

**HARPENDEN GREEN BELT ASSOCIATION**

**HEARING STATEMENT FOR EXAMINATION IN PUBLIC OF  
ST ALBANS DISTRICT LOCAL PLAN**

**MATTER 4 – METROPOLITAN GREEN BELT**

1. For ease of reference, Harpenden Green Belt Association's ("HGBA's") response to the 2018 Consultation is at **Appendix 1**. The Green Belt is addressed in Section III, parts A, B and C of the response.
2. References to the appendices to this statement are given below as "**Appx 1, 2**" etc. Documents in the Examination Library are not included in the appendices but are identified by their reference number.
3. HGBA sets out below each of the Inspectors' questions; provides a summary answer to each question it wishes to respond to, with (where appropriate) additional explanation in numbered paragraphs.

**Q1: 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 Inspectors' Initial Question 16 and letter of 2 July 2019 (Green Belt Topic Paper) robust and in line with national guidance?**

A: The methodology of the Green Belt Review is badly flawed. The Council's response to the Initial Question 16 and in the Green Belt Topic Paper is neither robust nor in line with national guidance.

1. The Inspectors are asked to read Section III, parts A, B and C of the HGBA consultation response at **Appx 1**. This section contains a detailed critique of the methodology of the Green Belt Review and of the approach of the Council to selection of sites in the Green Belt.
2. Paragraph C3 of the consultation response refers to two documents, copies of which are appended for ease of reference:

(1) The schedule produced as agenda item 10 to the PCC meeting of 22 May 2018 is at **Appx 2**.

(2) Agenda item 11 for the PPC meeting of 17 May 2016 (evaluation of Green Belt sites produced for the last draft plan) is at **Appx 3**.

(3) For completeness in relation to (2), it should be noted:

- (a) that PPC on 17 May 2016 resolved that further evaluation work should be carried out: this resulted in a more detailed justification for some changes to scoring given at the PPC meeting of 12 July 2016: Appendix 4 to agenda item 6 for that meeting is copied at **Appx 4**.
- (b) The final evaluation paper of all Green Belt sites on which the Council relied at the 2016 Examination is SLP 003 Development Site and Strategy Options Evaluation Technical Report in the Examination Library.
3. A comparison of these documents shows inexplicable differences between the way in which Green Belt sites were evaluated in 2016 and the way those same sites have been evaluated for the purposes of the current Plan<sup>1</sup>. In particular:
- (1) NW Harpenden and NE Harpenden have been given a “green” rating for their *“unique contribution to improve public services and facilities, e.g. public transport”*; their *“unique contribution to enhancing local job opportunities and the aspirations of the Hertfordshire LEP/Envirotech Enterprise Zone”* and their *“unique contribution to other infrastructure provision or community benefits”*.
  - (2) According to the evaluation methodology captured on pages 42-43 of the Green Belt Topic Paper, *“any green rating is considered to be potentially significantly positive at a District wide (or even wider) scale”*.
  - (3) Yet in 2016 in SLP 003 Development Site and Strategy Options Evaluation Technical Report (page 21) it was said of both sites *“The limited scale of development and the lack of any special factors or opportunities with this site mean it is not likely to deliver strategic infrastructure”*.
  - (4) Moreover the detailed scoring of NW Harpenden at pages 121-134 gives the site a 0 score for strategic infrastructure (page 128), makes no mention of any contribution to improvement of public services and facilities (let alone a *“unique”* contribution which is *“significantly positive at a District wide (or even wider) scale”*); states that *“nearby employment opportunities may not be particularly relevant as*

---

<sup>1</sup> For the avoidance of doubt, HGBA does not agree with the way in which the sites were evaluated in 2016. This was, itself, highly controversial and politicised. However, the point made is that there are gross and inexplicable inconsistencies between the evaluation of the same sites, two years apart.

*the match of home to work location is likely to be minimal*" (page 122) and "*there is no special economic contribution*" (page 126).

(5) The detailed scoring of NE Harpenden at pages 135-148 reveals the same mismatch between the claims now made for it and the evaluation carried out in 2016. In 2016, this site was scored on the basis of having no potential to provide opportunities for employment and making no special economic contribution; having no scope for strategic infrastructure provision and no scope for contribution to public services or facilities.

4. As regards the Council's response to the Inspectors' Initial Question 16 and the Green Belt Topic Paper:

(1) It must be borne in mind that the current draft Plan proposes more than twice the amount of Green Belt release than did the previous (2016) draft Plan. Consequently, references to events and decisions from 2012-2017 cast little light on the Council's decision-making process as regards the current proposed level of Green Belt release.

(2) The Council places particular weight on a March 2019 PPC Report, but the decisions about Green Belt release had been made long before, with the Plan being published in September-October 2018. Clearly nothing in the March 2019 Report can have influenced the content of the Plan.

(3) There are serious issues of concern about the Council's calculations of capacity for the Green Belt sites. In particular, the capacity calculations for NW Harpenden have clearly been adjusted significantly upwards for political reasons, as explained in Section V, paragraphs 5-9 of the HGBA consultation response at **Appx 1**. Furthermore, Policy S6 in relation to the Broad Locations prescribes minimum net densities, but no maxima. It is therefore not possible to know how many homes will be built on each Broad Location. How can meaningful decisions be taken about Green Belt harm without knowing how many dwellings will be constructed?

**Q2: 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?**

A. The conclusions of the Green Belt Review have informed the Local Plan to some extent but not completely. Decisions on Green Belt release have been made without regard to the need to promote sustainable patterns of development or prioritise sites which are previously developed or well-served by public transport.

1. The Council has had regard to the Green Belt Review where that has aligned with its political purpose, but disregarded it otherwise. The Green Belt Review has informed the choice of most of the sites which have been selected for Green Belt release, but not the “Park Street Garden Village”. In other respects the Council has disregarded the conclusions of the Review. For example, by seeking to place a school building on Ambrose Lane outside the boundaries of the NW Harpenden site as identified in the Green Belt Review, it has ignored the Review’s advice (a) against built development on land to the east of Ambrose Lane and (b) to retain existing landscape features in that area (see GB 001 Green Belt Review Sites and Boundaries Study February 2014, page 64 and Figure 7.3.)
2. The Council has not carried out any coherent evaluation of sites with a view to promoting sustainable patterns of development or prioritising previously-developed land or land well-served by public transport. See the critique of the Council’s approach to selection of sites referred to above.

**Q3: 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?**

-

**Q4: Have opportunities to maximise capacity on non-Green Belt sites been taken (including increasing densities)?**

-

**Q5: Have discussions taken place with neighbouring authorities about whether they could accommodate some of the identified housing need?**

- A. There is very little evidence that this option has been robustly explored, particularly with authorities with land outside the Green Belt. No consideration has been given to the creation of new settlements, together with other authorities constrained by Green Belt, on land outside of the Green Belt near transport hubs. There are no Statements of Common Ground as required by NPPF 2019 para. 137(c) and PPG “Plan Making” – “What information will a statement of common ground be expected to contain about the distribution of identified development needs?”.

**Q6: Does the Plan seek compensatory improvements to the environmental quality and accessibility of the Green Belt?**

- A. No.

**Q7: 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?**

- A. No. The Council has from the earliest stages of this draft Plan wrongly treated an inability to accommodate all housing need as automatically constituting exceptional circumstances requiring Green Belt release. It has not carried out the assessment required by the exceptional circumstances test, as expounded in case law.

1. Case law authoritatively determines that it is “*illogical and circular*” to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to exceptional circumstances: *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin). This is obvious: the whole point of the Green Belt is to constrain development on land where demand is high: to decide that it is necessary to develop Green Belt because there is high demand which cannot be met from non-Green Belt land is to subvert the whole purpose of having a Green Belt. NPPF 2019 para. 136 retains the exceptional circumstances test considered in *Calverton*, and strengthens it by requiring such circumstances to be “*fully evidenced and justified*”.
2. The Council has from the early stages of preparing this draft Plan wrongly taken the view that it is required to meet housing need in full, assessed in accordance with the standard methodology and regardless of Green Belt constraint. Thus the Regulation 18 consultation booklet told residents:

*“Our 2016 draft Plan said we would build 436 homes a year. It included a total of 4,000 homes in the Green Belt. The government now says that we should build 913 homes a year. This would mean about 9-10,000 homes in the Green Belt.”*

Policy S2 also makes this explicit, by saying that

*“Government figures for housing need, and appropriate approaches to employment land provision, create the exceptional circumstances that necessitate major development in locations previously designated as Green Belt.”*

3. The answers which the Council has given to the Inspectors’ questions, and the Green Belt Topic Paper, do not provide robust evidence that paragraphs 11 and 136 of the Framework have been properly addressed or met. Given that Policy S2 expressly sets out the (erroneous) way in which the exceptional circumstances test has been applied, the Council cannot rely on reports to meetings – some taking place only after publication of the Plan – to contradict it, particularly since the very meetings on which the Council relies were meetings at which the draft Plan, including Policy S2, was approved. In any event, the reasoning in the papers relied on is very thin: it is clearly no more than *ex post facto* rationalisation for decisions taken many months earlier.
4. There has never been any consideration by the Council as to whether and how release of these particular Broad Locations from the Green Belt will in fact meet the objectively assessed needs which are supposedly identified through the Government’s standard methodology. It is not sufficient simply to identify housing or other needs: the test of sustainable development in NPPF paragraph 11 requires it to be demonstrated how those particular needs will be met. Furthermore, an identification of need cannot constitute circumstances – let alone exceptional circumstances – necessitating release of land from the Green Belt, unless it can be robustly demonstrated that the release of land will meet the identified need. In the circumstances of St Albans District there is no necessary correlation between (a) the people whose needs are objectively assessed to exist and (b) the people who will buy the market housing which will be built on the Green Belt released. On the contrary, the Housing Needs Assessment prepared in respect of the 2016 draft plan indicated that new-build homes were likely to fuel demand from outside the District rather than meet identified need.

**Q8: Are all the sites and their boundaries clearly shown on a map?**

A. The sites are shown on CD 003 Policies Map Whole District, but include some areas which are to be retained in the Green Belt.

**Q9: Is the approach to secondary school sites in the Green Belt justified?**

A. No. The approach to both primary and secondary schools in the Green Belt is illogical and contrary to policy. Please see Section III, part F in the HGBA Consultation Response at Appx 1.

**Q10: Is the approach to transport infrastructure in the Green Belt justified?**

A. It is not clear that the transport infrastructure which is shown in CD 003 Policies Map Whole District would satisfy paragraph 146(c) of the NPPF 2019. Unless it is appropriate development for the Green Belt, then the same issue arises in respect of transport infrastructure as is the case for schools.

**Q11: Did the Council consider the designation of any safeguarded land in the Plan, and should this be identified?**

A. The Council has not considered the designation of safeguarded land.

### **Conclusion**

The Council's approach to release of land from the Green Belt is unsound because it is not justified or consistent with national policy. The Plan cannot be made sound by modification, because the whole approach of the Council to the decision whether to release Green Belt, how much and in which locations, which forms a key part of the Plan, is fatally flawed.



## **APPENDICES**

1. Harpenden Green Belt Association's 2018 Consultation Response
2. Agenda item 10 for the PCC meeting of 22 May 2018 (schedule)
3. Agenda item 11 for the PPC meeting of 17 May 2016
4. Appendix 4 to agenda item 6 for the PPC meeting of 12 July 2016