

# HEARING STATEMENT

## **St Albans City and District Local Plan**

### Matter 3 – The Green Belt

#### **On behalf of**

Pigeon Capital Management 4 Ltd  
(Land Northwest of Batchwood Drive, St  
Albans)  
(Respondent no.365)

April 2025

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## 1. INTRODUCTION

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- 1.1 This Hearing Statement has been prepared on behalf Pigeon Capital Management 4 Ltd (PCM4L) 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 PCM4L is promoting the residential development of Land northwest of Batchwood Drive, St Albans ('the Site') through the plan-making process.
- 1.4 The Site forms the land referenced SA-16-18 & SA-16-21 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 PCM4L and in respect of the Site (respondent no.365), 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

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### 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 (paragraphs 2.27–2.35), the evidence clearly demonstrates that housing needs cannot be sustainably met in the District without some release of Green Belt land.
- 2.2 The Council has evidently sought to maximise the contribution of non-Green Belt sites to housing land supply, but it has established that these alone are insufficient to meet identified needs. We note the Green Belt and Exceptional Circumstances – Evidence Paper (September 2024) (‘the Green Belt Topic Paper’) summarises the supporting evidence for Green Belt alterations.
- 2.3 As established in *Calverton*<sup>1</sup> the test is not simply whether development needs can be met in full, but whether they can be sustainably met *without* release of Green Belt land. In a District such as St Albans—comprised of multiple settlements with varying capacities to sustainably accommodate growth—there is a further imperative to consider the spatial distribution of housing and the role of housing delivery in supporting settlement vitality and community needs.
- 2.4 In line with *Compton*<sup>2</sup> exceptional circumstances can be justified when considered cumulatively. In St Albans’ case, the scale of unmet housing need (both market and affordable), coupled with the clear evidence that only a small proportion of this need can be addressed on non-Green Belt land, represents a rational and justified basis for Green Belt release. It is also relevant that the Green Belt boundaries have remained unchanged since adoption of the 1994 Local Plan—far exceeding a typical plan period and warranting reassessment.
- 2.5 Our principal concern is not whether exceptional circumstances exist—they clearly do—but that the evidence base supports a greater level of Green Belt release and allocation than currently proposed by the DLP.
- 2.6 In addition, we are unclear as to how the Council has ensured that revised Green Belt boundaries

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

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

are capable of enduring beyond the plan period, as required by paragraph 145 of the NPPF.

- 2.7 Even assuming the Council's optimistic projections for windfall sites, brownfield development, and urban intensification come forward in full, the limited extent of Green Belt release appears insufficient to create long-term, defensible boundaries capable of lasting beyond the plan period.
- 2.8 In fact, given the modest alterations proposed and the level of need that the 2024 NPPF and its Standard Method will continue to require future Local Plans to address, it seems inevitable that another Green Belt review will be required well before the end of the plan period.
- 2.9 This is a matter that could be effectively addressed through main modifications to the DLP. By allocating additional sustainable and deliverable sites now, the Council could provide for greater long-term certainty—both in terms of housing delivery and the enduring nature of revised Green Belt boundaries. This would also align more closely with national policy objectives and provide greater clarity and stability for local communities, infrastructure providers, and stakeholders.

### 3. ISSUE 2 – GREEN BELT REVIEW

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#### 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 From our review of the approach taken to Land northwest of Batchwood Drive ('the Site'), it appears that the findings of the Stage 2 Green Belt Review 2023 (GB 02.02) ('the Green Belt Review') were applied as determinative, rather than as one of several relevant planning considerations. Sustainability merits and other planning matters appear to have been overridden.
- 3.2 For example, paragraph 5.4.70 of the SA of the DLP indicates that non-strategic options not supported by the Green Belt Review were "inherently" judged to perform poorly—suggesting these recommendations were treated as absolute.
- 3.3 This led to the unjustified rejection of otherwise sustainable and deliverable sites such as the Site. This issue should be considered in the context of the broader concerns raised with the DLP—namely, its failure to allocate sufficient land to meet housing needs in full and to ensure the Green Belt boundary can endure beyond the plan period.
- 3.4 Furthermore, it remains unclear how the Council addressed criticisms submitted regarding its appraisal of specific sites' contributions to the Green Belt purposes during the plan-making process.
- 3.5 As set out in our Regulation 19 representations, we believe the Green Belt Review has overstated the role of sub-area SA-59 in serving Green Belt purposes. In particular, the Site could be developed in a way that would result in substantially less harm than suggested by the Review (see paragraphs 2.36–2.41 of our Regulation 19 submission).
- 3.6 The Site has therefore been assessed as more important to Green Belt purposes than is justified. This is particularly problematic given the determinative weight seemingly placed on the Review and the DLP's insufficient early-year allocations.
- 3.7 A proportionate and pragmatic response would be for the Council to revisit previously rejected sites—such as this Site—where the contribution to Green Belt purposes may have been overstated, and where sustainable development could help address shortfalls in the early years of the plan period.

### 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?*

- 3.8 As set out in our Regulation 19 representations, we consider that the Green Belt Review has overstated the importance of sub-area SA-59 (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 2.36 – 2.41 of our Regulation 19 representations).
- 3.9 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.
- 3.10 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?*

- 3.11 As outlined in our response to Question 1, we consider that the Council has placed undue weight on the Green Belt Review when deciding which sites not to allocate.
- 3.12 While the Review may provide an appropriate justification for removing certain sites from the Green Belt, we are concerned that it has overstated the harm that would result from release of other parcels—thus limiting the number of sites proposed for allocation.
- 3.13 Once it became evident that the proposed allocations would not meet housing needs in the short term, the Council could have revisited sites that were rejected solely on the basis of the Green Belt Review focusing on edge of higher order settlement sites such as Land northwest of Batchwood Drive which adjoins St Albans (recognised as the most sustainable location for growth in the district).

- 3.14 Furthermore, as with earlier stages, we are unclear how the Council responded to specific consultation criticisms of the Green Belt Review. Had these been appropriately addressed, additional sites—such as the Site—might have been identified for allocation, with less harm to Green Belt purposes than the Review implies.
- 3.15 This is especially problematic given the Green Belt Review's pivotal role in site selection. The apparent reliance on it to exclude otherwise sustainable and deliverable sites undermines the robustness of the DLP.
- 3.16 We consider this issue can and should be rectified through main modifications by revisiting sites previously rejected due to overstated Green Belt impacts.

### **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?*

- 3.17 It appears that potential mitigation measures—which could reduce the impact of development on Green Belt purposes—were not properly considered in the case of the Site.
- 3.18 The *Calverton* judgment makes clear that any consideration of exceptional circumstances must also examine the extent to which harm to the Green Belt can be mitigated.
- 3.19 Revisiting sites previously rejected, particularly those in a highly sustainable locations in and around St Albans such as Land north of Batchwood Drive, to assess whether mitigation could meaningfully reduce harm, has clear potential to support additional allocations. This would help to address the DLP's early years housing shortfall while maintaining the strategic role of the Green Belt.



## 4. ISSUE 3 – EXCEPTIONAL CIRCUMSTANCES

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### 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 responses to Issues 1 and 2 of Matter 3, we consider that not only have exceptional circumstances been clearly demonstrated to justify alterations to the Green Belt boundary, but that the available evidence supports a **greater** degree of Green Belt release than is currently proposed in the DLP.
- 4.2 Relevant factors include:
- the extent of unmet housing need in the short term, which the DLP does not seek to address in full;
  - the Council's own evidence confirming that even a smaller number of dwellings cannot be delivered in the early years of the plan period without Green Belt release;
  - the limited degree of harm to Green Belt purposes associated with at least one site not currently allocated, which is deliverable and capable of contributing to early housing supply; and
  - the potential for any limited harm arising from such development to be effectively mitigated.