wood/How Wood.

***Q5 - Where the evidence recommended that areas were not taken forward for further consideration, how did the Council consider this in the plan-making process?***

1.17 For Council

***Q6 - How was the potential for mitigation considered in the Stage 2 Green Belt Review? Was this considered on a consistent basis for all sites?***

1.18 Whilst the Stage 2 Green Belt Review report rightly acknowledges the potential for boundary

mitigation (sections 4.5.3 and 8.2 in particular) in order to strengthen existing or creating new boundaries, the evidence of this actually forming part of the individual sub-area assessments is weak. For instance in LPSS 02.05 (Green Belt Sites Recommended Large Site Proformas) there is no mention of potential boundary mitigation in any of the 3 site assessment proformas.

- 1.19 Our client's site is extremely well screened by mature boundary planting along its eastern, southern and western boundaries. The northern boundary of the Site is located adjacent to the residential development site at Burston Nurseries (5/2020/3022) and the recently consented residential development (ref: 5/2023/0983) on the Copeswood Site. The western and southern boundaries are well contained by the existing strategic road network, meaning the overall impacts in terms of openness would be extremely limited.

***Q7 - 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?***

- 1.20 Section 8 of the Stage 2 Green Belt Review report (GB.02.02) provides some evidence of what measure could be undertaken to provide compensation based on examples elsewhere but stops short of making any firm recommendations on or assessment of measures to be employed within St Albans.
- 1.21 We note however that draft policy LG6 does set out the Council's policy to compensatory measures, which is to require those bringing forward land in the Green Belt for development to submit a Green Belt compensation strategy.
- 1.22 Our client's site at Lye Lane, Bricket Wood is of a sufficient scale that it can accommodate large areas for compensatory improvements. More specifically, it would also offer the further benefits such as helping to:
- Protect other features that are close to the Site (ancient woodlands, County Wildlife site, traditional orchard and deciduous woodland Priority Habitat); and
  - Deliver the access improvements along Lye Lane; and
  - De-contamination of the site before it has any impact on the Source Protection Zone

***Q8 How has the Council considered 'washed over' settlements within the Green Belt? Are any changes proposed and/or necessary based on the evidence presented?***

- 1.23 No response

***Q9 Aside from sites proposed for development, are any other alterations proposed and/or considered necessary to the existing Green Belt boundary?***

- 1.24 The Council choose not to release our client's Site (C-249 Land at Lye Lane, Bricket Wood) from the Green Belt, concluding "...the sub-area plays an important role with respect to the strategic land parcel, and its release in isolation would harm the performance of the wider Green Belt ... the sub-area performs moderately against NPPF purposes and makes an

*important contribution to the wider Green Belt. Not recommended for further consideration.”*

However, we do not agree with the outcome of the assessment. We have undertaken our own desk-based assessment and conclude that development of the sub-area parcel would likely result in ‘low-moderate’ (limited) impacts, far from any significant impact(s):

- **(a) to check the unrestricted sprawl of large built-up areas**

- 1.25 The Site does not lie adjacent to a large built up are and therefore makes no contribution to this purpose.

- **b) to prevent neighbouring towns merging into one another**

- 1.26 The Site is within a larger area which separates Chiswell Green (to the north) and Bricket Wood (to the south). However, due to the presence of the M25 to the south, this acts as a notable and permanent physical and visual barrier to separate the two areas. We therefore consider the parcel/Site makes a limited contribution to this purpose at best.
- 1.27 The Council’s own published assessment states “*..the sub-area forms a wider part of the gap between Chiswell Green and Bricket Wood; and Chiswell Green and How Wood. Due to the presence of the M25, perceptual merging of the neighbouring built-up areas of Chiswell Green and Bricket Wood would be limited. It is judged that there may be some scope for development without significant physical or perceptual erosion of the gap between neighbouring built-up areas.*”
- 1.28 The Council gives a score of ‘3’ (out of 5) and considers the Site performs moderately against this purpose. In our opinion the Parcel should score no more than 2 out of five, at worst.

- **(c) to assist in safeguarding the countryside from encroachment**

- 1.29 There are existing care home developments situated centrally within the sub-area. Historically, the Site has been subject of gravel extraction as well as the depositing of contaminated construction waste, dating back to the 1990s. As such, the majority of the sub-area and the Site comprises earthworks and informal tracks, rather than natural open and rural countryside.
- 1.30 We acknowledge the Site does not comprise ‘brownfield’ land, nonetheless, it offers very little to the visual appearance and character of the countryside. Its appearance is degraded and is not typical of the wider countryside. The sub-area is also understood to be quite well visually contained. We therefore consider the sub-area makes a low-moderate contribution to this purpose at best.
- 1.31 The Council’s assessment states “*...approximately 2% of the sub-area is covered by built form. Built form is concentrated in the centre of the site, including two residential care homes with associated car parks and gardens. The rest of the sub-area comprises woodland and meadow, which is dominated by informal tracks and earthworks...*”
- 1.32 The Council gives a score of ‘3’ and considers the sub-area performs moderately against this purpose. In our opinion the sub-area should score no more than 2 out of 5.

- **(d) to preserve the setting & special character of historic towns**

- 1.33 The Parcel and Site are not within or adjacent to a Conservation Area or located near any statutory Listed Buildings.
- 1.34 The Council's assessment states "...the sub-area does not abut an identified historic place or provide views to a historic place and does not meet this purpose". The Council gives a score of '0' and considers the sub-area makes no contribution to this purpose.
- **(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**
- 1.35 As all Green Belt land contributes to this purpose equally, the requirement to develop on Green Belt land needs to be set against the housing needs of St Albans and any unmet needs of its neighbouring and HMA authorities. As already acknowledged through the DLP, it is clear there is a pressing need and requirement to release current Green Belt land to meet the current identified minimum housing needs. Needs which cannot be met solely within existing defined urban areas and or by redevelopment of previously developed land. Release of Green Belt land will therefore not undermine or discourage the recycling of derelict and other urban land where this comes forward ordinarily.
- 1.36 We consider the Council should seek to direct new housing towards locations which contribute the least to the Green Belt purposes. This sub-area provides the Council with an opportunity to release further land from the Green Belt that does not make a strong contribution to the purposes of including land within the Green Belt. Furthermore, the Site offers an opportunity to deliver much needed new homes within the immediate coming years given its ability and alignment to the Government's proposed introduction of the Grey Belt.
- 1.37 Given the significant housing shortfall within the HMA and the pending significant increase in the Council's housing targets, we consider the Council need to release additional land from the Green Belt and allocate this for housing though this plan review. We therefore do not consider the Council's policy on Green Belt is 'sound' as it is not justified, effective or consistent with national policy.

### c) Issue 3 - Exceptional Circumstances

#### ***Q1 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?***

- 1.38 We concur with the HBF's view that the Council is facing an acute shortfall in housing supply against identified needs with no other means of substantially boosting housing supply other than through amending existing green belt boundaries that have been in place since 1994.
- 1.39 The level of under supply in St Albans has been significant, with housing delivery in the past 10 years averaging just 410 dpa. We believe this acute need fully justifies the exceptional circumstances test set out within NPPF paragraph 143.
- 1.40 We would urge the Inspector to consider whether the Green Belt releases could and should go further than the 'do minimum' approach, given the scale of housing need facing the District and historic undersupply of housing and particularly affordable housing.
- 1.41 Further allocations in the Green Belt would i) provide greater headroom in terms of overall delivery of the minimum 885 dpa target; ii) will increase the likelihood of homes being





delivered early in the plan period, avoiding the need for a stepped trajectory; and iii) increase the delivery of much needed affordable housing.

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