

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 Summary – Agriculture CD 3.20c
Prepared by Mrs Julia Tindale

On behalf of Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd

NP12429
Chiswell Green -
Agriculture Summary
FINAL
March 2023

Contents

1	INTRODUCTION AND SCOPE OF EVIDENCE	1
	Introduction.....	1
	Scope of Evidence	1
2	AGRICULTURAL CHARACTERISTICS OF THE APPEAL SITE	2
	Agricultural Land Classification of the Site.....	2
	Agricultural Land Classification Context.....	2
	Land Use	3
3	COMPARATIVE AND CUMULATIVE ASSESSMENT WITH THE LAND TO THE NORTH OF CHISWELL GREEN LANE	4
4	ANALYSIS AND CONCLUSION	6

Tables

Table 2.1:	Distribution of ALC Grades across the Proposed Development Area	2
Table 2.2:	Distribution of ALC Grades identified by Defra Post 1988 Detailed ALC Survey in St Albans City and District Area.	3
Table 3.1:	Comparison of ALC Grades for the Appeal Site and Land to North of Chiswell Green Lane.	4

Figures

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.

2 AGRICULTURAL CHARACTERISTICS OF THE APPEAL SITE

Agricultural Land Classification of the Site

- 2.1 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.
- 2.2 The distribution of ALC grades across the Appeal Site, based on the survey work are summarised in the table below (albeit the site is not in fact currently in productive agricultural use):

Table 2.1: 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
TOTAL	13.9	100

Agricultural Land Classification Context

- 2.3 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. 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.
- 2.4 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 2.2: 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
Total	547.18	100

2.5 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

2.6 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.

2.7 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.

2.8 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.

2.9 .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.

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

3.1 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 surveys of both sites identify the following areas and percentages of agricultural land:

Table 3.1: 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
TOTAL	13.9	100	14.6	100

3.2 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%)

3.3 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 Development Management Procedure (England) Order 2015 guidance (CD 7.24), 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.

3.4 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.

4 ANALYSIS AND CONCLUSION

4.1 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 Reason1 for Refusal 1 issued on 6th December 2022 by the City of St Albans and District Council Planning Committee (CD 3.7) which states:

“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.”

- The Statement of Case from The City of St Albans and District Council (Paragraph 6.13 of CD 5.2) which states:

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.

4.2 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.

4.3 The officer’s conclusion that the development would be in conflict with national policy is not correct in that the National Planning Policy Framework (NPPF CD 7.1) 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.

4.4 Local planning Policy 102 (CD 8.1) in the City and District of St Albans Local Plan Review was implemented in 1994 within a framework of national planning policy that has since

been replaced by the NPPF. The policy is therefore out of date and 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.

4.5 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 (CD 3.4) recommended that the Planning Application should be approved and that the loss of agricultural land did not carry significant weight in the planning balance. The report states at paragraph 8.10.5 that:

"some limited weight is given".

4.6 In determining the weight to be attached to the loss of Subgrade 3a land within the Appeal Site, the area of land affected, 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.

4.7 The Appeal 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 Development Management Procedure (England) Order (DMPO) 2015 guidance (CD 7.24), 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 (paragraph 8.10.4 of CD 3.4) which comprised an area of 5.136ha of Subgrade 3a land.

4.8 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.

4.9 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. The conclusion reached in relation to the Bullen's Green Lane in the officer's

report (paragraph 18.7.6 of CD 9.2.1) 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*”.

1. The Appeal Site does not contribute to the 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. 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.

4.10 The loss of this land would therefore have no effect on the framework of agricultural productivity or farming land use in the district.

4.11 I therefore conclude that at most, limited weight should be attached to the loss of 7ha 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.

4.12 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

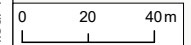
Rev	Description	By	CB	Date

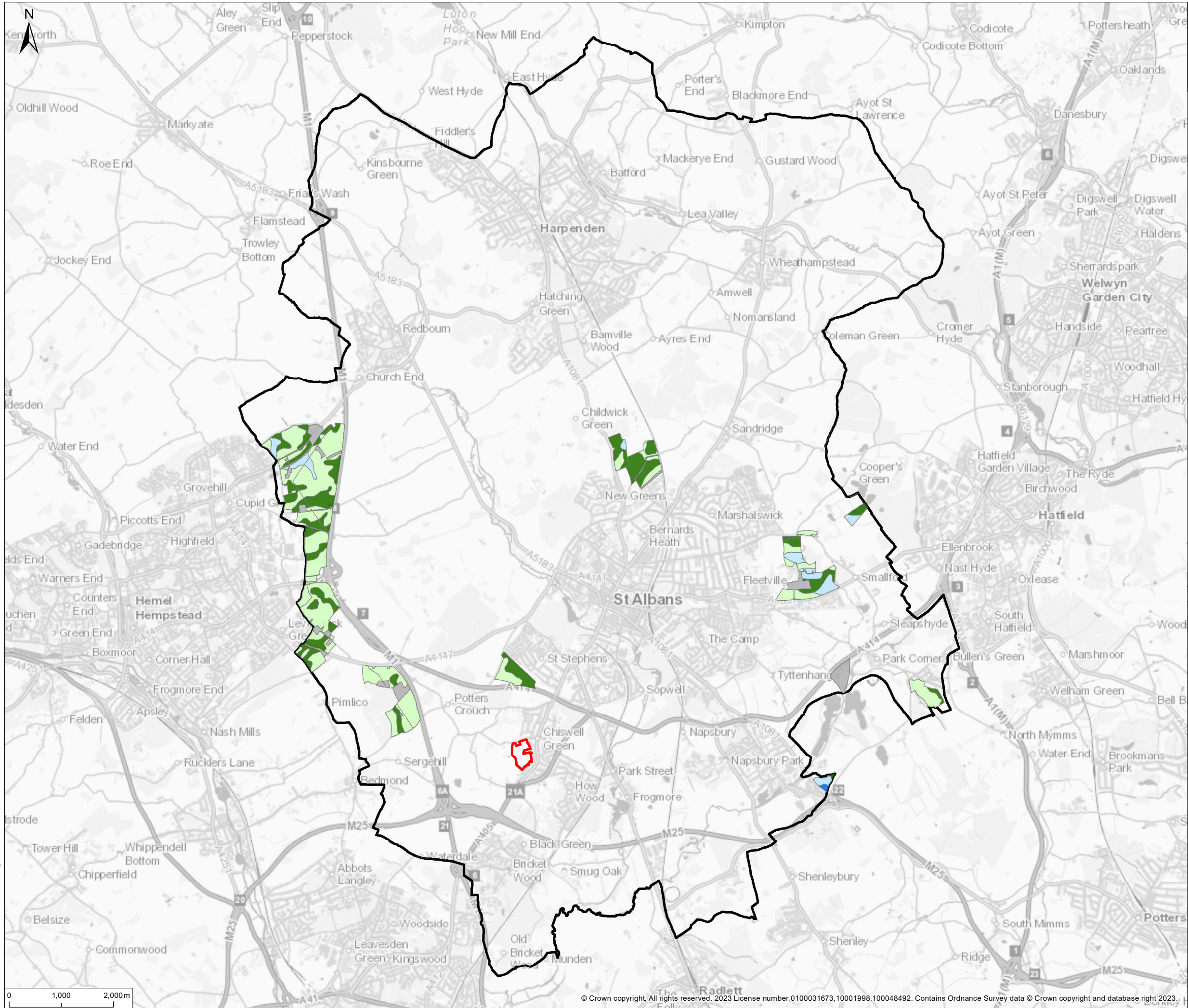


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Client	-		
Project	Chiswell Green		
Title	ALC Survey		
Status	ISSUE	Drawn By	MS
Project Number	NP12429	Scale @ A3	1:2,300
Figure Number	1	PM/Checked By	JT
		Date Created	FEB 2022
		Rev	-

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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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