

# LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, ST ALBANS

Section 78 Appeal PINS Reference: APP/B1930/W/22/3313110  
Application Reference 5/2022/0927

Proof of Evidence – Agriculture CD 3.20a  
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On behalf of Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd

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# 1 INTRODUCTION AND SCOPE OF EVIDENCE

## Introduction

1.1 My name is Mrs Julia Tindale. I hold a BSc Hons in Geography and Agriculture and am a full member of the British Society of Soil Science. I have worked for RPS Consulting for over thirty years and presently hold the position of Senior Director in EIA and Sustainability. During this time, I have carried out agricultural land classification, farm holding, soil resource survey and environmental appraisal work for a variety of projects throughout England, Scotland, Northern Ireland and Wales. I have also presented expert evidence on these topics at Public Inquiries into proposed residential, road, industrial and mineral extraction schemes.

## Scope of Evidence

1.2 My evidence considers the effects of the proposed development at Chiswell Green Lane on agricultural resources, which include:

- the effect on agricultural land quality assessed according to the MAFF Agricultural Land Classification Guidelines (October 1988) and agricultural soil resources; and
- the effect on individual farm holdings, agricultural land use and the wider farming framework.

1.3 In this proof of evidence, I will consider general matters that have been raised in relation to agricultural effects as well as specific objections raised by a organisations and individuals.

1.4 The structure of this proof of evidence is as follows:

- Section 2: The National and Local Policy Context to this evidence
- Section 3: The agricultural characteristics of the Appeal Site
- Section 4: Comparative and Cumulative Assessment with land to the north of Chiswell Green
- Section 4: Analysis of agricultural objections
- Section 5: Summary and Conclusions

## 2 NATIONAL AND LOCAL POLICY CONTEXT

### Introduction

- 2.1 This section describes National and Local Policy relevant to the consideration of agricultural resources.

### National Policy

- 2.2 The National Planning Policy Framework (NPPF July 2021)) (CD 7.1) sets out the Government's planning policies for England and how these are expected to be applied.
- 2.3 Section 2 of the NPPF 7 (paragraphs 7 – 8) describe government policy for achieving sustainable development as follows.

*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protections.*

*8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

2.4 This proof considers agricultural and soils, but this forms only one part of the environmental elements to sustainable development and must be considered in the wider planning balance together with economic and social elements.

2.5 In terms of the weight to be attached to the loss of agricultural land in the planning balance, the National Planning Policy Framework (NPPF) 2021, sets out the Government’s planning policies for England and how these are expected to be applied. Section 15, Paragraph 174 states that:

*Planning policies and decisions should contribute to and enhance the natural and local by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*

2.6 The best and most versatile land is defined in the Glossary to the NPPF to comprise land in the Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The ALC system classifies agricultural land into five grades, Grade 1 being the highest quality and Grade 5 the lowest quality land with Grade 3 subdivided into Subgrades 3a and 3b.

## **Development Management Procedure (England) Order (DMPO) (2015) (CD 7.24)**

2.7 The DMPO provides guidance for local planning authorities on the circumstances in which they should consult Natural England (NE) on the potential loss of agricultural land and, in particular, on the size of sites that should be considered by NE.

*“In accordance with Town and Country Planning (Development Management Procedure)(England)(Amendment) Order 2015 Schedule 4(y), the LPA must consult Natural England on:*

*Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves-*

- *The loss of not less than 20ha of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes;*
- *The loss of less than 20ha of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss agricultural land amounting cumulatively to 20ha or more.”*

## **St Albans City and District Local Plan Review (1994 (CD 8.1))**

2.8 The St Albans City and District Local Plan Review (1994) saved policies in July 2020 includes Policy 102 Loss of Agricultural Land is inconsistent with the NPPF. It states:

*“Development which would result in the loss of agricultural land will be assessed against the following criteria:*

*(i) Land Quality: development resulting in the loss of high quality agricultural land, classified by the Ministry of Agriculture as being Grade 1,2 or 3a, will normally be refused. An exception to the policy may be made if there is an overriding need for the development and there is no alternative land of a lower quality which could reasonably be used.*

2.9 This policy was developed within the earlier National Policy Framework under Planning Policy Guidance (PPG) 7 “The Countryside and the Rural Economy” . It is therefore out of date and does not reflect the current framework for consideration under the NPPF as laid out in paragraphs 2.2 – 2.5 above. Therefore, the consideration of the weight to be attached to the development of “best and most versatile” land should be considered within the context of the current NPPF as discussed above and not within framework of the outdated PPG 7.

## 3 AGRICULTURAL CHARACTERISTICS OF THE APPEAL SITE

### Introduction

3.1 This section of the evidence describes the agricultural characteristics of the Appeal Site, including:

- The Agricultural Land Classification of the land within the Appeal Site (ALC); and
- The current land use within the Appeal Site.

### Agricultural Land Classification of the Site

3.2 The detailed ALC of the Appeal Site (CD 2.23) has identified that it comprises a mixture of Subgrades 3a and Subgrade 3b agricultural land, together with non-agricultural land, as shown on Figure 1 of this proof of evidence.

3.3 The main limitations on the quality of the agricultural land are soil stoniness and soil wetness with profiles being characteristic of soils from the Sonning 1 soil association. The main soil profile types and their limitations on the site are as follows:

- Moderately stony (more than 15% stone >2cm in diameter) overlying similar subsoils/lower subsoils and impenetrable stony horizons at depth. These profiles are graded Subgrade 3b according to a soil stoniness limitation;
- Slightly stony (between 10 and 15% stone >2cm in diameter) medium or sandy clay loam topsoils overlying similar subsoils and lower subsoils, commonly with increasing stone content at depth. These are limited to Subgrade 3a according to a soil stoniness limitation;
- Slightly stony medium clay loam topsoils over heavy clay loam upper subsoils and slowly permeable clays at depth. These profiles are limited to Subgrade 3a by both topsoil stone content and a susceptibility to wetness.

3.4 The distribution of ALC grades across the Appeal Site, based on the survey work described above are summarised in the table below (albeit the site is not in fact currently in productive agricultural use):

**Table 3.1: Distribution of ALC Grades across the Proposed Development Area**

ALC Grade	Area (ha)	%
Subgrade 3a	7.0	50
Subgrade 3b	5.5	40
Non Agricultural	1.4	10
<b>TOTAL</b>	<b>13.9</b>	<b>100</b>

## Agricultural Land Classification Context

3.5 The distribution of the quality of land within the Grade 3 category is typical of Grade 3 land through the district and also the wider region. Statistical data issued by Defra in 2003 provides a breakdown of the areas of land uses within different districts, based on the MAFF Provisional ALC mapping. Within St Albans district the relative percentages are as follows:

**Table 3.2: Distribution of ALC Grades within the St Albans City and District.**

Grade	Area	%	National Percentage England
1	0	0	3.3
2	966	8	16.7
3	10,987	90	54
4	247	2	15.7
5	0	0	10.3
<b>TOTAL</b>	<b>12200</b>	<b>100</b>	<b>100</b>

3.6 This data suggests that with over 90% of the land shown on the provisional ALC mapping, agricultural sites are likely to comprise Grade 3 land, with areas of Subgrade 3a and 3b within them and areas of higher quality Grade 2 land within some areas. Only very limited areas are likely to comprise significantly lower quality Grade 4 land, potentially associated with floodplain areas which would be unsuitable for development in any event.

3.7 The detailed survey work that has been carried out in the vicinity by Defra and in connection with other local site applications also supports the output from the Defra statistics where sites typically comprise a mixture of Subgrades 3a and 3b with smaller areas of Grade 2 and 1 land.

3.8 Figure 2 shows the distribution of the detailed Defra ALC survey work that has been undertaken within the St Albans City and District area. This survey work has identified the following proportions of ALC grades of land:



**Table 3.3: Distribution of ALC Grades identified by Defra Post 1988 Detailed ALC Survey in St Albans City and District Area.**

Grade	Area (ha)	%
1	1.48	<1
2	44.48	8
3a	183.40	36
3b	317.82	58
<b>Total</b>	<b>547.18</b>	<b>100</b>

- 3.9 This pattern mirrors closely the suggested distribution of ALC grades from the Provisional ALC mapping. If agricultural land areas are to be developed within the district therefore, they are likely to comprise proportions of Subgrade 3a land and could comprise areas of higher quality Grade 1 and 2 land.

## Land Use

- 3.10 Defra produce a geographical time series of farming land use and livestock, based on local authority area <sup>1</sup>. Appendix A of CD 3.20b contains the DEFRA published spreadsheet of farming land use for 2021. The most recent data for 2021 provide a useful context to the type of agricultural enterprises being operated in St Albans district and how the distribution of farming land use compares to that for England as a whole. Table 3.4 below provides the breakdown of farming land use in St Albans District and England.

**Table 3.4: Distribution of Agricultural Land Use in St Albans District and England.**

Area	Cereals (ha)	%	Fruit and Vegetables	%	Grassland	%
St Albans District	3,793	64	0	0	2,155	36
England	2,691,749	38	119,104	2	4,313,954	60

- 3.11 The statistical data suggests that the nature of farming production is dominated by cereal cropping (64%), rather than livestock based enterprises. This pattern is the opposite to England as a whole, where grassland and mixed farming enterprises represent a much higher proportion (60%) of agricultural land use than cereal cropping.
- 3.12 Within the context of this dominant cereal based agricultural production in the District, the Appeal Site provides no contribution to the agricultural productivity of the area.

<sup>1</sup> [Structure of the agricultural industry in England and the UK at June - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/structure-of-the-agricultural-industry-in-england-and-the-uk-at-june)

- 3.13 The Appeal Site comprises a group of grassland fields, with the northern part of the area used for horse livery and a riding school and the southern area of grassland also used in some areas to support horse grazing.
- 3.14 There is no food production being generated from the Appeal Site and this has been the case for at least 20 years. It is a contained block of land, surrounded by houses on the eastern, southern and part of the northern edge, with the gardens of houses on the eastern and southern part directly adjoining the grassland areas. The western part of the Appeal Site is bounded by Miriam Lane.
- 3.15 Based on the current and long established use of the area for mainly recreational horse grazing and livery for more than 20 years, there is no reason to consider that (in the absence of the proposed development) this land use would change in the future or why the intensive productive agricultural use of this area would be established in the long term. I am instructed that the landowners have no such intention in the event that the proposed development does not come forward.
- 3.16 .In addition, the fact that this isolated block of land is severed from the wider agricultural landscape, together with the immediate proximity of existing gardens and residential properties to it, makes highly it unlikely that any third parties would have any commercial incentive or desire to acquire the land for an intensive agricultural enterprise that would exploit both the productivity and full range of cropping that would be expected from an area of the best and most versatile Subgrade 3a land. –.

## 4 COMPARATIVE AND CUMULATIVE ASSESSMENT WITH THE LAND TO THE NORTH OF CHISWELL GREEN LANE

4.1 Both the Appeal Site and the site to the north of Chiswell Green Lane comprise areas of Subgrade 3a best and most versatile land. The areas and percentages identified by the detailed ALC surveys of both sites identify the following areas and percentages of agricultural land:

**Table 4.1: Comparison of ALC Grades for the Appeal Site and Land to North of Chiswell Green Lane.**

ALC Grade	Appeal Site Area	Appeal Site %	Land North of Chiswell Green Lane Area (ha)	Land North of Chiswell Green Lane Area %
Subgrade 3a	7.0	50	10.9	75
Subgrade 3b	5.5	40	2.8	19
Non-Agricultural	1.4	10	0.9	6
<b>TOTAL</b>	<b>13.9</b>	<b>100</b>	<b>14.6</b>	<b>100</b>

4.2 The Appeal Site therefore comprises approximately 7ha of Subgrade 3a land (50%) compared to the land to North of Chiswell Green Lane that comprises approximately 10.9ha of Subgrade 3a land (75%)

4.3 If both sites are developed, then this would provide a cumulative loss of a total of approximately 17.9ha of the best and most versatile Subgrade 3a agricultural land. This would represent a loss of less than 20ha Subgrade 3a land and would not therefore cumulatively be considered as a significant area of loss of such land where the DMPO identifies a significant threshold for Natural England statutory consultation on sites which would lead to the loss of 20ha or more of best and most versatile land.

4.4 In terms of land use, the land to the north of Chiswell Green Lane has been used as an equestrian based polo facility and is not therefore agriculturally productive. Therefore, if both the land to the north of Chiswell Green Lane and the Appeal Site are developed, there would be no cumulative effect on agricultural productivity within the wider district as both sites are used for recreational equestrian enterprises.

## 5 ANALYSIS OF OBJECTIONS

5.1 This section considers the objections that have been raised in relation to loss of the best and most versatile Subgrade 3a land within the Appeal Site in the following submissions:

- The Reasons for Refusal issued on 6<sup>th</sup> December 2022 by the City of St Albans and District Council Planning Committee (CD 3.7); and
- The Statement of Case from The City of St Albans and District Council (CD 5.2)

5.2 The Planning Committee for The City of St Albans and District Council Planning Committee reason for refusal 1 states, in relation to the agricultural land on the Appeal Site that:

*6. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.*

5.3 The reason for refusal therefore attaches weight to the loss of agricultural land in the planning balance. In contrast to the conclusion reached by the Planning Committee, the Planning Officer's Report to the Council (CD 3.4) recommended that the Planning Application be approved and that the loss of agricultural land did not carry significant weight in the planning balance. In relation to agricultural land, the report states:

*8.10.3. A submitted Agricultural Land Classification report identifies that 50% of the site is Grade 3A (7ha), 40% is within Grade 3B (5.5ha) and 10% is non-agricultural land (1.4ha). Grade 3A land falls within the aforementioned Local Plan Policy 102 definition of 'high quality agricultural land' and NPPF definition of 'Best and most versatile agricultural land' (BMV).*

*8.10.4. The loss of agricultural land has been an issue for several major development proposals in the SADC area in the recent past. The loss of 10.9ha of Grade 3A and 2.8ha of Grade 3B in the recent St Stephens Farm application (5/2021/3194) was considered to result in some harm to which some limited weight was given. The committee report for the*

*Bullens Green Lane application (5/2020/1992) noted that a reason for refusal for the loss of 5.1ha of Grade 3A agricultural land at the site was not considered sustainable at appeal. The committee report for the recent planning permission for up to 150 dwellings at Land to Rear of 112 to 156b Harpenden Road (5/2021/0423) stated that the loss of 5.136ha of former agricultural land was not considered to be significant, however it should be noted that the land had not been farmed for more than 20 years.*

*8.10.5. It is the Council's view that the consideration of loss of agricultural land on this scale should form part of the Local Plan process, as opposed to being decided through ad hoc applications. Nevertheless, taking the approach in the applications listed above into account, and noting that it would conflict with the aforementioned national and local policy, some additional harm is identified in this regard, to which some limited weight is given."*

- 5.4 The officer's report includes the conclusions reached by the planning committee in relation to other residential applications which are relevant to the consideration of the Appeal Site and the weight to be attached to the agricultural land within it.
- 5.5 The report identifies that for the site to the rear of Harpenden Road (paragraph 8.10.4 of CD 3.4) the 5.136ha of loss of agricultural land of Subgrade 3a was not considered significant by the planning committee, and then notes that the site had not been used for agriculture for 20 years. The circumstances on the Appeal Site are similar to those for Harpenden Road. There would be a marginally larger loss of 7 ha of Subgrade 3a land on the Appeal Site, but this would similarly not represent a significant loss of best and most versatile land, where the DMPO identifies a significant threshold for Natural England statutory consultation on sites which would lead to the loss of 20ha or more of best and most versatile land. In addition, the land here has not been actively used for agricultural productivity for over 20 years, where horse grazing has been the main use of the land. In addition, if the potential cumulative loss of the best and most versatile land is considered to include the slighter larger area of 10.9ha of Subgrade 3a land affected to the North of Chiswell Green Lane, this would still not represent a significant loss of more than the threshold of 20ha of best and most versatile land where a total of 17.9ha would be lost within the two combined sites.
- 5.6 In relation to the Bullens Green Lane application (paragraph 8.10.4 of CD 3.4) the officer's report on the Appeal Site notes that the reason for refusal for the loss of 5.1ha of Subgrade 3a land was not considered sustainable at appeal. The fact that the development of the Appeal Site would lead to the limited loss of 7ha area of Subgrade 3a

land, in the same way as the land at Bullens Green Lane, should not have been considered as a sustainable reason for refusal at appeal.

- 5.7 The officer's report concludes in paragraph 8.10.5, that the development of the Appeal Site conflicts with national and local policy, due to loss of the "best and most versatile" land.
- 5.8 The officer's conclusion that the development would be in conflict with national policy is not correct in that the NPPF does not rule out the development of the best and most versatile land and the loss of 7ha of best and most versatile land should not be considered to be a significant loss of such land. The benefits of the best and most versatile land are to be taken into account along with other economic and social considerations in the planning balance, with each site being considered on the basis of its particular merits. Whilst the officer's report refers to a conflict with national and local planning policy, no overriding importance is attached to the loss of best and most versatile land, as the report recommended that the application be approved.
- 5.9 In terms of local planning policy, Policy 102 was implemented in 1994 within a framework of national planning policy is has been replaced by the current NPPF. The policy does not therefore reflect current national planning policy.
- 5.10 The Statement of Case issued by St. Albans City and District Council (CD 5.2) issued on the 21<sup>st</sup> February 2023 also incorrectly assumes that the development of any of the best and most versatile land is contrary to policy. It states at paragraph 6.13:

*Loss of Agricultural Land*

*6.13 A submitted Agricultural Land Classification report identifies the majority of the site as being in Class 3A & b, which falls under the classification of the best and most versatile agricultural land. On this basis it will be demonstrated that there is additional harm.*

- 5.11 The text within paragraph 6.13 is inaccurate in two ways. Firstly, *Class 3a and b*, or Subgrades 3a and 3b according to the ALC guidelines, do not comprise the best and most versatile land. It is only Subgrade 3a that is defined as the lowest quality of land within the definition of the best and most versatile land.
- 5.12 Secondly, the majority of the Appeal Site does not comprise the best and most versatile land. Only 50% of the area comprises Subgrade 3a best and most versatile land, with the remainder of the Appeal Site comprising lower quality Subgrade 3b and non-agricultural land.

5.13 In the wording of the Council’s Statement of Case there is no mention of the weight that the Council attach to the loss of the agricultural land on the Appeal Site. This contrasts with the planning officer’s report to committee that concluded that *“some limited weight is given”*. It also contrasts with the Statement of case for the Appeal Site to the North of Chiswell Green (PINS Ref: APP/B1930/W/22/3312277 (CD 5.1)) which states, in relation to the loss of an area of approximately 10.9ha of best and most versatile Subgrade 3a land on this Site to the north of Chiswell Green Lane that *“On this basis it will be demonstrated that there is additional harm. Limited weight is given to this harm.”*

5.14 In considering the weight to be attached to the loss of the area of 7ha of Subgrade 3a land within the Appeal Site, the following considerations should be taken into account:

1. The Appeal Site does not comprise a significant area of the best and most versatile land, as the council have previously concluded in relation to similar areas of Subgrade 3a land at Harpenden Road or Bullens Green Lane.
2. The quality of agricultural land on the Appeal Site is typical, if not of lower quality than other areas of agricultural land in the district and therefore it is inevitable that future development in the district on agricultural land will include areas of the best and most versatile land. Figure 2 shows the distribution of areas of land surveyed in detailed by DEFRA within the district and this reflects that pattern of agricultural land quality across the area. The detailed survey data shows that if agricultural land areas are to be developed within the district they are likely to comprise proportions of Subgrade 3a land and could comprise areas of higher quality Grade 1 and 2 land. This conclusion was acknowledged by the Council in the planning officer’s report to the planning committee for the Bullens Green Lane (CD 9.2.1) application which stated:

*8.17.5 The applicant has submitted an agricultural land report arguing that the Government defines anything under 20ha as a “smaller loss” and also arguing that given there is extensive BMV in this area, there are no suitable alternative sites where there is poorer soil quality.*

*8.17.6. The Council does not have any alternative evidence to refute this, and would agree that in considering suitable sites for strategic scale housing development through a local plan process, it is likely that some sites would fall on land that is BMV.*

The Council therefore acknowledge that some housing sites would comprise best and most versatile land. The Appeal Site, within this context, comprises 50% of lower quality and non-agricultural land with only a limited area of 7 ha of the lowest quality Subgrade 3a best and most versatile land.

3. The Appeal Site is not currently being used for agricultural production and is an isolated block of land, surrounded by housing and local roads that has been used for recreational equestrian activities for a period of more than 20 years. Based on the location of the well established equestrian based enterprise there the strong likelihood is that this type of land use would continue on the Appeal Site in the absence of the proposed development and on this basis the land would remain agriculturally unproductive in the long term.

5.15 Based on this analysis, I conclude that there should be, at most, limited weight given in the wider planning balance to the loss of 7ha of Subgrade 3a land on the Appeal Site

5.16 In regard to potential cumulative impacts on agriculture that would arise from the development of the Appeal Site and the land to the north of Chiswell Green Lane, I conclude that there should be limited weight attached to the combined loss of approximately 17.9ha of Subgrade 3a land, where the land on both sites is used for equestrian based enterprises which are not agriculturally productive. The cumulative loss of Subgrade 3a land does not comprise a significant area of the best and most versatile land where, under the DMPO guidance, local planning authorities consult Natural England on sites involving the loss of more than 20ha of Grades 1, 2 or Subgrade 3a land.



## 6 SUMMARY AND CONCLUSION

- 6.1 St Albans City and District council have stated that the loss of 7ha of Subgrade 3a land on the Appeal Site is in conflict with National and Local Policy.
- 6.2 The NPPF does not rule out the development of the best and most versatile land and the loss of 7ha of best and most versatile land should not be considered to be a significant loss of such land. The benefits of the best and most versatile land are to be taken into account along with other economic and social considerations in the planning balance, with each site being considered on the basis of its particular merits.
- 6.3 Local planning Policy 102 was implemented in 1994 within a framework of national planning policy that has since been replaced by the NPPF. The policy does not therefore reflect current national planning policy and the weight to be attached to the presence of best and most versatile land on the Appeal Site should be considered within the context of the NPPF.
- 6.1 Although the Council's statement of case makes no reference to the degree of weight to be attached to the loss of best and most versatile land on the Appeal Site, the Planning Officer's report to the Council recommended that the Planning Application should be approved and that the loss of agricultural land did not carry significant weight in the planning balance and only "*some limited weight is given*".
- 6.2 In determining the weight to be attached to the loss of Subgrade 3a land within the Appeal Site, the area of land, the context of agricultural land quality in the district and the contribution of the Appeal Site to the agricultural productivity of the district should be taken into account.
- 6.3 The Site comprises a mixture of Subgrade 3a, 3b and non-agricultural land, with 50% of the area comprising 3a land. The Site does not comprise a significant area of the best and most versatile land where, under the DMPO guidance, local planning authorities consult Natural England on sites involving the loss of more than 20ha of Grades 1, 2 or Subgrade 3a land. The Appeal Site comprises only 7ha of best and most versatile land, which is not significant, and the Council have also concluded that a similar area of loss is not significant on other sites in the district, such as at Harpenden Lane which comprised an area of 5.136ha of Subgrade 3a land.
- 6.4 In addition, if the potential cumulative loss of the best and most versatile land is considered to include the slighter larger area of 10.9ha of Subgrade 3a land affected to the North of Chiswell Green Lane, this would still not represent a significant loss of more

than the threshold of 20ha of best and most versatile land where a total of 17.9ha would be lost within the two combined sites.

- 6.5 The quality of agricultural land on the Appeal Site is typical, if not of lower quality than other areas of agricultural land in the district and therefore it is inevitable that future development in the district on agricultural land will include areas of the best and most versatile land. The detailed ALC survey data (Figure 2) available demonstrates that if agricultural land areas are to be developed within the district they are likely to comprise proportions of Subgrade 3a land and could comprise areas of higher quality Grade 1 and 2 land. This conclusion reached in relation to the Bullen's Green Lane in the officer's report acknowledges that some best and most versatile land will be lost in the district for future development stating "*that in considering suitable sites for strategic scale housing development through a local plan process, it is likely that some sites would fall on land that is BMV*".
- 6.6 The land within the Appeal Site is not contributing to agricultural productivity of the district, which has been considered as a relevant consideration by the Council in relation to the decision on Harpenden Road, where it was noted that the site had not been productive for more than 20 years. Similarly, the Appeal Site has been used mainly for recreational equestrian use for over 20 years and in the absence of the proposed development there would be no reason why the current use of the Appeal Site would be likely to change in the long term. The loss of this land would therefore have no effect on the framework of agricultural productivity or farming land use in the district.
- 6.7 I therefore conclude that at most, limited weight should be attached to the loss of Subgrade 3a land on the Appeal Site, taking into account the insignificant area of loss, the inevitability of the loss of some best and most versatile land within the district for future development and the fact that the land has been and will continue to be agriculturally unproductive.
- 6.8 In regard to potential cumulative impacts on agriculture that would arise from the development of the Appeal Site and the land to the north of Chiswell Green Lane, I conclude that there should be limited weight attached to the combined loss of approximately 17.9ha of Subgrade 3a land, where the land on both sites is used for equestrian based enterprises which are not agriculturally productive. The cumulative loss of Subgrade 3a land does not comprise a significant area of the best and most versatile land where, under the DMPO guidance, local planning authorities consult Natural England on sites involving the loss of more than 20ha of Grades 1, 2 or Subgrade 3a land.



**FIGURES**



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- Legend**
- Auger boring
  - Grade 3A
  - Grade 3B
  - Non-agricultural

Rev	Description	By	CB	Date



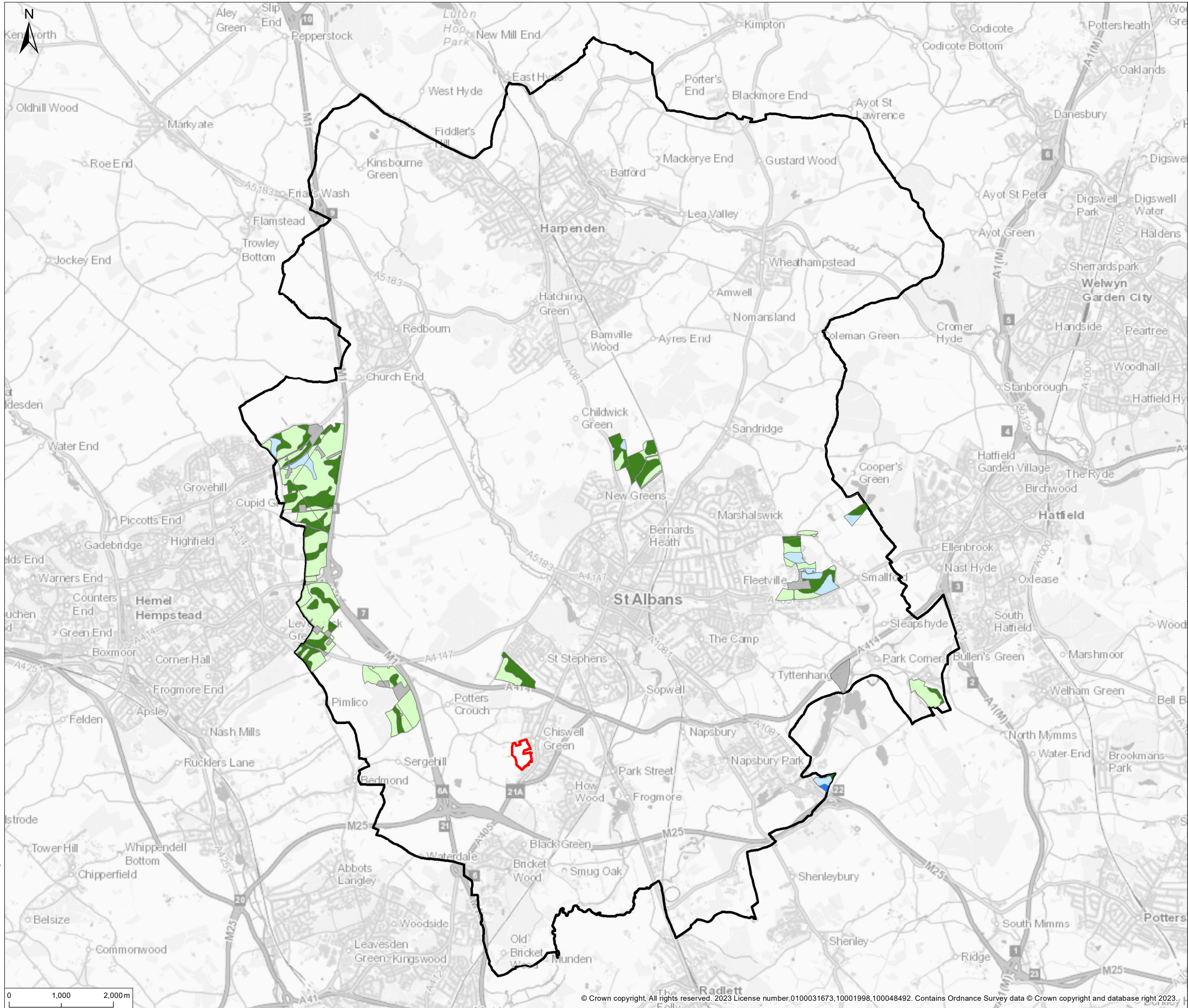
20 Western Avenue, Milton Park, Abingdon, Oxfordshire, OX14 4SH  
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Client	-		
Project	Chiswell Green		
Title	ALC Survey		
Status	Drawn By	PM/Checked By	
ISSUE	MS	JT	
Project Number	Scale @ A3	Date Created	
NP12429	1:2,300	FEB 2022	
Figure Number			Rev
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**Legend**

- Site boundary
- St Albans City and District Council
- Agricultural Land Classification Grades Post 1988**
- Grade 1 (1.48 ha)
- Grade 2 (44.48 ha)
- Grade 3a (183.40 ha)
- Grade 3b (317.82 ha)
- Other (57.36 ha)

Rev	Description	By	CB	Date



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Client	-	
Project	Chiswell Green	
Title	DEFRA ALC Survey Areas	
Status	Drawn By	PM/Checked By
ISSUE	JM	JT
Project Number	Scale @ A3	Date Created
NP12429	1:70,000	FEB 2023
Figure Number		Rev
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