

**MATTER 4: THE METROPOLITAN GREEN BELT
(POLICY S3)**

**HEARING POSITION STATEMENT SUBMITTED ON BEHALF OF
BURHILL DEVELOPMENTS LTD**

St Albans City & District Council – Local Plan Examination in Public

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1 INTRODUCTION

- 1.1 This Hearing Statement has been prepared in response to the Inspector's published 'Matters, Issues and Questions' (MIQs) on behalf of Burhill Developments Limited (BDL) who own both Aldwickbury Park Golf Club and Redbourn Golf Club. On behalf of BDL, we have promoted both sites for residential development to each stage of the emerging Local Plan and most recently, the Regulation 19 (Publication Draft) (October 2018) where comment was made on the soundness of the spatial strategy within the Plan and matters of its legal compliance. This submission must be read in the context of, and in conjunction with those duly made representations.
- 1.2 Whilst we confirm BDL considers both sites are available, suitable, viable and deliverable for residential development now, Aldwickbury Park Golf Club (the 'Site') is considered to be particularly well placed to provide a high quality residential development forming a sustainable extension to Harpenden (a Category 1 settlement) in accordance with the Spatial Strategy and Settlement Hierarchy as outlined at Policy S1.

2 MAIN ISSUE (I) – 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 We respond to the specific questions arising in relation to Matter 4 below.

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?

- 2.2 BDL supports the Council undertaking a Green Belt Review (the 'Review') and consider that the exceptional circumstances required by the National Planning Policy Framework ('NPPF') exist and was necessary to ensure the Plan has been positively prepared, justified, effective and consistent with national policy.
- 2.3 However, it would appear that the Review is not particularly objective and independent because it appears to be influenced by earlier reviews and does not represent a fresh or balanced review of Green Belt land in the District. The practical effect of this is to undermine the proposed spatial strategy.
- 2.4 In response to the Inspector's initial questions on the Council's Green Belt Topic Paper (ED25C), it explains that the Green Belt Review (the 'Review') has been undertaken twice. The first occasion between 2013-2016 during the development of the draft Strategic Local Plan (2016) and the second between 2017-2019 in the development of the current submitted draft Plan (paragraph 1.3 of ED25C). It is evident that the second stage of the review was limited and relied heavily on the outputs of the first review.

- 2.5 The outputs of the first Review have been used to form the conclusions of the Strategic Site Selection Work (2018) and Sustainability Appraisal (2018). However because the second stage was limited in scope, it is not form a robust evidence base on which to inform the Site Selection Work.
- 2.6 The basis for this statement is that if a site had been rejected in the first Review, it was not considered in the second stage, so a mistake made in the first Review was repeated in the second. So it is clear the Review is fundamentally flawed.
- 2.7 In the first Review (Annex 1 – Parcel Assessment Sheets) (November 2013)¹, the Council's approach to the identification of Strategic Sub Areas and Small Sub Areas is not explained or logical.
- 2.8 The approach taken was too broad brush and not sufficiently fine grained, particularly in relation to consideration of Small Sub Areas and the guidance in the NPPF (paragraph 139) about the use of physical features to define Green Belt boundaries. This requires a fine grain approach.
- 2.9 An example illustrates this. BDL's Site at Harpenden is within Parcel GB37 (land between St Albans and Harpenden) and this is one of the parcels without any Strategic Sub Areas or Small Sub Areas. If this parcel had been robustly assessed consistent with the guidance in the NPPF, we consider the strong boundaries of the Site which have been addressed in our response to Matter 3 (Issue i), Question 5, would have been recognised and the Site would have been identified for further assessment. The Site displays all of the strong physical features required to define a site in the Green Belt and this have been ignored.
- 2.10 Further evidence of the lack of robustness of the first Review is set out at paragraph 8.3.1 of the Green Belt Review Purposes Assessment – Final Report (November 2013)² (the 'Assessment') which explains that the Small Sub Areas selected are based on only one criteria – that they are not non-strategic and it is '*assumed that [the release] will not significantly adversely impact upon the strategic function of the Green Belt.*'³ How can a Review which has been used to shape the spatial strategy only 'assume'? In short, the Review isn't justified as there is no evidence of reasonable alternatives being considered and we suggest the strategy isn't consistent with national policy and is not sound.
- 2.11 At paragraph 9.1.5 of the Assessment, it clearly confirms that an exhaustive assessment of possible areas has not been undertaken. It states that '*a number of sub-areas within some of the strategic parcels have been assessed as making the least contribution towards Green Belt purposes*'. Why is it that only some of the strategic parcels have been considered to include sub areas which are considered to least contribute to Green

¹ Annex 1 – Parcel Assessment Sheets for St Albans City and District Council)
https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_StAlbansParcelAssessments_tcm15-38993.pdf

² Green Belt Review Purposes Assessment - Final Report (November 2013) -
https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf

³ Green Belt Review Purposes Assessment - Final Report (November 2013) -
https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf

Belt purposes? We suggest each and every parcel and possible sub areas within the parcels should have been assessed consistent with the guidance in the NPPF.

- 2.12 At section 9.2 of the Assessment, it goes onto confirm that this study *'has not defined the boundaries for these sub-areas or undertaken detailed analysis of sub-areas'*⁴. Surely a detailed assessment of each area should have been undertaken from the outset?
- 2.13 The approach the Council has taken to review Green Belt boundaries is not robust and in order for the Plan to be found sound, a finer grain Green Belt Review should be undertaken which will then ensure the Plan and the decisions that have informed the spatial development strategy are fully evidenced and justified and consistent with the national guidance at paragraph 136 of the NPPF.

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?

- 2.14 As set out in our response to Question 1 above, the basis on which the Council has undertaken the Review is unclear. Specifically, we question whether the Review provided the evidence to shape the spatial strategy or if indeed, the Review was a second thought after the proposed spatial strategy had already been chosen as a consequence of previous Development Plans.
- 2.15 We also consider the rationale for selecting the original Strategic Parcels (Appendix 4)⁵ is not robust as no defined criteria has been used and we suggest this highlights the way in which the Council has tried to justify its pre-determined spatial strategy. The identification of the parcels should have followed a robust set of criteria that solely focused on the purposes of including land within the Green Belt.
- 2.16 At paragraph 8.1.1 of the Assessment, the fact that there has been no consistent approach taken is clearly confirmed where it states, *'the strategic sub-areas are large scale with no defined boundaries whereas the small-scale sub-areas have more clearly defined edges'*.⁶ As set out in our response to Matter 3 (Issue i) – Question 5, sites that have the benefit of physical features which create defensible limits, are readily recognisable and are permanent such as Wheathampstead Road, Leasey Bridge Lane and the River Lea should be the starting point for a Review. We therefore consider that the overall strategic performance of a parcel has been used as the first basis on which to rule smaller sub-areas out and a consequence, some parcels have been assessed in more detail whilst others and the potential for these to include smaller sub-

⁴ Green Belt Review Purposes Assessment - Final Report (November 2013) - https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf

⁵ Green Belt Review Purposes Assessment - Final Report (November 2013) - https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf

⁶ Green Belt Review Purposes Assessment - Final Report (November 2013) - https://www.stalbans.gov.uk/Images/SP_EB_GBR_Part1_Nov2013_tcm15-38991.pdf

areas, have been ignored. In summary, we consider the conclusions of the Review had been pre-determined to ensure the findings were able to support the preconceived spatial strategy.

- 2.17 The lack of robustness is also confirmed by the consultant's comments at paragraph 8.1.5 where the Assessment states, the Review *'has been undertaken at a strategic level'*. Furthermore, the Review goes onto state that the small-sub areas identified 'may not be exhaustive'. Surely the purpose of a Review is to undertake an exhaustive search of land? Simply, the Review lacks the required detail on which to base the spatial strategy of a Plan.
- 2.18 In light of the above, we consider the Council has ignored sites which promote sustainable patterns of development – ie urban extensions and which through developer contributions can fund investment and improvement to inter alia public transport infrastructure already in place.

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?

- 2.19 Whilst we agree there are exceptional circumstances to justify the Plan's removal of land from the Green Belt, we do not agree with the approach applied in the Review for the reasons outlined above. Thus, the reasoning to allocate land for removal from the Green Belt has not been fully evidenced and justified consistent with paragraph 136 of the NPPF.