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15 April 2025

Dear Louise,

**St Albans City and District Local Plan
Stage 1 – Matter 3 Hearing Statement
Andrew Black Consulting on behalf of St Congar and Clearwater Properties**

I write on behalf of St Congar and Clearwater Properties Limited who have interests in land to the south and north (respectively) of Smug Oak Lane in Bricket Wood. Separate representations were submitted during regulation 18 and regulation 19 consultations.

Both sites remain as omission sites within the submitted Local Plan. These matters statements are produced on a combined basis and Andrew Black Consulting will represent both land interests at the forthcoming hearing sessions.

The representations are made in the context of the tests of soundness as set out in paragraph 35 of the current National Planning Policy Framework (NPPF). This states that plans are ‘sound’ if they are:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

***Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

The local plan was submitted for examination in November 2024 and therefore will be examined under the December 2023 version of the framework as set out in the transition arrangements of paragraph 234 of the current December 2024 NPPF.

Each of the issues and questions in the Matters, Issues and Questions for Stage 1 (SADC/ED69) is set out below with comments made against each in turn. Further submissions will be made at the examination in relation to the responses made by the council and others in preparation for the stage 1 hearing sessions.

ISSUE 1 – PRINCIPLE OF GREEN BELT RELEASE

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

The Green Belt and Exceptional Circumstances Evidence Paper (GB 01.01) sets out detailed justification that exceptional circumstances exist to necessitate release of green belt land in order to meet the pressing housing need in the district. There is no doubt that the council must release significant areas of such land in order to meet housing need. However, it is considered that there is actually further justification to release additional sites which can deliver housing in the early part of the plan period to assist in easing the proposed stepped trajectory.

Paragraph 145 of the framework advises that *strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period*. The process undertaken by the council establishes that exceptional circumstances exist to justify release of green belt land. However, the lack of deliverable sites, particularly in the early part of the plan period (notwithstanding the proposed stepped trajectory) means that the proposed changes to the green belt boundary are unlikely to endure beyond the plan period. This is further compounded by the requirement for the council to undertake an immediate review of the plan as required under the transition arrangements of the 2024 NPPF.

2) *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?*

Paragraph 3.13 of the Site Selection Methodology Outcomes and Site Allocations Paper (LPSS 01.01) states that:

Green Belt Sites identified in the HELAA but outside of the GBR buffers were not considered to be suitable due to their less sustainable location and because development on such sites would create holes in the Green Belt, leading to its fragmentation.

This is not considered to be a justified approach to site selection and is likely to have led to the discounting of sites which would otherwise be highly sustainable, deliverable and suitable for allocation.

Paragraph 9.16 of the council response to the Initial Questions (SADC/ED32) confirms that this methodology was used to establish whether sites should *progress, partially progress or not taken forward*. It is not considered that the application of buffers around settlements should be used as an approach to determine site allocation and it is not considered that this would represent an effective or justified approach to the plan.

3) *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?*

There is a lack of available evidence in this regard and it is a matter for the council to provide clarification on in advance of the hearing sessions. Further scrutiny of the response on this question will be necessary by the inspector and other participants at the hearing sessions.

4) *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?*

It is unclear on whether the council considered safeguarded land as part of the green belt review process. There is a lack of available evidence in this regard and it is a matter for the council to provide clarification on in advance of the hearing sessions. Further scrutiny of the response on this question will be necessary by the inspector and other participants at the hearing sessions.

ISSUE 2 – GREEN BELT REVIEW

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

There is no reference within the earlier studies in 2013 and 2014 to establishing buffers around the settlements.

2) *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?*

The Stage 2 Green Belt review appears to take a more granular approach to the previous assessment of the green belt. However, for the reasons set out within this matters statement the conclusions reached are not considered to be robust.

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 boundary revisions? If not, what approach should have been used and why?*

The site at Smug Oak Lane was assessed in the Green Belt Review (along with other sites) in the wider Strategic Land Parcel 27 as site SA-121. Overall, the review sets out the following scores against the individual purposes of the green belt:

Purpose Assessment					
Sub-area Assessment Summary					
Sub-area scores	Purpose 1		Purpose 2	Purpose 3	Purpose 4
	Criteria (a)	Criteria (b)	3	5	0
	No	0			

The assessment sets out detailed commentary on the impact of development of the site on each of the individual purposes.

The scores against purpose 1 are considered appropriate given the location of the site.

Regarding purpose 2 (to prevent neighbouring towns merging into on another) the assessment sets out the following commentary (with emphasis added):

The sub-area is not located at the edge of the settlement. The sub-area would introduce a new area of built form, which would perceptually and physically narrow the existing gap between Bricket Wood and How Wood; and between Bricket Wood and Radlett and reduce the overall openness and scale of these gaps. 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. The M25 provides an additional barrier to the merging of settlements.

It is clear from this assessment that there is some scope for development in this area. On this basis it is considered that the score against this green belt purposes should in fact be lower.

Regarding purpose 3 (to assist in safeguarding the countryside from encroachment) the assessment sets out the following commentary:

The sub-area is not covered by any built form. The sub-area comprises an open field. It is bounded by intermittent tree lines and has a flat topography which limits views into wider countryside. There are some views onto neighbouring residential buildings. Overall, the sub-area has a strongly unspoilt rural character.

It is considered that the site is capable of being developed in such a way that the views into the wider countryside and corresponding rural character would not be harmed. Accordingly, the scoring of the parcel to this purpose of the green belt should be revised down.

Overall, it is considered that the council has taken an overly cautious approach to the protection of individual green belt sites which are highly appropriate for development. This concern was raised in the inspector report to the previous Local Plan at paragraph 49 which states:

Concern is also raised regarding the strategic site selection process. At Stage 1, a high number of sites were immediately discounted from further assessment on the basis of their Green Belt Review evaluation (and were rated red). The 4 identified amber sites all had only 1 or zero effects on the Green Belt Purposes (as identified for the relevant parcels in the 2013 Green Belt Review). However, representations refer to a number of sites that were rejected at Stage 1 despite also having zero or only 1 significant impact on Green Belt purposes (in the same way as the amber and green rated sites).

As set out, it is considered that it is justified for the council to seek to meet a higher housing target for a number of reasons. These representations also set out significant concerns over the delivery of dwellings from Hemel Garden Communities within the lifetime of the plan. It is therefore considered that the council will need to seek to allocate other suitable and deliverable sites in order to meet the pressing need in the early part of the plan period.

The Planning Practice Guidance sets out what should happen if there are insufficient sites to meet housing need as follows:

When preparing strategic policies, it may be concluded that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need.

In the first instance, strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites to ensure these make the most efficient use of land. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport.

If insufficient land remains, then it will be necessary to investigate how this shortfall can best be planned for. If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing statements of common ground, and in

accordance with the duty to cooperate. If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination.

Paragraph: 025 Reference ID: 3-025-20190722

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It is considered highly appropriate that the council should consider the allocation of other sites in order to meet established housing need through both unmet need from adjoining authorities and/or the emerging increased housing need figures as a result of the standard method calculation.

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

As set out, the evidence in the GBR Stage 2 was used to assess whether sites should progress, partially progress or not be taken forward. Paragraph 9.17 of the council response to the Initial Questions from the Inspector (SADC/ED32) states that:

For some sites that were not recommended for further consideration by the GBR Stage 2 there were overriding Economic, Environmental and Social benefits including housing, affordable housing, schools, and a significant scale of sustainable transport improvements and jobs, along with the location of the site next to a Tier 1 or 2 settlement, which led to the Proforma recommending the site to progress.

The decision-making methodology in this regard is unclear and undocumented within the evidence base supporting the plan. It is wholly unclear why certain sites which were not recommended for removal were taken forward whilst others were not. This shows a lack of consistency in the site selection process. It is not considered that this represents effective and justified plan making.

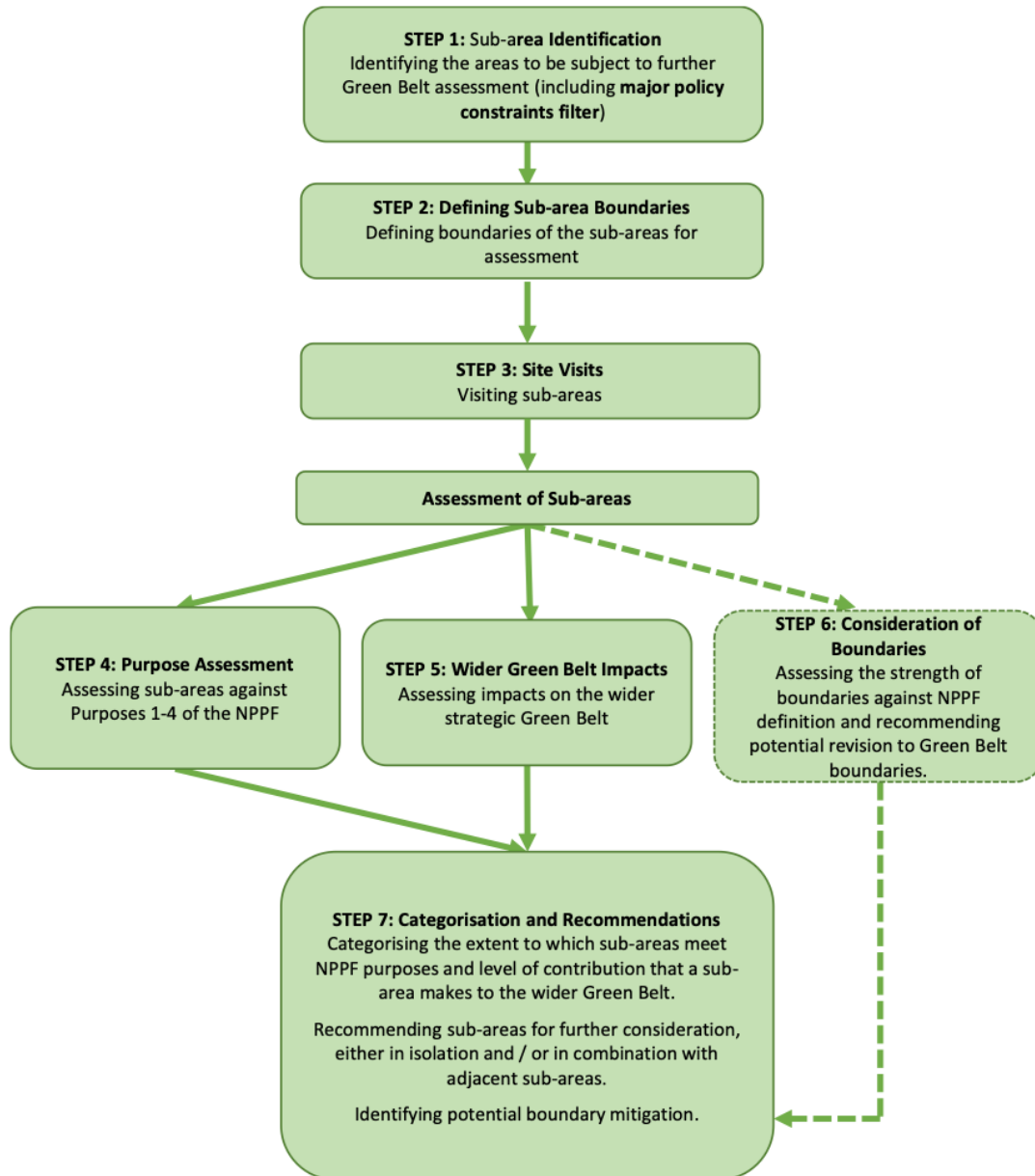
5) *Where the evidence recommended that areas were not taken forward for further consideration, how did the Council consider this in the plan-making process?*

As set out above, it is unclear how sites not taken forward for further consideration were reassessed in the plan making process. The Planning Practice Guidance establishes that where there are insufficient sites then the council should reconsider sites and how these could be brought forward to make up for the shortfall. It is clear that the council did make this assessment on some sites not recommended in the GBR but the process and decision making in this regard is ambiguous and absent in the evidence submitted to support the plan.

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?*

Figure 4.1 of the Stage 2 Green Belt Review sets out the methodology carried out as follows:

Figure 4.1 Methodology Diagram



Whilst this demonstrates that mitigation was taken into account it was only done so at stage 7, at the end of the process, and therefore not taken into account during the assessment of sub areas or individual sites as it should have been in order to identify sites which could come forward with the assistance of mitigation against the impact on the wider green belt purposes.

- 7) ***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?***

Section 7 of the Stage 2 Green Belt Review (GB 02.02) sets out consideration of compensatory measures including a number of case studies from other local plans. Section 7.6 sets out a recommendation that the council should set out ways in which impact of green belt release can be offset through compensatory improvements as set out in paragraph 147 of the NPPF. Policy LG6 of the plan sets out requirements for Green Belt Compensatory Improvements on the allocations as set out in Part B of the plan. It is therefore clear that the council did consider wider impact of allocations however there is no indication that this was undertaken on a site-by-site basis as part of the selection process in the Green Belt Review part 2.

- 8) *How has the Council considered ‘washed over’ settlements within the Green Belt? Are any changes proposed and/or necessary based on the evidence presented?***

No comments

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

No comments

ISSUE 3 – EXCEPTIONAL CIRCUMSTANCES

- 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 plan-making process?***

As set out, it is considered that exceptional circumstances exist to alter the green belt boundary in St Albans, and this is well evidenced in the plan.

The principal area of concern is around the site selection process that the council undertook with particular reference to the Green Belt Review. It is apparent that there are a number of sites which were discounted as part of the green belt review process which could have been brought forward in the early part of the plan period in order to meet the well-established housing shortfall in the district.

Yours Sincerely



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