

# **MATTER 4 HEARING STATEMENT ON BEHALF OF LAWES AGRICULTURAL TRUST**

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## 1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Bidwells LLP on behalf of Lawes Agricultural Trust in support of Land to the north east of Redbourn (hereafter “the site”). Lawes Agricultural Trust has promoted the site through representations submitted at each of the previous Local Plan consultations. They control the whole site demarked in the red line boundary plan contained in their Regulation 19 representations.
- 1.2 The purpose of Lawes Agricultural Trust’s involvement in the Examination process is to demonstrate the availability and deliverability of allocation R-551 (North east of Redbourn, West of A5184) and to raise concerns over the proposed spatial strategy, for failing to plan for the identified local housing need and subsequently for inadequacies in relation to the assessment and release of the preferred broad locations from Green Belt. This Hearing Statement responds to:
- Matter 4: The Metropolitan Green Belt (Policy S3)
    - 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, 3 and 7

## 2.0 Response to the Inspector's Matters, Issues and Questions

**Question 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?**

- 2.1 The site selection methodology of Stage 1 Green Belt Assessment<sup>1</sup> is not considered to be soundly based. Chapter 6 of the assessment refers to the methodology applied by St Albans City & District Council (SACDC); and the Lawes Agricultural Trust (LAT) has particular concerns with the approach taken to identify and assess the strategic parcels. The assessment confirms that it was based upon criteria which included the alignment of boundaries to "natural or physical features where possible e.g. water courses, prominent hedgerows, roads, railway lines".
- 2.2 While this approach is consistent with that being suggested within paragraph 139 of the National Planning Policy Framework<sup>2</sup>, SACDC's assessment has failed to consider the presence of the existing A5183 (Redbourn Bypass) and the River Ver which act as defensible boundaries and should have resulted in a smaller parcel size. Because of this, the parcel is considered to be too large (in the case of parcel GB20 which totals 1150 hectares) and does not provide an objective and accurate assessment of realistic development site opportunities and the potential impacts on the Green Belt.
- 2.3 Inspectors examining other Local Plans have critiqued assessments where the land parcels were too 'strategic' in scale to allow proper assessment of sites for their development potential. It has been found that assessments with this lack of detailed, fine-grain assessment do not provide sufficient justification for not allocating enough sites in the Green Belt to meet housing need. The Inspector for the Welwyn Hatfield District Local Plan Examination stated:
- "...the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt."<sup>3</sup>
- 2.4 In the case of the Welwyn Hatfield District Council Local Plan, further work was undertaken to refine the Green Belt study post-hearing sessions which demonstrated that additional

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<sup>1</sup> Green Belt Review Purposes Assessment Final Report (November 2013) available from [https://www.stalbans.gov.uk/Images/SP\\_EB\\_GBR\\_Part1\\_Nov2013\\_tcm15-38991.pdf](https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf)

<sup>2</sup> National Planning Policy Framework (2019)

<sup>3</sup> Inspector's Note following Stages 1 and 2 of hearing sessions: Green Belt Review at the Welwyn Hatfield District Local Plan Examination (December 2017) document reference EX39 available from [https://www.welhat.gov.uk/media/12878/EX39-Green-Belt-review-note-December-2017/pdf/ED39\\_\\_Green\\_Belt\\_review\\_note\\_Dec\\_2017.pdf?m=636489409149570000](https://www.welhat.gov.uk/media/12878/EX39-Green-Belt-review-note-December-2017/pdf/ED39__Green_Belt_review_note_Dec_2017.pdf?m=636489409149570000)

opportunities existed to allocate more land within the Green Belt to meet their identified local housing need.

- 2.5 As part of the Regulation 19 representations submitted by LAT, a Green Belt review was carried out by Arrow and NPA. Within this, the boundary of each site was reviewed to consider whether it was consistent with paragraph 139 f) of the NPPF and whether it could be amended for the review, in order to identify a more 'readily recognisable' potential Green Belt boundary.
- 2.6 It was identified that the site itself is bound by a line of urbanising features comprising the A5183 and Harpenden Lane to the south. These features act as the "*physical features that are readily recognisable and likely to be permanent*" as defined in the NPPF and result in parcel size with an area of 42.1 hectares. A comparison of the scoring from the SACDC and the Arrow assessments is shown in the table below.

**Table 1: Comparison of Green Belt assessment scoring for the site**

GREEN BELT PURPOSE	ST ALBANS GREEN BELT ASSESSMENT SCORE	ARROW SITE SPECIFIC GREEN BELT ASSESSMENT SCORE
1: To check the unrestricted sprawl of large built-up areas	Significant contribution	Meets purpose very weakly
2: To prevent towns from merging	Partial contribution	Does not meet purpose
3: To assist in the safeguarding of the countryside from encroachment	Partial contribution	Meets purpose relatively weakly
4: To preserve the setting and special character of historic towns	Significant contribution	Meets purpose relatively weakly

Table 1: Comparison of assessment scoring for the site

- 2.7 It is clear to see that assessing the unsuitably large land parcels identified in the Arrow Green Belt Assessment at a site-specific level generates a substantially different scoring for the site, demonstrating it is much more suitable for release from the Green Belt than suggested by the Local Plan evidence base.
- 2.8 The Council's response to the Inspector's Q16 of letter dated 02 July 2019<sup>4</sup> does not provide further details on this approach, specifically in response to what work has been done, when and how.
- 2.9 This serves to highlight that the SACDC Green Belt Assessment is not robust in considering the impact of releasing individual sites for development because site R-551 (land north east of Redbourn is available, deliverable and does not perform strongly against any of the Green Belt purposes. It should therefore be allocated for development.

**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**

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<sup>4</sup> Letter from Inspector to St Albans and City District Council dated 2 July 2019

**development, and prioritise sites which are previously developed and/or well served by public transport? Where is this evident?**

- 2.10 Due to the inappropriate sub-division of the Green Belt in the Stage 1 SACDC Green Belt review, site R-551 was incorrectly discounted from the Local Plan process. This meant that it was not further considered in the Stage 2 review or the subsequent strategy for development contained within the draft Local Plan.
- 2.11 With regards to the second question posed, the proposed alterations to the Green Belt fail to release suitable and sustainable sites within the Green Belt which in the case of site R-551, could make a significant contribution of approximately 825 units to help meet the District's acute housing need.
- 2.12 SACDC has failed to take into account paragraph 138 of the NPPF which requires local authorities to first consider land which is "*well-served by public transport*" when considering release of land from the Green Belt.
- 2.13 We refer to the Highways Assessment submitted as part of the Call for Sites submission and reiterate that Site R-551 boasts the following transport links:
- Approximately 2.7 miles away from Harpenden rail station and approximately 5.5 miles from St Albans City station;
  - Highways access onto A5183 (Redbourn Bypass) which links to Junction 9 of the M1;
  - Access onto the Nickey Line;
  - Access onto multiple rights of way; and
  - Proximity to five bus routes which call at stops on Dunstable Road or Harpenden Lane
- 2.14 In addition to the above, a wealth of additional mitigation measures and improvements could be provided as part of future development at the site. Subject to detailed assessment, this may include:
- A network of car-free pedestrian and cycle paths through the proposed development;
  - New pedestrian and cycle crossing facilities at the junction of Harpenden Lane, Redbourn Lane and the A5183 Redbourn bypass to link to the Nickey Line;
  - A direct link to the Nickey Line via a new pedestrian and cycle route through the Redbourn bypass underpass;
  - New pedestrian crossing points on Harpenden Lane and Dunstable Road;
  - Direct pedestrian access from the site to local bus stops on Harpenden Lane and Dunstable Road;
  - Additional parking to serve Redbourn village centre thus reducing parking pressure and congestion on the High Street;
  - Amendments to the Harpenden Lane/Dunstable Road junction to provide new pedestrian crossing points and pedestrian and cycle links to the south west corner of the Proposed Development; and,

- New vehicle access junctions on Harpenden Lane and Dunstable Road to serve the Proposed Development. Retention of as much existing hedgerow as possible and planting of new hedgerows.

2.15 The land north east of Redbourn provides an important example of a site which can contribute to the housing need and promotes sustainable patterns of development. For these reasons, it should be prioritised and included within the site selection.

**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?**

- 2.16 The NPPF does not define exceptional circumstances, however this matter has been subjected to significant discussion in the courts. *Calverton Parish Council v Greater Nottingham Councils* [2015] EWHC10784 sets out a number of key considerations when determining exceptional circumstances including:
- i. The acuteness/intensity of the objectively assessed need
  - ii. The inherent constraints on supply/availability of land *prima facie* suitable for sustainable development
  - iii. The consequent difficulties in achieving sustainable development without impinging on the Green Belt
  - iv. The nature and extent of the harm to Green Belt being considered for release
  - v. The extent to which the impacts on the purpose of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent
- 2.17 While this is not necessarily a definitive list of considerations, it is an accepted starting point for the determination of exceptional circumstances.
- 2.18 Policy S2 of the draft Local Plan states that the exceptional circumstances needed to justify the release of land from the Green Belt are the government figures for housing need and appropriate approaches to employment land provision. LAT do not dispute this approach however when considered with the intensity of the objectively assessed need within the District; something which is exacerbated when you consider the correct housing figure which we refer to in our response to Matter 5, we believe that more should be done to release poorly performing land from the Green Belt.
- 2.19 SACDC also note however within Policy S2, that the exceptional circumstances required for Green Belt release only exist in the broad locations set out in Policy S6 and the Policies map. Further, SACDC consider that exceptional circumstances only exist for specific forms of development and with the required elements set out in Policy S6, the Policies Map and other Policies in the Plan.
- 2.20 LAT do not agree with SACDC that the exceptional circumstances only exist in the broad locations identified. There is no evidence that supports such an approach; the exceptional circumstances which would trigger the need for a review of Green Belt boundaries would still apply even if there were no broad locations identified as suitable. The nature and location of sites to be released is a proposed strategy and should not form part of the exceptional circumstances justification. To do so in this manner is contrary to paragraphs 137-139 of the NPPF which details how Green Belt boundaries should be reviewed; only once exceptional circumstances have been justified.

- 2.21 Because of the availability of site R-551, its sustainability with regards to its transport links and connectivity, the poor performance of the site against Green Belt policy (as detailed within question 3) and the defensible boundaries which surround the site meaning that harm to the wider Green Belt will be minimal, we believe that exceptional circumstances exist to review the Green Belt boundary and site R-551 should be released for development.



