

Proof of Evidence

Green Belt Purposes, the Green Belt
Reviews, Draft Local Plan and the
District and Neighbourhood Plans

From

Greenbelt (Rule 6 Party)

Presented by David Yates
(Chair of the Parish Council)



In the appeal: APP/B1930/W/24/3343986

Planning Application Reference: 22/0267

Land between caravan site and Watling Street,
Park Street, St Albans, AL2 2PZ

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Personal Profile

My name is David Yates, and I am the Chair of St Stephen Parish Council, the civil parish encompassing the site under consideration. Additionally, I chair the Parish Planning and Environment Committee, which handles the Parish’s responsibilities as a statutory consultee, and the St Albans District Association of Local Councils, which is a forum for discussion of common issues across the town and parish councils around St Albans. Although I do not possess any relevant academic qualifications to present to this Inquiry, I bring extensive practical experience.

From 2004 until 2021, I represented Park Street Ward, where the site is located, on St Albans City and District Council. I have been a resident of Park Street for 25 years, and prior to that, whilst living in Northwest London, I frequently visited the area’s footpaths and countryside for 20 years. Upon returning from a period of living in India, my family and I decided to move to this area we had always enjoyed as a retreat from city life.

During my tenure as a District Councillor, I participated in, or chaired, several area and district-wide planning committees. In the last two years of my service, I chaired the District Council’s Planning Referrals Committee, which handled large or complex applications. Furthermore, I served for seventeen years on the Council’s Planning Policy Advisory Panel



and its successor committees, the Local Plan Advisory Group and the Planning Policy Committee.

The evidence which I have prepared and provide for this appeal reference APP/B1930/W/24/3343986 in this proof of evidence, is true and I confirm that the opinions expressed are my true opinions.

Personal commentary on local planning in St Albans

The first plan for the St Albans area with which I was involved was the consultation on the East of England Plan (RSS14) published in 2004 by the East of England Regional Authority (EERA). Whilst EERA voted to suspend its endorsement of its own plan two days after publishing it, the consultation continued. Some key points from RSS14 expected around a quarter of growth in the area to come from inward migration, mainly from London and its surroundings, did not consider any Greenbelt boundary adjustments were needed in southwest Hertfordshire, and set a housing target for St Albans of 360 dwellings per year. SADC's response was that it considered all LPAs should cater for their own population growth and around three quarters of this figure was more appropriate.

The years following the consultation saw a plethora of new requirements for local planning, some introduced by the Town and Country Planning Act 2004, some by EERA, and others by the publication and updating of planning policy statements and planning policy guidance from central government. Throughout all these, SADC maintained the stance that it should only provide sufficient dwellings to accommodate local growth and family formation, and that these could be accommodated within the existing settlements. Its Core Strategy consultation published in December 2010 document set out that there would be a requirement to build 250 homes per year from 2011 to 2028.

It was in 2011, against the backdrop of the publication of the Localism Bill that SADC first accepted that revised housing targets might force development of land outside the existing settlements. The emerging Core Strategy reaffirmed the saved policy from the 1994 Local Plan:

Policy CS2: Metropolitan Green Belt

The Metropolitan Green Belt will be protected from inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of the Green Belt is its openness.

Green Belt land will be proactively managed to create attractive landscapes and countryside; promote healthy natural systems; support productive and sustainable farming and forestry; and meet important challenges including mitigation and adaptation to climate change.

Nonetheless, it retained as a key objective the maintenance of the existing settlement pattern, noting in particular:



Proactive Management of the Green Belt

5.5 The Green Belt covers approximately 81% of the district and is of critical importance in preventing urban sprawl and the coalescence of settlements. The Green Belt also plays an important role in safeguarding the countryside from encroachment; preserving the setting and special character of the district's historic settlements; and assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Inappropriate development in the Green Belt would harm the district's high quality environment.

5.6 The limited gaps between settlements both within the District and with those outside of it highlight the vital role that the Green Belt plays in preserving character and individual identity.

With the publication of the NPPF the Emerging Core Strategy was adapted to become the Strategic Local Plan. This key objective was consequently strengthened to emphasise the importance of avoiding coalescence in the south of the district:

5.7 The limited gaps between settlements both within the district and with those outside of it highlight the vital role that the Green Belt plays in preserving character and individual identity. The gaps between settlements in the south of the district are particularly small and development pressure is particularly high here for a number of reasons, including the close proximity to the M25. Therefore, it is of even greater strategic significance that the openness of the Green Belt in these areas is maintained.

A change in political control of the council in 2011 had led to the Strategic Local Plan being produced in confidential meetings rather than, as previously, in meetings open to the public. As a result, the first opportunity for consideration of the plan in an open forum was when Full Council was asked to publish it for a Regulation 18 consultation in November 2012. Concern was expressed that, despite the key objective above, the only housing developments proposed in Green Belt, other than as part of the redevelopment of Oaklands College, were in Bricket Wood and Park Street (albeit not at the location that is the subject of this Inquiry). Council's attention was also drawn to the recent withdrawal of Salford City Council's Core Strategy following the Inspector suspending its examination, and Salford's intention to commission a Green Belt Review to address the Inspector's concerns about the availability of development land. It was suggested that the same would be needed if St Albans Core Strategy was to be found. Council voted (by a majority of one vote) not to proceed with the Regulation 18 consultation.

Cabinet subsequently appointed Sinclair Knight Merz Enviro (SKM) to carry out an independent review of the Green Belt around St Albans. The Terms of Reference that SKM was given were:



Purpose

To undertake an objective and independent strategic review of Green Belt boundaries, covering this and adjoining local authority areas, in accordance with the Council motion and guided by the NPPF. Subsequently it should identify whether Green Belt land is capable of being used to meet development need.

Objectives

- *To be carried out jointly with adjoining authorities supporting the duty to co-operate*
- *To assess parcels of the Green Belt of their contribution towards the five purposes of Green Belts*
- *Identify the constraints and ability to accommodate development of those parcels which least contribute toward the five purposes*
- *Identify land that may be required to meet development needs beyond the plan period*
- *Should be more than a site finding exercise. The study will identify Green Belt boundaries which will endure significantly beyond the plan period*

Stages

Part 1

- *Identification of strategic Green Belt parcels adjoining settlements which are not washed over by the Green Belt using strong boundaries*
- *Assessment of parcels against criteria for the five purposes of Green Belts as set out in the NPPF*
- *Graded score for each parcel detailed on maps, with detailed justification*
- *Identification at this stage does not indicate that the parcel will be developed*

Part 2

- *Break down strategic parcels used in part 1 to smaller sites*
- *Identify constraints, opportunities, landscape value and ability to accept development for each site*
- *Identify sites which may be able and most appropriate to meet development need*
- *Identify land that may be required for development post the plan period and establish long term Green Belt boundaries*

Outputs

Part 1 – Report, with executive summary, setting out parcels of Green Belt Land graded by how significantly they contribute towards the five purposes of Green Belt. This will be accompanied by presentations and progress reports. An interim draft report will also be produced.

Part 2 – Report, with executive summary, analysing each parcel of land. This will also include an analysis of each parcel's landscape value. This will be accompanied by presentations and progress reports. An interim draft report will also be produced.



SKM's analysis of the Green Belt adjoining existing settlements in the St Albans City and District area designated the space separating the settlements of Park Street, How Wood, and St Albans as GB 28; Green Belt Land to N of How Wood (S of St Albans), justifying the designation as allowing for detailed assessment of the narrow gap between 1st and 2nd tier settlements (St Albans and Park Street / Frogmore and How Wood, which also contains and is bordered by major roads. SKM's assessment is covered in more detail elsewhere, but it is important to note that SKM assessed the site because it adjoined existing settlements. SKM's assessment was that GB28 made a significant contribution towards preventing coalescence between St Albans and Park Street / Frogmore and How Wood).

GB28 was not amongst the parcels that SKM recommended for possible release but a small area of land within the parcel was identified for further consideration as SA-SS6 – Land north of How Wood (GB28) enclosed by Tippendell Lane to north and settlement edge to south, east and west.

SADC elected not to consider small sub areas within its Strategic Local Plan as they would not bring forward the same level of infrastructure as the eight that were recommended for further consideration. Whilst not a deciding factor, this approach was questioned in the 2020 letter from the Inspector suspending the examination of SADC's 2019 Local Plan:

41. In looking at Green Belt releases we have concerns about the narrow focus that has been placed on only strategic sites. This has ruled out a number of sites that have already been found to impact least on the purposes of the Green Belt. It may well also have ruled out other non-strategic sites with limited significant impacts on the Green Belt which may have arisen from a finer grained Green Belt Review.

St Stephen Parish, meanwhile, was preparing a Neighbourhood Plan. This included a review of the Green Belt within the Parish area and received some national attention as the first neighbourhood plan to propose releasing six areas of that Green Belt to meet local housing need. The area that is the subject of this Inquiry was, once again, not amongst them. Aecom's assessment of it was:

“Development would affect land that is presently rural rather than urban in nature, would cause demonstrable harm to the character and amenity of surrounding areas, would result in encroachment into open countryside and would be visually intrusive from the surrounding countryside. Development would also result in coalescence between Park Street and How Wood and significant encroachment between Park Street and Chiswell Green and Park Street and St Albans.”

My tenure as a District Councillor ended in May 2021. Observations on the current process by which a Local Plan is being prepared are covered elsewhere in this Proof.



Summary

- The proposed site in its current form – open agricultural land - performs strongly against the two purposes of Green Belt relevant to its location, and aligns with the essential characteristics of Green Belt as defined in the NPPF:
 - Green Belt Purpose b is “*to prevent neighbouring towns merging into one another*” ((Paragraph 143 of the NPPF (12/23)). Without this land, a journey from the Park Street roundabout towards Radlett, would mean that there was a continuous urban landscape, ie no rural separation.
 - Green Belt Purpose c is “*to assist in safeguarding the countryside from encroachment*”. The replacement of a completely open, unspoilt agricultural field that has no built form on it with 95 houses, associated garages, hard standing and roadways would significantly breach Green Belt purpose c.
 - The replacement of a completely unspoilt agricultural field that is highly open both spatially and visually with a housing development would destroy this openness forever, in breach of Paragraph 142 of the NPPF (12/23).
- If the scheme proceeded, the strong defensible boundary of the 2000+ year old Watling Street would be replaced by a thin tree line that does not, and may never meet, NPPF standards.
- The SKM Green Belt review in 2013 and the AECOM review in 2017, both recognised that this land, along with the rest of Strategic Land Parcel 28 (GB28) served a crucial role in maintaining separation and openness.
- Arup separated this sub-area from the remainder of GB28, in breach of their own methodology due to it being promoted by a developer, thus forsaking a more systematic analysis of available options.
- Other issues exist with Arup’s site selection, which has not been scrutinised before implementing its recommendations in the draft Local Plan.
- Numerous Planning Inspectors as well as planning officers at SADC, all confirm that very little, or no weight should be attributed to the fact that the land was included in the Regulation 18 process.
- The development of this land would be in breach of policies in the formally adopted Neighbourhood Plan.
- The key policies in the now dated District Plan, are as relevant today as they were in 1994 and are in accordance with equivalent policies in the NPPF.



- The new draft NPPF will require a complete re-think of the current draft Local Plan, since the shortfall against the new targets to be imposed is too large to be met by building on a just few more areas of Green Belt.
- The new draft NPPF a new category of “Grey Belt” is being introduced, which must be assessed before effective Green Belt land is proposed for development. This procedure has not been undertaken by SADC, since the category has not, and still does not yet exist.

1. Green Belt - Coalescence

1.1 Paragraph 143 of the NPPF (12/23) (**CD5.3**) states the five purposes of the Green Belt. Purpose b is “*to prevent neighbouring towns merging into one another*”. Park Street is a second tier settlement and if this scheme progressed, this purpose would be significantly breached as the rural separation of Park Street and St Albans would be all but eliminated west of Watling Street, causing coalescence. There would be continuous urbanisation from the Park Street roundabout to Park Street.

1.2 The general belief of residents is that the community of Park Street is separated from St Albans by this green space.

1.3 When driving north from Park Street along Watling Street, there are houses on both sides of the road as you exit the twisting bends past the station. You then arrive at the brow of the hill where the pedestrian crossing is located, which marks the end of the built up area. Mount Drive is on the right, then there are a small number of predominantly bungalows set well back from the road on the right, providing a feeling of openness. On the left are views across the open farmland, which is the subject of this appeal. As you slowly dropdown the hill there is a distinct impression that you are leaving Park Street. If the development were to proceed, the openness would be eliminated to the west of the road and the urban feel would continue from the pedestrian crossing to the end of the new development. At this point there would be a high bank of scrub for 165m (Appendix F) before arriving at the roundabout. In both visual and perceptual terms, the end of the farmland is the end of the openness. Thus there would be continuous urbanisation from Park Street to the roundabout, where essentially St Albans starts.

1.4 When driving south from the Park Street roundabout, you clear the busy roundabout exit, and then within seconds arrive at the petrol filling station on the left and the end of the high bank on the right. At this point, there are views over the beautiful open farmland on the right, with trees beyond. On the left there are wide grass verges, with a few low level bungalows set well back and out of view. If this development proceeds, the first thing that will be seen is a housing estate on the right, which will continue as you climb the hill and reach the pedestrian crossing, which currently represents the start of Park Street village.



1.5 Thus whether leaving or arriving in Park Street, there would perceptually be complete coalescence of Park Street with St Albans, and in fact only a 165m raised bank separating the two.

1.6 The properties on the eastern side of Watling Street, which are mainly bungalows, were built in 1928 -32, along with the houses in Mount Drive. This building pre-dated the creation of Green Belt and the concept of restricting building to avoid coalescence of communities. Since 1932, there has been no further building along this part of Watling Street other than eight properties, in four blocks, that were built in the late 1950s adjacent to the petrol filling station, and the filling station itself.

1.7 The houses in Mount Drive and the roads off it, are a self-contained development on the edge of Park Street, with the only access road adjacent to the pedestrian crossing. It is physically separated from St Albans by the dual carriageway, extensive open farmland to the north, on the St Albans side of that dual carriageway, and topography which physically and visually breaks any link with St Albans.

1.8 It has been stated that the proposed development goes no further north than houses on the eastern side of Watling Street. Whilst this could be considered to be true when looking at an aerial photo, it fails to recognise the configuration of the properties on the eastern side. As described, they are set well back from the road with large grass verges, so create an open feel. Additionally, these are historic properties, largely constructed before the existence of the Green Belt.

1.9 A further point that must be recognised, relates to the lack of integration of the proposed development, with the residential areas. The appellant has claimed that the development would merely be an extension of the built area *“no further north than development on the other side of the road”* and no further west than the residential road of Old Orchard. This suggests that it would just be an extension of these residential areas, which is not correct. The site would have no link with Old Orchard to the south, because between the two would remain a privately owned, fenced “wildlife reserve”, which is Green Belt and without any pedestrian access. There would be no access to the west to any facilities, since this would remain private open Green Belt farmland. To the east, there would be a busy road enclosing the site, with only dangerous methods for most residents to exit. The development would thus be an effective “island” and in no way be contiguous with existing residential areas, however in visual terms would cause coalescence.

2. Green Belt - Encroachment

2.1 Purpose c of the Green Belt is *“to assist in safeguarding the countryside from encroachment”*. The replacement of a completely open, unspoilt agricultural field with no built form on it, with 95 houses, associated garages, hard standing and roadways would significantly breach this purpose.



2.2 The Countryside in the context of the proposed development starts immediately to the west of Watling Street, where there is 53 hectares of farmland, woodland and grazing pasture which together form a large block of rural land, whose borders have remained un-altered since the 1940s. All of this is definitively segregated from the residential developments by the clearly defined defensible boundaries of Watling Street, the A406 and Tippendell Lane, and has been for 100 years.

2.3 It was only when the A406 was built in the 1920s that this block of land reduced in size to the 53 hectares that it is today, however the eastern boundary of Watling Street, pre-dates the Romans by a couple of thousand years. Therefore, not only would this development represent encroachment into the countryside, but it would, for the first time transgress probably the most ancient roadway in Hertfordshire, and possibly the country.

3 Green Belt - Openness

3.1 Paragraph 142 of the NPPF (12/23) (CD5.3) specifies:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

3.2 The government’s Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) on the subject of openness, states:

“the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation”.*

3.3 This land is 100% spatially open at the moment, with no built form on it at all. The construction of 2-3 storey houses would change this very significantly.

3.4 Whilst many sites have spatial openness but little visual openness, this site has very extensive views across it from a number of directions. This is particularly so as drivers, cyclists and pedestrians leave St Albans heading south to Park Street, and from houses located east of the site. The land therefore displays this visual aspect of openness to a very great extent (Appendix A).



3.5 The Planning Practice Guidance also makes reference to the duration of the development, which in this case would be permanent, thus the adverse effect on the current level of openness would be in perpetuity.

3.6 The last consideration relevant to the change of status is the effect on activity. Currently there is no activity on the land, save for the occasional farm vehicle, planting, spraying or harvesting crop. A development of 95 houses would give rise to significant activity, in out and within the site on a constant basis. The only aspects of this that would not be seen, would be the activity obscured from site by the large properties, rising from it.

4. Green Belt Reviews

4.1 Strategic Land Parcel 28 (Appendix B) comprises a large triangle of land, bounded by long standing and very clear defensible boundaries, being the A405 and the Ancient Watling Street, running south of the Park Street roundabout and Tippendell Lane representing the southern, east to west boundary. It also includes two periphery areas detailed below. The core of this Strategic Land Parcel, is 53 hectares and has served its purpose of retaining the separation of communities very effectively for 70 years. Over that time, there has been no tangible change to the parcel, with it retaining its rural features without transgression by any dissecting roads.

4.2 In 2013 Sinclair Knight Merz (SKM) undertook a Green Belt Review in preparation of the then draft Local Plan, and treated the Strategic Land Parcel as one, and assessed in their Annex (CD14.2) report that the bulk of GB28 served to:

- a) Prevent neighbouring towns from merging
- b) Assist in safeguarding the countryside from encroachment
- c) Maintain the existing settlement pattern

The only exception to their conclusion was a small sub area south of Tippendell Lane.

4.3 This study identified eight large sites around the district for potential development, which was reduced to four in part 2 of their review. It must be stressed that no part of this triangle was close to any of the eight identified sites (or four) for release from Green Belt. The review also identified eight small sub-areas that might be released, none of which were within the triangle.

4.4 In 2017 AECOM undertook a Green Belt Review on behalf of the Parish Council, in preparation for the Neighbourhood Plan (CD14.9). They too treated the bulk of this Strategic Land Parcel 28 as one (SHLAA-GB-PS-47), rejected it for development and in their Site Assessment Final Report page 13, stated in relation to this land:

“Development would affect land that is presently rural rather than urban in nature, would cause demonstrable harm to the character and amenity of surrounding areas, would result in



encroachment into open countryside and would be visually intrusive from the surrounding countryside. Development would also result in coalescence between Park Street and How Wood and significant encroachment between Park Street and Chiswell Green and Park Street and St Albans.”

4.5 From 2016 to 2018 there was a Strategic Housing Land Availability Assessment (SHLAA). This again felt it appropriate to treat all of the land bounded by the road network of Strategic Land Parcel 28 as one. It was labelled PS-624 and in their Evaluation Outcomes Appendix 3 (**CD14.10**), it concluded:

“In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is red (not at all suitable for release from the Green Belt). There is no reason to take a different view from that set out in the (SKM) Green Belt Review 2013.”

4.6 Arup was commissioned to undertake a Green Belt review of land around the district in 2022 in preparation for the formulation of a new Local Plan.

4.7 Arup erroneously stated of SA107 (western section) in their Annex Report (**CD6.4**) page 495:

“The sub-area forms the entire gap between St Albans and Park Street/Frogmore; St Albans and How Wood; and Park Street/ Frogmore and How Wood. It is judged that development in the sub-area would lead to the physical and perceptual merging of neighbouring built-up areas.”

The truth is what all three previous Green Belt reviews have stated, specifically that both SA107 and SA108 together, ie the bulk of Strategic Land Parcel 28, form the entire gap.

4.8 Arup then chose to split **Strategic Land Parcel 28** into four:

SA106 – This is north of the A414, remote from the rest of GB28, adjacent to land within GB30 and might more readily be considered as part of GB30 in any case.

SA109 – This lies south of Tippendell Lane and should quite properly be considered individually, and might well be justified in proposing it for release from the Green Belt.

SA107 – This is a very large block of land comprising 5 sections, with differing characteristics and uses.

SA108 – This is adjacent to SA107, has the same characteristics and use as the adjoining farmland within SA107.

4.9 Arup’s was the first Green Belt Review that chose to separate SA108 from the remainder of the large triangle. Others have treated them as one, recognising that they are part of the same important block of green open space, which represents the local gap and avoids coalescence. The site is agricultural and has been farmed for many years, in an identical fashion to the part of SA107 adjacent to it. In fact they are worked by the same



farmer, with the same equipment and usually with the same crop on them, although ownership is different.

4.10 If this large triangular block of land were to be considered on a more granular level, there is no logic in splitting the block in two. If it were to be analysed on a more granular basis, it would more readily lend itself to be split into six, aligning with the physical characteristics and uses of the block (Appendix C showing the six sections). There is open farmland to the east (C - 5.0ha), woodland eastern central (B - 9.6ha), farmland to the west (A - 18.4ha), two sections of grazing land to the south (E - 11.5 and F - 6.0ha) and a further triangular section to the south-west (D - 2.8ha). If this block were to be analysed on a purely impartial basis, these six sections would have been assessed separately. The logic of them not being evaluated as such is unclear, however we believe that Arup have erred in this regard and thus ironically focussed too much on the most valuable section.

4.11 If these six sections had been considered individually, it would have been recognised that, section C (which they defined as SA108) is the most important in retaining separation, since it is the only section that would cause near complete coalescence if it were built on, with visual openness eliminated. In isolation, building on others would diminish the rural gap, but not eliminate it. Therefore this land should be graded “5” against purpose b of the Green Belt (coalescence), in accordance with Arup’s definition:

“Sub-area forms an ‘essential gap’, where development would significantly visually or physically reduce the perceived or actual distance between settlements” (Arup Final Report page 35, table 4.8). (CD6.4)

4.12 Section C along with the three southern sections (D, E and F) are the most open visually, since all four have outstanding rural views across them, whilst the most westerly farmland (A), is obscured from view by a dense tree line adjacent to the A406 dual carriageway, so whilst there would still be spatial openness with the western farmland, the visual aspect would be minimal. The wooded section (B) is obviously not visually open. If this development proceeded, there would no longer be any rural view, so Openness, both Visual and Spatial across section C would be lost. Instead just a tree line with gaps, would be seen behind a new housing estate.

4.13 When assessing “Encroachment into the Countryside”, development on any of the sections would significantly impact this Green Belt purpose.

4.14 Arup’s scored section C (sub-area SA108), 5 out of 5 for the third purpose of Green Belt “assisting in safeguarding the countryside from encroachment”, and stated *“Overall the sub-area has a strongly unspoilt rural character”* (Annex Report page 499) (CD6.4), whereas they only scored the western section (SA107) 3 out of 5. The reason for this is that SA108 is beautiful open countryside with distant rural views to the west and north, whereas SA107 is tree lined for about two thirds of its perimeter, where it borders SA108, and A405.



4.15 Arup's decision to "pick-off" just one particular section has corrupted their evaluation of that section and produced a distorted assessment of it. They proceeded to state:

"The sub-area forms a less essential part of the gap between St Albans and Park Street/ Frogmore; St Albans and How Wood; and Park Street/ Frogmore and How Wood (than SA107). It is judged that the gap is of sufficient scale that the removal of the sub-area would not result in physical or perceptual merging between neighbouring built-up areas."

This statement is inaccurate, since the gap between St Albans to the north and How Wood/Park Street to the south is only maintained by this land (C), and any amount of open land remaining to the west of it, is irrelevant in maintaining the north-south separation. Thus, this eastern section of land is almost the entire separation, when looking along the line of Watling Street and in visual terms, it is the entire separation. **Without it, a journey from the Park Street roundabout towards Radlett, would mean that there was a continuous urban landscape, ie no rural separation.**

4.16 Arup erred in choosing to specifically separate section C, and no other section, from the rest of the block, when SKM, AECOM and SHLAA did not.

4.17 Arup state in their report under "Consideration of boundaries" (Annex Report Page 501) **(CD6.4)**:

"The inner boundaries are predominantly readily recognisable and likely to be permanent. The outer boundary is readily recognisable but not necessarily permanent. If the sub-area was released, the new inner Green Belt boundaries would not meet the NPPF definition. The new boundaries would require strengthening".

It is hard to understand the logic of this argument. If the inner boundary (a thin line of trees) is inadequate, why is it considered permanent? The outer boundary that is the 2,000 year old Watling Street, has always been permanent, yet Arup claim that it is "*not necessarily permanent*". Well if it is built across, it would not be permanent, because what has remained the strongest possible defensible boundary since Ancient times, would be desecrated in favour of a thin tree line boundary that is recognised as inadequate in NPPF terms (Appendix D).

4.18 Arup state that the Ancient Watling Street is "*not necessarily permanent*" in relation to SA108. When assessing SA107, which is bounded by a narrow country lane to the south, Arup state that "*the outer boundaries are predominantly readily recognisable and likely to be permanent*" (Annex Report Page 497) **(CD6.4)**. There appears a substantial lack of consistency with this comparison, representing a departure from the obvious logic that the busy Ancient Watling Street should be regarded as more permanent than a modern country lane. When assessing boundaries, Arup appear to attempt to justify a pre-determined decision, in the hope that a lack of scrutiny might fail to recognise the inconsistencies prevalent in their statements.



4.19 It should be recognised that despite Arup’s failure to recognise the significance of the land in relation to coalescence, they stated in their summary (Annex Report page 500) that “*The sub-area (SA108) performs strongly against NPPF purposes*”.

5. Arup’s Green Belt Review - Sub-Areas

5.1 Arup claimed in their Final Report that SKM did not analyse sub-areas within the settlement buffer in part 2 of their assessment and stated that the inspector criticised them for this. They have then used this as justification for creating a new sub-area of SA108. Arup’s statement is a misrepresentation of the facts. The truth is that SKM did identify eight **Small Scale Sub Areas** in Part I of their review (as well as eight large ones), then in Part 2, did not examine these eight smaller areas further. It was this that the inspector criticized, not that they did not identify small scale sub areas at all. However, it is important to note that the sub area SA108 that Arup have created was not one of the eight Small Scale Sub Areas that SKM identified. They did consider the whole of Strategic Land Parcel 28, because they identified part of it, an area south of Tippendell Lane (SA-SS6; Baptist Church site, which Arup labelled SA109) as a potential for release (SKM Final Report 8.3.7) (**CD14.1**), but they did not consider it appropriate to treat Arup’s SA108 any differently than the remainder of Strategic Land Parcel 28. In other words Part 1 of the process recognised the importance of the whole of the Strategic Parcel 28 in fulfilling its Green Belt purposes, apart from the Baptist Church Small sub area (SA109).

5.2 It is also worth noting that a key reason that the 2019 draft plan was rejected at examination was over “*concerns that there was inadequate evidence to support the exceptional circumstances case to alter Green Belt boundaries*” (Final Report 3.4 Inspectors Post Hearing Comments). Notwithstanding this, Arup then proceeded to proposal significantly more changes to those boundaries.

5.3 There are also several flaws in Arup’s approach, including application of their own methodology:

5.3.1 Arup described in 4.2.2 of their Final Report how they address sub-areas within the settlement buffer, to determine if further assessment is required (Figure 4.3 Application of a Settlement Buffer – Appendix E). The illustration of their methodology, describes how land within the buffer, and within a defensible boundary would not be treated as appropriate for release, even if it were a weakly performing site (which this is not).

“In all instances, the exception to the inclusion of the entirety of a weakly performing area or a promoted site, was the presence of a motorway, A-road or railway line that forms a natural stop to the settlement.”

In Arup’s Figure 4.3, the Xs denote areas that should not be assessed for release from the Green Belt. It can be seen that SA108 satisfies these criteria. It is wholly within the



current buffer, separating Park Street from St Albans and also within the boundary of the ancient Watling Street, which is a formidable defensible boundary as set out in the NPPF. In fact, if the figure were flipped vertically, and the railway line replaced by Watling Street, it would precisely replicate the positioning of SA108 in relation to the settlement and roads. Arup have therefore erred in misapplying their own methodology, and including it for potential release. Nowhere within the plan making process has this false application of the stated methodology been recognised.

5.3.2 In section 4.2.2 “Promoted Sites” of their Final Report, Arup state; *“all sites promoted in the ‘call for sites’ over the period 2016 and 2021, which are located in the Green Belt were considered”*. They then proceed to use NPPF (2023) para 69 (a and b) **(CD5.3)** as justification for this. This NPPF paragraph merely states that the plan should include *“specific deliverable sites”*, it does not say that sites “volunteered” should specifically be included in a review. So, rather than applying their stated methodology to areas of Green Belt to determine whether an area should be included, it appears that they have examined each promoted site to see if they could find a way of justifying its inclusion. This obviously gives rise to erroneous results.

5.3.3 There was no such thing as sub-area 108 before the Arup report was written. They appear to have specifically “targeted” this piece of land, not because of buffer zone reasons which could be drawn within 250m of the entire boundary; certainly not due to Openness (since it scored 5 out of 5); not due to defensible boundaries, since they would be breaching the 2,000 year old Watling Street boundary and replacing it with a thin tree line that they themselves admit is *“inadequate”* based on NPPF criteria. They also acknowledge that it *“performs strongly”* against NPPF purposes. It appears that they have separately identified this piece of land, because it is a “promoted site” and a developer has submitted a planning application on the bulk of it, rather than treating it in an impartial and objective way. They have then included it in their review, and because it is in their review, Councillors were asked to approve the application, using the review as justification. This is a circular argument initiated by a developer promoting their site and given credibility by planning officers failing to scrutinise it and recognise its inappropriateness for inclusion. Arup openly stated in their Final Report 1.3 Study Context that *“The additional sub-areas are based on promoted sites within defined buffers around existing settlements in St Albans and neighbouring authorities”*. This developer led approach is bound to lead to anomalies in the selection of the most appropriate parcels to be released from the Green Belt.

5.3.4 Arup have created their own buffer concept, which is flawed.

In section 4.2.1 (Final Report), Arup state *“Given that there is no formal guidance or methodology, an element of professional judgement was therefore used to develop an approach appropriate to the district context.”* They then go on to decide; *“As such, it was agreed (by themselves) that the character of the urban settlements and the approach for a*



finer grain assessment leant itself to a 400m buffer for the main settlements while a 250m buffer was considered reasonable buffer for lower order settlements”

This concept is flawed, since taken to its natural conclusion would see only 400m between main towns eg St Albans and Harpenden and only 250m between the towns and settlements. Thus the 81+% of Green Belt within the district would be decimated, reducing to c10%, releasing c9,300 hectares, enabling 250,000 houses to be built.

Implementation of Arup’s approach regarding the Green Belt and buffers is effectively stating that purpose three of the Green Belt; *“to assist in safeguarding the countryside from encroachment”*: can be disregarded, as long as purpose two *“to prevent neighbouring towns merging into one another”* is maintained by 250/400m. In other words, we can build on open Green Belt land, as long as we maintain a 250/400m buffer around communities. The NPPF is very clear that both of these purposes are important, (as well as the other three). It is not up to Arup to re-define long standing government policy as detailed in the NPPF, and in doing so they are breaching the NPPF (2023), para 152; *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* The inclusion of a site in a Green Belt review that has erred in its analysis and has not been subject to any scrutiny, public or otherwise, does not represent *“very special circumstances”*.

5.3.5 The application of the flawed buffer concept has been misapplied to SA108. Measuring from the most northerly “built” area of the newly formed development, to Park Street roundabout gives a distance of 165m, which is far short of the 250m that Arup have suggested around second tier settlements. In visual terms this distance wouldn’t even be 165m, since it comprises a bank of scrub housing various debris from the busy road it is next to, thus there would be no perceived buffer at all.

Notwithstanding this, only by arguing that the roundabout and the busy dual carriageway were part of the buffer, could they arrive at 250m. However, attempting to justify the use of one of the busiest (with SRFI, soon to be busier) roundabouts in Hertfordshire, not to mention the road, as any kind of rural separation is stretching the imagination somewhat.

This however, is only one discrepancy. The buffer north of the development would be with St Albans, a tier one town, so based on their theory, the buffer should be 400m not 250m. Even by including the road side 165m, busy roundabout, dual carriageway and safety roadside grass verge on the northern side of the road, the distance is only 330m, still short of the minimum gap that Arup had decided would be appropriate.

The reality is that if SA108 were built on, there would be no true rural separation of St Albans with Park Street. **Instead, there would be almost complete urbanisation of the current rural gap and coalescence of the communities.**



5.4 In summary Arup have made fundamental mistakes when assessing section C (SA108):

- 5.4.1 The block of land representing most of GB28 should have been split into six sections, with each analysed separately
- 5.4.2 Out of these six sections, it would have been recognised that C was the most important in terms of avoiding coalescence
- 5.4.3 Section C would be more adversely effected than the others in terms of impact on encroachment and openness
- 5.4.4 The strength of the current defensible boundary of Watling Street has been underestimated
- 5.4.5 The potential for a thin line of trees to act as a new defensible boundary has been over-estimated
- 5.4.6 They misapplied their own methodology when assessing buffers, which specifically demonstrates that Section C should never have been considered for release
- 5.4.7 In their search for potential sites, they have been led by developers' promoted sites, rather than following a systematic assessment of sites' attributes
- 5.4.8 They have created their own buffer concept, which has no firm basis
- 5.4.9 Their buffer concept has been misapplied to Section C (SA108), breaching their own designated minimum distances

The points above suggest that Arup have specifically decided to “select” this site for release, rather than following a balanced, systematic assessment of this and other potential sites.

5.5 Despite this, Arup still stated that the land “*performs strongly against NPPF purposes*” and “*strongly*” in relation to purpose c of the Green Belt; “*assisting in safeguarding the countryside from encroachment*”.

5.6 Arup’s judgement hasn’t been without criticism from Inspectors. In the Inspector’s report of the Radlett appeal APP/N1920/W/23/3320599 (**CD8.33**), the Inspector addressed the application of Arup’s Green Belt Assessment, as well as disagreeing with the extent of harm that Arup attributed to the removal of this land from the Green Belt.

“Arup’s Green Belt Assessments were carried out to satisfy the ‘exceptional circumstances’ test, which is essentially a wider strategic assessment of the whole of the Green Belt within the Borough, and not the stricter VSC test, which is not. So, whilst their conclusions are material, they are not determinative, and I have explained above my conclusions regarding the proposed development’s harm to Green Belt purposes, which I consider exceed the harm set out in Arup’s Assessment anyway.” (Para 29)

5.7 The Arup Green Belt review has not been subject to any scrutiny since its publication. Its contents were essentially “lifted” wholesale into the draft Local Plan with no opportunity for appraisal of the review findings by the Planning Policy and Climate Change Committee,



who's function it was to assess the contents. During the Regulation 18 process there were more responses highlighting issues with the inclusion of this piece of land in the draft Local Plan, than any other piece in the draft.

6. Draft Local Plan

6.1 Arup's Green Belt review identified the full SA108 sub-area for potential development, ie 5 hectares. However, without any comment, the draft Local Plan has only listed the part of the 5 hectares that has a pending planning permission on it (4.3 hectares), so has ignored the opportunity to build houses on the remaining 0.7 hectares. This appears somewhat perverse, since the overall objective is meant to be to build houses to meet a housing shortfall. It raises the question, of how systematic this process has been, or whether it is a case of finding a way to allow a particular speculative planning application on valuable Green Belt land to proceed.

6.2 The Regulation 18 consultation on the draft Local Plan concluded in September 2023. There is an adult population in the district of approximately 15,000 and from these, there were a mere 955 responses relating to the entire plan, including statutory responses and developers promoting their sites. Of these, 109 objected to the release of this land from Green Belt, so, 11.4% of all responses on the entire draft Local Plan relate to this land. This number would have been higher, as would the total number of respondents, had more people been aware of the Regulation 18 consultation and had the process for commenting been simpler.

6.3 Councillors were only given 2 weeks in which to scrutinise the draft Local Plan before the Regulation 18 consultation began, with no opportunity to remove this, or any other land from the draft. Had a proper oversight been permitted, deficiencies in Arup's Green Belt assessment could have been identified and flaws been addressed, rather than "lifting" them into the draft plan. Thus, the draft that would have been submitted to the public would have better reflected the most appropriate sites. The flaws in the submissions, driven by the undue haste, should be considered when determining what weight to give to the Arup GBR and the Draft Local Plan.

6.4 In addition to the lack of scrutiny permitted, there has been no assessment of sites suggested by Arup, in relation to sustainability, traffic, biodiversity etc. In 1.2 of the Final Report, Arup state:

"A GBR is not a policy or decision-making document that proposes any release of Green Belt land, this is for a council to determine. It falls to a council to assess the sustainability and delivery of areas of land assessed and recommended through a GBR, as appropriate, as part of the wider planmaking process."

Yet the recommendations from the GBR have just been "lifted" from that report and included in the draft Local Plan, without any further assessment.



6.5 When questioned on this matter at the PP&CC meeting on 10/7/23 (webcast 1.52), Chris Briggs stated that triggering the Regulation 18 procedure would require statutory authorities (he cited transport, education and environment) to provide data to enable a proper assessment to be made. Instead of this occurring, the developer has commissioned reports that are anything but balanced. As an example, the Atkins Transport Assessment addendum 5/5/22 (**CD2.13**); 1. Introduction, openly states that “*Atkins have been commissioned by M Scott Properties Ltd, Ms T Sutton, Ms T Good, Mr W Hughes and Mr J Hughes to provide additional evidence in support of an outline planning application*”, there can be very little doubt of the biased nature of the submitted reports, which are “***in support of***” the application. However such reports have perversely been accepted as fact, by the various policy departments.

6.6 This lack of a proper assessment, reaffirms the premise that any land included in the draft Local Plan, should carry little significance when it comes to determining any planning application.

6.7 At the PP&CC meeting on 10/7/23, Chris Briggs (webcast 2.41) stated that “*very little weight*” is given to the fact that a site is in the draft Local Plan at this stage. Indeed, the August Officer Report (**CD3.2**) 8.2.8 states: “*No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.*” Additionally, numerous Planning Inspectors stated in the appeals, that very little or no weight is attributed to the inclusion of land in a Draft Local Plan.

7. Neighbourhood Plan (CD5.2)

7.1 The St Stephen Parish Neighbourhood Plan referred to the very limited separations existing between the settlements excluded from Greenbelt. In the preamble to policy S1, the plan noted:

“4.1 Community engagement undertaken to help shape the Neighbourhood Plan revealed that residents’ sense of identity stems from which village they live in, as opposed to identifying with the Parish as a whole. Therefore, protecting the separate identities of the three main settlements within St Stephen Parish – Bricket Wood, Chiswell Green and Park Street – is a key objective of the Neighbourhood Plan. For example, the gap between the built-up areas of Bricket Wood and Watford (in the vicinity of the Building Research Establishment (BRE) is already very narrow. Equally, the villages of Park Street and Bricket Wood are separated by only a couple of fields, either side of the M25, and Chiswell Green and Park Street are divided merely by the A405 arterial road. To the north, the A414 link-road to the M1 motorway represents the separation between Chiswell Green and St Albans.”

4.2 Much of St Stephen Parish lies within the Green Belt and thus it is particularly important that development is directed to appropriate locations and that sprawl and



village-to-village coalescence are avoided. The Green Belt has, to date, successfully safeguarded the wider landscape from the kind of sprawl seen within some areas of the District and has contained development within the villages. Engagement with the community has demonstrated that there is no desire to see the Green Belt boundary altered to any significant degree and the community considers long-term protection is important to preserve the character of the villages and maintain their separation from neighbouring settlements.”

7.2 The Neighbourhood Plan did, however, recognise that releasing some form of Green Belt was required to meet the needs of the local community. A Call for Sites exercise and extensive analysis yielded a number of sites that it was considered could be suitable for development without a damaging impact to coalescence. The site that is the subject of this Inquiry was not amongst them.

7.3 This site conflicts with a number of aspects of the Neighbourhood Plan’s key strategy, ‘Policy S1: Location of Development’:

- It does not lie within the Built-up Area Boundaries of Bricket Wood, Chiswell Green and Park Street
- It is not a site allocated in the St Albans District Local Plan or in any successor
- It does not relate to necessary utilities infrastructure where no reasonable alternative location is available
- It does not relate to uses that are appropriate in the Green Belt
- It would be visually intrusive when viewed from publicly accessible locations.

7.4 Neighbourhood plan policy S1 goes on to specify that developments that can demonstrate Very Special Circumstances should also be of the following types:

- i. affordable housing; or
- ii. smaller units for younger people; or
- iii. properties tailored to the ageing population; or
- iv. provision of additional community benefit

The application that is the subject of this Inquiry does not fall into any of these categories.

8. 1994 District Plan (CD5.1)

It is not unusual for appeals against refusal of planning permission in St Albans to claim that the age of the local plan is a material consideration. In the past, however, inspectors have observed that the key policies, particularly Policy 1 relating to resisting inappropriate development in Green Belt, match closely the policies in the National Planning Policy Framework. (St. Albans policies, if anything, are slightly less strict. For example, whilst the NPPF specified for several years that ‘predominantly outside’ recreational activities could



justify buildings in Greenbelt, St Albans policy simply referred to recreational activities.) Whilst there are clearly economic, social, and environmental changes that have occurred in the last thirty years and will be reflected in a new St. Albans Local Plan it is likely that many aspects will closely match the current 1994 plan. The application that is the subject of this Inquiry was considered – and refused – against the 1994 local plan.

9. The Proposed New NPPF – Housing Targets

9.1 On 30/7/24 the new government published a draft for a revised NPPF (CD6.6), and a consultation period started, running to 24/9/24.

9.2 One key aspect of this draft is a new way that the housing requirement figure would be calculated. The formula would take into consideration to a greater extent than previously, high house prices in an area in relation to local salaries. The formula makes no allowance for the fact that commuters earn their salaries in London, which are often significantly higher than local salaries. This increases the buying power of local residents, pushing up local house prices. When considered in relation to local salaries, as opposed to the salaries of people that live locally, the house price vs salary ratio then looks more out of step than it actually is. As a consequence most of these areas, including SADC would be required to increase their house building target significantly.

9.3 In the case of SADC this would go from 888 to 1,544, plus any buffers imposed. Such a large increase on an on-going basis could not be achieved by small additions to the house building programme, rather would require a fundamental re-think of the way forward.

9.4 The current draft Local Plan that has not yet reached the Regulation 19 stage falls significantly short of this new target, so in itself would fail to achieve the objective that the government has set.

9.5 When addressing districts that have a draft Local Plan in process and a significant housing shortfall, such as SADC, the new proposals (Chapter 12, paragraph 7) state:

“However, those with a more significant gap of over 200 dwellings per annum between the local planning authority’s revised LHN figure and the emerging housing requirement will need to revise its plan in line with the revised NPPF before submitting the plan for examination no more than 18 months after the publication of the revised NPPF”

In other words the current Plan being progressed will need to be changed significantly, and undergo a further round of public consultation, before being submitted for examination. This new plan would have to be substantially different to the original, adopting a different thought process and not merely eliminate a few more areas of Green Belt to “make up the difference”.

9.6 In context, approximately 458 new houses per year were being built in SADC over the past five years, against a requirement of 888. The current draft Local Plan, attempts to



bridge the gap, but at the expense of eliminating very significant amounts of Green Belt. With a revised target of 1,544, almost three times the amount of Green Belt would have to be eliminated every year, unless a new strategic approach was adopted. Without this new approach, even the Green Belt land in the district that has effectively served its purpose for over 80 years, and continues to do so, would be decimated very quickly.

9.7 Whilst the site in question is large compared to recent building developments, in the context of the new potential requirement it would have minimal impact on achieving the new goal. It should therefore not be considered as a means of partially meeting the old, or likely new housing target, when a more strategic approach will be required to achieve this.

10. The Proposed New NPPF – Grey Belt

10.1 The new draft NPPF (CD6.6) introduces a new concept of Grey Belt and is proposing the following definition (Chapter 5 paragraph 9):

“Grey belt: For the purposes of Plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework) but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt)”.

Paragraph 10 proceeds to add some clarity to the definition:

“We propose incorporating the following into the glossary appended to the NPPF”:

- a) Not strongly perform against any Green Belt purpose; and*
- b) Have at least one of the following features:*
 - i. Land containing substantial built development or which is fully enclosed by built form*
 - ii. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another*
 - iii. Land which is dominated by urban land uses, including physical developments*
 - iv. Land which contributes little to preserving the setting and special character of historic towns”*

10.2 Much of the conversation around land to be defined as Grey Belt, cited examples such as a garage in Tottenham, which in most people’s eyes served no Green Belt purpose. There are obviously numerous other examples of previously developed land (PDL), where little would be lost in terms of openness.

10.3 Chapter 5, Paragraph 17 of the consultation suggests:



*“**Sequential Approach** - We remain clear that brownfield sites should be prioritised, and our proposed changes to developing PDL in the Green Belt (outlined above) reinforce this commitment. **To support release in the right places, we propose a sequential test to guide release.** This will ask authorities to give first consideration to PDL within ~~(the)~~ the Green Belt, before moving on to other grey belt sites, and finally to higher performing Green Belt sites where these can be made sustainable”.*

This sequential approach has not yet been pursued by the Council, since until now the concept of Grey Belt did not exist. In the context of the proposed reforms, it should be recommended that any Green Belt land that is not PDL or now defined as Grey Belt, is not granted planning permission until such time that development on all of the previously mentioned categories have been explored.

10.4 Should such a stage be reached, the question will arise as to whether the land in question is sustainable. In the context of sustainability in 2024, where the objective is to make private cars use unnecessary, it most certainly is not.

