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UNITED KINGDOM

16th February 2024

Our Ref: 3331035660/A5/JK

Maria Stasiak (Decision Officer)  
Department for Levelling Up Housing & Communities (DLUHC)  
Planning Case Unit  
3rd Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Dear Ms Stasiak,

**RE: SECTION 78 APPEAL REF: APP/B1930/W/22/3313110 - LAND SOUTH OF CHISWELL GREEN LANE**

I write in relation to an appeal (reference: APP/B1930/W/22/3313110) submitted by the Appellants<sup>1</sup> in respect of the appeal lodged under Section 78 of the Town and Country Planning Act 1990 (as amended) ('the 1990 Act') against St Albans City and District Council's ('the Council') refusal of outline planning application reference 5/2022/0927.

This letter provides the Appellants' response to Mr Brian Parker's comments set out in his statement "*The Implications of the NPPF (Dec 2023) and the 2022 Housing Delivery Figures (Dec 2023)*" which was submitted to DLUHC in February 2024.

The NPPF & HDT Position Statement (1<sup>st</sup> February 2024) I prepared on behalf of the Appellants comments on the implications of the revised NPPF and HDT results which inevitably makes the Council's housing delivery situation worse and reinforces the weight I had previously given in evidence to the benefits of the Appellant's proposals. I have consciously steered away from providing new evidence. However, paragraph 12 of Mr Parker's Statement makes reference (for the first time) to a Green Belt Review published by Arup in June 2023 ('the Arup GBR') that was not presented nor discussed at the Public Inquiry.

The Arup GBR was prepared as part of the Council's emerging evidence base in support of their draft Regulation 18 Local Plan. This evidence base and emerging local plan carries no material weight in the determination of this appeal. We highlight the following points in particular:

- It was the subject of consultation and the consultation responses included vigorous objections to it. The Council's response to the consultation has not yet been published.
- It has not been relied upon by the Council in the context of the present appeal.
- It is inconsistent with the Council's evidence in this appeal (including concessions made in cross-examination).
- Is not referred to or relied upon in the Council's response letter dated 31st January 2024, which rightly invites the Secretary of State to ignore any new evidence outside the scope of DLUHC's request for comments on the implications on the revised NPPF and HDT results.

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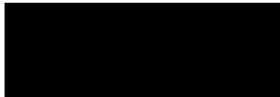
<sup>1</sup> Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd ('the Appellants')

In agreement with the Council, I therefore respectfully request that the DLUHC disregards the comments made by Mr Parker in paragraph 12 of his statement.

If any reliance is to be placed upon those comments, the inquiry would need to be re-opened so that they could be the subject of cross-examination (which may also result in an application for costs). Reliance upon the Arup GBR without giving the Appellant the opportunity to cross-examine on it would be unlawful.

Should you have any queries in relation to the above, please do not hesitate to contact the writer.

Yours sincerely,



**JUSTIN KENWORTHY**

Planning Director

**STANTEC UK LIMITED**