

Rule6(6) Opening Statement

Prepared by

NORTH MYMMS PARSIH COUNCIL

Appeal Reference APP/C1950/W/22/3307844

LPA Reference 6/2022/1097/outline

Land North of Bradmore Way, Brookmans Park, Herts.

1. North Mymms Parish Council (NMPC) submits this Opening Statement as Statutory Consultees who submitted a MAJOR OBJECTION to the proposal.
2. This Opening Statement has been compiled in respect of the appeal by Aurora Properties Limited ("the Appellant") against the refusal by Welwyn Hatfield Borough Council ("WHBC") to grant permission for an outline planning application (LPA Reference 6/2022/1097/OUTLINE) for up to 125 new dwellings, including 45 affordable homes, 10 self-build homes, a C2 care home for up to 60 bedrooms with associated facilities, together with a scout hut and all ancillary works on Land to the North of Bradmore Way, Brookmans Park, Hertfordshire.
3. A copy of NMPC's Major Objection was submitted and has been part of this Inquiry.
4. The application was refused by the LPA Welwyn Hatfield Borough Council (WHBC) on 5th August 2022. NMPC supported the LPA in its refusal on the same grounds.

As Statutory Consultee, NMPC makes representations on behalf of its parishioners and makes decisions on their behalf. It has an overall responsibility for the well-being of its local community, the care and maintenance of the Parish lands and environment. As it is the level of government closest to the community, we probably represent the greatest number of people affected by the proposed development being discussed here today. Unfortunately, we are also the group least able to engage professional legal representation as our funds are those of the public.

However, on behalf of our community we shall express our objections, findings and concerns based on local knowledge, our residents' research and their comments to us. We are aware of the highly technical nature of this hearing and understand that the legal representatives and the experts in their various fields shall present their positions in their language, however as we represent the views of the people of the Parish our statements shall be of a more colloquial nature.

I have only lived within North Mymms Parish for 7 years but have been amazed at the level of engagement and closeness in this community. People have a sense

of pride in their surroundings and buildings. Recent years have boasted, street parties, Christmas and Easter fetes on our green spaces, tree lightings, and allotment competitions. There is a real appreciation of the beautiful Green Belt land enveloping our community as well as the nature trails and the historic buildings. We also know intimately, where there are shortages in services, or problems with parking or risks and hazards.

It should come as no surprise therefore, that NMPC and the residents objected to this development, not only on the technical grounds of the Major Objections which we raised going as far back as 2014 but also because of the lack of consultation by the Appellant with those most affected by his plans.

We are concerned as to the way in which submissions of vast amounts of documentation have been made at the last minute, the way in which incorrect use of measurements have been used to impact decisions on the highways and we are concerned as to how the Appellant has ignored the lack of amenities in our community and the availability of school places.

The comments made by our residents paints a very different picture from that of the Appellant's experts' reports. This is most likely because research by experts is often done from a desktop computer, whereas the people we represent live in the village and see first-hand where there is a hazard or risk to our children or our elderly.

NMPC has maintained the position that this proposal would represent inappropriate development in the Green Belt, would result in a considerable loss of openness and a significant encroachment on the countryside. We are pleased to see that all the parties here today have agreed on this. The problem is that whereas the experts agree, the Appellant feels it is in order to proceed regardless.

The only grounds upon which the Appellant can succeed with this proposed development is by convincing you that due to predetermined mathematical methodologies - a possible housing shortage warrants *very special circumstances*. NMPC does not believe that *very special circumstances* exist to outweigh this harm to the Green Belt, a harm which is real and high.

To justify very special circumstances the Appellant introduced - late in the day - an overly lengthy report - ultimately just to come to the same conclusion as WHBC that there is a shortfall in housing - which shall not be the case once the emerging Local plan is released in a few months. Indeed, the emerging local plan has already detailed an approved site for the construction of over 400 dwellings in the village of Brookmans Park. Thus, dismissing the Appellants assertions that there will be a "housing shortfall".

NMPC hopes that by the end of this hearing you will see that the Appellant's position is premature and undermines the work of WHBC in its attempts to finalise the modifications to the emerging Local Plan. NMPC did point out in its Major Objections that the land to the north of Bradmore Way, does not appear in the 2023 Local plan either as a confirmed site or as a proposed site. We supported the Borough Council's position and still maintain the reason for refusal, that the

proposal would severely detract from *the character of the site and area and is in conflict with section 130 of the NPPF "Planning policies and decisions"*.

Despite copious reports, the Appellant has still failed to show that the development will function well and will add to the *overall quality of the area*.

In fact had the Appellant consulted with the residents of Bradmore Way, he would have known about the extreme congestion there because the parked cars create a single track road which narrows in widths to under 4.9m in some places. He would have known about the scratched cars, the accidents and issues due to lack of parking in the village. A parent pointed out that google earth shows how two small cars may be able to squeeze past each other on Bradmore Way, but certainly not a large one, or an emergency vehicle. Had the Appellant consulted with the residents of Bradmore Way, he would have known of the difficulties experienced by the fire service in 2019 when they tried to get to a fire at Village Vets but couldn't do so due to the congestion.

You can see why NMPC put forward a Major Objection on the grounds there was unacceptable impact on highway safety.

The Appellant has prepared a long report and promised large sums of money to resolve these traffic issues, but there has been no *road safety audit work undertaken to give assurances to the residents of Brookmans Park, in particular that the increase in volume of cars will not represent a challenge, a risk and a danger to them and their families*.

The proposal *continues* to fail to demonstrate that priority first would be given to pedestrian movements or the needs of people with disabilities and reduced mobility, let alone the children of Brookmans Park primary school in Bradmore Way. In fact, such was the school's concern even before this proposed development, that they issued an invitation to NMPC to express their worries about traffic hazards.

The very small traffic survey carried out by the Appellant cannot possibly usurp the lived experience of our residents in terms of the challenges of the traffic conditions around this location which is why during the Inquiry NMPC have questioned the assertions in the Appellant's Travel Plan and Railway Expert Report. NMPC and the residents of the village *maintain their concerns that traffic conditions cannot be improved to the extent that road safety will not be an ongoing issue*.

NMPC also expressed Major Objections on the grounds of risk of coalescence as a result of the loss of environmentally precious Green Gap. There is no doubt that *the proposal conflicts with Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the WHBC Draft Local Plan Proposed submission 2016 and the NPPF*.

Regarding the provision of a Care Home in the proposal, NMPC had already consulted our elderly and their express wishes, documented in NMPC's Parish Plan was that they do not want to move into care homes. They prefer downsizing, remaining independent and to live in small bungalows or sheltered housing. Again, it appears that the Appellant has failed to consult with them and establish their

needs. We appreciate this may not be the case throughout the country, but it is the case *here* in the community that we represent.

NMPC maintains its position that the Appellant has failed to ensure the provision of a sustainable form of development in mitigating the impact on local infrastructure and services. He has failed to assure us that the development would contribute positively to the biodiversity of the proposed site.

We take very seriously our responsibilities to help protect our unique landscapes and environment and views of heritage assets such as Peplin's Wood. At a time when we consider - for every planning application sent to us - the reduction of light, noise and air pollution, protection of habitats and ecosystems, we are now expected to believe that building 125 properties on Green Belt land will have little or no impact on biodiversity or ecosystems on that land and the surrounding woodlands!

I am grateful that the current government feels differently and considers the Green Belt is of *very particular importance*.

There is good reason why WHBC emerging Local Plan does not include this site in its proposals and did not include this site in the agreed numbers. There are numerous applications currently under consideration for large housing developments which also seek to build in and around this Parish - encroaching on even more Green Belt. In the case of Brookmans Park, if these other developments go ahead, the numbers for housing would far exceed needs and this *surely knocks down the Appellant's ONLY appeal to Very Special Circumstances*.

No doubt the Council's Barrister shall demonstrate there won't be a shortfall of housing numbers for long, but even if there were, we need to consider what level of shortfall warrants losing Green Belt, ruining the viability of a farm and destroying a unique environment - forever.

The Local plan has gone out to consultation on the final modifications with a view to adoption in a few months. The development of this site will therefore be totally contrary to that plan and will be unnecessary according to the Appellant's *own* rationale.

Logically it makes sense to reject this appeal and to let the emerging local plan guide future developments.

We appreciate that S106 monies shall provide much needed expenditure, however there are other ways to fund raise for the needs of our community. Funding our needs shouldn't come at the cost of the loss of precious open space and habitats - as these can never be restored.

The community clearly rejected this proposal when it was first put forward and it is the remit of NMPC to maintain the well-being of our community and the Parish area. To date nothing we have seen in the appeal assures us that the Appellant has the safety of the residents in Bradmore Way in mind, nor that of their children. None of his reports assure us that detailed thought has gone into the restoration of lost biodiversity, or what harm may occur to the ecosystem if the delicate

balance of light, rain and soils is disrupted by construction works and the building of permanent structures so near to our ancient woodlands.

We trust that your deliberations shall bring you into agreement with us, that this appeal if upheld will create unnecessary destruction of our Green Belt, will impact negatively on our villages and surrounding areas in terms of traffic and visual amenities and shall expose our residents to increased risks. All unnecessary at a time when we are so close to finalisation of the emerging Local plan.

February 2023