

Green Belt and Exceptional Circumstances - Evidence Paper

St Albans City and District Council – September 2024

1. Introduction

- 1.1 This paper sets out evidence to concisely demonstrate why and how the Council is releasing Green Belt in the District through the new Local Plan, as the requisite 'Exceptional Circumstances' have been demonstrated.

2. Policy Background

- 2.1 The National Planning Policy Framework December (NPPF) 2023 sets out at paragraph 60:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

- 2.2 Paragraph 146 of the NPPF sets out the need for exceptional circumstances to justify changes to Green Belt boundaries, and that before doing so, all reasonable options to meet identified need have been examined:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for*

development, as demonstrated through the statement of common ground.

2.3 Paragraphs 147 and 148 further set out that:

147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

148. When defining Green Belt boundaries, plans 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 the 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.*

3. Exceptional Circumstances

- 3.1 National policy sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the Government's 'Standard Method' for calculating local housing need in national planning policy and guidance.
- 3.2 National policy sets out that before concluding that 'exceptional circumstances' exist to justify changes to Green Belt boundaries, the Council should demonstrate that it

has examined fully all other reasonable options for meeting its identified need for development.

- 3.3 The Local Plan seeks to make the most efficient use of land in the District and has undertaken an extensive and rigorous search for Previously Developed Land (PDL) (also known as 'Brownfield land' in national policy) within existing built-up areas (urban land). The approach has been underlain by the concept of 'leaving no stone unturned' in the search for appropriate sites on brownfield land. This extensive search has also included potential PDL opportunities in the Green Belt. An allowance is also made for 'windfall' sites, i.e. sites that are not specifically identified in the development plan, based upon historic rates of windfall homes. Windfall sites are only considered to arise on PDL. Overall, however, there is an insufficient supply of Previously Developed Land to meet the housing need, which led to the Council undertaking a search process for sites in the Green Belt.

4. Housing and Economic Land Availability Assessment (HELAA)

- 4.1 The Housing and Economic Land Availability Assessment (HELAA) published by the Council in 2022 assessed sites submitted to the Council for consideration from 2016 to the Call for Sites in 2021. The purpose of the HELAA was to consider a wide range of potential options for the future supply of housing and employment land through assessing sites with future development potential.
- 4.2 Sites which were not considered to be suitable, available or achievable by the HELAA were excluded from further consideration at this stage as part of the Site Selection process. The HELAA identified that 566 out of 678 sites identified for potential residential use would progress to the next stage of the Site Selection process.

5. Green Belt Review

- 5.1 The Council undertook a detailed Green Belt Review in order to understand the impacts of potential development in the Green Belt. The Stage 1 GBR (2013) assessed the entirety of the Green Belt in St Albans in large parcels against the NPPF purposes and the GBR Stage 2 was more fine-grained and fed directly into the Site Selection process. The Green Belt Review Stage 2 was a more spatially focussed piece of work with the initial area of search defined by applying a buffer around each settlement inset from the Green Belt, which would assist in encouraging a sustainable pattern of development accessible to existing settlements and maintain the integrity of the Green Belt (as supported by the NPPF). The GBR Stage 2 (2023) assessed sub-areas, with these sub-areas largely driven by the sites promoted and considered through the HELAA process, along with small sites identified in the previous GBR Stage 2 of 2013.
- 5.2 The outcome of the GBR Stage 2 (2023) was the recommendation of:

- 54 sub-areas for further consideration in isolation – if removed from the Green Belt, these areas are unlikely to result in harm to the wider Green Belt; and
- 29 sub-areas for further consideration in combination – if removed from the Green Belt in combination, these areas are unlikely to result in harm to the wider Green Belt but one of the constituent sub-areas could not be removed in isolation without resulting in harm.

5.3 These recommendations for further consideration are an important element in the site selection process. The GBR Level 2, however, is not the only consideration for site selection and other criteria for suitability for the selection of sites in the Green Belt are part of the process, as set out in the Council's Site Selection Methodology.

6. Site Selection Methodology

6.1 Some Green Belt sites that were recommended for further consideration by the Green Belt Stage 2 were not recommended to progress due to the following reasons:

- The site being too small to accommodate 5 or more home once the site restrictions (e.g. flooding, protected trees) were taken into consideration;
- Where it is considered that a suitable access and transport solution does not have a reasonable prospect of being provided within the Plan period;
- The site having been already developed to the extent that 5 or more homes could not be accommodated;
- The requirement to retain the existing use (e.g. children's play area);
- The site having characteristics that met the criteria for an extension to the Chilterns National Landscape into St Albans City & District where technical work is being undertaken by Natural England.

6.2 Some Green Belt sites that were not recommended for further consideration by the Green Belt Stage 2 were recommended to progress due to the location of the site next to a Tier 1, 2 or 3 settlement and the potential of the site to deliver a wide range of significant Economic, Environmental and Social benefits including housing, affordable housing, schools, and a significant scale of sustainable transport improvements and jobs.

6.3 Those sites within the Hemel Garden Communities (HGC) area will also support a comprehensive approach to the delivery of HGC including joint work with Dacorum BC to deliver Duty to Cooperate outcomes. As part of the overall HGC programme there are considerable further benefits including supporting delivery of schools, sports and health facilities and around 10,000 jobs across HGC and the Hertfordshire Innovation Quarter.

7. Conclusion on 'Exceptional Circumstances'

- 7.1 The proper interpretation of the relevant national policy and the legal context in which it sits is familiar to the Council, including: the Compton (2019); Calverton (2015); Gallagher Estates (2014); and St Albans (2013 and 2014) cases.
- 7.2 The local context in which conclusions have been reached regarding the 'Exceptional Circumstances' necessary to require release of Green Belt land involves a variety of factors, including:
- The acuteness/intensity of the housing need.
 - The inherent constraints on supply/availability of non-Green Belt land.
 - The difficulties of delivering sustainable development without impinging on the Green Belt.
 - The nature and extent of the harm to the Green Belt that would arise if the boundaries were to be altered as proposed.
 - The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable practicable extent.
- 7.3 The Council has concluded that 'Exceptional Circumstances' do exist and it is necessary to amend Green Belt boundaries as set out in the draft Local Plan and its Policies Map. This includes amendments to facilitate both primarily residential and primarily employment land. Further there are existing areas of significant built development created since the last Local Plan was adopted in 1994, identified in the Green Belt Review stage 2, where the Council has concluded that the necessary 'Exceptional Circumstances' exist to amend the green belt boundaries.
- 7.4 The Council has set out in the draft Local Plan at paragraph 3.19.

National policy sets out that before concluding that 'exceptional circumstances' exist to justify changes to Green Belt boundaries, the Council should demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This means that the Council's strategy must (and the Council has):

- a) Make as much use as possible of suitable PDL sites and underutilised land;*
- b) Optimise the density of development in line with national policy, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.*

8. Green Belt Compensatory Measures

- 8.1 Where it is concluded that loss of Green Belt land for development is necessary, national policy sets out that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land are expected. This requirement is met through draft Local Plan policy LG6 Green Belt Compensatory Improvements.