

OBJECTIONS RELATING TO THE APPLICATION FOR DEVELOPMENT OF 26 DWELLINGS ON FIRS WOOD CLOSE, NORTHAW, EN6

GROUND 1 - Protocol 1, Article 1 European Convention on Human Rights: Protection of property

Home owners in Firs Wood Close and Hook Lane have a 'legitimate expectation' based on a legal provision within the NPPF, that the Green Belt status afforded to the land surrounding their settlement would be permanently maintained for the preservation of the character and openness of the settlement and the prevention of urban sprawl. This expectation is reinforced by the rationale for Green Belt preservation which was to encourage development on existing built-up areas not in the countryside.

Any interference by the Local Authority with the peaceful enjoyment of residents' possessions can only be justified if it serves a legitimate public interest.

The European Court of Human Rights has held that the protection of the environment is a public interest consideration within the following cases ; G.I.E.M. S.R.L. and Others v. Italy (merits) [GC], § 295; Bahia Nova S.A. v. Spain (dec.); Chapman v. the United Kingdom [GC], § 82.

On balance, the risks posed to the environment and public health outweigh the benefits of building an additional 26 dwellings in this location.

GROUND 2 - Article 2 European Convention on Human Rights - The Right to Life

The Local Authority in its capacity as a policy maker must ensure that it does not undermine or threaten the health and well-being of the public through the implementation of policies which significantly diminish air quality within its jurisdiction. Such policies (including planning policies) must not exacerbate and/or cause or contribute to the physical illness of residents thereby increasing the risk of premature deaths.

GROUND 3 - Pollution

Congruent to the previous ground, levels of pollution within Northaw were recorded as exceeding EU standards of 40 ug/m³ by the Local Authority's own Environmental Overview and Scrutiny Committee report in 2017. Nitrogen dioxide levels adjacent to Wood Green Timber on Coopers Lane exceeded air quality objectives when monitoring was also commissioned by the local Parish Council in 2017. As a result, an ongoing and full range of particulate testing must be performed by the Local Authority prior to granting permission for any developments within the vicinity. Increased traffic and congestion must be mitigated not facilitated by the Local Authority, especially in air quality hot spots, in its duty to protect public health.

Air quality is a fundamental public interest consideration. Residents of Firs Wood Close and Hook Lane live within close proximity to London and the M25 and are over reliant on car use due to the lack of an adequate footpath or public transport enabling access to local amenities which are not within reasonable walking distance. The proposed development and the resulting negative impact on air quality through increased vehicular use is contrary to the aims of the Climate Emergency declared by Welwyn Hatfield Borough Council in June 2019, which seeks to achieve zero net carbon emissions by 2030.

Ground 4 – Inappropriate development

The site is not within or adjoining a settlement that is inset from the Green Belt, hence fails the Stage 1 test of the Housing and Economic Land Availability Assessment. This proposal would amount to an inappropriate development within a site which has been independently assessed as constituting 'high harm'. The NPPF 2019 is particularly concerned with protection from high harm. On balance, the environmental and public health arguments far outweigh the need for an additional 26 new dwellings.

Ground 5 – Character and openness of the area

The proposal would have a detrimental impact on the character and openness of the area and would undermine aspects of the management strategy of the Northaw Common Parkland which includes the following objectives; i) to resist development that could lower the water table within valleys and affect wetland habitats and ii) strengthen and preserve the Landscape Character Area.

Ground 6 – Impact on residential amenity of nearby and neighbouring properties

The existing wastewater capacity is insufficient to meet the demand from the development. Residents of Firs Wood Close and Hook Lane contribute towards the cost of a sewage treatment plant which does not have the capacity to accommodate an additional 26 dwellings.

Ground 7 – Parking.

The roadway serving the proposed development is also privately maintained via residents' contributions via their shareholding in Northaw Park Management Ltd. The legal rights of shareholders would need to be preserved with regards to granting permission for vehicular access by residents of the proposed 26 dwellings to the site and/or parking on Firs Wood Close. At present no such permission or provision for parking exists.

Ground 8 – Infrastructure.

Northaw has no infrastructure to support any development. There are no shops, no adequate footpaths, no public transport services, no medical centres, insufficient schools and employment opportunities. Residents have to drive to Cuffley or Potters Bar to access the nearest facilities and amenities. Both main road and rail capacities are near to full, hence, provisions will be required to mitigate the impact of full capacity to these services as well as the added pressure on existing medical and educational services.

Ground 9 – Sustainability and Over Development.

The proposal would amount to an over development of the site. In 2014, a single dwelling was refused permission on this site by the Local Authority (Ref: S6/2013/2603/PA). This proposal is for an additional 26 dwellings and would amount to a substantial over-development of the site and would be unsustainable pursuant to the objectives of the Local Plan 2016.

Ground 10 – Protected species and Habitats.

The site adjoins a designated Wildlife Site (identifying the most valuable sites for wildlife within the Borough) and would be unsuitable for development due to the detrimental impact on natural habitats, including protected wild deer and would severely impact bio-diversity in the area.

