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St Albans City and District Council

Local Plan Public Examination

Matter 4 “Metropolitan Green Belt”

Submitted by Sellwood Planning

on behalf of

The Crown Estate

December 2019

Regulated by RICS

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1.0 Introduction

- 1.1 This Statement, relating to Matter 4 ‘The Metropolitan Green Belt’ has been prepared by Sellwood Planning on behalf of The Crown Estate (TCE). TCE is the freeholder of the land necessary to deliver Broad Locations S6(i), (ii) and (iii) at East Hemel. TCE is also working cooperatively with the promoters of North Hemel Hempstead Broad Location (S6(iv)).

2.0 (Q1) “What is the basis of the Green Belt Review?”

- 2.1 Whilst this is primarily for St Albans Council (SADC) to answer, TCE has been actively involved in the Green Belt review process since it commenced in 2013. Although this clearly predates the advice in the February 2019 NPPF (paragraphs 136 to 139), the Council has adopted logical, good practice which corresponds to the 2019 NPPF.
- 2.2 In particular, SADC had assessed its urban and brownfield capacity against the prevailing Objectively Assessed Need (OAN) at that time and concluded that the OAN could not be accommodated without the development of some Green Belt land. The purpose of the SKM Green Belt Review was to identify those sites which could be released with least harm to the purposes of the Green Belt. It is important to recognise that the SKM report was not seeking to release a specific quantum of land, so its conclusions remain valid despite a changing housing provision.

3.0 (Q2) “How have the conclusions of the Green Belt Review informed the Local Plan?”

- 3.1 The Green Belt Review established a list of sites whose release would have least impact on Green Belt purposes. Whilst the SKM report primarily addressed Green Belt purposes, it also considered sustainability. However, once the SKM study was complete, the Council undertook a full appraisal of each potential strategic site against

a range of wider planning issues, including the need to promote sustainable development. This produced a ‘red, amber, green’ assessment along with a consideration of the extent to which a site can make a ‘unique contribution to improve public services and facilities’, which helped inform the selection of sites.

- 3.2 In the case of the East Hemel Broad Locations (S6(i), (ii) and (iii)), the SKM report concluded that the sites (referred to as S1 and S2 in the Report) served limited Green Belt purposes and the subsequent planning assessment found that these sites could be developed in a manner which promoted sustainable development and would provide significant public benefits. These included facilitating the upgrade of Junction 8 of the M1 and delivering the majority of the EnviroTech Enterprise Zone. Since the submission of the Local Plan, the sustainable credentials of S6(i) to (iii) have been enhanced by the decision of the Government in March 2019 to give the land (plus S6(iv) and adjoining land in Dacorum Borough) ‘Garden Community’ status.

4.0 (Q3) “Has a comprehensive assessment of urban capacity been undertaken?”

- 4.1 This is primarily for the Council to answer, but Members have been provided with a series of updates on urban capacity and why this would be insufficient to either meet the OAN in 2014 or the higher figure arising from the ‘standard methodology’ in 2019 / 2020.
- 4.2 Given the Green Belt status of all of the SADC administrative area outside the settlements, there are no non Green Belt sites which would not have been picked up by the urban capacity study.

5.0 (Q4) “Scope to maximise capacity on non Green Belt sites?”

- 5.1 This is a matter for SADC to answer.

6.0 (Q5) “Scope for Neighbouring Authorities to Accommodate SADC Housing Need?”

6.1 The published notes of Duty to Cooperate meetings with adjoining local authorities indicate no reasonable prospect of the SADC housing need being met elsewhere.

7.0 (Q6) “Does the Plan seek Compensatory Improvements to the Green Belt?”

7.1 It is not clear that the Plan does seek compensatory improvements to the quality and accessibility of the retained Green Belt land. However, TCE is proposing compensatory improvements to the environmental quality and accessibility of other adjoining Green Belt land under its control as part of the masterplan for S6(i), (ii) and (iii). TCE would support an appropriate modification to the Plan to secure this objective.

8.0 (Q7) “Do Exceptional Circumstances (NPPF 136) exist to justify the removal of land from the Green Belt?”

8.1 The potential for a strategic release of Green Belt land at East Hemel Hempstead and its ‘exceptional circumstances’ has long been recognised. This can be traced back to 2006 when the Panel’s report into the Examination of the Regional Spatial strategy for the South East was published. The Panel disagreed with the submitted plan and concluded that exceptional circumstances existed to warrant a major expansion of Hemel Hempstead.

“In our view this is an insufficient response to the challenges facing the region and the opportunities that expansion could present to the town, including

repairing its image after the Buncefield fire various submissions give us confidence that there are enough options for Dacorum related housing growth of 12,000 (together with appropriate employment related and other development) to be achieved without breaching environmental limits in terms of landscape and other factors. While a strategic review of the Green Belt will be required we are confident that this can take place without compromising the broader purposes and integrity of the Green Belt. However, a significant proportion of the necessary urban extensions to Hemel Hempstead would probably have to be in St Albans District, thus requiring close co-operation across the boundary and the development of a strong and effective delivery organisation” (para. 5.128).

- 8.2 In 2013, the Inspectors Report was published in relation to the Dacorum Local Plan. The role of East Hemel had been discussed during the Examination and the Inspector concluded

“A number of sites were considered for housing development, although it should be noted that this most recent assessment did not include any land outside the Borough boundary (eg. Land between the town and the M1 which is within St Albans City and District). However, an earlier assessment in 2009 did consider an eastern growth scenario and concluded that if significant expansion of Hemel Hempstead is required ‘this should be taken forward in the form of the eastern growth option’. This would require the co-operation of St Albans City and District Council but it is not a ‘new’ concept and it would appear that a significant assessment of this option has been undertaken in the past, upon which further consideration could be based” (para 57).

- 8.3 It was in this context of a broad acceptance that the principle of ‘exceptional circumstances’ existed at East Hemel for a Green Belt release that SADC and Dacorum Council commissioned SKM to undertake the Green Belt Review in 2013. It is noteworthy that the, now withdrawn, Strategic Local Plan (2016) had concluded that Exceptional Circumstances existed even with the lower housing provision (436 pa) proposed

at the time. The extent of urban capacity / non Green Belt sites in 2019 is essentially unchanged from the position in 2014, when the SKM Review was undertaken, whilst the level of housing need has become more acute. This has led to the doubling of the housing provision to 913 homes per year in this Plan. This means that the demonstration of ‘exceptional circumstances’ is even more clearly apparent.

8.4 The Council, in its response to the Inspectors initial questions (ED25C), cited the Calverton High Court judgement on exceptional circumstances. It is agreed that in the case of this Local Plan, it is able to meet all the ‘Calverton’ requirements to demonstrate exceptional circumstances in that

- the level of housing need is acute at 913 homes per year, whereas recent rates of delivery have been less than half of this
- the supply of land is highly constrained since all land outside the urban areas is Green Belt
- it is not possible to achieve the housing requirement and sustainable development without requiring the release of Green Belt land
- there is no non Green Belt land available to provide new employment sites
- SKM has shown that certain sites can be released with limited harm to the purposes of the Green Belt
- the choice of sites for allocation in this Plan are those which will reduce Green Belt impact to the lowest practicable extent
- the EHH sites are able to deliver wider public benefits such as the upgrade of M1 J8.

9.0 (Q8) “Are the Sites and Their Boundaries Clearly Shown on a Map?”

9.1 The current maps in the Plan are very small and poor quality. The effectiveness of the Plan would be significantly improved by an enhanced suite of maps showing the proposed Green Belt boundaries in greater detail.

10.0 (Q9) “Is the Approach to Secondary School Sites in the Green Belt Justified?”

- 10.1 No, the Plan’s approach to locating Secondary School sites in the Green Belt is not justified and conflicts with the clear advice in paragraph 145 of the 2019 NPPF. This paragraph states that the construction of buildings in the Green Belt is inappropriate except in the exceptional circumstances stated. Educational buildings are not listed as one of the exceptions and the Plan should be modified to bring it into concurrence with the NPPF.
- 10.2 East Hemel Hempstead (North) (S6(i)) is required to provide an 8FE Secondary School. Discussions have taken place with HCC and a location for the school has been agreed which adjoins the north eastern edge of the residential area and close to the Local Centre and Primary School. Under the Plan as submitted, the school would remain in the Green Belt. The 11 ha site could not be accommodated within the S6(i) developable non Green Belt area since it would reduce its capacity by around 500 homes and prejudice the housing objectives of the Plan.
- 10.3 The TCE proposal is to take the whole school out of the Green Belt and amend the Green Belt boundary so it no longer follows the line of a high voltage pylon line. Since the Secondary School boundaries are formed by clear hedgerows and the M1, this boundary would comply with the advice in paragraph 139(f) of the 2019 NPPF that new Green Belt boundaries should use ‘physical features that are readily recognisable and likely to be permanent’. The overhead power line boundary proposed in the submitted Plan does not comply with paragraph 139(f).
- 10.4 A further problem with leaving the Secondary School in the Green Belt is that educational requirements evolve over time. However, once operational, any future built form changes to the school which require planning permission would have to demonstrate ‘very special circumstances’. This clearly is not a logical approach to such an important community asset as a Secondary School.

- 10.5 The proposed TCE amended Green Belt boundary is shown in *Appendix 1*.
- 10.6 It is noted that HCC has also objected to school sites remaining in the Green Belt. The HCC proposal is that the school buildings and associated hardstanding should be removed from the Green Belt with open areas remaining in the Green Belt. Whilst TCE favour its *Appendix 1* boundary, this could represent a compromise solution.

11.0 (Q10) “Is the Approach to Transport Infrastructure in the Green Belt Justified?”

- 11.1 TCE supports the Council in its approach to transport infrastructure in the Green Belt where non Green Belt options are not available. This approach also complies with the advice in paragraph 146(c) of the 2019 NPPF.
- 11.2 In the case of East Hemel (S6(i), (ii) and (iii)), it is recognised that Junction 8 of the M1 will need to be improved during the Plan period to accommodate plan wide growth. Part of this improvement will require the enlargement of that part of J8 on the eastern side of the M1 plus associated balancing ponds and landscaping. This junction improvement will involve Green Belt land which has already had its ‘openness’ severely compromised.
- 11.3 The proposed improvements to Junction 8 of the M1 were developed by the Maylands Growth Corridor Study in 2016 / 2018. TCE was a member of the study steering group along with the Council, Dacorum BC, HCC, the Hertfordshire LEP and Highways England. The final prospectus for the study identifies the need and an initial layout of the improvement scheme. Since that time further development work has been undertaken to ‘future proof’ the layout to accommodate additional potential growth in Dacorum as part of Hemel Garden Community. Detailed design work jointly funded by TCE and the LEP is now underway.

11.4 For this reason, TCE support the Councils approach to transport infrastructure in the Green Belt as pragmatic and necessary to the successful implementation of the Plan.

12.0 (Q11) “Did The Council consider the designation of safeguarded land in the Plan, and should this be identified?”

12.1 There is no evidence that the Council considered the potential to designate post 2036 ‘safeguarded’ land, other than 200 units in S6(iii), 1000 units in S6(iv) and 600 units in S6(xi). The approach of the Council appears to have been to focus on the release of the minimum amount of Green Belt to meet housing need up to 2036. Since housing need in St Albans will not cease in 2036, it is considered that the Council should have identified a safeguarded capacity of more than 1800 homes, which is less than two years supply based on a requirement of 913 dpa. It should have more fully complied with the advice in paragraph 139(c) to

“identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period”.

12.2 In its Regulation 19 representations, TCE proposed three areas adjoining Broad Locations S6(i) and (iii) which could be identified as safeguarded land. These were

- land to the south of Leverstock Green and west of the A4147
- land to the south of the proposed Secondary School in S6(i)
- land to the south of Broad Location S6(iii).

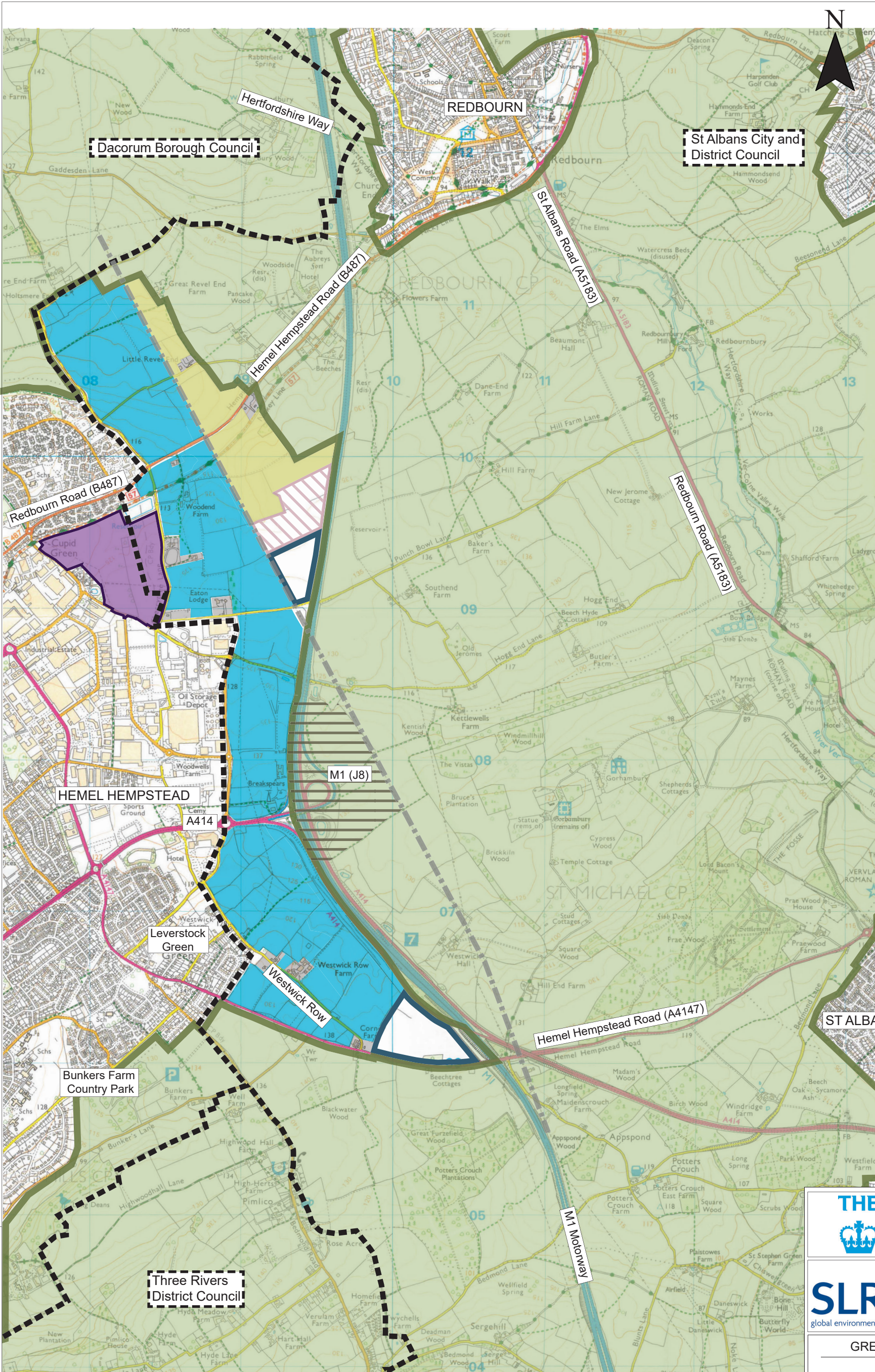
12.3 Since the Regulation 19 representations were submitted in October 2018, further detailed masterplanning work has established that site S6(iii) is able to accommodate 2,400 homes and associated development. In view of this, and the fact that the A4147

forms a strong, defensible physical boundary to the Green Belt, this particular amendment to the Green Belt boundary is no longer pursued by TCE.

- 12.4 The proposed safeguarded land in S6(i) to the south of the Secondary School would be enclosed by the new School to the north, the M1 to the east and Broad Location S6(ii) to the south. It would also be sustainably located in terms of the rest of the S6(i) housing area. This site is capable of accommodating around 135 homes and would be a valuable source of safeguarded land with no material impact on the wider Green Belt.
- 12.5 TCE would recommend that the Green Belt boundary south of the Secondary School is modified as shown in *Appendix 1*.
- 12.6 The TCE proposal for safeguarded land in S6(iii) is at the very southern tip of the proposed Broad Location. This land is bounded by S6(iii) to the north, the A4147 to the west and the M1 to the east. As a consequence of this proposed modification, the new Green Belt boundary would follow the A4147 from Leverstock Green to where the road passes under the M1. This is a logical and defensible boundary. This would allow around a further 190 homes to be added to the current Plan proposal for 200 homes at S6(iii) to be built after 2036.
- 12.7 TCE would recommend that the Green Belt boundary to the south of S6(iii) is modified as shown in *Appendix 1*.

Appendix 1

Proposed Green Belt Boundary Modifications



- LEGEND**
- The Crown Estate Proposed Green Belt boundary
 - Spencers Park: Under Construction
 - Local Authority Boundary
 - Overhead power cables
 - Development Zone
 - District Park / Open space
 - Secondary school
 - M1 Junction 8 (improvements in Green Belt)
 - Safeguarded area
 - Existing development



4.16.01771.00003.29.010-LANDSCAPE PLANNING CONTEXT

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GREEN BELT ASSESSMENT

EAST HEMEL HEMPSTEAD

EAST HEMEL: PROPOSED TCE GREEN BELT BOUNDARY AND ASSOCIATED LAND USES

EHUK-SLR-XXX-XX-DR-L-07051

Scale AS SHOWN	Date NOVEMBER 2019
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