

MATTER 4 – METROPOLITAN GREEN BELT (POLICY S3) ANDERSON GROUP

Table of Contents

Introduction	1
Question 2 - How have the conclusions of the Green Belt Review informed the Local Plan? Do decisions on Green Belt releases reflect the need to promote sustainable patterns of development, and prioritise sites which are previously developed and/or well served by public transport? Where is this evident?	1
Question 7 - Do the exceptional circumstances, as required by paragraph 136 of the Framework, exist to justify the plan’s proposed removal of land from the Green Belt?	2
Appendix 1	
SHLAA EXTRACT – BOISSY CLOSE	

Matter 4: The Metropolitan Green Belt

Introduction

- 1.1 These responses to the Inspectors' Stage 1 Matters, Issues and Questions (ED26). Have been prepared by Bidwells LLP on behalf of Anderson Group who are promoting land at Boissy Close, Colney Heath, as a suitable site for Green Belt release.
- 1.2 For the avoidance of doubt, we have only included questions that are relevant to the representations previously made by Anderson Group.

Question 2 - How have the conclusions of the Green Belt Review informed the Local Plan? Do decisions on Green Belt releases reflect the need to promote sustainable patterns of development, and prioritise sites which are previously developed and/or well served by public transport? Where is this evident?

- 1.3 The Local Plan (at page 10) states that *'the exceptional circumstances required for Green Belt release for development only exist in the Broad Locations set out in Policy S6, and the policies map.'* This appears to be based on the assumption of SACDC that only larger strategic sites that provide housing and employment alongside services and infrastructure provide the exceptional circumstances to justify Green Belt release. As set out in our Regulation 19 response, this position is entirely unjustified and no evidence of any assessments carried out to reach this conclusion have been provided.
- 1.4 Both the Green Belt Assessments and the Strategic Land Availability Assessment (SHLAA) prepared by SACDC confirm the lack of due consideration given to promoting sustainable patterns of development through reasonable alternatives.
- 1.5 SACDC's evidence base comprises the Green Belt Review from 2013 (Part 1 November 2013), wherein the introduction of the report notes that the objectives of the study include:

4) Review the role of each of the sub areas (seen as 'strategic parcels') in the context of the NPPF and consider the extent to which each contributes to the fundamental aim of retaining openness and the purposes of including land in the Green Belt,
- 1.6 It goes on to state that:

In relation to point 4 above, the definition of the sub areas will necessitate clearly identifiable and well justified boundaries. In order to form logical sub areas they may need to extend into adjoining local authority areas.
- 1.7 The study covered three local authority areas and resulted in an initial 60 parcels of land for assessment; these were later increased to 66 to account for observations made on site in relation to obvious different characteristics (para 6.1.3, SKM, 2013).
- 1.8 We suggest that for the study area this is a very low number of parcels for assessment and clarifies that a finer grain of assessment, linked to potentially suitable sites identified through the SHLAA process, was not within the remit of the Consultants. Therefore, what we consider to be an essential

part of the assessment process has not been undertaken to review where smaller parcels land, in sustainable locations, could reasonably be removed from the Green Belt due to not performing against Green Belt purposes.

- 1.9 It is clear that in 2013 the Green Belt assessment was not based on finding the most sustainable and suitable patterns of development for the plan, which Anderson Group consider would include the release of small parcels of land in areas such as Colney Heath, which have good sustainability credentials.
- 1.10 The updated Green Belt Assessment (2014) again considered only the board locations and large parcels of Green Belt, leading to the identification of land for Green Belt release in the draft plan. The evidence base again fails to examine whether smaller parcels of Green Belt land in sustainable locations could be identified as serving very limited Green Belt purpose and would be suitable for removal from the Green Belt to meet the District's growth requirements. The approach adopted has resulted in smaller and medium sized sites being discounted from the process without any prior evaluation.
- 1.11 The pre-determined 'neglect' of otherwise suitable Green Belt sites is clearly apparent when reference is given to the 2009 Strategic Housing Land Availability Assessment (SHLAA). The study identifies a much broader range of sites and assesses these for suitability, availability and achievability. Some sites, including land at Boissy Close, receive a positive conclusion in regard to their connection to public transport and lack of value to the Green Belt. Despite this, they have not been subject to any further Green Belt assessment and not considered for allocation (see **Appendix 1** for SHLAA extract for Boissy Close).
- 1.12 There is no justification for why the strategy discounts these small/medium sized sites, and why it is considered that 'exceptional circumstances' exist only for the broad locations when each site, through either on site works or financial contributions, could address the impacts of development irrespective of the scale of the development.
- 1.13 Therefore, in response to the specific Inspectors question, the decisions on Green Belt release do not fully reflect the promotion of sustainable patterns of development and are not based on a means to prioritise sites which are previously developed and/or well served by public transport.

Question 7 - Do the exceptional circumstances, as required by paragraph 136 of the Framework, exist to justify the plan's proposed removal of land from the Green Belt?

- 1.14 The Local Plan states that *'Government figures for housing need, and appropriate approaches to employment land provision, create the exceptional circumstances that necessitate major development in locations previously designated as Green Belt'*.
- 1.15 As a basic starting point, Anderson Group support this position as it is clear that the growth pressures on the area combined with the limitations of the Green Belt necessitate a review of Green Belt boundaries to ensure both housing and employment need can be met in sustainable locations, near to where the housing need arises.

- 1.16 Whilst other participants may have a view on whether sufficient steps have been taken to consider whether need can be met elsewhere and/or there is greater capacity for development within urban areas, as is required by NPPF paragraph 137, where Anderson Group do not agree with the Council is that *‘the “exceptional circumstances” required for Green Belt release for development only exist in the Broad Locations set out in Policy S6 and the Policies Map. They also only exist for the specific forms of development and with the required elements set out in Policy S6, the Policies Map and other Policies in the Plan’.*
- 1.17 As set out in response to question 2, there is no evidence base that suggests that exceptional circumstances only exist when development at scale is considered. There is no rationale for this approach and the exceptional circumstances which would trigger the need for review of Green Belt boundaries would still apply even if there were no broad locations identified as being suitable for Green Belt release – the nature and location of sites to be released is a strategy response and not part of the exceptional circumstances justification.
- 1.18 By limiting exceptional circumstances to broad locations, the Council is effectively making a policy decision which does not flow from, nor accord with, the requirements of the NPPF (para 137 to 139) which clearly set out the basis for how Green Belt boundaries should be reviewed – once exceptional circumstances have been justified. This includes first considering previously developed land and land well connected to public transport. There is no rationale for ruling out small/medium sized sites and focusing on broad locations.
- 1.19 Therefore, whilst it is considered that exceptional circumstances exist and the need to review boundaries to meet housing and employment needs is justified, limiting this to broad locations is not in accordance with the NPPF’s requirement to promote sustainable patterns of development, which can also be achieved on small to medium sized sites, such as land controlled by Anderson Group at Colney Heath, which is eminently deliverable and capable of bringing about multiple planning benefits.

APPENDIX 1

SHLAA EXTRACT – BOISSY CLOSE

SHLAA ASSESSMENT FORM – GREEN BELT SITES

STAGE 1

SITE CHARACTERISTICS AND GENERAL INFORMATION

Unique Site Reference	SHLAA-GB-SA-72
Site address (or brief description of broad location)	Land to the north of Boissy Close, Colney Heath Lane, St Albans



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Ownership details - including whether freehold or lease and length of lease (if applicable)	Mr Christopher J Musk – owner (Land was previously leased to Colney Heath Parish Council – lease ended and Mr Musk took possession of the land in November 2004)
Contact details - if different from above (e.g. agent, planning consultant etc)	Alastair Woodgate Rumball Sedgwick
Area of site or broad location (hectares)	1.43 ha
Category of site (e.g. agricultural etc)	Open green space, (which has been subject to sand and gravel extraction in the past, around 50 years ago).

Current use(s)	No current use (in 2003 it was described as an open maintained recreation area with football pitch and slide – Mr Musk confirmed back in 2004 that the play equipment, goalposts and waste bins had been removed from the site and it had reverted to an open grassed area.)
Character of surrounding area (including adjoining land uses; site outlook etc)	Residential properties are situated along the southern and western perimeters of the site, with dense tree planting to the north and east. A former railway line (now the Alban Way footpath) runs to the north of the site.
Method of site identification (e.g. proposed by landowner etc)	Proposed by landowner via agent
Planning History (including Local Plan Inquiries, LDF etc)	<p>Planning permission was granted in 1978 for use as a public open space (5/770/78) No apparent conditions or agreements entered into. Subsequent applications for residential development at Boissy Close appear not to contain conditions etc for the public open space.</p> <p>From 2000 onwards – no development control history.</p> <p><u>Green Belt Review 2003</u></p> <p>In many ways this site would be a clear contender for release from the Green Belt given its physical characteristics and location. However, the current use and any need for its continuation is an overriding factor. This is yet to be established, however it appears the site does have planning permission for use as public open space (see history). Ground contamination may also restrict or rule out development. Furthermore, the site is not ideally located in terms of accessibility to key facilities, and it is likely that residents would rely to some extent on the private car for these essential journeys. However, this may be somewhat countered by Hatfield Road, which although some distance off does offer a good public transport service.</p>

SITE SUITABILITY

Physical Constraints			
Area of flood risk	No	SSSI	No
Ancient Woodland	No	Local Nature Reserve	No
County Wildlife Site	Yes*	Poor access	No
Site of Geological Importance	No	Steep slopes/uneven terrain	No
Scheduled Ancient Monument	No	Ground contamination	Yes*
Site for Local Preservation (archaeological)	No	Proximity of Locally Listed Building(s)	No
Proximity of Listed Building(s)	No	Historic Park or Garden	No
Air Quality Management Area	No	Conservation Area	No
Tree and hedgerows	Yes	Other habitat/green space	Yes
Proximity to Hazardous Installations	No	Public Right of Way	No

		Utilities – e.g. electricity substations, pylons, telecom masts, underground pipelines, sewers etc	None identified
Minerals and waste site (i.e. development would result in the sterilisation of mineral reserves)	No*	Site is adversely affected by noise, air or other forms of pollution (e.g. major roads etc)	No
Development would cause demonstrable harm to the character and amenity of surrounding areas/land uses	No	Development would involve land that could otherwise help to meet the objectives of Watling Chase Community Forest	Yes
Development would result in unrestricted sprawl of large built up areas.	No	Scale and nature of development would be large enough to significantly change size and character of the settlement.	No
Development would result in neighbouring towns merging into one another.	No	Development would result in encroachment into open countryside.	No
Development of the site would affect land that is presently rural rather than urban in nature	No	Development would be visually intrusive from the surrounding countryside	Perhaps*
Development would assist in urban regeneration by encouraging the recycling of derelict and other urban land.	No	Existing Green Belt boundary is well defined	No
Removal of the site from the Green Belt would create additional development pressure on adjoining land	Yes*	Release of the site from the Green Belt would create a more clearly defined, robust long term boundary	Possibly
Development would affect the setting and special character of St Albans (i.e. the Ver Valley to the south & west of the City); Harpenden (i.e. the southern approach across the Common); or the historic centres of Redbourn or Wheathampstead			No
Comments/observations (including details of other physical constraints or site designations) *Site lies adjacent to County Wildlife Site 68/044 (Smallford Trail) – Dismantled railway to the north of Smallford Pit, now used as a public path/bridleway. Main interest is its value as a corridor and linking habitat in an urban context. *Most of the infill material was put there by BOC Gases Ltd and is carbide lime. *Site was subject to sand & gravel extraction, but not for 50 years or so. * Some intrusion may occur, depending in particular on heights of any development. *Possibly some additional pressure on land to the east.			
Policy Constraints			
Loss of high quality agricultural land (Grades 1,2 or 3a)	No	Green spaces identified for protection in the Green Spaces Strategy	No

Landscape Character Area - i.e. those areas where emphasis is on conservation (NB: Local Plan still refers to Landscape Conservation Areas)	Yes	Site with social or community value (provide details)	Yes*
Tree Preservation Orders	No	Greenfield Site	Yes
Comments/observations (including details of any other national, regional or local policy constraints): * Until recently (2003), the site was leased to Colney Heath Parish Council and was maintained as publicly accessible open space, with a football pitch and a children's slide. However, since 2004, the site has reverted to open space which is privately owned.			

Can any of the physical or policy constraints identified above, be overcome?	
Officers Conclusions - Stage 1 (i.e. should this site be given further consideration for housing development? If no, provide reasons)	Yes Well screened site of urban character. Potential housing development would not have a significant adverse impact on the Green Belt. The site was formerly used as public open space, but the lease to Colney Heath Parish Council ended in 2003 and since then it has been closed off with no public access. Site history of sand & gravel extraction and backfilling. No information on the exact chemical make up of the carbide lime that was tipped on the site. Only a full ground/groundwater survey would determine precisely which chemicals are present. Environment Agency (Feb 2003) confirmed that they were not aware of contamination issues associated with the site (or within 250 metres). No record of any consent to discharge from the site or any Integrated Pollution Control or Radioactive Substances authorisations. In 2003 there were no water abstraction licences in force within a 250 metre radius of the site. As this site has no public access, it was not included in the Council's Green Spaces Strategy. The GSS identifies a deficiency in amenity space (and poor accessibility to play areas, particularly for teenagers) and a significant surplus of natural/semi-natural green space in this part of St Albans. Given that this site is privately owned, it is unlikely that it would be possible to secure the entire site as a publicly accessible green space. However, it could be possible for the Council to negotiate with any developer, in order to seek financial contributions towards providing new amenity space either on or off site. Contributions would be justified as any new development would exacerbate existing shortfalls in local provision.

STAGE 2

AVAILABILITY FOR HOUSING

Is the site considered available for development?	Yes, site put forward by the owner.
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ACHIEVABILITY FOR HOUSING

Is there a reasonable prospect that housing will be developed on the site?	Yes, after due consideration through the LDF process, given the site's location in the Green Belt, on the edge of St Albans. There is a small chance that previous contamination may affect site achievability.	
Likely timeframe for development (i.e. completion)	2009-2011	
	11-16	Yes
	16-21	Yes
	21-26	

ESTIMATING HOUSING POTENTIAL

CAPACITY ASSUMPTIONS

Assuming no community uses are deemed necessary, no site contamination issues reduce the site capacity and the overall site was available for housing, with a mix of dwelling types appropriate to the area (principally two and three storey semi-detached and townhouses).

Substantial tree screening, especially to the north where the Alban Way adjoins and also to the east, will need to be retained and may slightly reduce overall density.

Approximately 35 dwellings per hectare is a reasonable estimate, on approximately 1.4 hectares of overall site, in Zone 6.

Estimated capacity suggested by landowner/agent	50
Council's own estimated capacity	50

IS THE SITE: DELIVERABLE; DEVELOPABLE; OR NOT CURRENTLY DEVELOPABLE; FOR HOUSING?

Deliverable	Yes
Developable	Yes
Not Currently Developable	

