



**St Albans City and District Council  
Local Plan Examination**

**Matter Statement 4  
The Metropolitan Green Belt  
(Policy S3)**

**Response on behalf of  
Tarmac  
Respondent: 1153600**

**December 2019**

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## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Tarmac, pursuant to Matter 4 (The Metropolitan Green Belt) of the St Albans City and District Council (SACDC) Local Plan Examination.
- 1.2 Tarmac is an established land promotion and development company with significant commercial and freehold land interests in the south of the St Albans District. Tarmac is a major national employer and has nationwide experience of bringing land forward for mixed-use development.
- 1.3 Tarmac is actively promoting five sites for development in the south of the district in the A414 and M25 corridors. On behalf of Tarmac, SLR has submitted prior representations in response to the St Albans City and District Council Regulation 19 Consultation and the SACDC Call for Sites Consultation, January 2018, in relation to the following sites, full details of which are appended to this Statement. These are:
- Moor Mill North (SHLAA Ref: GB-PS-542)
  - Moor Mill South (SHLAA Ref: GB-BW-547)
  - London Colney (SHLAA Ref: GB-LC-545)
  - Tyttenhanger (SHLAA Ref: GB-CH-548)
  - Colney Heath (SHLAA Ref: GB-CH-549)
- 1.4 Tarmac maintains its objection to a number of policies within the emerging St Albans City and District Local Plan, as set out in the submitted Regulation 19 representations. Namely; that the SACDC Local Plan is not positively prepared, is not justified, is not effective, or consistent with national policy. As such, the submitted Local Plan cannot be considered to be sound in its current form and requires major modification.
- 1.5 The primary areas of concern in relation to Matter 4 relate to the following issues:
- Inconsistent and incorrect application of the Green Belt exceptional circumstances test, based on a 'policy on' approach, to secure infrastructure contributions creating a Spatial Strategy with an over-reliance on a small number of major allocation sites.
  - Based on its own two-stage methodology, SACDC has not commissioned sufficient further evidence to justify the release of South East Hemel Hempstead and North Hemel Hempstead Broad Locations, whilst discounting highly suitable sites submitted through the Call for Sites process, such as those proposed by Tarmac at Appendix 1.
- 1.6 The following Statement identifies the evidential basis for the above concerns and sets out our proposed resolutions, including the allocation of addition sites, regardless of scale, based on effective assessment criteria.
- 1.7 Tarmac and its professional advisors have requested to participate in the relevant Matter 4 Hearings to articulate the above concerns.

## 2.0 POLICY S3 ISSUES: THE METROPOLITAN GREEN BELT

Whether the Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the overall approach to the Green Belt.

### **Q1: What is the basis of the Green Belt Review? What Methodology has been applied and is it soundly based?**

- 2.1 The primary basis of an objective Green Belt Review is to identify the five purposes of Green Belt as set out in the NPPF and the extent to which any proposed amendment to existing Green Belt boundaries within a district could impact upon the five objectives. However, by pursuing a more localised review agenda (largely designed to preserve the existing settlement pattern) which is linked to a preferred strategy inherited from an earlier failed, Strategic Local Plan, the Council has taken an unsound approach.
- 2.2 The methodology used in the Green Belt Review notionally has a two-part assessment, however the evidence shows that the second part of the assessment was irrelevant as it did not consider any other sub areas or give any consideration to the smaller sub areas previously identified in Part 1. This decision to discard the small-scale sub areas is confirmed in the 2014 study (GB001) which only focuses on a detailed assessment of the eight strategic sub areas. Where assessed, such sites could have formed part of a more diverse and deliverable Development Strategy that supported a broader range of strategic, intermediate and other scale development to meet the needs of the District.

### **Q2 - Part 1: How have the conclusions of the Green Belt informed the Local Plan?**

- 2.3 In order for the Local Plan to be found sound, it is necessary for SACDC to demonstrate that exceptional circumstances exist which justify the release of Green Belt for new development. As such, the Development Strategy must be informed by a proportionate up-to-date evidence base, which includes a comprehensive Green Belt Review (GBR).
- 2.4 SACDC's approach to the site evaluation process is set out at section 4.4.2 of the 2018 St Albans Sustainability Appraisal Report (SAR). However a notable flaw in SACDC's approach to site selection is the automatic exclusion of all sites below the pre-set minimum scale threshold. This subjective judgement is justified by SACDC on the basis that a minimum scale of development is necessary to enable new infrastructure to be delivered along with policy compliant levels of affordable housing.
- 2.5 There is however no evidential basis for this judgement, which does not recognise the wider cumulative benefits which can accrue from having a broader range of sites in the spatial mix. Small and intermediate scale sites can often be located within larger parcels which at their full scale may be concluded to be of low suitability as an area of search for development (see East Herts example below). SACDC have also not been consistent in their approach, as notwithstanding the stated association between infrastructure and exceptional circumstances, they have departed from the methodology where it has been considered expedient, notably at Chiswell Green and at West of London Colney.
- 2.6 This approach is inconsistent with national planning policy and runs counter to a recent judgement of the Secretary of State, in lifting a temporary Holding Direction in October 2018 to allow East Hertfordshire District Council to adopt its new District Plan. The East Hertfordshire Plan had proposed the release of a broad range of housing sites from the Green Belt, including a new settlement at Gilston and major urban extensions at Bishops Stortford, Ware and Welwyn Garden City.

- 2.7 However East Hertfordshire also proposed the release of a range of smaller Green Belt allocations at Hertford and Bishops Stortford. East Hertfordshire additionally proposed the release of a number of other intermediate sites, such as an amalgam of five Green Belt allocations clustered around the County Town of Hertford, totalling 950 dwellings, which individually fell below the minimum scale thresholds currently set by SACDC.
- 2.8 In the majority of cases, these proposed allocations were located within larger parcels which at their full scale had been concluded to be of low or very low suitability as an area of search for development. Following six weeks of consideration by the Secretary of State in October 2018, he allowed the Plan to proceed to adoption on the basis that it was fully compliant with the Framework. The Plan was subsequently adopted later in 2018 and was not legally challenged.
- 2.9 Whilst the GBR formed only one aspect of the overall evidence base that was prepared by East Hertfordshire Council to inform the District Plan. When considered as a whole, the Secretary of State shared the view held by East Hertfordshire that these locations represented highly sustainable locations for development. It is particularly notable that East Hertfordshire is not an authority which is completely constrained by Green Belt and so theoretically had other non-Green Belt land available to meet its development needs.
- 2.10 However in this case, the Sustainability Appraisal objectively considered the release of Green Belt in the most sustainable locations, at all scales, against a range of reasonable alternatives and this approach was fully endorsed by the Secretary of State. The spatial strategy is notable in having a broad range of Green Belt allocations with emphasis on strategic intermediate scale sites, which can deliver in the first 5 years and beyond.
- 2.11 The above example indicates that there is no automatic correlation between the scale of Green Belt released and the weighting of the exceptional circumstances used to justify that release. The above example demonstrates that every site in St Albans district must be judged on its own merits, based on its contribution to the five purposes of the Green Belt and its relative sustainability criteria, including additional larger strategic sites.
- 2.12 Tarmac also have concerns with regards to the manner in which SACDC have applied the findings of the GBR to the seventy sites identified as being able to accommodate a development above the minimum scale criteria.
- 2.13 At Stage 1 of the site evaluation process undertaken by SACDC, a Green Belt Review evaluation was undertaken for all seventy sites which were rated as 'higher impact', 'medium impact' or 'lower impact', set out as Red, Amber, and Green (RAG) in relation to Green Belt purposes. Stage 1 of the 2018 site evaluation process took account of the conclusions from the 2013 Green Belt Review (GBR) undertaken by SKM. To continue to Stage 2 of the evaluation process the site had to be identified as having a lower or medium impact (green or amber) with all red rated sites (higher impact) not being progressed any further.
- 2.14 Stage 1 of the 2018 site evaluations included the conclusions of the 2013 GBR for the relevant Green Belt parcel assessed. Of the seventy sites evaluated, eight were strategic sub-areas shortlisted in the 2013 GBR and scored a green rating in the Council's 2018 site evaluations. In arriving at this judgement, the Council could rely on the findings of a detailed 2014 GBR also undertaken by SKM. For the sites rated amber or green which had not been shortlisted as a sub area in 2013, a brief assessment of the impact of the site on the Green Belt was provided by Council Officers.

- 2.15 The 2013 GBR was undertaken at a high strategic level and so did not consider a finer grain of sites. As such, the conclusions of the 2013 GBR should not have been used to determine the extent of the potential harm to the purposes of the Green Belt caused by smaller scales of development contained within the larger parcels.
- 2.16 The conclusion to be drawn is that rather than undertake a comprehensive Green Belt Review to inform the Draft Local Plan, SACDC have essentially 'cherry picked' their own conclusions from the 2013 GBR in order to validate a largely pre-determined preferred Development Strategy.
- 2.17 As a result, sustainable sites adjacent to the urban areas or close to public transport opportunities, have been discounted without sufficient justification when reasonably they should have been considered further as part of a more detailed Green Belt Review.
- 2.18 In the absence of a more detailed Green Belt assessment, the Council's Development Strategy and in particular the proposed release from the Green Belt and allocation of the amber-rated sites such as South East Hemel Hempstead, which were not assessed as part of the Phase 2, 2014 GBR, are not justified.

**Q2 – Part 2: 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?**

- 2.19 As stated above, the Green Belt Review forms one aspect of the overall evidence base. The Sustainability Appraisal (SA) should also play a vital role and provide the necessary evidence to demonstrate that the sites proposed for release from the Green Belt promote highly sustainable patterns of development and prioritise locations which are previously developed and/or well served by public transport. As set out above, the spatial strategy is predicated upon an SA which does not objectively appraise the potential impacts of the Local Plan, the proposed allocations and other reasonable alternatives to the same level of scrutiny to properly identify their contribution to sustainable development.
- 2.20 The SA is an essential tool for assessing and enhancing the sustainability performance of policies and allocations within a Draft Plan to ensure that new development is directed to the most sustainable locations within the local authority area. However by reason of the automatic exclusion from consideration of Green Belt sites in sustainable locations, on the grounds of scale, irrespective of their contribution to sustainable development, the SA is considered unsound.
- 2.21 Paragraph 138 of the NPPF states that where it has been concluded that it is necessary to release Green Belt land for development, '*plans should give first consideration to land which has been previously-developed and/or is well-served by public transport*'. However the 2018 SAR is materially deficient in this respect as it does not provide any reasoned evidence to demonstrate that the Broad Locations identified in the Draft Local Plan will promote sustainable patterns of development, when assessed against a range of reasonable alternatives.

**Q7: Do exceptional circumstances exist to justify the proposed removal of land from the Green Belt?**

- 2.22 The NPPF does not provide decision makers with a strict definition with regards to what constitutes 'exceptional circumstances'. However paragraph 137 of the NPPF sets out a number of matters that should be identified and dealt with in order to ascertain whether 'exceptional circumstances' exist to justify releasing land from the Green Belt.

- 2.23 In addition, the approach taken by Justice Jay in the Calverton judgement (Calverton Parish Council v Greater Nottingham Councils - 2015) provides determinative guidance when considering whether exceptional circumstances exist. These include; the intensity of the assessed need, inherent constraints on the supply of land suitable for sustainable development and the consequent difficulties in achieving sustainable development without impinging on the Green Belt.
- 2.24 Other factors relate to the nature and extent of the assessed harm to the Green Belt and the extent to which the consequent impacts on the purposes of the Green Belt may be practicably reduced. Whilst the Council's Green Belt Topic paper indicates that SACDC understands the above key issues and their link with exceptional circumstances, the Council also make clear in paragraphs 1.24 and 2.36 of ED25C that infrastructure contributions were a key factor in its consideration of exceptional circumstances.
- 2.25 However to show that exceptional circumstances exist SACDC also has to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This requires a thorough investigation of the capacity of the existing urban areas (suitable brownfield sites and underutilised land) and whether this has been maximised having regard to optimising densities. Subtracting this figure from the relevant housing requirement figure leaves the amount of development that cannot be accommodated within the urban areas. This process also needs to be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need.
- 2.26 Outside of the defined urban areas all of SACDC is designated as Green Belt. Whilst there are some brownfield opportunities these are highly limited and cumulatively are not capable of meeting the District's housing requirements. The Council could have sought assistance from neighbouring authorities to meet a proportion of the identified housing need. However, these authorities are all equally constrained by Green Belt. Therefore in order to meet the significant housing needs that exist in St Albans district Green Belt release is reasonably required, subject to an appropriate methodology.
- 2.27 Where it has been concluded that it is necessary to release Green Belt for development Stage 2 of the evaluation process determines which sites would best meet the identified need having regard to Green Belt harm and all other relevant considerations including whether sites are suitably located and are developable. All these factors are then considered to reach a conclusion as to whether 'exceptional circumstances' exist for each of the individual Green Belt releases.
- 2.28 However only eight of the Broad Locations, including: (East Hemel Hempstead (North), East Hemel Hempstead (South), Land at Chiswell Green, North East Harpenden, North West Harpenden, North St Albans and East St Albans) were assessed as part of Phase 2 of the 2014 GBR. Three of the Broad Locations (South East Hemel Hempstead, North Hemel Hempstead and Park Street Garden Village) were simply not assessed as part of the detailed 2014 GBR.
- 2.29 The decision by SACDC to propose the release of the three unassessed Broad Locations identified above and discount the remaining sites submitted through the Call for Sites process was on the basis of the conclusions of the 2013 GBR. As stated, the 2013 GBR was undertaken at only a strategic level, considering the potential for harm across large parcels before identifying sub-areas for further assessment. As advised by the Inspector examining the Welwyn and Hatfield Plan, a Phase 2 GBR should then be undertaken, looking at a finer grain of sites, to better reveal the variations in how land performs against the purposes of the Green Belt.

- 2.30 SACDC has commissioned no such evidence to justify the release of South East Hemel Hempstead, North Hemel Hempstead and Park Street Garden Village. Furthermore, the findings of the 2013 GBR show that a number of sites discounted by SACDC as part of the site evaluation process, are located within GB parcels that in contrast to the above three Broad Locations, make less of a contribution to the five Green Belt purposes set out at paragraph 134 of the NPPF.
- 2.31 These include the five sites submitted by Tarmac at the locations identified at Section 1 of this Statement. In 2017, Tarmac commissioned SLR to independently assess these five sites against the evaluation criteria used by SACDC and representations were submitted to the Call for Sites consultation in February 2018. Each site was accompanied by a Vision document which provided full technical details in relation to constraints and deliverability. Each site was also accompanied by a Site Evaluation summary which contained a Green Belt assessment (attached at **Appendix 1**).
- 2.32 In this regard, three of the sites, Moor Mill North, Moor Mill South and Land at London Colney had a low (green) contribution to the five Green Belt purposes, whilst Land at Colney Heath and Tyttenhanger had medium (amber) scores. Importantly, the Tarmac independent review was undertaken on the basis of the sites being promoted and not the more general conclusions for a broader area that typifies the Council's 2013 GBR.
- 2.33 This approach is evidence that SACDC have not attempted to sufficiently evaluate all reasonable alternatives and the use of minimum scale criteria has prejudiced the findings of the SA and the related Development Strategy. The wealth of site-specific evidence that Tarmac has provided to date, part of which accompanies this Statement, clearly demonstrates that there are alternative sites that perform better in terms of relative Green Belt impact and deliverability than the sites listed under Policy S6.
- 2.34 For the reasons set out in our response to Matter 1, we do not consider that the likely environmental, social and economic effects of the Plan have therefore been adequately and accurately assessed in the 2018 St Albans SAR. In particular, we are concerned that the SA materially fails to evaluate the likely significant effects of the Draft Plan on those Sustainability Objectives which seek to reduce the consumption of fossil fuels and levels of CO2 and promote the most sustainable patterns of new development.



# Appendix 1

## SLR Site Evaluations February 2018

- Moor Mill North (SHLAA Ref: GB-PS-542)
- Moor Mill South (SHLAA Ref: GB-BW-547)
- London Colney (SHLAA Ref: GB-LC-545)
- Tyttenhanger (SHLAA Ref: GB-CH-548)
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