



ST ALBANS CITY AND DISTRICT LOCAL PLAN (2020-2036) EXAMINATION

MATTER 4 – THE METROPOLITAN GREEN BELT (POLICY S3)

December 2019

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1.0 INTRODUCTION

1.1 This Hearing Statement has been prepared by DLA Town Planning Ltd in response to the Inspector's Matters, Issues and Questions for the St Albans City and District Local Plan 2020-2036.

Overview of DLA representations

1.2 DLA Town Planning is instructed by a group of around 10 landowner/developer clients with interest in a total of 16 sites across St Albans district. These sites range in size from 10 to 200 dwellings and are in a range of locations. These sites are not included within the draft Local Plan, despite being suitable and deliverable, and this reflects the fact that these sites have not been adequately assessed by the Council. The representations made by each client are similar in many respects and primarily focus on the weaknesses in the Council's chosen strategy, inadequacies in the evidence base and a lack of consistency with government guidance. This statement draws together clients' views into a combined position. The key points cut across many of the Inspectors' Matters and Issues and are summarised below for ease of reference:

- **Procedural issues** – we do not consider the draft Local Plan to be sound in terms of the way the strategy has been devised, the alternatives considered and relied upon, and the evidence that underpins both;
- **Housing provision east of Hemel Hempstead** – there is a strong argument advanced by Dacorum Borough Council, among others, that some or all of the housing proposed to the east of Hemel Hempstead should contribute to meeting Dacorum's housing need, rather St Albans' need; this raises a fundamental question as to whether this Local Plan can sustainably rely upon that housing to meet its own needs;
- **Park Street Garden Village** – this site has planning permission for a Strategic Rail Freight Interchange. This is common knowledge. This permission was granted by the Secretary of State on the basis of "very special circumstances", mainly around the specific need for this use. This planning permission has now been implemented and its delivery is outside of the control of the council. On this basis, it plainly follows that it is not deliverable as a housing site and should be deleted;
- **The 'stepped' approach is flawed** – The draft Local Plan is unable to demonstrate a five-year supply of housing land due to the lack of any proposed small and medium-size site allocations. The exclusive focus on strategic sites means that a

“stepped” housing trajectory is required which defers housing delivery, contrary to government policy;

- **There is conflict with Paragraph 68 of the NPPF** – A specific conflict with government policy arises in respect of the Framework’s requirement at paragraph 68 that 10% of the housing requirement be met on sites of less than one hectare.

1.3 In view of these soundness issues, modifications are needed to the Local Plan to enable it to be found sound. It is clear that additional housing provision is needed and such provision needs to be found particularly from small and medium-sized sites. These additional allocations should be made from the following sources as a priority:

- The small scale sub-areas already identified in the Council’s Green Belt Review but not taken forward;
- Medium-sized allocations around the main towns where these relate well to the urban area and where robust new Green Belt boundaries can be identified or where brownfield opportunities exist;
- Extensions to allocations already proposed in the draft Local Plan;
- A specific allowance for Neighbourhood Plans to allocate small and medium-scale housing sites in the Green Belt.

1.4 A short postponement to the hearing sessions may be necessary while the Council compiles the list of additional sites and produces additional policy wording. However, these changes can be made in the context of the current Local Plan examination and should **not** require the withdrawal of the Plan, particularly since much of the evidence base needed already exists.

2.0 **MATTER 4 – THE METROPOLITAN GREEN BELT (POLICY S3)**

2.1 The Main Issue identified by the Inspectors for discussion under this matter is “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”.

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 The Government attaches great importance to Green Belts, as stated in paragraph 133 of the NPPF. Nevertheless, changes to Green Belt boundaries are permissible in exceptional circumstances where fully evidenced and justified (paragraph 136). There is no explicit statement in national policy that when local authorities are considering potential housing sites, Green Belt harm should be prioritised above other planning considerations. However, it is nevertheless an important issue and various factors, including the Calverton judgement, suggest that where choices exist then sites causing least harm to the Green Belt should be taken forward.

2.3 The Council’s approach to reviewing the Green Belt is in two parts, both carried out by consultants, SKM, on behalf of the Council. The first part was a “Green Belt Review Purposes Assessment” from November 2013. This study covered the district of St Albans and the boroughs of Dacorum and Welwyn Hatfield. The study area was divided into strategic parcels and each parcel was assessed as to its contribution to the purposes of the Green Belt. The conclusion of this work for St Albans was 8 identified strategic sub-areas (parts of parcels) and 8 small scale sub-areas that made little or no contribution to Green Belt purposes.

2.4 SKM went on to undertake a stage two Green Belt Review Sites and Boundaries Study (February 2014) on behalf of the Council. This examined in more detail the 8 strategic sub-areas identified in the stage one work.

2.5 The combination of the two parts of the Green Belt Review are broadly satisfactory, as far as they go. However, there are two important areas where the review does not go far enough and these shortcomings serve to undermine the Plan that has emerged from the review.

2.6 The first area of concern is around the exclusion from the Stage Two review of the 8 small scale sub-areas identified at stage one. Despite consultants finding at Stage One that such areas made little or no contribution to Green Belt purposes, and thus making them equivalent to the strategic sub-areas (all of which were taken forward by the Council as allocations), these small scale sub-areas were excluded from the brief for Stage Two and no further consideration was given to these sites. Instead, other sites (e.g. Park Street Garden Village) were selected that would cause greater harm to the Green Belt. This is a clear failing in the Plan and is not consistent with Government policy.

2.7 The second limitation of the two stage Green Belt Review is the failure to specifically assess the Green Belt implications of sites put forward through the Call for Sites processes. The findings of SADC's Stage One review were considered by the Inspector examining the Welwyn Hatfield Local Plan. Welwyn Hatfield Borough Council felt unable to meet its housing need because of Green Belt constraints. The Inspector did not consider that the evidence base supported this conclusion:

"...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."

(Inspector Melvyn Middleton, letter, December 2017)

2.8 The parcels of land identified at Stage One were large and what might be true of one area within a parcel was not necessarily true for all of the parcel. Welwyn Hatfield Borough Council did go on to examine matters in more detail, although not to the Inspector's satisfaction:

"Additionally, the phase 2 Green Belt Review, which did look at a finer grain of sites, does not appear to have examined all of the potential development sites adjacent to the urban areas."

2.9 The Welwyn Hatfield context is slightly different because the Council was using Green Belt constraints as a reason not to meet housing need, whereas St Albans City and District Council is technically meeting housing need (although not necessarily in

a sound manner). However, the Inspector's comments do have some resonance for St Albans in that both Councils were seeking to use the findings of the Green Belt Review to limit development in the Green Belt. Without a "Stage Three" review of proposed development sites, the evidence base does not support SADC's view that the 8 strategic sub-areas are the only development potential in the Green Belt in St Albans district.

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?

2.10 The Green Belt Review has played some role in shaping the submitted Local Plan in that most of the proposed Broad Locations stemmed originally from the Review. However, there are important differences between the Green Belt Review and the proposals that found their way into the draft Local plan:

- Two of the proposed Broad Locations have been expanded substantially from that recommended in the Green Belt Review, namely the northern and southern extensions to development east of Hemel Hempstead. The additional sites are not supported by the Green Belt Review findings;
- In other instances (e.g. north St Albans and north east Harpenden) the boundaries have changed but less significantly;
- The Park Street Garden Village was not recommended in the Green Belt Review;
- The 8 small scale sub-areas that were recommended in the Green Belt Review have not been taken forward.

2.11 However, the key failing of the Green Belt Review is the lack of any site-specific assessment of proposed development sites put forward through Call for Sites exercises. As the Welwyn Hatfield Local Plan Inspector found, the broad-brush conclusions cannot be automatically applied to individual development sites. We therefore do not know the level of harm that would be caused by proposed sites and cannot know how they would compare with the Council's preferred sites. The Council's position that identifying smaller sites would "unacceptably spread the adverse impacts of development on Green Belt purposes" is not supported by the evidence since the impact of smaller sites has not been investigated.

2.12 It is also worth noting that the Council has used the 8 strategic sub-areas identified in the Green Belt Review, with the exception of the sites east of Hemel Hempstead, for housing-led development. Other parties have pointed out the shortage of new

employment allocations in the draft Local Plan – the only new sites being on the periphery of the district east of Hemel Hempstead. Given the substantial loss of office floorspace, particularly in St Albans, it might have been expected that the Council would make new commercial allocations to replace lost stock. Had this been done, some of the 8 strategic sub-areas would have been required for employment use, thereby increasing the requirement for housing sites. The soundness of the Council’s employment policies will be considered under matter 5 but if, as a result of that discussion, additional employment land is needed, this may have ramifications for the proposed use of sites identified in the Green Belt Review.

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

- 2.13 While we have no comments to make on the issue of secondary schools, the council is proposing to allocate a site at London Road for a primary school. This site is proposed to remain in the Green Belt. Comments in respect of this proposed allocation and the lack of evidence justifying it will be set out during Stage Two of the hearing sessions. However, and notwithstanding the concerns about the proposal, if the site is to be allocated for a primary school it must be removed from the Green Belt at this stage, rather than remaining within the Green Belt.

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

- 2.14 This question is related to other statements we have produced in response to the Inspectors’ questions on, for example, contingency arrangements in housing delivery.
- 2.15 Green Belt boundaries can only be amended through a Local Plan. The last Local Plan for St Albans was adopted in 1994 and even that plan did not involve a comprehensive assessment of the Green Belt. There can be no certainty that the next Local Plan won’t take another 25 years to produce and it is therefore critical that as much flexibility is built into this draft Local Plan as possible.
- 2.16 Safeguarded Land would be one way of coping with a situation where the next Local Plan is not adopted until 2045. Government guidance on safeguarded land would prevent it from being able to be used as a contingency provision if key sites were delayed. Such contingency provision is vital and needs to be made through some other form as we have set out in other statements. Nevertheless, safeguarded land that is taken out of the Green Belt and that could be brought forward beyond the plan period would be a very useful addition to the plan and make it more resilient and enduring.

3.0 CONCLUSIONS

- 3.1 There is nothing inherently wrong with the approach in either the Stage One or Stage Two Green Belt Reviews carried out for the Council by SKM. However, while they identified development capacity, they did not go far enough to be used, as the Council is now doing, to rule out any other development potential in the Green Belt.
- 3.2 Without any explanation, the small scale sub-areas identified at Stage One did not proceed to Stage Two, despite SKM giving these sites equivalent status to the strategic sub-areas.
- 3.3 Further, there is a lack of any site-specific assessment of proposed development sites put forward through Call for Sites exercises. As the Welwyn Hatfield Local Plan Inspector found, the broad-brush conclusions at Stage One cannot be automatically applied to individual development sites. We therefore do not know the level of harm that would be caused by proposed sites and cannot know how they would compare with the Council's preferred sites. The Council's position that identifying smaller sites would "unacceptably spread the adverse impacts of development on Green Belt purposes" is not supported by the evidence since the impact of smaller sites has not been investigated.
- 3.4 Given past delays in adopting Local Plans in St Albans, the addition of safeguarded land at this stage would give the draft Local Plan a greater level of resilience moving forward.