

ST ALBANS CITY & DISTRICT LOCAL PLAN EXAMINATION

HEARING STATEMENT

MATTER 4: THE METROPOLITAN GREEN BELT (POLICY S3)

LAND WEST OF REDBOURN

ON BEHALF OF PENNARD & ULVIR LIMITED

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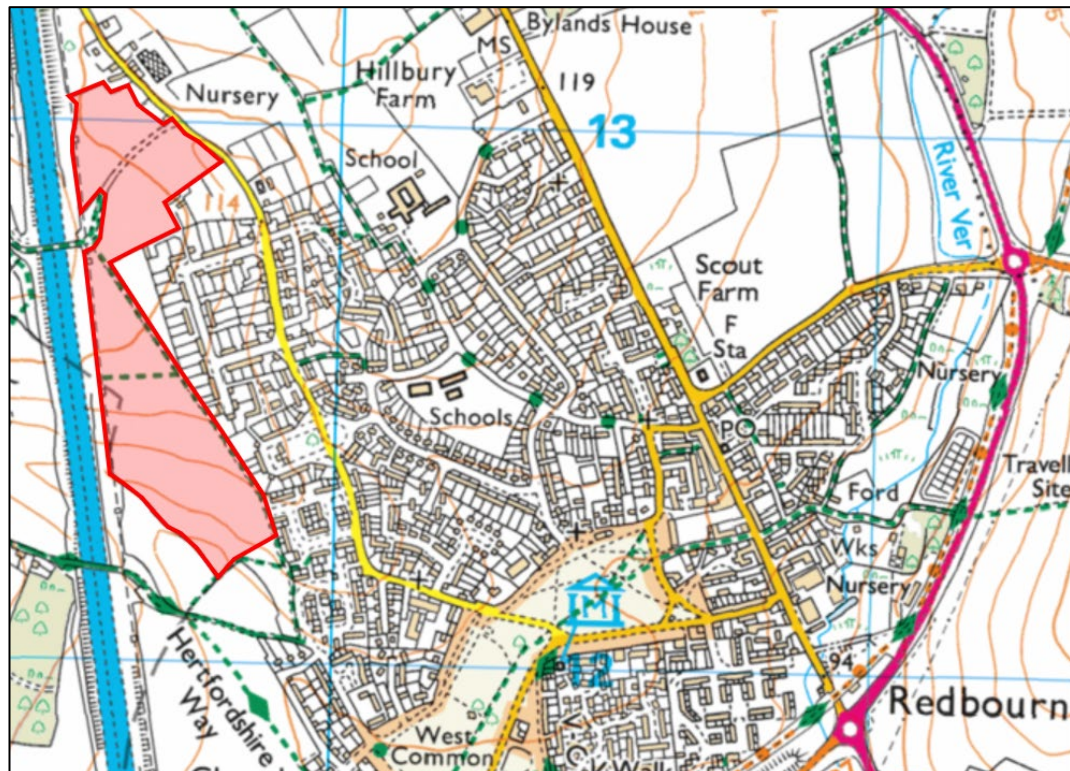
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1. INTRODUCTION

- 1.1** This Hearing Statement has been prepared by Pegasus Group on behalf of Pennard Bare Trustees (Pennard) and Ulvir Limited, the Freehold owners of Land West of Redbourn, as shown in Figure 1 below.

Figure 1: Land West of Redbourn



- 1.2** This Matter Statement is prepared pursuant to the Matter 4 and the associated Issues and Questions raised by the St Albans City & District Council (SADC) Examination Inspectors.
- 1.3** This Statement is also to be considered alongside submissions made in respect of the following Matters:
- Matter 1: Legal / Procedural Requirements;
 - Matter 2: Duty to Cooperate;
 - Matter 3: The Spatial Strategy, Settlement Hierarchy and Development Strategy Policies S1 & S2);
 - Matter 5: Objectively Assessed Needs for Housing and Employment Land (Policies S4 & S5);
 - Matter 6: The Broad Locations for Development (Policy S6) – General Matters (Policy S6) and Strategic Infrastructure (Policies L17 & L18); and

- Matter 8: The Supply and Delivery of Housing Land

1.4 Our Matter Statements should be read alongside our Representations to the SADC Regulation 18 (Issues & Options) consultation and 'Call for Sites' submission (February 2018) and our Representations to the Regulation 19 (Publication Plan) consultation (October 2018).

2. 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?

2.1 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?

- 2.1.1 Please refer to our Regulation 19 Representations¹ for full details.
- 2.1.2 Please also refer to our response to Matter 1 in respect of the inter-relationship between the Green Belt Review (GBR) and the Sustainability Appraisal (SA).
- 2.1.3 SADC published a 'Green Belt Topic Paper' (ED25C) in response to the Inspector's Initial Questions (ED23).
- 2.1.4 ED25C confirms that the Council remains heavily dependent on the evidence provided in the Green Belt Review (GBR) (2013 & 2014) (GB001, GB002, GB003 & GB006) prepared to support the withdrawn Strategic Local Plan (SLP) (2016).
- 2.1.5 Indeed, the SA is explicit that the current Plan is in effect a continuation of the same strategic planning process to replace the 1994 Local Plan, rather than being a completely 'new' plan. Consequently, the Plan's spatial and development strategy and accompanying SA relies on much of the previous work undertaken to support the SLP and we highlight the fundamental flaws with this approach, particularly in relation to the GBR and SA, within our Matter 1 & Matter 3 Statements.
- 2.1.6 Given the previous SLP was withdrawn and in light of the fundamental failings of the GBR, as highlighted within our submissions, it is considered that the Plan should be underpinned by a new two stage Green Belt Review prepared in line with current national planning policy.

¹ Pegasus Regulation 19 Representations (October 2018) – paragraphs 3.8-3.16, 4.2-4.72 & 5.2-5.40

- 2.1.7 This position is further supported given the findings of the Welwyn & Hatfield Borough Council (WHBC) Local Plan Inspector (December 2017) into the joint GBR (i.e. the same document being examined now), where they stated:

"In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because 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. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further."

- 2.1.8 WHBC subsequently recognised the failings of the GBR and commissioned further Green Belt evidence in support of their Local Plan. SADC have however wilfully ignored the WHBC Inspector's conclusions on this key evidence base document, have proceeded regardless and in fact seek to underpin their entire spatial and development strategy on the same GBR which has already been examined and found to be fundamentally flawed. Accordingly, it is considered that the Inspector's can only come to the same conclusions as those already found in respect of the WHBC Local Plan.
- 2.1.9 Moreover, in respect of demonstrating 'Exceptional Circumstances', Policy S2 (Development Strategy) states "*Government figures for housing need...create the exceptional circumstances that necessitate major development in locations previously designated as Green Belt*" and that "*the exceptional circumstances required for Green Belt release for development only exist in the Broad Locations*". These conclusions are based purely on the findings of the flawed GBR.
- 2.1.10 However, the National Planning Policy Framework (NPPF, 2019) is clear that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries that the LPA "*should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development*" (paragraph 137) and that "*when drawing up or reviewing Green*

Belt boundaries, the need to promote sustainable patterns of development should be taken into account" (paragraph 138) [our emphasis].

- 2.1.11 As noted by the WHBC Local Plan Inspector, the GBR was a high-level assessment that split the district into large parcels and did not allow the detailed assessment and comparison of potential development sites at a more granular level. This is especially important as 'exceptional circumstances' required to justify the release of land from the Green Belt will only exist at the site-specific level, not at the strategic level as indicated by SADC, where the benefits associated with any development are clearly demonstrated to outweigh the potential harm and the need to promote sustainable patterns of development can be appropriately considered.
- 2.1.12 Accordingly, by applying a 'policy on' approach to the first stage of the site selection process (notwithstanding the flaws of the GBR in any event), SADC has prejudiced the consideration of other reasonable options for meeting identified need for development as required by the NPPF to demonstrate 'exceptional circumstances' (paragraph 138) in addition to prejudicing the assessment of the reasonable alternatives necessary to justify an appropriate strategy (paragraph 35).
- 2.1.13 Pegasus has submitted objections to the further site selection methodology used by SADC to justify the proposed Broad Locations, which similarly prejudice the assessment of sites of below 500 dwellings or 14 hectares (despite two of the proposed Broad Locations now being proposed for 440 and 365 dwellings) (please refer to our Matter 1 and Matter 3 Statements for further details), however it is considered that ultimately the fundamental foundations upon which the Council seek to base their Plan is unsound and therefore cannot proceed.

2.2 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?

- 2.2.1 Please refer to our Regulation 19 Representations² for full details.
- 2.2.2 Please also refer to our response to Matter 1 and Matter 3 in respect of the inter-relationship between the GBR and SA and Matter 4, Question 1 above.
- 2.2.3 It is evident that the current Plan is simply a continuation of the same strategic planning process to replace the 1994 Local Plan, rather than being a completely 'new' plan and that SADC has simply rolled forward sites previously identified through the flawed GBR and SA process.
- 2.2.4 This has resulted in a spatial strategy based on the release of large Green Belt sites, rather than on promoting NPPF compliant sustainable patterns of development.
- 2.2.5 This is further perpetuated by the lack of any up-to-date review of the settlement hierarchy meaning that current demographic and sustainability credentials and the ability or otherwise of settlements across the District to accommodate growth is not evidenced or accurately reflected in the Plan.
- 2.2.6 Our submitted representations have demonstrated the suitability and sustainability credentials of Land West of Redbourn as capable of contributing towards the Council's significant identified housing needs in the medium term (i.e. years 6-10), in addition to recognition that the site makes only a limited contribution to Green Belt purposes and accordingly the release of the site would not give rise to significant harm. Indeed, the provision of an acoustic barrier on the site's western boundary could result in significant improvements in health, well-being to many existing residents in Redbourn also.

² Pegasus Regulation 19 Representations (October 2018) – paragraphs 4.15 – 4.30

2.3 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?

- 2.3.1 SADC acknowledge within the Plan that due to limited urban capacity and development requirements, there is a need to release Green Belt land for development.
- 2.3.2 Examination Document ED25C references that the total capacity from “Local Plan / NPPF Choices – Delivering Urban Optimisation” is some 5,000 dwellings, leaving 9,608 homes (against the total requirement of 14,608 homes) to be found within the remainder of the District which is otherwise constrained by Green Belt.

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

2.4.1 This is a matter for the Council to explain.

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

- 2.5.1 Please refer to our response to Matter 2 and Matter 3.
- 2.5.2 SADC's approach appears to be to meet its own housing needs in full, using a stepped approach and then to undertake a future review of the Plan in the context of joint working through the proposed Joint Strategic Plan (JSP).
- 2.5.3 Whilst continued joint working between the South West Hertfordshire (SWH) authorities is welcomed, there is however no signed/agreed programme/timetable for the preparation of the Joint Strategic Plan (JSP). The timetable included within CD007 remains a 'draft' and is therefore an aspiration at best and cannot be relied upon at this time.
- 2.5.4 As highlighted in previous Matter Statements, it is acknowledged that there are unmet housing needs arising in the SWH area, particularly in Three Rivers and Watford Borough's and the position with regards to Dacorum in respect of East of Hemel Hempstead also remains unresolved. In addition, the evidence base also acknowledges that there may be unmet needs arising from Welwyn & Hatfield that may need to be accommodated within SADC.
- 2.5.5 However, whilst discussions are evidently ongoing, the absence of any signed Statement of Common Ground with its neighbours (or other 'prescribed bodies' as required by the Duty to Cooperate), demonstrates, along with statements made within the Plan itself, that SADC do not intend to meet or even address known unmet housing needs arising elsewhere, contrary to the provisions of the NPPF.

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

2.6.1 The Plan contains no specific reference at Policy S3 to compensatory improvements to the environmental quality and accessibility of the Green Belt as required by paragraph 141 of the NPPF.

2.7 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?

- 2.7.1 Please refer to our response to Question 1 and 2 above.
- 2.7.2 Our submitted Regulation 19 Representations demonstrate the Exceptional Circumstances that exist to support the release of West of Redbourn from the Green Belt and subsequent allocation for residential development.
- 2.7.3 Moreover, it is important to note that the tests within the NPPF for demonstrating 'Exceptional Circumstances' are fundamentally different to 'Very Special Circumstances', which is key to considering the Park Street Garden Village (PSGV) proposals (Policy S6xi)
- 2.7.4 The Council's assessment of the PSGV³ acknowledges the benefits of the consented Strategic Rail Freight Interchange (SRFI), but ultimately concludes that the pressing need for housing overrides the need for the SRFI in line with the Government's key objective of significantly boosting the supply of housing (NPPF paragraph 59).
- 2.7.5 However, the Secretary of State was clear that development at this site would represent inappropriate development in the Green Belt and be harmful to the purposes of the Green Belt, contributing to urban sprawl and affecting the setting of the historic City of St Albans. It stands that such conclusions would apply equally to the proposed PSGV.
- 2.7.6 The SRFI was approved by the Secretary of State on grounds of 'Very Special Circumstances' with the need and evidence for this key transport facility being deemed in the national interest. Such conclusions that 'Very Special Circumstances' exist cannot be simply applied to the proposed PSGV (which needs to demonstrate 'Exceptional Circumstances'). It is considered that exceptional circumstances have not been demonstrated and that other reasonable alternative locations and/or approaches to housing delivery are clearly available to meet identified housing needs and faster in order to address the District's chronic housing supply and affordability pressures.

³ Appendix 1 of Item 10 of the 12th June 2018 Committee Papers

2.8 Question 8: Are all the sites and their boundaries clearly shown on a map?

- 2.8.1 The Policies Map (CD003) is not clear in showing which parts of the Green Belt are to be removed. Allocations are shown with a thin dark red line but these include areas shown to be both in and out of the Green Belt.

2.9 Question 9: Is the approach to secondary school sites in the Green Belt justified?

2.9.1 No comment.

2.10 Question 10: Is the approach to transport infrastructure in the Green Belt justified?

2.10.1 No comment.

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

2.11.1 Guidance in the NPPF is clear at paragraph 136 that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans and whereby:

“Strategic Policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.”

2.11.2 Paragraph 139 of the NPPF continues that when defining Green Belt boundaries Local Planning Authorities should:

“a) ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;

b) not include land which it is unnecessary to keep permanently open;

c) Where necessary, 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.

d) make clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

**f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”
(paragraph 139)**

[our emphasis]

2.11.3 NPPF policy is therefore clear that when defining Green Belt boundaries, Plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period. However, the Plan does not seek to allocate any safeguarded land.

2.11.4 If SADC were unable to meet its own development needs, then in such circumstances the requirement for safeguarding land could be questionable as any such land would no doubt be required to meet its own unmet needs. However, as SADC proposes to meet its ‘capped’ housing needs in full

(notwithstanding our concerns regarding to the proposed spatial and development strategy to achieve this) and given the partner working on the JSP and the need for SADC, under the Duty to Cooperate to future proof its plan to potentially assist with other neighbouring authorities unmet housing needs, the opportunity to safeguard land through the current Plan should be taken.

- 2.11.5 This should be undertaken as part of a new and comprehensive two stage Green Belt Review prepared in accordance with current national planning policy guidance.
- 2.11.6 In addition, given the provisions of the NPPF paragraph 137 d), it is necessary to ensure any adoption of the Plan includes a 'trigger' whereby should housing delivery fall below anticipated thresholds and/or housing need significantly increase, then this would trigger the necessary review of the Plan to enable safeguarded sites to come forward in a timely manner to deliver the benefits for which they are ultimately safeguarded in the first instance. This is especially important in the case of SADC given their persistent record of under-delivery of housing and failure to adopt a Plan.

(MATTER 4 STATEMENT WORD COUNT = 2,334 WORDS)