

# Landscape and Green Belt Statement of Common Ground

Land to the rear of 96 to 106 High Street, Colney Heath,  
Hertfordshire

April 2024

Local Planning Authority reference: **5/2022/0599**

Planning Inspectorate reference: **App/B1930/W/23/3333685**

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The SoCG has been jointly prepared and agreed by:

**Signed:**  
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**Date: 09.03.24**  
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**On behalf of the Appellant**

**Signed:**  
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**Date: 09.03.24**  
**Position: Landscape Consultant**  
**On behalf of St Albans District Council**

# 1. Introduction

- 1.1 This Statement of Common Ground (“SoCG”) on landscape and green belt matters has been prepared by Turley Landscape and VIA on behalf of Tarmac Ltd (hereinafter referred to as ‘The Appellants’) and St Albans City and District Council (hereinafter referred to as ‘the Council’). The statement refers to the appeal against the refusal of outline planning application 5/2022/0599.
- 1.2 This SoCG sets out common ground between the Appellant and the Council in respect of landscape and Green Belt matters to be considered as part of the appeal against the refusal of a planning application for a site know as Land to the rear of 96 to 106 High Street, Colney Heath.
- 1.3 The areas of common ground in relation to landscape and green belt are set out in this Statement to assist the Inspector and the appeal process:
- Site Description and Landscape Context – providing detail on the characteristics of the site and its surroundings and the relevant objective landscape character assessments;
  - Green Belt Context – providing details on relevant green belt studies and the current performance of the Site against the Green Belt purposes;
  - Agreed Landscape and Green Belt Matters – identifying the issues which are matters of fact and are agreed between both parties; and,
  - Landscape and Green Belt Matters in Dispute – identifying the areas which are disputed and which are the areas of focus for the appeal.

## Description of Appeal Scheme

- 1.4 The planning application to which this appeal relates is described as:

*“Outline planning application for up to 45 new homes, including 40% affordable new homes and 10% self-build and custom housing, new landscaping and public open space and associated infrastructure works, with all matters reserved except for the mean of access“*

## Reasons for Refusal

- 1.5 The Decision Notice cited two reasons for refusal, of which the first refers to landscape and green belt matters, and states:

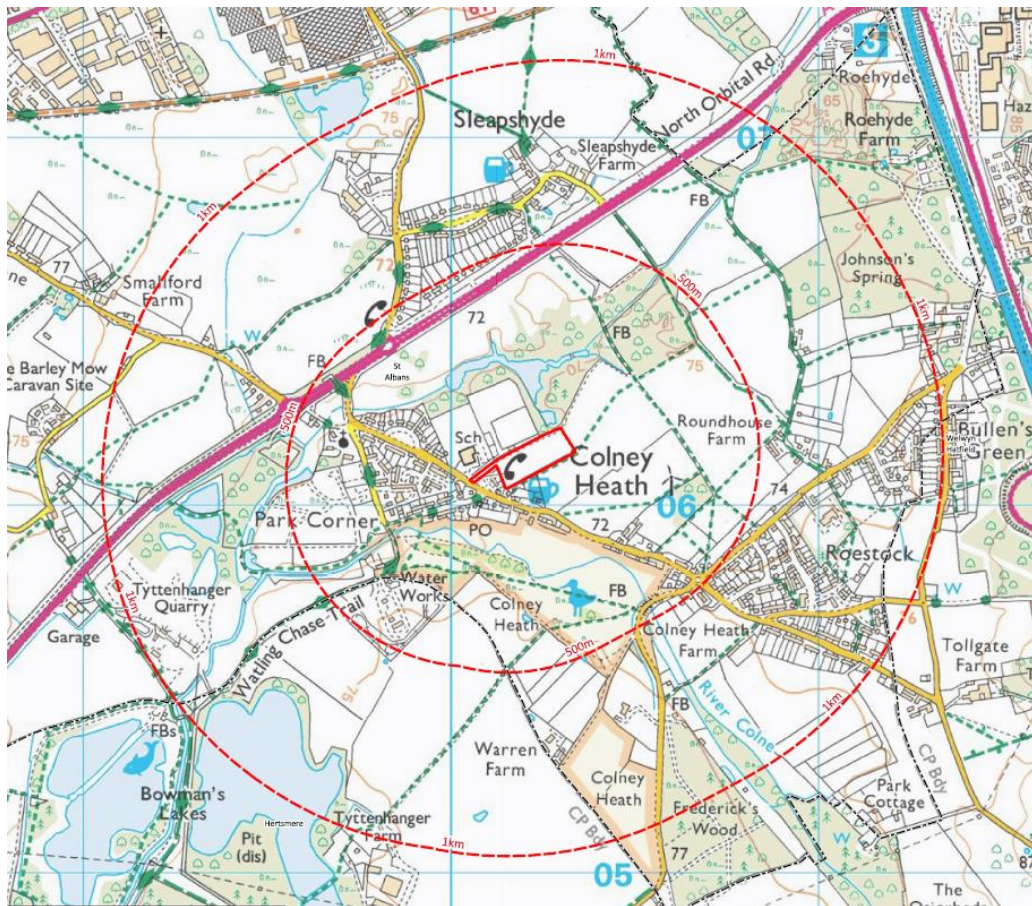
*‘The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character, the adjacent Grade II listed*

*building, loss of high quality agricultural land, and the impacts on social and physical infrastructure. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021 and Policy 1 of the St Albans District Local Plan Review 1994.'*

## 2. Site Description, Landscape Context and Visual Context

### Site Location and Description

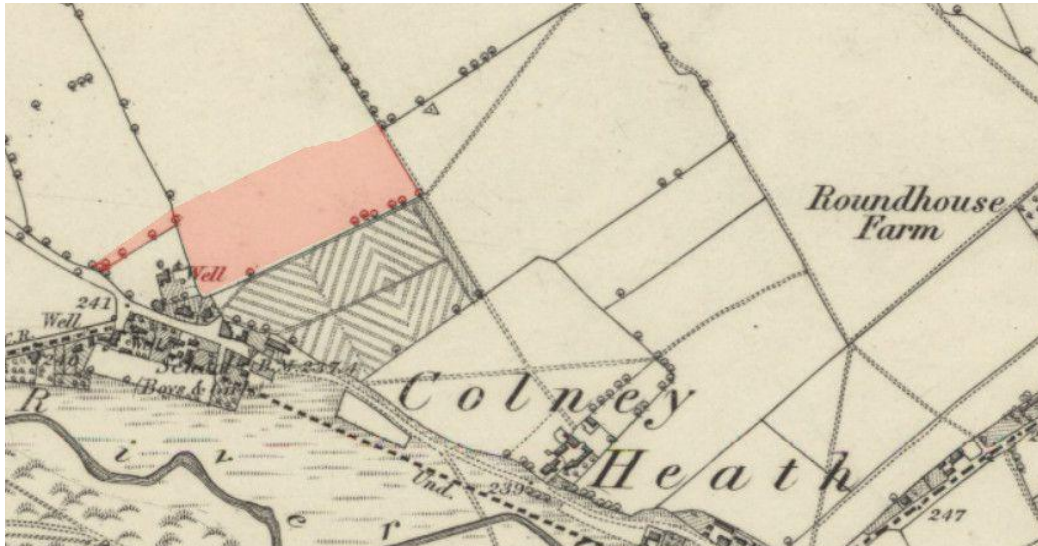
- 2.1 The Site is located on the north-eastern edge of Colney Heath and extends along the southern edge of Colney Heath Football Club. The Site falls within the Civil Parish boundary of Colney Heath which is located in the District of St Albans Council (see **Figure 2.1** for Site boundary). The Site is located entirely within the Metropolitan Green Belt.



**Figure 2.1: Application Site Location** indicative Site Boundary shown in red, 500m and 1km study area indicated with dashed red line

- 2.2 The Site predominantly comprises a small rectangular arable field with an access road in the west shared with the adjacent Colney Heath Football Club and de Havilland Fishing Lakes and woodland area. Colney Heath Primary School adjoins the north-western edge of the access road part of the Site.
- 2.3 The boundaries of the Application Site are varied, and are influenced to some extent by the adjacent land uses. To the north-east, the boundary follows the alignment of an historic field boundary (Figure 2.2) which is no longer present so there is no physical boundary separating the Site from further arable farmland which extends to the east;

To the south-east, an unmanaged hedgerow with infrequent hedgerow trees runs along the route of a public right of way which connects the High Street with the wider public rights of way network; To the south-west, garden plots of residential properties with closeboard timber fences and boundary hedges mark the boundary of residential properties on the settlement edge; To the north-west Colney Heath Football Club is separated from the Site by post and wire fencing and a row of trees.



**Figure 2.2: 1<sup>st</sup> edition OS map (1873)** - showing historic field boundaries along southern and eastern boundaries (Note: hatch on land to the south indicates former presence of orchards or gardens)

- 2.4 There is no public access to the Site and no public rights of way cross the Site. An informal path passes along the southern edge of the football ground and connects with informal paths within the woodland area and around the northern edge of the field which lies to the north east of the Site. These are routes which the current landowner currently permits the public to use but these are not legal rights of way and there is no public right of access along these routes.

### **Landscape-related Designations**

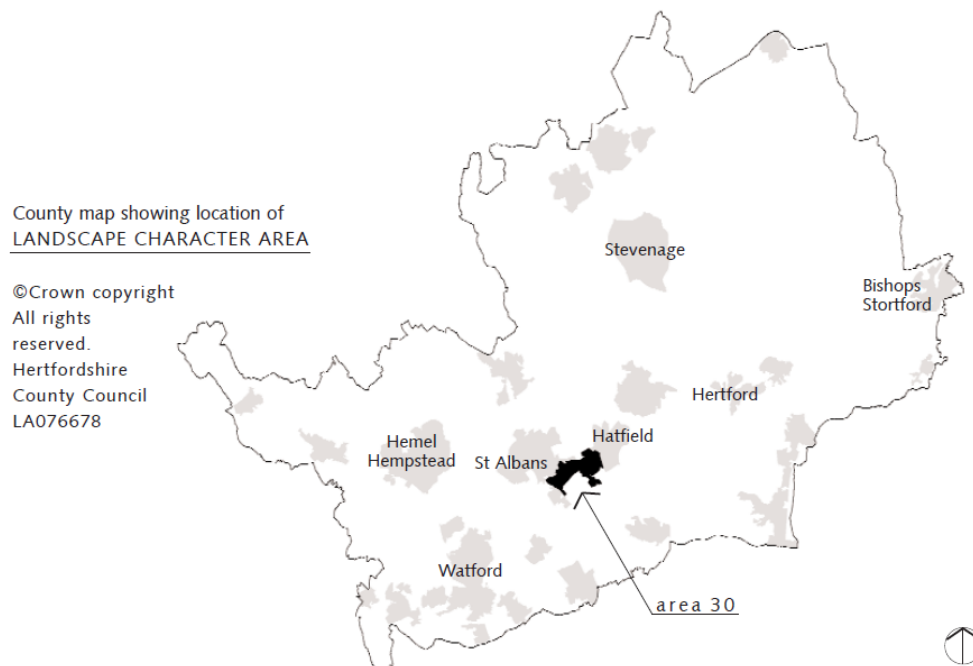
- 2.5 The Appeal Site is not covered by any national landscape designation; and there are no local designations within the Local Plan.
- 2.6 All of the Site is within the Watling Chase Community Forest Area.
- 2.7 Colney Heath Common (Registered Common Land, Local Nature Reserve and Hertfordshire Heritage site) lies approximately 100m to the south of the Site.
- 2.8 Public footpath No. 041 passes along the south-east boundary of the Site. Further footpaths cross Colney Heath to the north east, east and south east of the Site; these are footpaths 041, 045, 031, 024, 005 and 051.



- 2.9 A group of grade II listed buildings are located immediately to the south of the Site. Namely The Crooked Billet Public House, Apsley Cottage (no.90), and no. 94 High Street.

### Landscape Character Context

- 2.10 Assessments of landscape character are available at a national and county level. These are independent objective assessments which identify the pattern and characteristics of different areas of landscape and provide the context for understanding the character and role of sites at a local level. Extracts of the landscape character assessments of relevance to the Appeal Site are provided as Core Documents (CD).
- 2.11 At a national level the landscape character context is set out in the 'Countryside Character Initiative' published by Natural England. Within this, the Appeal Site is located within National Character Area NCA111: Northern Thames Basin.
- 2.12 The Hertfordshire's Landscape Character Assessment is the most relevant assessment for this appeal. Within this, the Application Site falls within Landscape Character Area (LCA) '30: Colney Heath Farmland' which is located between London Colney and St Albans in the west and Hatfield in the east.



**Figure 2.3: Landscape Character Area 30: Colney Heath Farmland** (Extract from Hertfordshire's Landscape Character Assessment)

- 2.13 LCA 30: Colney Heath Farmland is described as:

*“A medium-scale landscape contained by adjacent urban areas and transport routes. There is a good network of hedges, field trees and tree belts to the urban areas that visually contain the largely arable character. Mineral extraction has created a number of disturbed and new landscapes that are still young. Areas of heath and semi natural grassland are locally important at Colney Heath and Smallford gravel pits”*

- 2.14 The condition of the landscape and strength of character is described as ‘moderate’. The overall management strategy for the area is to ‘improve and conserve’.
- 2.15 The management guidelines for managing change in the area that are relevant to the Site include:
- *support the Watling Chase Community Forest in the realisation of its objectives for the area,*
  - *promote new woodland planting to maintain and improve visual separation from the adjacent urban uses and transport corridors, including A414. Scale of planting to typically comprise small woods, copses and shelterbelts,*
  - *reduce the visual impact of adjacent built areas, encourage maintenance of the existing pattern and scale of hedgerows and field trees that provide enclosure,*
  - *promote hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas. Pattern to follow historic field boundaries where possible, encourage planting of new hedges adjacent to rights of way*
  - *support the retention and management of heath habitats including Colney Heath. Encourage opportunities of extending this habitat,*
  - *develop appropriate management strategies to maintain and improve the mosaic of wildlife habitats areas including wetland and semi-improved grassland,*
  - *promote the creation of buffer zones between intensive arable production and important semi-natural habitats and the creation of links between semi-natural habitats,*
  - *encourage the restoration of ditches and discourage the enclosure of existing open drainage systems*
  - *provide new uncropped or grass field margins to link areas of wildlife importance and/or existing and proposed rights of way;*
  - *promote both the creation of new ponds and the retention/enhancement of existing ponds for wildlife, where hedgerow removal is deemed to be unavoidable, replacement planting should use locally native species of local provenance to maintain local distinctiveness.*
- 2.16 The landscape receptors with potential to be affected by the proposals and their respective landscape values are agreed to be (the site falls within LCCA1 and LCA30):

Landscape Character Receptor	Landscape Value
LCA 30 : Colney Heath Farmland	Medium-High
LLCA1 : Farmland	Medium
LLCA2 : Common	Medium-High
LLCA3 : Colney Village	Ordinary
Trees and hedgerows	Medium-High

- 2.17 Key characteristics of LLCA1 (which are identified in the LVGBA) and agreed between the council and the appellant are:



- Medium scale arable farmland with ditches and hedgerows with trees along field boundaries.
- As result of restored mineral working, there is a lake and a small woodland on the north part of this LCA, which provides a wooded background to views looking north.
- Numerous public footpaths cross the area, some are open while others enclosed in boundary vegetation
- Scattered built form edging the road.

2.18 The sense of openness as a key characteristic of LLCA 1 is a matter of dispute between the Appellant and the Council. The Council's position is that the area has a strong sense of openness (as also identified in the LVGBA). The Appellant's position is that within LLCA1 the sense of openness varies; the northern part of LLCA1 is wooded and has a low sense of openness whilst elsewhere, the areas of arable fields have a higher sense of openness although a degree of enclosure is provided by hedgerows, trees and the surrounding areas of development .

2.19 It is agreed that the Site and immediate context should not be considered as forming part of an area of 'Valued Landscape' in the context of NPPF para 180a.

### **Visual Context and Visibility of the Site and Proposed Development**

2.20 Within the application LVGBA, nine representative viewpoints were identified for assessment (identified in Figure 2.4 below). These are agreed as providing a fair representation of the views for consideration within the LVGBA.

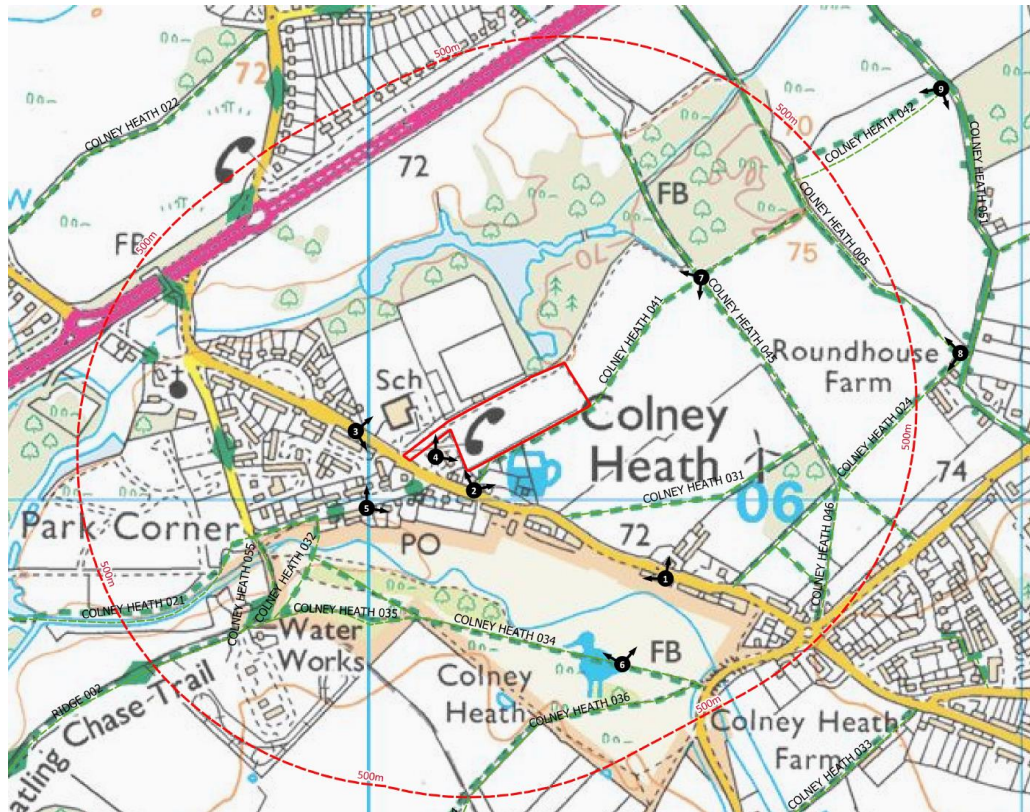


Figure 2.4: Agreed Representative Viewpoints

### 3. Green Belt Context

#### Green Belt Extent

- 3.1 All of the countryside in St Albans District lies within the Green Belt and the Appeal Site lies wholly within the Green Belt.
- 3.2 St Albans District includes the City of St Albans and a range of towns and villages excluded from the Green Belt. A number of smaller villages are not excluded from the Green Belt and are referred to as ‘washed over villages’.

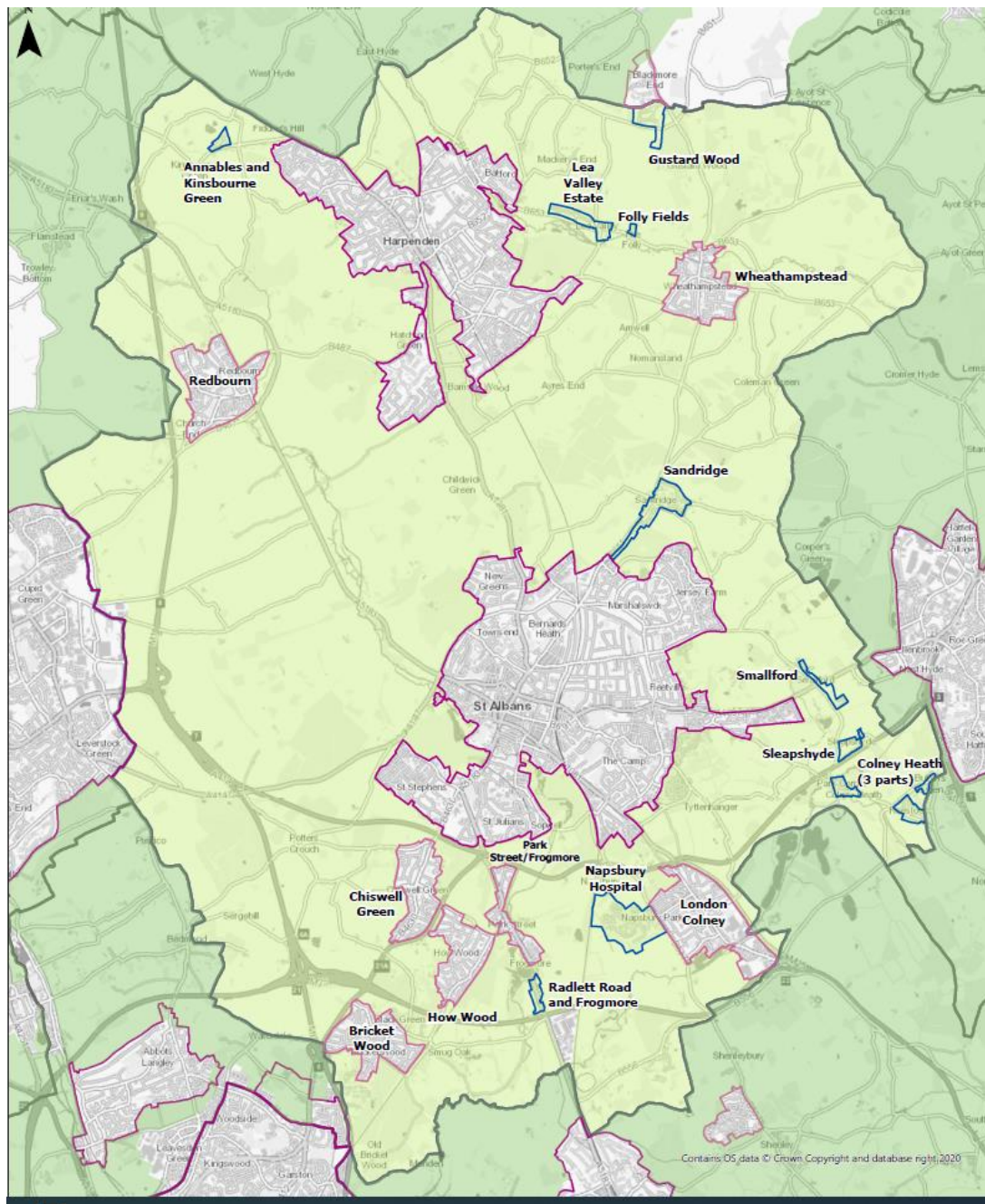


Figure 3.1: Extent of the Green Belt within St Albans District



## Relevant Green Belt Studies

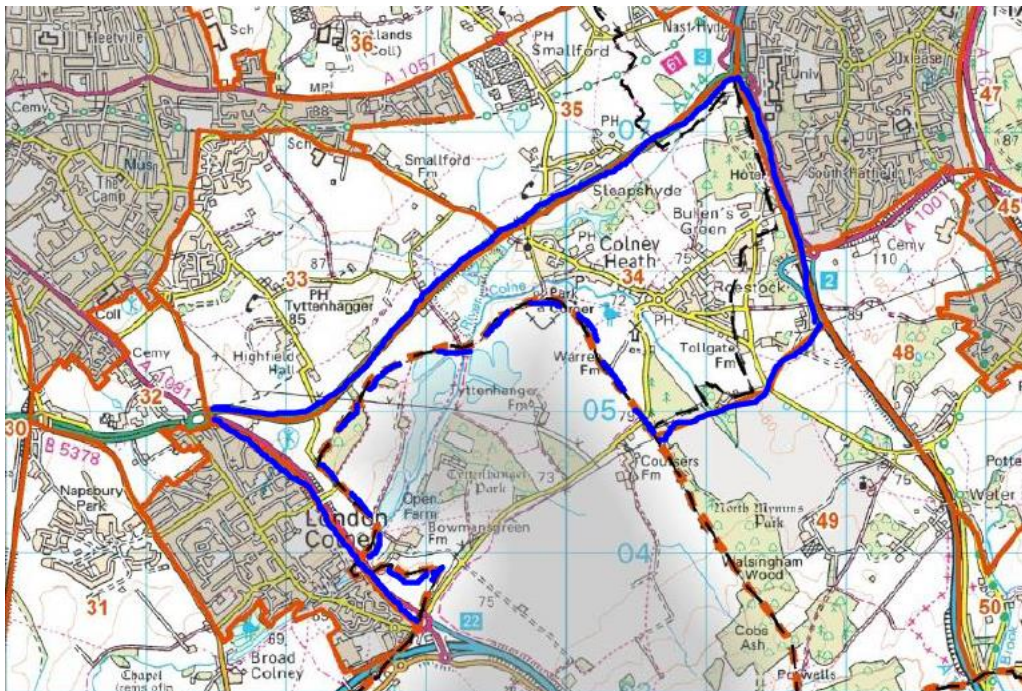
3.3 The published Green Belt studies relevant to this Appeal are:

- Green Belt Review (Part 1) Purposes Assessment, Final Report and Annex 1 - prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council (SKM, November 2013) (CD2.8A and 2.8B)
- St Albans Stage 2 Green Belt Review Final Report (Arup, June 2023) (CD3.4)
- St Albans Green Belt Review: Washed Over Villages Study Annex Report (Arup, June 2023) (CD3.5)

### Stage 1: Purposes Assessment

3.4 Stage 1 of the Green Belt Assessment is a strategic level assessment which identified strategic parcels and assessed the level of contribution these make to the Green Belt purposes. A three point scale was used to rate the parcel's contribution: Limited; Partial; Significant.

3.5 The Site is situated within Strategic Parcel 34 (GB34) which includes land between London Colney and Hatfield, and is defined around the Colne Valley. The Strategic Parcel includes Colney Heath a 3<sup>rd</sup> tier settlements (settlement washed over by the Green Belt) - Colney Heath comprises three component parts: Park Corner/ Colney Heath, Roestock and Bullens Green.



**Figure 3.1: Location and extent of strategic parcel GB34**

3.6 The total area of Strategic Parcel 34 is 419ha. The area of the Appeal Site is 1.68ha which equates to 0.4% of the parcel as a whole.

3.7 The Study acknowledges the strategic level of assessment and notes it is possible that additional potential small-scale boundary changes may not compromise the overall function of the Green Belt subject to more detailed analysis.

3.8 The principal function/summary assessment for strategic parcel GB34 is recorded as:

*Significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between Hatfield and London Colney). Partial contribution towards preventing merging (of St Albans and Hatfield) and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park. Overall the parcel contributes significantly towards 2 of the 5 Green Belt purposes<sup>1</sup>.*

**St Albans Stage 2 Green Belt Review (Arup, 2023)**

3.9 Stage 2 of the Green Belt review examined the performance of discrete and small Green Belt parcels, primarily adjacent to existing sustainable urban areas or in locations where new settlements are being proposed as part of emerging growth options.

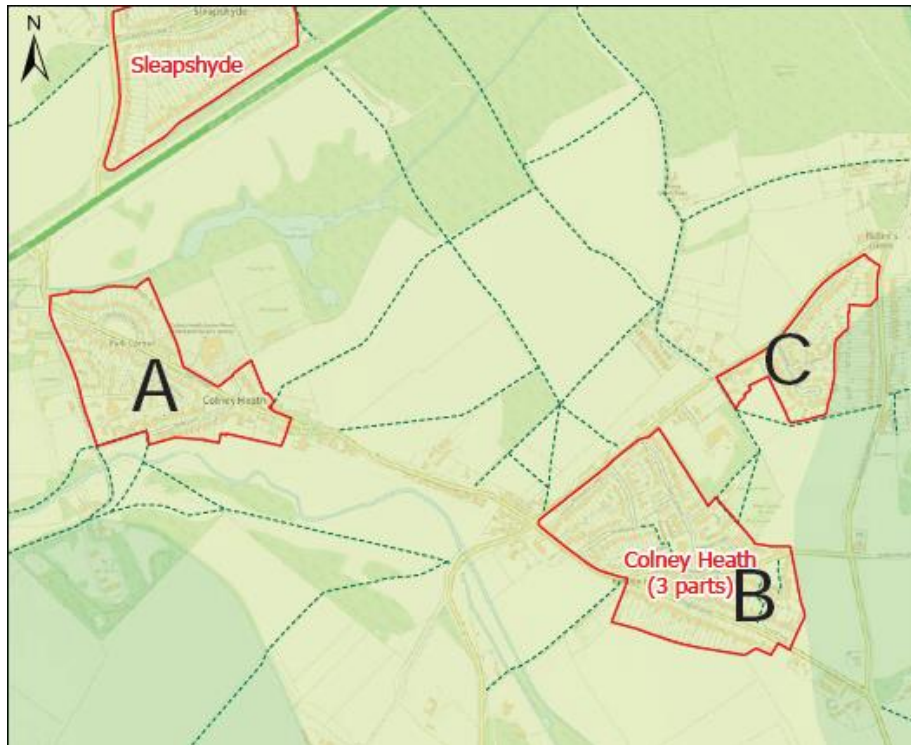
3.10 The Appeal Site did not form part of an area considered in the stage 2 assessment.

**Stage 2 Annex 1 - Washed Over Villages Study (Arup, 2023)**

3.11 Within the Washed Over Villages Study, Colney Heath is assessed in the three component parts identified above. The built curtilage of the village extends beyond the areas in these parts. The Appeal Site falls adjacent to but outside the defined village area. Nos 90 – 106 High Street all fall within Area A (Park Corner/ Colney Heath).

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<sup>1</sup> Green Belt Review (Part 1) Purposes Assessment, Annex 1,



**Figure 3.2: Location and extent of parts of Colney Heath considered in the Washed Over Villages Study**

- 3.12 The washed over settlement study considered various attributes of the village to conclude whether it should be retained as a washed over Green Belt settlement or whether it should be excluded from the Green Belt. In that context the ‘open character’ of Area A was assessed as:
- Settlement form and scale: Moderate
  - Key open spaces: Moderate
- 3.13 The assessment of ‘openness’ contribution to the Green Belt for Area A as part of a washed over settlement was assessed as:
- Key views to/from settlement: Moderate
  - Settlement edge characteristics and setting: Moderate
- 3.14 The study concluded that the settlement should remain as a ‘washed over village’ in the Green Belt.



## 4. Agreed Landscape and Green Belt Matters

4.1 The following matters are agreed between the council and the Appellant

### *Reasons for Refusal*

4.2 The Reasons for Refusal in the Decision Notice accurately state the Council's objections to the Appeal developments on landscape and Green Belt grounds.

### *Application LVA of the proposals*

4.3 The LVAs' overall methodology and the selection of representative viewpoints are both agreed between the Appellant and the Council.

4.4 In accordance with the Guidelines for Landscape and Visual Impact Assessment for non EIA development, (CD 12.2) the LVA identified the sensitivity of each receptor and an assessment of the magnitude of change that would arise at year 1 and 15 for each receptor.

### *Landscape Effects of the Proposals*

4.5 The proposal would change the character of the Appeal Site and the immediate adjoining areas to the east and south-east. The precise nature of the change would depend on the detailed design of the reserved matters application.

4.6 There would be no significant changes to the character of the landscape in the following areas:

- open countryside to the north of the High Street;
- woodland and lakes area to the north and north-east of the Site;
- the existing developed areas of Colney Heath to the south west, Roestock to the south east and Bullens Green to the east.

4.7 Some of the landscape effects of the proposals are set out in the application LVA and summarised in table 4.1 below.

**Table 4.1: Summary of Sensitivity and Magnitude of change to landscape receptors**

Landscape Character Receptor	Sensitivity	Magnitude / Type of Effect Year 1	Magnitude / Type of Effect Year 15
LCA 30 – Colney Heath Farmland	Medium	Very Low / Neutral	Very Low / Neutral
LLCA1 – Farmland	Medium	Low / Adverse	Low / Neutral
LLCA2 – Common	Medium	Negligible / Neutral	Negligible / Neutral
LLCA3 – Colney Village	Low	Very Low / Neutral	Very Low / Neutral
Trees and hedgerows	Medium-High	Low / Beneficial	Medium / Beneficial

4.8 The identified landscape sensitivity and magnitude of change (Table 4.1) were not disputed by the HCC landscape officer<sup>2</sup>) who concluded that ‘*the proposed development should not give rise to any unacceptable landscape effects*’ and that the proposed development should be ‘*supported in principle*’<sup>3</sup>.

4.9 There is no dispute about the effects on LLCA 2 and 3 - which the site falls outside.

4.10 The parties do not agree on the extent of harm to LCCA1 (which the site falls within). The Appellant agrees with the conclusions of the HCC landscape officer and considers that the landscape effects would be limited and localised and effects on the wider landscape could be mitigated through appropriate design and landscape mitigation measures. The Council considers that the development will result in an adverse effect on the character of the site itself and also on the settlement pattern (the impact of the development on these receptors is not summarised in Table 4.1 from the LVIA above).

*Impact on Views and Visual Amenity*

4.11 It is agreed that the principal visual receptors that would be adversely affected by the proposals would be users of public footpath Colney Heath 041, 031, 005, 024 and 045. It is common ground that there would be harm to visual receptors on these footpaths; the extent and duration of harm and the effectiveness of proposed mitigation measures are in dispute).

<sup>2</sup> Confirmed in landscape consultation response letter from HCC dated 5<sup>th</sup> March 2022 (CD12.4)

*Impact on Trees and other Vegetation*

- 4.12 The impact of the proposed development on trees and other vegetation would be negligible and is not disputed; it does not form part of the reasons for refusal.
- 4.13 The proposed development includes undeveloped areas in which new planting could be accommodated. This would substantially increase the level of tree cover on the site which would contribute to the objectives of the Watling Chase Community Forest.

*Impact on Green Belt*

- 4.14 It is agreed that in the context of the Framework, the proposals would represent inappropriate development within the Green Belt.
- 4.15 It is agreed that the appeal site is currently open and that the proposed development would lead to a substantial loss of openness in the spatial dimension within the site itself. The parties disagree on the impact on the visual dimension of openness.
- 4.16 It is agreed that the appeal proposal conflicts with Green Belt purpose c as it would not safeguard the countryside from encroachment.

## 5. Matters of Dispute

- 5.1 The matters of dispute between the Appellant and the LPA which relate to landscape and Green Belt are limited to the following issues:

### **Landscape and Visual**

- 5.2 The existing levels of visual openness of the Site and the influence of this on the character of LLCA 1 – Farmland (the local landscape character area in which the Site is located) are disputed.
- 5.3 The landscape effects of the proposals and the weight that should be afforded in the planning balance to the identified landscape effects are disputed.
- 5.4 The extent to which the proposed development would affect views from the surrounding area is disputed and the weight that should be afforded in the planning balance to the identified impacts on views and visual amenity.

### **Green Belt**

- 5.5 The impact of the proposals on the openness of the Green Belt (in both the spatial and visual dimension) and the purposes of including land within it are disputed.
- 5.6 The extent to which the proposed development would affect the purpose of the Green Belt in relation to assisting in safeguarding the countryside from encroachment, is a matter of dispute between SADC and the Appellant.
- 5.7 The extent to which the proposed development would affect the purpose of the Green Belt in relation to preventing neighbouring towns from merging and whether London Colney should be considered a town in relation to this purpose are disputed.
- 5.8 The extent to which the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations, is also a matter of dispute between SADC and the Appellant