

Closing Statement

By
Rule 6 Party

Keep Chiswell Green

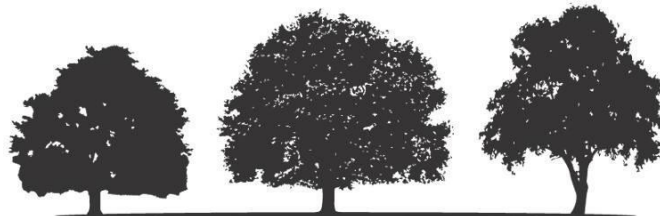
for the
Public Inquiry

concerning conjoined appeals

Appeal APP / B1930 / W / 22 / 3313110
Land South of Chiswell Green Lane

and

Appeal APP / B1930 / W / 22 / 3312277
Land North of Chiswell Green Lane





First, the residents of Chiswell Green thank you, Sir, for the opportunity to participate in this Inquiry.

1 Introduction

It seems clear to us that the crux of this Inquiry is a planning balance decision : does the harm that will be caused to the Green Belt, and the other harms that will result from the appeal applications, outweigh any benefits that the appeal applications may bring ? We firmly believe that the benefits do not outweigh the harm that will be caused, even by each development individually, but we believe there is one further aspect to this decision which requires equal attention : with the worldwide climate crisis and commitment from our Government to decarbonise the transport system to meet climate ambitions, if these developments were to be granted, do they satisfy the criteria as sustainable developments ? We do not see conclusive evidence that they do and we therefore urge you, Sir, to dismiss both appeal applications.

2 Harm to the Green Belt

Developer-led impositions on the landscape

2.1 These speculative applications would each destroy 14 hectares of Metropolitan Green Belt – a total of 70 acres – and each represents a developer-led urban extension, each an incongruous “blot on the landscape” equivalent to 30% of the existing village. In combination, a gargantuan 60% extension to the village would be completely overwhelming and change not just the character of the village but also the character of the Green Belt in this area.

Precedent

2.2 The 2021 appeal decision in favour of 2 developments at Roundhouse Farm, Land off Bullens Green Lane in nearby Colney Heath (APP/B1930/W/20/3265925) and the subsequent decision at Sewell Park, known as “Land to the rear of 112-156b Harpenden Road” to the north of St Albans (LPA 5/2021/0423/LSM) have demonstrated the extent to which precedent has been set by these decisions.

2.3 As we heard in the evidence of Mr Clemow (CD 6.22), since the Roundhouse Farm decision, there have been a further 4 applications in Colney Heath, totalling 460 new dwellings, in a village of only 750 inhabitants currently. Each application has cited multiple aspects of the Roundhouse Farm decision to add weight to and to justify their application.



2.4 It seems *de rigueur* since then, where a local planning authority has unmet housing need, to cite the Bullens Green Lane and the Sewell Park decisions as having established unmet housing need as the “very special circumstances” required to obtain permission for speculative development and to destroy many hectares of prime Green Belt land.

2.5 We already know that we can expect the same in Chiswell Green if the two appeal applications the subject of this Inquiry are granted. Within the immediate area, within a mile of these application sites, we expect 10 applications to follow in quick succession for a total of 2,892 new dwellings. If these are granted under the guise of “consistency”, the combined effect would be a near trebling of the size of the village of Chiswell Green, inverting the current sensitive balance between the village settlement and the Green Belt, and teetering, poised to take over the remaining ribbons of greenery within the tract of land bounded by the M1, A414, M25 and A405.

2.6 This will be the death of the Green Belt by 1,000 cuts.

2.7 Given the nationwide scale of under-delivery of housing targets, the steady march of the precedent set by the Bullens Green Lane and the Sewell Park decisions must be halted, until the appropriate measures are in place for a truly plan-led system.

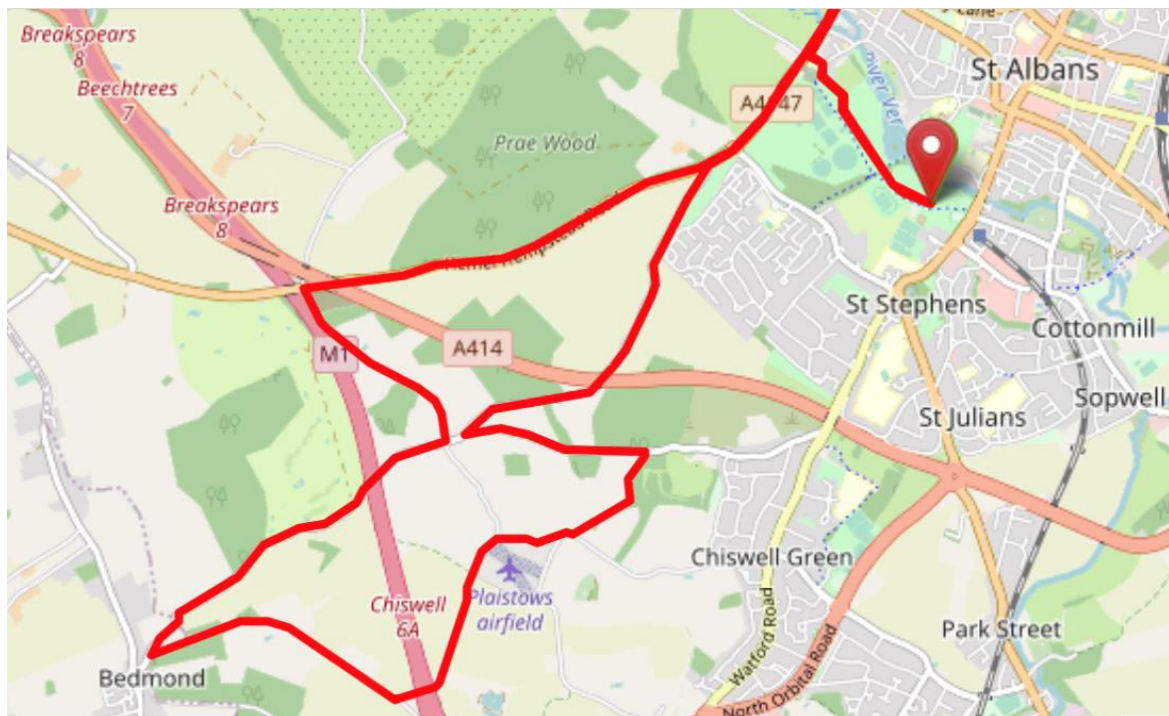
Harm through loss of the Green Belt

2.8 The loss of any part of this Green Belt would be harmful. Local residents and many more benefit from the beautiful views of the Green Belt extending for 2 miles and more from the numerous public rights of way that cross the Green Belt in this area, and from the rural lanes that provide scenic routes to other local hamlets and villages.



View from Ragged Hall Lane looking back towards Chiswell Green across the Land to the North of Chiswell Green Lane application site

2.9 As highlighted in our Planning Statements (*CD 6.2 para 47 and CD 6.3 para 50*), the lanes around the appeal sites are widely used by local groups including walkers, horse-riders and cyclists, light aircraft and microlite enthusiasts, Scouts and runners, as well as local residents and dog-walkers. The annual St Albans Half Marathon, which attracts runners from across the country, is routed through this area of Green Belt, which is described as “stunning” in independent reviews of the course. Participants benefit from the “intrinsic character and beauty of the countryside” (NPPF para 174b).



St Albans Half Marathon Route 2023 through Green Belt at Chiswell Green

2.10 Harm will result from development on these sites in the loss of visual amenity to a significant number of local residents and the wider general public using the area, as well as to the visitors to St Albans.

2.11 Comparatively, the appellants have produced no evidence to say that they have examined other possible sites - brownfield sites in urban areas, other green belt sites where the harm may potentially be less impactful. Data from CPRE Herts (*CD 6.9*) shows that 373

brownfield sites are available for development in Hertfordshire covering 442 hectares of land. Furthermore, 179 of these sites have planning permission for 7,557 dwellings.

Loss of open space

2.12 Mr Day confirmed when he gave evidence as an interested party (ID #8), which supports the evidence in our Statement of Case (*CD 6.1 - Open and Play Space*), the land to the South of Chiswell Green Lane was used “for decades” for walking and exercising dogs and children. Mr Kenworthy’s evidence is correct that the general public is no longer allowed to freely access the appeal site (*CD 3.18a para 7.18, 7.19*) and it seems more than coincidental that the land was closed off around 2014 which is about the time that Mr Kenworthy testified that the Barton Willmore, now Stantec team started to promote the Land South of Chiswell Green Lane for development. We therefore consider it disingenuous that the appellant for the Land to the South of Chiswell Green Lane claims a benefit of moderate weight for re-opening up land that had been available to local residents until the project to promote this parcel of land for development was initiated.

Loss of agricultural land

2.13 While the two sites are not currently being used for agricultural production, a 21-page proof of evidence from Mrs Tindale (*CD 3.2a*) on behalf of the appellant for the Land South of Chiswell Green Lane, and a 26-page assessment by ADAS (*CD 4.3*) on behalf of the appellant for the Land North of Chiswell Green Lane, each considering the suitability of the their site for agricultural production, can be summarised in one sentence which I quote from the ADAS Executive Summary (*CD 4.3 page 9*) : “*the land retains its agricultural potential and could be reverted to agricultural production with minimal effort*”.

2.14 It is therefore clear that harm to the Green Belt would result from development on these two sites as a result of the loss of agricultural land.

Loss of biodiversity and disregard for wildlife

2.15 The southern parcel in particular of the appeal sites is rich in wildlife with badgers, bats and owls, as well as deer, small blue butterflies and other protected or rare bird and insect species, all of which have been evidenced by local residents (*CD 6.3 para 56, 57*).

2.16 Far from contributing to and enhancing the natural and local environment, and “*protecting and enhancing valued landscapes, sites of biodiversity*” as guided by the NPPF (*para 174*), these developments will turn 70 acres of green into concrete while Mr Kenworthy



asserts in his evidence (*CD 3.18a para 7.17*) that the delivery of 10% biodiversity net gain should attract a moderate weight in favour of the development.

2.17 He accedes that Herts and Middlesex Wildlife Trust have asked for conditions to be added to any grant of permission for the development but fails to point out that HMWT were initially critical of the appellant's biodiversity assessments during the initial application process and required further assessments to be carried out. In fact, it is only as a result of pressure applied by HMWT that the appellant eventually completed the biometric assessment, and as the metric shows, and was confirmed to Mr Parkinson in questioning, development on the land to the South of Chiswell Green Lane would result in a 29% biodiversity net loss – that is to say that the site will lose nearly a third of its habitat for wildlife.

2.18 KCG is disappointed that, despite raising these issues in our Planning Statement (*CD 6.3 para 56-59*), the appellant for Land to the South of Chiswell Green Lane continues to ignore evidence of protected species on the site. Mr Kenworthy, under questioning declared the badger's sett "was in the wood" but, despite photographic evidence from KCG to demonstrate the badger's existence and foraging on the appeal site, the appellant for the Land to the South of Chiswell Green Lane has not investigated the location of the badger's sett, insisting, without evidence, that it is located in the wood. However, this is negligent speculation and could lead to the badger becoming land-locked by the appeal development. As badgers typically have a foraging territory of 50 hectares, a badger locked into a 2 acre woodland could quickly fail to thrive.

2.19 Equally, despite evidence of their presence from KCG (*CD 6.3 para 56, 57*), the appellant has not provided evidence that other protected species have been investigated, that the dubious reptile survey has been repeated, nor assessments carried out of owls, bees, and other rare species, including bat foraging sites given the evidence of bats. It is therefore impossible to know accurately what the baseline level of wildlife is on the site. KCG believes that the appellant for the Land to the South of Chiswell Green Lane should, in the spirit of the law, have investigated the wildlife of the site more thoroughly.

2.20 The appellant, however, appears more interested in adhering to the letter of the law, and while it may be strictly accurate that the appellant is not obliged to demonstrate any net gain in biodiversity until the November deadline, the appellant has not been mindful of the

stipulation in the NPPF (para 174b) to recognise “*the wider benefits from natural capital and ecosystem services*”.

2.21 Furthermore, given that there will be an obligation to provide a 10% BNG for all major developments from November of this year, and Mr Kenworthy elaborated in questioning that the development would yet take over a year before full construction could start, it seems illogical that benefit might be claimed for an obligation that has not even been accurately or conscientiously fulfilled.

3 Other harms

Traffic and transport / transport sustainability

3.1 We acknowledge that the local highways authority have not objected to either of the appeal developments on highways grounds, and both appellants are at great pains to point this out. However, there have been other appeal decisions where the highways authority did not offer any objection and the inspector involved determined that the highways concerns constituted grounds enough to dismiss the appeal. A lack of objection from the Highways authority is therefore not always enough for the highways case to be convincing.

3.2 These appeals are of nationwide importance for the precedent that a grant of permission for either appeal would set. This precedent primarily relates to the distances considered acceptable to be walked or cycled to school, employment and daily activities from a new major development in the Metropolitan Green Belt for the development to be considered “sustainable” in transport terms.

3.3 In Mr Stevens’ proof of evidence (*CD 4.79 para 3.22*) for the appeal for the Land North of Chiswell Green Lane, he states that “It is accepted that, for the foreseeable future and with any existing and future development proposal, the car is and will remain the primary mode of transport”.

3.4 This reflects the evidence of our own witness, Mr Walpole, who states in his evidence (*CD 6.12.1 para 9.1.4*) in relation to these two developments that “the car is, and will remain, the primary mode of transport for most people, most of the time”.

3.5 Cross-examination of Mr Stevens' evidence confirmed that, following a successful implementation of the agreed Residential Travel Plans, car usage from the developments – and it was likely to be the same for both developments – would only have reduced to 67% after 5 years.

3.6 Evidence by Mr Jones for the Land to the South of Chiswell Green Lane is less clear; at paragraph 3.1 of his proof of evidence (*CD 3.22a*), Mr Jones states that there are four railway stations between 1.6 km and 7.3km away, and at paragraph 3.9, he names How Wood as the nearest train station at 2.8 km from the centroid of any new development. This is inconsistent.

3.7 At paragraph 3.3, Mr Jones tells us there are local employment opportunities and community facilities. He cites Burston Garden Centre and the Noke Hotel, and goes on in paragraph 3.4 to list other local businesses. He then acknowledged in his evidence that the Noke Hotel closed for the first Covid-19 lockdown and has not since re-opened to the public.

3.8 We also heard from interested party, Emma Smith, the owner of The Walk in Closet, whose statement was read out for the Inquiry by Alan Moreland (*ID #9*). She informed us that The Walk in Closet, listed by Mr Jones as a local business, does not employ anyone.

3.9 In conclusion, Mr Jones' evidence does not seem reliable, and KCG is persuaded from our own evidence, which is essentially in line with that of Mr Stevens, that the two appeal developments can not be considered sustainable in transport terms.

3.10 Combining information from our Planning Statements (*CD 6.2, 6.3*), and from the evidence of Mr Stevens (*CD 4.79*) and Mr Jones (*CD 3.23a*), the distances from the two appeal sites to the local amenities are as follows :

Local primary school	1.5 km	uphill
Nearest train station	2.8 km	An unmanned station on a 6 stop, 6.5 mile single-track branch line with no passing loop, offering 1 train every hour and requiring a 3- or 4-stage commute to London
Nearest bus stop	700m	1 bus hourly to mainline train station – bus is the Heathrow to Harlow route, often already full before Chiswell Green Or 3 buses an hour to the town centre followed by a further 15 min walk to the mainline train station, constituting a 4 or 5-stage commute to London
Nearest supermarkets	3.3 km 3.6 km	Waitrose – a 7-min drive in traffic-free conditions Sainsbury's - an 8-min drive traffic-free

3.11 These distances are in conflict with the January 2021 MHCLG *National Design Guide (CD 7.11 page 20)* which defines a walkable distance as “*generally considered to be no more than a 10 minute walk (800m radius)*”.

3.12 The outcome of this Inquiry is of great significance to the Transport and Development industries. It is accepted by Hertfordshire Highways and by the appellants that the developments will start as 75% car-dependent, and will still be 67% car-dependent 5-years after the assumed successful implementation of a Residential Travel Plan as agreed with Hertfordshire Highways.

3.13 This is in conflict with the March 2023 DoT and Active Travel England policy paper *The Second Cycling and Walking Investment Strategy (Foreword) (CD 7.14)* which details the Government’s aim for 50% of all journeys in towns and cities to be walked or cycled by 2030. Therefore, a determination in favour of either of these two developments will establish a 67% car-dependency rate, 3, 4 or 5 travel stages in a single trip, and a walking distances in excess of 1.5km as acceptable parameters for new developments in the Metropolitan Green Belt and elsewhere throughout England.

3.14 Furthermore, neither development will contribute to the Government’s stated target to decarbonise the UK economy to net-zero by 2050, nor to the local council’s net-zero target by 2030. In this respect again, the two appeal applications are in conflict with Government policy and do not meet the necessary criteria to be considered sustainable.

Traffic in Chiswell Green

3.15 The Watford Road is already the busiest B-road in the county (*CD 8.24 page 15*), and the 18th busiest road in county which includes M1, M25, A1(M), A414, A405, and the A10. The proposed signalised traffic junction will not reduce traffic flows – it will merely cope with them in a different way to the existing roundabouts.

3.16 As is identified by the Department of Transport and Active Travel England (*CD 7.14*), road transport remains a major source of PM2.5, the air pollutant with the greatest harm to human health. Evidence by Mr Fray (*CD 6.15*) highlighted that the levels of PM2.5 at the centre of Chiswell Green were already more than double the World Health Organisation recommended limits. Adding to the traffic volumes at this junction can only exacerbate the situation. However, implementing a signalised junction with mandatory wait schedules will inevitably cause a further deterioration in the air quality in the village.

3.17 Furthermore, despite “insistent” questioning from Mr Henderson, Mr Walpole did not concede that the signalised junction provided a solution to the congestion at the double mini-roundabout (see webcast or transcript of evidence available) and we remain concerned that the complications of this particular junction will result in long wait times for each phase, will result in impatient behaviour from drivers, and still does not resolve the issue of safety for children crossing Tippendell Lane on their way to and from school. We also firmly believe that it will cause an increase in numbers of drivers using Stanley Avenue as a “rat run”.

4 Purported benefits

Affordability

4.1 While the concept of all affordable houses for key workers is an admirable one, we still have significant concerns over its viability. Our primary concern is that the calculations offered by Ms Gingell only include one model of mortgage lending – 4.5 times base salary, with no consideration for age, mortgage term, or financial commitments – which is a model that is not realistic in these economic times, nor for those on lower salaries who cannot expect to be offered 4.5 times base as lending.

4.2 Furthermore, once benefitting from the at least one third discount, buyers will find themselves trapped when they want to move on and as they try to move back



into the general market. Although they may have benefitted from an increase in house prices during their ownership, it is not percentage increases, but real cash that will be important in buying their next property, and benefitting from only a small proportion of the increase will mean they will not be able to afford to move. This will create employment immobility in a population of key workers for whom mobility is important.

4.3 There is also a substantial risk that control of tenants will be lost through sub-letting as a means of increasing mobility or as an investment for those who meet the criteria. This may over time result in a resident population that does not fit the criteria.

4.4. We also remain unconvinced that it will be possible to release the entire development under the terms envisaged and that the remaining properties will be offered on the open market, eliminating the USP of the development.

Land for a school

4.5 The appellant for the Land to the South of Chiswell Green Lane realised prior to this Inquiry that a 2FE primary school was really not needed and changed the application to land for a school.

4.6 Mr Hunter confirmed during his evidence that he has no evidence or experience to determine that this parcel of land would be in any way suitable for a PNI school as was suggested might be needed.

4.7 The land being offered by the appellant for a school cannot be considered to be a benefit when there is no need for a primary school, and it is unsuitable for a PNI school.

5 Conclusion

5.1 Starting from NPPF paragraph 147 and the clarity that inappropriate development is, by definition, harmful to the Green Belt, we assert that no “very special circumstances” have been demonstrated that would justify a grant of permission for these two developments – that the harms to the Green Belt, and the other harms that would result from the two developments, do not outweigh the benefits.

5.2 It is our opinion, and the opinion of the Leader of St Albans City and District Council (CD 8.26), that the standard methodology of calculating housing targets is not appropriate for the St Albans District as the district is “wholly within the Green Belt”, as is true or largely true for its neighbours. As a result of decisions regarding local appeals by speculative developers, the St Albans District has struggled for a number of years with the obligation to find space to put 10,000+ new houses in the Metropolitan Green Belt and to produce a local plan. However, a decision in favour of the appellants in this Inquiry will unfairly punish local residents for the failure of their district council to have produced a local plan, while not resolving the very real issues around balance between housing need and Green Belt.

5.3 The appeal applications before you now will not deliver the purported benefits they claim, other than a number of housing units which will still not addressing the need in this district for genuinely affordable and social rented houses which is what this district needs.

5.4 On the other hand, they will cause very significant harm to the Green Belt and other harms in addition.

5.5 The Covid-19 pandemic has shown us all the significant benefit that being in green spaces gives to our well-being and mental health and the Green Belt in Chiswell Green has been very much appreciated both during the pandemic and



since for the tranquillity, access to nature and sense of well-being it has contributed to local residents in difficult times.

5.6 Permission to develop these two sites will replace beautiful, tranquil views with years of construction noise, dust and traffic, and leave behind imposing structures which will result in the local residents having their sense of space and openness replaced by a sense of being closed in, cut off from nature.

5.7 In her evidence, Ms Toyne for the South Site appellant told the Inquiry that “only a few” households would be impacted by the South Site development as they viewed the site from their homes. As she had to agree under questioning, over 100 is not “a few” and the site visit will demonstrate that it is in the region of 150 local households that have expansive views over the wider area of Green Belt from their homes.

5.8 These developments would irrevocably change the character of the village and, in today’s fast-paced, time-poor lifestyle, integration of the new residents into the existing community would be more than challenging.

5.9 98% of local residents support this view, not because they are unwelcoming or NIMBY’s, but because they can foresee the undesirable changes that even one of these enormous developments would force onto our village, to the detriment of our health, infrastructure and quality of life.

In conclusion therefore, Sir, we implore you to dismiss both these appeal applications and to Keep Chiswell Green.

Keep Chiswell Green

Chiswell Green

9th May 2023