

# **ST ALBANS CITY AND DISTRICT LOCAL PLAN EXAMINATION**

## **Matter 4: Metropolitan Green Belt (Policy S3)**

### **Hallam Land Management and St Albans School**

*Main Issue: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall approach to the Green Belt.*

**Questions 1. What is the basis of the Green Belt Review? What methodology has been applied and is it soundly based? Is the Council's approach to the Green Belt set out in its response to the Inspector's Initial Question 16 and letter of the 2 July 2019 (Green Belt topic paper) robust and in line with national guidance?**

1. Yes, the Green Belt Review is soundly based, robust and in line with national guidance.

#### ***Basis and Approach***

2. The NPPF establishes that the Green Belt can only be amended where exceptional circumstances are shown to exist. The expression 'exceptional circumstances' is not defined in the NPPF and Jay J<sup>1</sup> noted that it must have been a deliberate policy decision on the part of central Government to leave the term undefined. Hinckinbottom J<sup>2</sup> acknowledged that each case is fact-sensitive and requires an exercise of planning judgement.
3. The District Council therefore has a duty to consider all factors relevant to the plan as a whole to see whether all material considerations indicate collectively that exceptional circumstances exist to justify the release of Green Belt.
4. In this instance, the overarching consideration is the extent to which the District's future development requirements (now determined for housing by reference to the Government's Standard Method) can be met within the Spatial Strategy defined by Policy S1 and the implication of and for the Green Belt as currently delineated.
5. Because of the long gestation period associated with this Local Plan, the process of assembling evidence spans many years and the policies and proposals of the Publication Draft Local Plan are based on planning judgement drawing upon the plethora of material. Yet a consistent principle in iterations of the Local Plan, and reflecting earlier strategic planning policies, has been to focus new development at the main urban areas; St Albans, Harpenden and adjacent to Hemel Hempstead. This is a sound policy approach entirely consistent with the NPPF<sup>3</sup>.

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<sup>1</sup> Calverton Parish Council v Nottingham CC [2015] EWHC 1078 (Admin)

<sup>2</sup> Gallagher Homes Ltd v Solihull Borough Council [2014] EWHC 1283 (Admin)

<sup>3</sup> *Inter alia* Paragraphs 102, 103 and 104

6. It followed, of necessity, that this required a review of the Green Belt early in the plan making process to critically consider its role and function at various locations and the extent to which amendments could be made in order to assist in meeting future development needs<sup>4</sup>.
7. The threshold for requiring the release of Green Belt land in St Albans is very low in comparison with the overall need for new housing. Only 20% of the Plan's housing requirement could be met without any development being situated within the Green Belt as presently defined<sup>5</sup>. As explored in Question 3, there is no prospect of the District's future development needs being directed to locations in adjoining administrative areas where similar issues of Green Belt would not arise, and on the basis of the established principle of meeting needs where they arise, the most appropriate strategy is to review the Green Belt locally.
8. This led to the identification of locations within the Green Belt where its boundary could be amended in order to accommodate development if exceptional circumstances in terms of the scale of future development needs were proven to exist. This is a sound approach to plan making.

### **Methodology**

9. The SKM Green Belt Assessment was undertaken in two parts. Firstly, an assessment of strategic parcels to determine their respective contributions to Green Belt functions. Section 5 of the 2013 study explains the Green Belt Purposes Criteria having regard first to the role and function of the Metropolitan Green Belt in maintaining the existing settlement pattern and also the national Green Belt purposes in NPPF. Table 5.4 lists the applied Purposes Assessment Criteria. In the context of national and local Green Belt purposes these are eminently sound considerations to underpin the assessment. Landscape character and environmental features also formed part of the evaluation because they are features intrinsic to undeveloped land across the assessment area.
10. The extent to which land contributed to the Green Belt purposes was ranked in terms of 'Significant', 'Partial' or 'Limited'. This provided an understanding of the value of the various roles performed by respective parts (or parcels using the SKM terminology) of the Green Belt. In turn this allowed the nature and extent of harm to the Green Belt and effect on the designation's objectives to be determined. As paragraph 5.5.4 states: *"This overall assessment has resulted in the sub-division of some parcels to reflect a finer grain assessment of parts of the parcel that contribute least against more than one of the purposes and are therefore the areas that may need to be considered for potential release from the Green Belt if development needs necessitate"*.
11. In respect of St Albans District the assessment identified eight strategic areas that contribute least to the Green Belt purposes<sup>6</sup>; seven small-scale sub-areas that contribute least to the Green Belt<sup>7</sup> and two further location where it was recommended the Boundary of the Green Belt be altered

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<sup>4</sup> SKM Green Belt Assessment 2013

<sup>5</sup> Sustainability Appraisal Appendix E4

<sup>6</sup> Paragraphs 8.2.3 – 8.2.9 refer

<sup>7</sup> Paragraph 8.3.4 – 8.3.11 refer

to account for substantial development that has already occurred. These locations are shown on Figure 8.1 of the Assessment.

12. To identify parcels of land which may potentially be favourable for release from the Green Belt and any associated revisions to Green Belt boundaries, a further assessment of the strategic parcels was undertaken to evaluate the strategic sub-areas that had been identified as contributing least to the Green Belt functions. The findings of the study were to inform future choices by the Council on how to strike the balance between development needs and Green Belt restraint<sup>8</sup>.
13. Table 2.2 of the Study explains the methodology employed. This provides a Strengths, Weaknesses, Opportunities and Threats analysis for each of the Strategic Sites identified in the preceding study. It also considered landscape sensitivity, the potential for a new clear and defensible boundary, development capacity exercises and a classification as to the development potential of the land concerned (i.e. short-medium or longer term).
14. The conclusions are set out in Sections 11 and 12 of the Report. Each of the locations assessed is considered to have potential to accommodate new development either in the short-medium term or the longer term and could justifiably be removed from the Green Belt<sup>9</sup>. This is also a sound approach to plan making.

**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?**

15. The Green Belt Review concluded that eight strategic sub-areas could be removed from the Green Belt with a consequential low or medium impact on the purposes of the designation.
16. In order to determine whether these locations should in fact be allocated for development a further exercise was undertaken by the District Council in the form of the 'Development Sites' assessment first in 2014<sup>10</sup> and then again in 2018<sup>11</sup>. The more recent work was undertaken in the context of the up to date estimate of local housing need and specifically for the purpose of the Publication Draft Local Plan. It is instructive to note that this assessment considered a total of 70 sites and was not simply restricted to those that were the subject of the SKM work.
17. In parallel, the Council were considering the capacity of urban areas to accommodate development.

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<sup>8</sup> GB003 paragraph 1.13

<sup>9</sup> *Ibid* Paragraphs 11.2.4 and 11.2.5 refer

<sup>10</sup> SLP003

<sup>11</sup> Planning Policy Committee 22<sup>nd</sup> May 2018 and 12<sup>th</sup> June 2018

18. It is evident that the Green Belt Review which considered land against the purposes of the Green Belt constituted only a first stage of the evaluation process, and this was followed by consideration of the locations firstly in terms of suitability and availability; secondly in terms of the various unique contributions to (i) improving public services and facilities, (ii) enhancing local high quality job opportunities and (iii) other infrastructure provision or community benefits; and thirdly deliverability / achievability culminating and an overall evaluation.
19. The May 2018 PPC Report concludes as follows:
- “The evaluation forms conclude that 8 sites have an overall evaluation of Green. These are the same 8 sites that were concluded in the [Green Belt Review] as making the least contribution towards Green Belt purposes. These sites are 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 (para 4.11).*
- The evaluation forms conclude that 4 sites have an overall evaluation of Amber. These sites are South East Hemel Hempstead, North Hemel Hempstead, the Former Radlett Aerodrome and North East Redbourn (para 412).”*
20. It is evident therefore that the conclusions of the Green Belt review were a consideration alongside other judgements in determining the allocation of Broad Locations.

**Question 3. Has a comprehensive assessment of capacity within built up areas been undertaken? Have all potential options on non-Green Belt land in the countryside been assessed?**

21. The Housing Trajectory at Appendix 2 of the Local Plan places a considerable reliance of a range of housing sources that fall under the umbrella of urban capacity i.e. garage sites, office to residential conversion, Council owned sites, intensification / conversion of office land and increasing density in higher buildings. In addition to this, the Housing Trajectory includes an allowance for windfall development, which by definition will be sites almost entirely within the urban area because of the control exerted by Policies L4, L5 and L6 and the permissive approach in Policy L8. Together with existing commitments these sources contribute to an estimated 5,000 dwellings within the Plan period. This is a long way short of the 14,600 additional new homes determined by reference to the Government’s Standard Method.

**Question 4. Have opportunities to maximise capacity on non-Green Belt sites been taken (including increasing densities)?**

22. EDC25<sup>12</sup> indicates that there is no non-Green Belt rural land within the District.

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<sup>12</sup> Paragraph 1.7

**Question 5. Have discussions taken place with neighbouring authorities about whether they could accommodate some of the identified housing need?**

23. EDC25C<sup>13</sup> states that [there was] *“Ongoing dialogue with neighbouring and nearby LPAs throughout 2013-2016 and 2017-2019 to see if they could accommodate any of SADC’s housing need with the conclusion drawn that there was no reasonable prospect that such need would be met elsewhere”*.
24. Appendix 12 of the District Council’s Duty Co-operate Statement provides notes of meetings with neighbouring local authorities within the South West Hertfordshire Area. Therein the District Council consistently sets out its intention to meet its housing need in full based on the Government standard methodology figures of 913 per annum. There is no apparent discussion about whether some of the identified housing need can be met elsewhere.
25. This is unsurprising, because the characteristics of its neighbouring authorities is not significantly different. Each is subject to Metropolitan Green Belt and is having to consider themselves the need to review and release Green Belt land. It would be surprising had the opportunity arisen for neighbouring authorities to be able to meet need from St Albans when they themselves do not appear to be able to cater for their own needs without amending the Green Belt.
26. Indeed, the opposite is the case and the correspondence with Dacorum Borough Council and Welwyn and Hatfield District Council point towards the question of whether the St Albans Local Plan could assist in meeting their needs.

**Question 6. Does the Plan seek compensatory improvements to the environmental quality and accessibility of the Green Belt?**

27. Whilst the NPPF<sup>14</sup> states that strategic policy making authorities should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvement to the environmental quality and accessibility of the remaining Green Belt, Policy S3 is silent on this point.
28. However, to the extent that improvements to environmental quality and accessibility of the Green Belt constitute ‘development’ as defined by the Section 55 of the Act, the NPPF<sup>15</sup> would represent a material consideration in the determination of any planning application in those instance.
29. It should also be noted that certain Broad Locations include reference to ‘countryside access links including improved off-road paths (rights of way) and links to a community food zone retained in the Green Belt.

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<sup>13</sup> Paragraph 1.4

<sup>14</sup> Paragraph 138

<sup>15</sup> Paragraph 141

**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?**

30. Yes, exceptional circumstances exist in the instance of this Local Plan to justify the proposal to remove land from the Green Belt.
31. In summary:
- The scale of local housing need calculated to be some 14,000 additional dwellings between 2020-2036 cannot be met by existing commitments or urban capacity which total some 5,000 additional dwellings even with an optimism bias in terms of potential sources of housing land.
  - As the plan areas main urban settlement are contained by the Green Belt with tightly drawn boundaries there is no scope for non-green belt land to materially contribute towards meeting the identified level of housing need.
  - This has been a principle well understood since at least the June 2014 Assessment of Strategic Local Plan Options where a Green Belt policy constraint illustrated that only 200 dpa could be provided<sup>16</sup>.
  - There is no realistic prospect of St Albans local housing need being accommodated in other local plans being prepared by neighbouring authorities; indeed the evidence points to the those areas themselves experiencing difficulty in meeting their own needs without amendments to the Green Belt.
  - The Green Belt Assessment has identified potential locations where its boundary can be amended without an overriding harm on its purpose.
  - The overall appraisal assessment for identifying the locations where the Green Belt would be amended to accommodate future development carefully considered a range of factors including the extent to which they contribute to a sustainable pattern of development.
32. For all of the above reasons, the Local Plan's policies and proposals in respect of the Green Belt and Broad Locations are, as a matter of principle, sound.

**Question 8. Are all the sites and their boundaries clearly shown on a map?**

33. With respect to North St Albans, yes, the location of this broad location is adequately identified on the policies map.

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<sup>16</sup> CD009 Section 4.2.6

**Question 9. Is the approach to secondary school sites in the Green Belt justified?**

34. We do not have any comments in respect of this.

**Question 10. Is the approach to transport infrastructure in the Green Belt justified?**

35. We do not have any comments in respect of this.

**Question 11. Did the Council consider the designation of safeguarded land in the Plan, and should this be identified?**

36. The District Council does not appear to have considered safeguarded land *per se*, although a number of the Broad Locations have identified development capacity which will extend beyond the end of the plan period. In those instances, the new boundary of the Green Belt will extend beyond the plan period and provide a degree of permanence.

37. We anticipate that the South Hertfordshire Joint Spatial Plan will need to consider the longer-term boundary of the Green Belt in any event.

***Owen Jones***  
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***9<sup>th</sup> December 2019***