

## Rule6(6) Closing Statement

Prepared by

NORTH MYMMS PARISH COUNCIL

Re:- 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 Closing Statement as Statutory Consultees who submitted a MAJOR OBJECTION to the proposal.
2. This Closing 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. And NMPC supported the LPA in its refusal on the same grounds.

In the days leading up to and since commencement of this hearing, NMPC has received feedback as to the representations, evidence and rebuttals which people have been following via WHBC's website. It is apparent that rather than be persuaded by the Appellant's case, residents feel more strongly than ever that this appeal should be dismissed.

During the Inquiry, NMPC and other interested parties expressed concerns regarding the lack of local community consultation by the Appellant, late and copious submissions of documents for analysis. The volume of paperwork submitted within short timeframes has admittedly put us on the backfoot – we had the responsibility to analyse information and respond on behalf of our community within a very short timeframe, with the added disadvantage of no legal representation or assistance.

From the outset, the Appellant has displayed a pattern of disregard of instruction; pushing to be heard on the matter of housing numbers when this issue was not considered material, submitting housing shortfall evidence well in excess of the

length of report advised, and submission of expert evidence, which ultimately came to the same conclusion as WHBC, but which served to compel all the other parties to study and respond to the reports, adding an unnecessary cost burden to us all.

Our position has not changed as a result of the evidence presented by the Appellant. Our resolve remains steadfast, NMPC has maintained that this proposal would; represent inappropriate development in the Green Belt, result in a considerable loss of Green Belt openness and represent a significant encroachment on the countryside. Furthermore, evidence submitted by residents indicated that parking standards would be breached by this development – creating a car dominant development, it indicated that the assessments for vehicular activity were inadequate in scope and extent, and that access for this development would pose dangers for the residents of Brookmans Park village. We questioned the decision to designate this area one of sustainability at a time when residents shall not even have step free access to a train station.

As expected, against these major considerations the weight of evidence of the Appellant centred around the Housing shortfall forming their plea to very special circumstances. It has clearly been proven throughout the Inquiry that *no very special circumstances* exist to outweigh harm to the Green Belt.

In view of the Emerging Local Plan's release in Autumn 2023 the approach that the housing shortage creates very special circumstances is not only premature but undermines the work of the WHBC in its attempts to finalise the modifications to the plan. We appreciate that WHBC has taken a long time to get the results on housing numbers, but we have noted their professional intention and confidence that they can deliver what they have promised and that they are moving towards their goals.

We further supported WHBC'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".

The Appellant has failed to show that the development will function well and add to the *overall quality of the area*, not just for the short term but over the lifetime of the development. He has failed to demonstrate that the development is even *remotely sympathetic* to the local character and history including the surrounding built environment and landscape setting. A short walk around the village is all that is required to establish that the proposed plans are not sympathetic to the local character.

The character of a village can either be preserved and maintained for *all to enjoy* or it can be subsumed and lost forever when profit making decisions overtake the development process. Admittedly character is difficult to define, but a cursory search on the internet as to the most beautiful places in Hertfordshire shows what people value and appreciate, I quote: "*With sweeping valleys and lush green landscapes mostly untouched by any kind of development, it's a wonderful place to discover a few of England's Areas of Outstanding Beauty. Throw in some fine stately homes, pretty suspended-in-time villages and easy-on-the-eye historic*

*towns open to the public and you've got yourself a very charming English county indeed."* ([Top 15 Most Beautiful Places to Visit in Hertfordshire](https://globalgrasshopper.com/destinations/uk) - [GlobalGrasshopper](https://globalgrasshopper.com/destinations/uk))

Technical matters such as highways and flooding might be mitigated somewhat with research and money but, the character and beauty of an area are not so easily achieved.

Contrary to claims made by the Appellant, there is clearly a great risk of coalescence and there is definitely a Green Gap threat. We have heard this being confirmed by those that study the effects of such green gaps on ecosystems in contrast to the light-hearted dismissal of the loss of the green gap by those with vested interests.

In regard to our major objection of the unacceptable impact on highway safety; whilst the Appellant has indicated intent to make payment towards resolving the issues, there has been *inadequate road safety audit work undertaken to give assurances to the residents of Brookmans Park in particular, that the changes in volume of vehicles will not represent a challenge, a risk and danger*. The proposal *continues* to fail to demonstrate that priority first would be given to pedestrian movements in the area and that the needs of people with disabilities and reduced mobility, let alone the children of the primary school in Bradmore Way. Proof from the local residents testified to the severe congestion, the damaged cars and the risk of injury from parking on and driving on the verge and in some cases pavements. And 184 confirmed parking enforcement notices in 1 year issued on the three roads nearest to the proposed development testify to the parking issues in those roads alone.

Traffic and transport issues represent fundamental concerns and we do not believe that *traffic conditions shall be improved to the extent that road safety will not be an ongoing issue* therefore we were particularly aggrieved to note that the highways issue was dealt with *in isolation by Herts County Council and the Appellant without reference or consultation with the community or other Rule (6) parties*.

In regard to the provision of a Care Home in the proposal, NMPC have considered this on its own merits and appreciate that our Parish's needs differ from the those of many other communities. We know from consulting our own elderly residents that they do not want to move into care homes such as the one proposed. A sizeable questionnaire in 2011 indicated our elderly wanted to downsize, remain independent and live in small bungalows or sheltered accommodation when the time came. The Appellant failed to extend the courtesy of consultation with the elderly community on this point – had he done so he would have established this simple fact. The Appellant used the excuse that the care home was for the purpose of meeting a need, however failed to take into account a) the existence of many care home facilities nearby, and b) the fact that the greatest need is driven by the NHS needing to decant elderly patients to local care homes to free up beds, but they cannot do this when the care home is private. Therefore, the greatest need could not be met by the presence of this care home.

Likewise, the Appellant quoted with enthusiasm the availability of the local primary school for the proposed development - completely ignoring the fact that the school is oversubscribed. Therefore, even more parents would have to travel in and out of the development to get to a school with places – totally undermining the Appellant’s supposed sustainable travel arguments. The Appellant has failed to convince us of the provision of a sustainable form of development in mitigating the impact on local infrastructure and services.

NMPC noted the statements such as “new or enhanced green infrastructure; improvements to biodiversity, habitat connectivity” but these provide no assurances whatsoever that there has been serious consideration of the wildlife, woodlands, ecosystems and the impact of the construction of the development upon them. Planting hedgerows and some trees will not bring back the plethora of creatures that left because their habitat was destroyed by construction vehicles and construction materials.

NMPC by contrast takes most seriously its responsibilities to help protect our landscapes. At a time when Water End Swallow Holes are the “only major sinkholes in chalk that are a permanent feature of the landscape and constitute the drainage outlet for *the largest enclosed karstic basin in England*” we would be negligent in not demanding the strictest protections of these very special environments.

This area is clearly unique. At a time when the whole world has woken up to the issues of conservation and sustainability, how is it possible that we find ourselves having to defend this site from potential destruction?

Inhabitants of these additional 125 properties, and the workers and visitors of the care home and scout hut shall need to use cars to get to work, to get to school, to shop - they will generate light pollution, air and noise pollution and they shall create runaway water issues, to suggest otherwise is disingenuous.

The loss of agricultural land during times of global food security is short sighted reckless, and not to mention cruel in terms of the livelihood of the farming business which shall be ruined by the proposed development.

Last but not least, we reiterate the point made several times throughout this Inquiry that the WHBC Emerging Local Plan does not include this site in its proposals nor has the examiner included the site in the agreed numbers. What is often overlooked when an Inquiry is set up in response to an appeal for one particular development, is the fact that there are often several *other* applications for developments impacting that same local community. This is indeed the case for our Parish and was confirmed throughout the hearing.

We currently find ourselves dealing with 4 other large developments – again encroaching on more Green Belt land. What would be the point of all the hard work that went into developing the NPPF if all that an Appellant had to say was “there is a shortfall in housing and therefore there is justification for very special circumstances”. If all the proposed developments in the pipeline were to be agreed, certainly in the case of Brookmans Park, the numbers for housing would

exceed the needs demonstrated. Aside from the Green Belt issue, this point alone, *knocks down the Appellant's only argument for very special circumstances.*

There is a very strong case that there *will not* be a shortfall of housing numbers but, if the appeal were to be upheld on the grounds of housing numbers, we shall lose forever this part of our Green Belt for no good reason. By upholding this appeal we shall be contravening the 3 important purposes of the Green Belt i.e.

- a) To check the unrestricted sprawl of large built-up areas.
- b) To prevent neighbouring towns merging into one another; and
- c) to assist in safeguarding the countryside from encroachment.

The Emerging Local Plan has gone out to consultation on the final modifications with a view to adoption soon. The development of this site will therefore be totally contrary to that Plan and it will be unnecessary according to the Appellant's *own* justifications.

Our community clearly rejected this proposal when it was first put forward to us and for legitimate and sound reasons. We said at the beginning that it is the remit of NMPC to stand for the well-being of the community and the Parish area. Blessed as we are to have Green Belt land within and around our Parish, we believe we are the last line of defence for such a unique environment. This is not Nimbyish as has been claimed – it is preservation of our Green Belt for everyone's benefit.

In a day and age where children spend so much time in front of screens and tablets, there is less and less opportunity to enjoy nature and to see the beautiful outdoors, but at least they have the potential and opportunity to do so if we keep our Green Belt. However, if that land is gone, if the ecosystems have been destroyed, no amount of S106 monies can bring it back for them.

And it's not just for the children, surely we remember the important role these open spaces played in keeping us sane during the height of the Covid era?

So, in closing, we respectfully request that the Planning Inspectorate support our community, our Parish and our Council in dismissing this appeal, because this proposal isn't just a profit-making venture, it is a contributory factor towards the gradual destruction of our Green Belt, and in turn, our villages and our hamlets which are so unique to the UK.

February 2023