

Examination of the St Albans City and District Local Plan – Stage 2 Hearings Matter Statement

Our ref 60885/01/MS/ADo
Date 16 October 2025
From Lichfields on behalf of Legal & General

Subject Matter 7 – Residential Site Allocations Issues: Harpenden and Hatching Green Site Allocations

Context

- 1.1 This Statement should be read alongside Legal & General's ('L&G') representations to the Regulation 19 Consultation of the Local Plan, **representor ID 351**, specifically representations 351-1, 351-2 and 351-3 in respect of L&G's site at North West Harpenden ('NWH').
- 1.2 Part of the NWH site is identified in the Part B Local Plan Sites document (LPCD 02.02) ('the plan') as a 'Broad Location' (250+ homes) for a primarily residential development of, indicatively, 293 homes, green infrastructure, transport infrastructure and other community infrastructure.
- 1.3 In February 2025, St Albans Council ('SADC') issued a resolution to grant permission (subject to S106) for an outline application for up to 550 dwellings (including 130 Class C2 integrated retirement homes), affordable housing, early years setting, public open space, allotments and publicly accessible recreation space¹ at NWH. The site to which the application relates is similar to that submitted as a HELAA site (HT-07-21) and larger than the site allocation.²
- 1.4 This Hearing Statement draws upon content Appended to our Matter 3 Green Belt Statement.³

¹ Application Ref 5/2023/0327

² Specifically, the HELAA site includes the Cooters End Lane farmhouse which was excluded from the application (5/2023/0327) and a small portion of lane to the north which was also excluded. These differences are not material to the following assessment of the site assessment methodology

³ Available at the EIP website:

<https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/Exa/351%20Legal%20%26%20General%20Matter%203%20.pdf>

2.0 Issue 2 – Harpenden and Hatching Green Site Allocations

Policy B7 – North West Harpenden

Q1 What is the latest position regarding the development proposals for the site?

- 2.1 The Committee Report⁴ for the application recommended permission be granted and that the applicant should enter into a legal agreement (s.106) within six months of the date of the meeting, which was 17th February 2025.
- 2.2 In the period since February, the applicant and SADC have been holding regular discussions regarding the s.106 agreement in accordance with the Report's Heads of Terms. The SADC Chair of the Development Management Committee and the Head of Development Management agreed an extension for s.106 signature until the end of the year, on the basis that there has been significant progress. The discussions are on-going and it is envisaged that the s.106 will be signed in accordance with the agreed updated timescale.

Q2 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

- 2.3 The NPPF⁵ states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans (para. 145) and the authority must demonstrate all other reasonable options for meeting development need have been assessed (para. 146).
- 2.4 L&G agrees with SADC that the significant level of longstanding housing need and associated affordability considerations, when combined with the significant amount of Green Belt designation in the district, justify the removal of land from the Green Belt.
- 2.5 We note the Council's response to the Inspectors' Stage 1 questions on how 'exceptional circumstances' have been reflected in the production of local plan policies and with specific regard to the NWH allocation (Question 12). The Council's evidence in GB 01.01 concisely demonstrates the approach taken.
- 2.6 Specific to NWH (both Policy B7 and the larger submitted HELAA site), the site has been extensively consulted through the current and previous local plan reviews.⁶ Its inclusion in the draft Local Plan is intended to help address SADC's identified unmet housing need supported by the Council's evidence base.⁷
- 2.7 L&G considers there to be exceptional circumstances supporting Green Belt release of the draft NWH allocation and the extra land within submitted HELAA site and application. The

⁴ Available: <https://stalbans.moderngov.co.uk/documents/s50071930/2023-0327%20North%20West%20Harpenden.pdf>

⁵ December 2023 version

⁶ The wider NWH site was identified for development in the now withdrawn SADC Draft Local Plan (2020 – 2036) and prior to that in the draft Strategic and Detailed Local Plans, also withdrawn.

⁷ This includes Green Belt Review (GBR) Report 2023; the GBR Annex Proforma Report 2023, GB 02.02 to GB 02.03

extra land will deliver additional new market homes, affordable homes, and substantive public benefits to support the objectives of the Local Plan. This position – the benefits of the larger scheme against the smaller portion identified by the Council’s draft plan and GBR - was supported by the Council within the Committee Report for the outline application.⁸

Q3 Is Policy B7 justified, effective and consistent with national planning policy? If not, what modifications are required to make the Plan sound?

- 2.8 Development at NWH is justified, effective and consistent with national policy. However, the specific site boundary proposed by Policy B7 does not meet the tests of NPPF para 35 and requires modification.

Context

- 2.9 NPPF Paragraph 11 states that plans should apply a presumption in favour of sustainable development that, as a minimum, provides for objectively assessed needs unless, inter alia, the application of national policies that protect areas of particular importance (including Green Belt) provide a strong reason for restricting development.⁹
- 2.10 In advancing Policy B7 – and the associated site boundary – the Local Plan has not demonstrated with evidence that there is a strong reason why the contribution NWH could make to addressing housing need (as originally submitted in the HELAA site HT-07-21) should be artificially restricted by drawing the revised Green Belt boundary to exclude suitable land for development. It is therefore not positively prepared or consistent with national policy. A modification – to extend the site area and capacity across the whole NWH site, justified by an addendum to the site selection and/or GBR - would make the plan sound.

Housing need

- 2.11 The Council proposes a stepped housing trajectory, in part due to the time it takes for the Hemel Garden Communities to deliver. The real-world consequence is that housing is not supplied when it is needed. This is acute in St Albans given that: a) the standard method local housing need figure of 885dpa is ‘capped’ such that ‘actual’ need is 1,170 dpa; and b) there is wider unmet housing need.
- 2.12 A positively prepared local plan would be one that actively engaged with what sites could be released from the Green Belt to provide housing in the early part of the plan period and close the gap between ‘actual’ housing need and the supply of homes. If there are suitable

⁸ The report states at para 8.2.7: “As detailed within this report, there is an identified need for new homes within the District. However, there is an insufficient supply of Previously Developed Land to meet the housing need, which led to the Council undertaking a search process for sites in the Green Belt. The Council has concluded that ‘Exceptional Circumstances’ do exist and it is necessary to amend Green Belt boundaries as set out in the emerging Local Plan and its Policies Map. The application site falls within a ‘settlement buffer’ in the Arup Green Belt Review. These settlement buffers assist in identifying sites that would encourage a sustainable pattern of development that is accessible to existing settlements.”

⁹ The second part of the presumption (Para 11 b ii) applies the so-called ‘tilted balance’, but this clearly does not apply to the extended NWH site given the conclusion reached by the officers on the application.

sites for Green Belt release, they should be allocated for development, their potential should be optimised (see NPPF para 135 e)) and this should be restricted only if there is a strong reason for doing so.

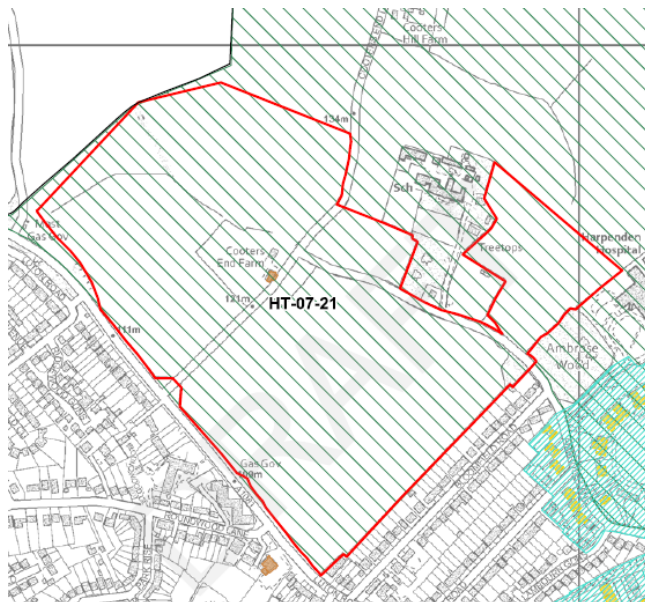
- 2.13 This is relevant to Policy B7 insofar that the Local Plan seeks to restrict the extent of the allocation so that only part of a HELAA site is allocated for development, reducing its contribution to development needs from its realistic potential of 550 dwellings¹⁰ to the indicative 293 homes referred to in the Plan.
- 2.14 We explain the flaws in the Council's methodology and evidence below with reference to the HELAA, GBR(s), and Site Selection Methodology, Outcomes and Site Allocations.

HELAA site reference HT-07-21

- 2.15 The purpose of the HELAA (2021) is to help SADC consider potential options through the assessment of sites with development potential.
- 2.16 The wider NWH site was identified in the HELAA under site reference HT-07-21 (Figure 1) and the report concluded:

"The site is considered to be potentially suitable, available and achievable subject to further assessment as part of the site selection process."

Figure 1 – HELAA Site Reference HT-07-21



- 2.17 The site was subsequently selected for further assessment.¹¹

¹⁰ Per the current planning application proposals

¹¹ This was confirmed within the Site Sifting Process Addendum (July 2025) paper (<https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/Exa/SADCED81%20%20%20%20Site%20Sifting%20-%20July%202025%20-%20Final.pdf>) and appendix 1 (<https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/Exa/SADCED81A%20Appendix%201%20-%20HELAA%20Green%20Belt%20Site%20Sifting.pdf>) which was published by the Council following the Examination Stage 1 Hearings. The HELAA also included a number of other potential sites which relate to the NWH

Green Belt Reviews – 2013, 2014 and 2023

- 2.18 By way of background, the Stage 2 GBR (June 2023) is the third Green Belt assessment commissioned by SACDC since 2013 to support a Local Plan.
- 2.19 L&G's Reg 19 representations and accompanying review of the Stage 2 GBR 2023, undertaken by LDA, identified a number of concerns about the assessment methodology, and how it differed from the 2013 and 2014 studies. Specifically, the 2023 review did not appropriately justify the identification of land parcels and these did not take into account relevant physical characteristics, including the ridge line north of Harpenden.
- 2.20 The 2013 review divided the Green Belt into parcels of appropriate size for assessment. The NWH HELAA site lies within parcel GB40 but the review identified strategic sub-areas (SA-S5) for further assessment (Figure 2). The 2014 review maintained the same sub-area (S5) but then considered this in closer detail.
- 2.21 By contrast, the 2023 review identified much larger land parcels ('sub-areas') and the HELAA site for NWH was split across three sub-areas (SA-19, SA-20 and SA-21) (Figure 3) which did not directly correlate with the 2013 and 2014 reviews.

Figure 2 – 2013 Review - Strategic Sub-Area SA-S5

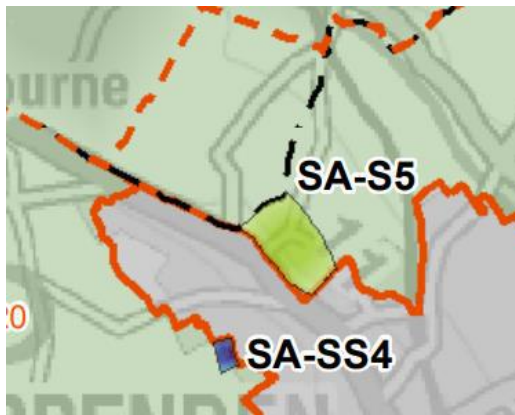
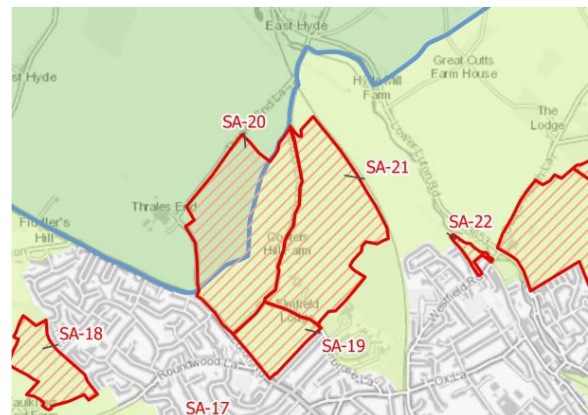


Figure 3 – 2023 Review – Sub Areas for Assessment



- 2.22 Accordingly, the assessment of the land parcels and how these contribute towards the Green Belt purposes were different across the GBRs. In the case of the NWH location, the sub-areas were much larger in the 2023 review than the 2013 / 2014 reviews, extending beyond the HELAA site boundary itself.

Stage 2 Green Belt Review (June 2023) and the HELAA

- 2.23 Page 23 of the GBR states that “all sites promoted in the ‘call for sites’ over the period 2016 and 2021, which are located in the Green Belt were considered” with the intention of relating to the identification of specific deliverable and developable sites for the local plan. It states that “all sites promoted within or partially within the Green Belt were considered”. On pages 20-21 it refers to area of search for Harpenden being defined by a 400m settlement ‘buffer’ which was a proxy for the “likely maximum extent of sustainable

location, including HT-07-18 and HT-08-18. However, these did not pass the HELAA stage as confirmed in the Site Sifting Process Addendum (July 2025) paper.

development” and intended to “encourage [...] sustainable pattern of development accessible to existing settlements and maintain the integrity of the Green Belt [...] This approach ensured a proportionate and focussed study.”

2.24 Unfortunately, the GBR’s assessment did not follow its own purported approach.

2.25 HELAA site HT-07-21 is a clearly delineated land parcel which responds to physical characteristics, land ownership and the district boundary. Figure 4 below shows that it sits within the 400m settlement buffer.

Figure 4 – NWH in the context of the 400m Green Belt Study Settlement buffer



Source: SADC Appendix C of the Site Selection Paper

2.26 The 2023 review split the HELAA site across three separate Green Belt parcels SA-19, SA20 and SA-21 (Figure 3).

2.27 SA-19 is a discrete parcel, within the 400m buffer and it was recommended for further consideration because, although its overall NPPF Purpose Performance was “*Strongly*”, it was unsurprisingly considered to have a “*less important*” Strategic Role and recommended for further consideration¹². However, SA-20 and SA-21 extended well beyond the HELAA boundary, beyond the 400m buffer, out into open countryside. Unsurprisingly, the GBR concluded these larger parcels had an “*important*” Strategic Role, with the proformas clearly considering the land extending beyond the HELAA site. As a result, both SA-20 and SA-21 were “*not recommended for further consideration*”.

¹² See St Albans Stage 2 Green Belt Review Annex Report

2.28 In adopting this approach, the GBR was deficient because:

- 1 The sub-areas did not reflect the HELAA site (or the live planning application), so the GBR did not expressly consider the HELAA site as it had stated it would.¹³
- 2 The larger sub-areas (SA-20 and SA-21) were defined without reference to the ridgeline separating the Luton Road valley from the River Lee valley, a key topographical feature which had informed the boundary of the HELAA site and planning application.
- 3 It failed to assess whether the southern part of SA- 20 and SA21 performs differently from the remainder of the sub-area, or consider whether the southernmost part of SA-20 or SA-21 could be released without undermining its “*Strategic Role*”.

2.29 This flawed assessment appears to have proved decisive in determining how much of the HELAA site was allocated, due to a further error in the Council’s interpretation of its Site Selection process and proforma.

Site Selection Methodology, Outcomes and Site Allocations

2.30 The Council’s methodology for selecting Green Belt sites for allocation¹⁴ can be summarised as:

- 1 If the GBR concluded land was “*recommended for further consideration*”, it was taken forward for assessment¹⁵ and could be “*recommended to progress*”;
- 2 If the GBR did not recommend it for further consideration, the site might nevertheless still be “*recommended to progress by the proformas due to the location of the site next to a Tier 1 or 2 settlement and the potential of the site to deliver a wide range of significant Economic, Environmental and Social benefits including housing, affordable housing, schools, and a significant scale of sustainable transport improvements and jobs.*” (see para 1.31 of LPSS 01.02).¹⁶

2.31 A review of the Green Belt Sites Broad Location Proforma¹⁷ for M-006 shows the consideration of HELAA site HT-07-21 as follows:

- 1 It refers to the GBR recommending “*part of the site*” for further consideration [that being parcel SA-19].
- 2 It refers to the site adjoining a Tier 2 settlement and states “*It offers a wide range of significant Economic, Environmental and Social benefits including a significant scale of sustainable transport improvements and jobs.*” [this appears to be a reference to the

¹³ As described on page 23 of the GBR

¹⁴ LPSS 01.02

https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/Local%20Plan%20Site%20Selection%20-%20Proforma%20Methodology%20Paper_o.pdf

¹⁵ e.g. on accessibility and constraints

¹⁶ This appears to have been applied, for example, to Site C-078 at North East Harpenden in which the Green Belt boundary is proposed to be altered to encompass a larger area of development than implied just by the findings of the GBR.

¹⁷ LPSS 02.04

https://www.stalbans.gov.uk/sites/default/files/attachments/Planning%20Policy/2.%20Green%20Belt%20Sites%20Recommended-%20Broad%20Location%20Proformas_o.pdf

step in the methodology at para 1.31 of LPSS 02.02 as a reason why sites not recommended by the GBR might nevertheless progress.]

- 3 It concludes “*This Site is recommended to progress*”. [note, it does not apply this conclusion to “*part of the site*”]

2.32 Therefore, on its face, even taking account of what we say is a flawed approach in the GBR, the Site Selection proforma appears to support the whole of the HELAA site HT-07-21 being allocated. It does not, expressly or implicitly, justify the site allocation B7 being limited to the Green Belt parcel SA-19 recommended for release by the GBR. It expressly says the opposite, with reference to the wider range of significant, economic and social benefits including a significant scale of sustainable transport improvements and jobs.

2.33 We have not been able to identify any other evidence that led the Council to its proposed allocation boundary for B7.

Summary and Conclusions on Q3

2.34 The principle of development at NWH is sound. But it is inescapable that the Council has not justified the specific site boundary with evidence that comes close to providing a “*strong reason*” for reducing the amount of housing that the HELAA site HT-07-21 could otherwise provide had the whole site been allocated, in the context of making effective use of land, unmet housing need and the Council’s reliance on a stepped trajectory. A modification is necessary to address this.

2.35 We base this conclusion on the following analysis:

- 1 Previous draft Local Plans proposed the whole of the NWH site for development, based on earlier GBRs in 2013/2014 that assessed the site via smaller, discrete land parcels
- 2 The 2023 GBR took a different approach. It started by referring to land that might be considered sustainable within a 400m settlement edge buffer, which would include NWH. However, it did not go on to expressly assess the HELAA site itself against the Green Belt purposes, despite saying it would do so. Instead, it split it across three Green Belt parcels, two of which (SA-20, and SA-21) covered much wider areas, extending beyond the 400m buffer and ignoring crucial topographical features. Only the small parcel (SA-19) in one corner of the site was duly recommended for further consideration. The two wider parcels were not recommended because they were assessed to perform a “*strategic role*”: clearly based on the large parcel size extending over 1km out from the settlement edge.
- 3 Had the GBR parcels been correctly defined to assess the HELAA site, it would have concluded that the whole site be recommended for further consideration in the Council’s site selection process.
- 4 The Site Selection Methodology on which the Council relies allows for Green Belt sites to be progressed if:
 - a The GBR recommended it for further consideration;

- b The GBR did not recommended for further consideration but there were other factors to justify it, including being next to a Tier 2 settlement and delivering significant economic, environmental and social benefits.
- 5 The Proforma for the NWH HELAA site refers to only part of the site being recommended for release by the GBR, but then identifies its presence next to a Tier 2 settlement and its potential to deliver a wide range of significant benefits. Without caveat or condition, or reference to only part of the site being acceptable for allocation, it goes on to conclude that “*This Site is recommended to progress*”.
- 6 No other explanation is provided for why the Site B7 boundary is different to the conclusion reached in previous Local Plans. The public law principle of consistency requires plan-makers to treat situations alike and grapple properly with the reason for any different approach.¹⁸ The 2023 review does not provide this.
- 7 The Council’s committee report on the submitted application provides a carefully-considered analysis of the GBR and reaches the conclusion that the site comparable to HELAA site HT-07-21 performs distinctly from the rest of the wider Green Belt parcels (SA-20 and SA-21) it lies within.
- 8 Had the GBR assessed the HELAA site correctly, the site selection methodology would have led to the wider site being allocated without needing any reference to it delivering a wide range of significant economic, environmental and social benefits. But even accepting the GBR’s flawed approach, the Council’s own approach expressly concludes that the whole HELAA site is appropriate for allocation; it does not justify allocating the small part of the site.
- 9 The proposed extent of Policy B7 as currently drafted is thus not consistent with NPPF para 35 and not sound.
- 10 The plan could be made sound by modification to extend the site boundary of Policy B7 so it aligns with planning application 5/2023/0327 – the evidence for (Appended to our Matter 3 Statement) which would provide the basis for plan makers to define alternative boundaries for the allocation.

¹⁸ Considered in a planning context in Mann LJ in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137