

TOLLGATE ROAD, COLNEY HEATH

Appellant's Opening & Appearances

Appearances

Zack Simons and **Joel Semakula** of Counsel, instructed by **Oliver Bell** of Nexus Planning, will call:

- (i) **Christopher Brownlee**, Principal Air Quality Consultant, Stantec (air quality).
- (ii) **Alexandra Cole** BSc (Hons) MSc MCIEEM, Principal Ecologist, CSA Environmental (ecology).
- (iii) **Ronald Henry** BEng (Hons) MSt (Cantab) CEng CMgr MICE MIEI FCMI, Director at Stantec (flood risk).
- (iv) **Gail Stoten** BA (Hons) MifA FSA, Heritage Executive Director at Pegasus Planning Group (heritage).
- (v) **Clive Self** MA (Urb Des) Dip LA CMLI, Managing Director at CSA (character and appearance, Green Belt effects).
- (vi) **Annie Gingell** BSc (Hons) MSc, MRTPI, associate at Tetlow King Planning Ltd (affordable housing).
- (vii) **Andrew Moger** BA (Hons) MA MRTPI, Director at Tetlow King Planning Ltd (self-build and custom housebuilding).
- (viii) **Ian Dimbylow** MEng, CEng, MICE, MCIHT, Director at RPS Transport (highways and locational sustainability).
- (ix) **Oliver Bell** BSc MSc MRTPI, Director at Nexus Planning (planning policy and balance).

Opening

1. This part of Hertfordshire has been let down by the planning system:
 - (i) There have been no significant revisions to St Albans' Green Belt boundaries since the district was formed in 1974.
 - (ii) The St Albans local plan was adopted in 1994. It is the oldest local plan in the country. But that plan was itself prepared in the late 1980s to accommodate needs identified in the Hertfordshire Structure Plan 1986 Review.
 - (iii) The original St Albans district plan, adopted in 1985, confirmed that all of the district outside the built-up areas into the Metropolitan Green Belt. And essentially, since then, nothing has changed.
2. Years go by – decades pass – national policies come and go. But through it all, this Council has kept its head buried firmly in the sand. New plan-making exercises have been tried. They have failed. This development plan, and the Green Belt boundaries it enshrined, are from another generation. Even on the Council's best estimate, a new plan is not months but years away.
3. The break-down in the plan-led system here has real consequences for real people. Most of all, and for many years, this Council has not come anywhere *remotely* close to meeting its needs – for market housing, for affordable housing, and more recently for self-build housing either.
4. The shortfalls aren't marginal. They're staggering. We aren't talking about missing the mark by tens or even hundreds of homes. We're talking about thousands. Many thousands. With all the terrible social, economic and environmental consequences that failing to plan will bring: families unable to afford somewhere to live, thousands on the housing register waiting

not weeks or months but years to find a home, unsustainable solutions with people being forced to find a home further away from where they work, shop and socialise. These shortfalls are substantial and they are serious.

5. How have we got here?
6. The real reason is the chronic inability of this Council to front up to the need to bring forward sensible development proposals in the Metropolitan Green Belt.
7. Again, outside the urban areas, almost all of this Council is washed over by the Green Belt: around 82%.
8. Which means that, if the Council is to come anywhere *near* meeting its needs, release of Green Belt land isn't a choice. It's a certainty. There is no other option.
9. Of course, in areas of the country where the plan-led system is doing its job, national policy expects that sensible plan reviews *at least* every 5 years will manage those releases. But that just isn't happening in St Albans. Nowhere near, and not for a long time. Again, there has been no plan-led strategic review of its Green Belt boundaries for decades. And we are saddled with a local plan from another generation. We are in the foot-hills of (yet another) attempt at a new plan in this district, which is to be welcomed, but again – even on the Council's estimates – adoption is not months but years away.
10. In St Albans, the plan-led system has broken. So the real issue before this inquiry is whether the many people in need now should have to wait another 2 years, 5 years, 10 years, or however long it takes, for this Council to actually adopt a plan, and for sites to come forward in accordance with that plan. Or whether urgent problems require more urgent solutions.
11. In a number of recent appeals, including one at a nearby site in Colney Heath (**CD:14.6**), Inspectors and the Secretary of State have made their view on this issue clear. In a series of

decisions in Green Belt authorities where the plan-led system has not delivered on time or at all, the delivery of market and also of affordable housing have been given very substantial weight, and has been found clearly to outweigh harm to the Green Belt, so carrying the planning balance at §148 NPPF.

12. The same analysis applies here, because:

- (i) Our site's a relatively flat, pleasant but unremarkable collection of equestrian fields surrounded by houses and stables to the north and east, and dense planting to the west. It has no statutory or local landscape designations. It isn't a "*valued*" landscape under the NPPF – indeed, it comprises "previously developed land" which the Council agrees has a low-moderate sensitivity to our development. As you'll see, its visibility from the wider landscape is very limited – the relevant viewpoints are all agreed, and they are all directly proximate to the site. It's part of a local landscape character area which is influenced by this area's major transport routes (e.g. the A1(M)), the major settlements, and built development.
- (ii) Our site is very well located – short walks into the centre of Colney Heath which includes shops, a pub, a nursery, a primary school and a long list of local facilities. Tollgate Road is recognised as a "primary cycling route" in the County Council's emerging "Cycling and Walking Infrastructure Plan".¹ And on a bike, it's under 20 minutes to access the full suite of retail options, services and facilities in Hatfield. For those who wish to access regular direct rail services to Central London, Welham Green station can be reached in 15 minutes. Local bus stops take you to St Albans, Hatfield and Welwyn Garden City. The County Council now accepts – see yesterday's updated transport SoCG – that there is **no longer any objection** to the scheme's accessibility

¹ CD7.2.

through public transport. In particular, the agreed £1.29mil contribution towards a new bus services will fund a new service from St Albans, through Colney Heath to Potters Bar and back twice every hour Monday – Friday, also introducing a currently absent Sunday service. This new and improved service will, of course, be of enormous benefit not only to the proposed residents of this scheme, but also to the existing inhabitants of Colney Heath and the wider area.

(iii) Albeit previously developed, the site is, in the language of Green Belt policy, now relatively “*open*”, and would be less “*open*” if new homes were built. And yes, because it’s *next to* but *outside* the settlement, it’s deemed “*countryside*”. Even though Green Belt boundaries in St Albans are a relic of another plan-making era. Which means our scheme would, in the language of the NPPF, “*encroach*” into that countryside.

13. But, with respect, that’s the kind of narrow approach to development management which has prevented this Council from getting out of the mess it is in:

(i) This site does not make any significant contribution to the purposes of this part of the Metropolitan Green Belt.

(ii) Inspector Masters decided that Colney Heath is an accessible location with regards to local services and facilities, and nothing has changed since her decision. If anything, this site is better located than the site she assessed in 2021.

(iii) Albeit the Council maintains a heritage objection in relation to the setting of 3 listed buildings, we agree that this scheme’s public benefits clearly outweigh harms which are on the lowest end of the spectrum, so the balance at §202 NPPF tilts in favour of granting permission.

(iv) There are no remaining objections from the LPA or Hertfordshire in relation to e.g. ecology, flooding, air quality, drainage, archaeology, highways access, safety or capacity, or anything else.

(v) Albeit we do not cover the concerns of the R6 party in this short opening, we will return to them in our evidence.

14. So in the end, for all the many documents before you, Sir, the real issue is simple:

Do this scheme's benefits clearly outweigh its harms?

15. If they do, permission should be granted because the scheme will be supported both by the statutory development plans, and by §148 NPPF.

16. And remember, even on the *Council's* case, you should give our benefits “*very substantial*” weight in relation to market housing, and also “*very substantial*” weight for affordable housing, and “*substantial*” weight to the delivery of self- and custom-build housing.

17. Our case is straightforward: these benefits are profound, the imperative to bring them forward is compelling, and they clearly outweigh what will only be a localised impact to this appeal site and its immediate surroundings.

18. For those reasons, which we will develop in our evidence and in closing, the balance at §148 tilts decisively in favour of granting planning permission, and we will ask you to allow the appeal.

ZACK SIMONS

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19th SEPTEMBER 2023