

**HARPENDEN GREEN BELT ASSOCIATION'S
REPRESENTATIONS RELATING TO
ST ALBANS DISTRICT COUNCIL'S DRAFT LOCAL
PLAN 2018**

Executive Summary

- (1) This consultation does not comply with Reg. 19 of the Town and Country (Local Planning)(England) Regulations 2012.
- (2) Evidence of compliance with the Duty to Co-operate is lacking.
- (3) The decision to remove the Broad Locations from the Green Belt is not justified or consistent with national policy.
- (4) The Green Belt Review was not justified or consistent with national policy.
- (5) The choice of Broad Locations is not justified, effective or consistent with national policy.
- (6) The draft plan is not justified, effective or consistent with national policy because it is not based on adequate, up to date and relevant evidence about transport movements and traffic congestion.
- (7) The draft plan is not positively prepared, justified, effective or consistent with national policy because of the lack of adequate infrastructure planning.
- (8) Policy L21 is not justified or consistent with national policy.
- (9) Policies S6 vii and viii are not justified, effective or consistent with national policy.

I THESE REPRESENTATIONS

These representations are submitted on behalf of the Harpenden Green Belt Association (“HGBA”). HGBA is a local residents’ group formed for the purposes of protecting the Green Belt around Harpenden and campaigning to ensure that development is sustainable and supported by appropriate infrastructure. Further details may be found on our website: <http://www.harpendengreenbelt.org.uk/>

II LEGAL ISSUES

A. Inadequate/Premature Consultation

1. This purports to be a consultation under Reg. 19 of the Town and Country (Local Planning)(England) Regulations 2012. However, on a consultation under Reg. 19, a local planning authority must make available for inspection “a copy of each of the proposed submission documents” (19(a)). The “proposed submission documents” are defined by Reg. 17 to include “(c) the sustainability appraisal report of the local plan” and “(e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan”. It is clear, in context, that a consultation under Regulation 19 should take place just before a local plan is submitted to the Secretary of State, with all the evidence on which the

local authority plans to rely at the Examination being made available to the public for comment, and those representations being considered by the Inspector under Reg.23.

2. The Council, however, proposes something different. It is apparent from the Planning Policy Committee's September 2018 Work Plan that very significant work is scheduled to take place long after this consultation has closed: in particular, Housing Need and Delivery is not to be addressed until December 2018, transport modelling work is not to be available until February 2019 and the Sustainability Appraisal for the plan will not be complete until March 2019. The consequence is that, contrary to Regulation 19, the public is unable to make representations on key aspects of the evidence base which form the "proposed submission documents".
3. Thus the Council is not carrying out its statutory duty under Reg. 19 and if the Council proceeds to submit the draft plan to the Secretary of State without further consultation it should be rejected by the Inspector as **non-compliant with s.20(5)(a) of the Planning and Compulsory Purchase Act 2004**.

B. Duty to Co-Operate

1. HGBA has seen no evidence that the Council has complied with the Duty to Co-operate in s.33A of the Planning and Compulsory Purchase Act 2004 and paragraphs 24-27 of NPPF 2018. In particular, HGBA is concerned that there is no evidence in the Council's library of documents of effective collaboration or sustained joint working with Hertfordshire County Council, Luton Borough Council and Central Bedfordshire Council in respect of cross-boundary transport, education and other infrastructure requirements. The Inspector should require **robust evidence of compliance with the Duty to Co-operate**.

III SOUNDNESS – GENERAL POINTS: POLICIES S2, S3, S4, S6, L17, L18, L21

A. Green Belt Boundary Changes

1. The way in which the Council has approached the key issue of Green Belt boundary change to meet housing needs is unsound, failing to give effect to national policy as interpreted by the Courts.
2. Policy S2 makes clear that the Council has treated an inability to meet "*government figures for housing need*" as automatically creating the "*exceptional circumstances that necessitate major development in locations previously designated as Green Belt*". Similarly, the Reg. 18 consultation booklet told residents that "*The government now says that we should build 913 homes per year*". This approach is based on a fundamental misunderstanding of the way in which decisions about Green Belt boundary change should be taken.
3. The Courts considered the relationship between the presumption of sustainable development and the requirement to find "exceptional circumstances" before making Green Belt boundary changes in a number of cases decided under the NPPF 2012, notably *R (Hunston Properties*

Ltd) v Secretary of State for Local Government [2014] JPL 599; *Gallagher Homes v Solihull MBC* [2014] JPL 713 and *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin). From these we may draw the following principles:

- (1) the objective assessment of “need” is an exercise which is prior to, and separate from, the application to that assessment of other policies, including Green Belt policy (*Solihull* [10]; *Hunston* [25]);
 - (2) a local plan may properly fall short of meeting the “full objectively assessed needs” for housing because of the conflict which would otherwise arise with Green Belt policy (*Hunston* [6]);
 - (3) the NPPF does not require the three *desiderata* of sustainable development to be balanced. Review of Green Belt in the face of sustainable development requires exceptional circumstances. Refraining from carrying out sustainable development and thereby causing social and economic damage by omission does not. The impingement on environmental factors will require the identification of exceptional circumstances to be justified and must be ameliorated to the extent possible (*Calverton* [23]);
 - (4) it is illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to “exceptional circumstances” (*Calverton* [50]);
 - (5) there may be nothing special and certainly nothing “exceptional” about a shortfall between housing need and capacity in a district which has very little undeveloped land outside the Green Belt (*Hunston* [32], as applied to plan-making, see *Calverton* [39]);
 - (6) despite some language differences, the NPPF retains the previous requirement that circumstances are not exceptional unless they necessitate a revision of the Green Belt boundary, exceptionality and necessity being a single composite test (*Solihull*, [32]-[35]);
 - (7) the planning judgments to be made involve identifying, and then grappling with, a number of factors (*Calverton* [51]);
 - (8) in reviewing Green Belt boundaries, local authorities must consider NPPF paragraph 138 (previously 84), and in particular the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary (*Calverton* [19]).
4. NPPF 2018 has not changed any of these principles. On the contrary, paragraph 136 now makes clear that any release of Green Belt must be “*fully evidenced and justified*”. It remains necessary to conduct a two-stage process: see paragraphs 1 and 11 of the PPG on Housing

Needs Assessment. Pursuant to paragraph 11(b) of NPPF 2018, the proper application of Green Belt policies constrains the ability to meet 100% of assessed need. It remains just as illogical and circular under the revised NPPF as it was previously to conclude, as the Council has done, that a shortfall in non-Green Belt land to meet assessed housing need is, without more, sufficient to amount to “exceptional circumstances”.

5. HGBA is particularly concerned that no attempt has been made to consider whether the proposed release of very substantial areas of land from the Green Belt will meet the needs supposedly to be identified for housing through application of the new standard methodology of housing needs assessment. There is no evidence of any correlation at all between the “need” identified by application of the standard methodology, and the people who will actually buy or rent the new housing on the Broad Locations. An identified need for housing cannot constitute “*fully evidenced and justified exceptional circumstances*” necessitating removal of land from the Green Belt, unless it is conclusively demonstrated that the new housing will in fact meet that need.
6. HGBA is also concerned that no account has been taken of an important study commissioned by the Council on the Environmental Capacity of St Albans, which demonstrated that the District does not have the environmental capacity for the large-scale building of homes which the draft plan provides for.
7. For these reasons, therefore, the decision to remove the Broad Locations from the Green Belt is not **justified** or **consistent with national policy**.

B. Deficiencies in the Green Belt Review

1. The Council commissioned a Green Belt Review from independent consultants, Sinclair Knight Merz (“**SKM**”). Their report was produced in two parts.
2. In Part 1, large parcels of land were assessed against four national Green Belt purposes and one local Hertfordshire Green Belt purpose. The fifth national purpose, to assist urban regeneration, was not assessed because it was considered that all of the Green Belt would contribute equally to this purpose.
3. In Part 1, the Green Belt around Harpenden was assessed as playing an important role. In particular, Parcel 40, which lies to the north and north east of Harpenden, makes a significant contribution towards checking sprawl (Figure 7.1), safeguarding the countryside (Figure 7.3), preserving the setting of historic towns (Figure 7.5) and maintaining the settlement pattern (Figure 7.6), in addition to the unassessed purpose of assisting the regeneration of brownfield land.

4. At the end of Part 1, certain sub-areas which were considered to contribute less to the four national and one local Green Belt purposes were identified for further assessment in Part 2. These were the “strategic areas”. In St Albans District, there were eight such areas: see paragraphs 8.2.3 - 8.2.9. At section 8.3, the consultants also referred to “small-scale” sub-areas which were considered to contribute less to Green Belt purposes. There were eight such “small-scale” areas in St Albans District, referred to in paragraphs 8.3.4 – 8.3.11. Only the eight “strategic” areas were taken forward for assessment in Part 2.
5. In Part 2:
 - (1) the eight “strategic” areas were each sub-divided into 2 or more parts. So, for example, the NW Harpenden strategic area was divided into “south-west” (shown green on Figure 7.1) and “East/North” (shown purple on Figure 7.1);
 - (2) the landscape characteristics of one part of the strategic area were considered against the landscape characteristics of the other part or parts of that area: see, for example, in respect of NW Harpenden, the table at page 64. The part with the lesser landscape sensitivity was then selected; and
 - (3) the parts of each strategic area so selected were then ranked, according to their contribution to the assessed Green Belt purposes and three other assessment criteria: environmental, historical and other constraints; integration with existing urban areas and landscape sensitivity. This ranking is set out at Table 9.1.
6. It is readily apparent to the careful reader of the Green Belt Review that the approach taken did not provide a robust method of identifying the areas of Green Belt which perform least well against the 5 national and 1 local purpose, for the following reasons.
7. First, the areas of land which were eventually identified and ranked at the end of Part 2 are the result of division, sub-division and sub-sub-division. The process starts with the large parcels assessed in Part 1. Only parts of those large parcels are taken forward to Part 2. In Part 2 these smaller parcels are again sub-divided and the even smaller parcels are then ranked.
 - (1) This process of concentration on ever smaller areas of land has resulted in parcels of Green Belt which are no longer of a size to be considered truly strategic. A number of the sites, including NW Harpenden and NE Harpenden, are too small to be able to provide any strategic infrastructure and (as explained further below), NW Harpenden is too small to reach the threshold of a “strategic site”, which the Council defines as having capacity for 500 homes. Moreover, the process has deprived the Council of considering any strategy other than urban extensions: none of the parcels would be large enough, for example, to accommodate a new settlement. Thus reasonable alternatives were not considered.

- (2) Further, some of the eight areas identified by this process are not substantially larger than some of the "sub-scale" areas identified in Part 1. However, there has been no evaluation of the sub-scale areas against the sustainability criteria against which the "strategic" areas have been scored. The two kinds of site have been treated as conceptually different, when they are not.
- (3) A further consequence of this repeated sub-division is to result in areas of land of a size unlikely to be able to demonstrate that they fulfil all five national and one local Green Belt purposes to the fullest extent. That is because no area of Green Belt land, when cut down to a sufficiently small size and assessed in isolation from the land around it, is likely to be able to do so. Despite that, the sites eventually ranked perform well against Green Belt purposes: for example, NW Harpenden (site S5) and NE Harpenden (site S6) contribute significantly towards the Green Belt purpose of safeguarding the countryside and make a partial contribution towards the preservation of the setting of historic towns. They both, of course, also significantly contribute towards the unassessed purpose of assisting regeneration.
8. Secondly, in Part 2, the eight "strategic" areas were not compared with each other. Rather one part of each area was compared with the other part or parts of that same area. For example, the West part of S1 was compared with the East/North part of S1, but neither the whole nor any part was compared with S2, S3, S4 etc. The Green Belt Review wrongly assumes that part of every site must be released from Green Belt, but that the whole of any site could not be. Each comparison reaches the conclusion that the area closest to an existing settlement is the "best" for development. This is hardly surprising. In circumstances where the areas assessed are not large enough to accommodate a new settlement, it would be a very odd conclusion to draw that it was better to release from Green Belt a parcel of land which was not adjacent to an existing settlement, in preference to one which was. As a consequence the Green Belt Review does not properly consider all reasonable alternatives. It does not consider, for example, whether it may be better to use, for example, the whole of S1 but not any of S2.
9. Thirdly, the comparison between parts of strategic areas conducted in Part 2 was made on the basis of landscape/visual sensitivity characteristics, not Green Belt purposes. This is to confuse quite different things. It is therefore, not possible to be sure that the same parcels would have resulted from an assessment which only considered Green Belt purposes.
10. One of the consequences of selecting sites by reference to landscape/visual characteristics rather than Green Belt purposes is that the boundaries of the areas identified are not sufficiently robust Green Belt boundaries: for example, the boundary to the northern parcel of the NW Harpenden Broad Location is an imaginary line down the middle of a field, without reference to any physical feature on the ground. The boundary of the East Hemel North Broad Location has also been adjusted, as the boundary identified by the Green Belt Review was not sufficiently robust.

11. Consequently, for the reasons given above, the Green Belt Review was not **justified** or **consistent with national policy**.

C. Evaluation of Green Belt Strategic Sites

1. There is a long history at the Council of deciding what outcome is politically preferred and scoring sites to achieve that outcome, regardless of their actual merits and often contrary to all the evidence and/or reaching the opposite of conclusions previously reached. Such “reverse engineering” was the subject of heavy criticism in relation to the draft plan rejected by the Inspector at the last Examination. It seems that the Council has not learned its lesson and the evaluation which has led to the identification of the 9 Broad Locations is equally flawed and unsound.
2. On this occasion the political decision was that the Council should respond to the pressure imposed by the Government’s threat to remove responsibility from the Council for local plan policy by meeting the target set by the application of the government’s standard housing need assessment (913 homes per annum) through surrendering to housing all 8 of the sites identified in the Green Belt Review and the Park Street Garden Village Broad Location. Planning officers then set about devising a scoring mechanism designed to achieve that goal.
3. The result was a schedule, produced as agenda item 10 to the Planning Policy Committee’s meeting on 22 May 2018. Officers had been asked to rate potential strategic sites under a “red, amber, green” system against various criteria. ALL of the 8 Broad Locations identified in the Green Belt Review were rated “green” against ALL of the criteria, regardless of their actual merits. All of the sites which were rated “amber” for Green Belt characteristics were also rated “green” against all other criteria. Thus the Green Belt status of each parcel was allowed to dictate the overall scoring. The consequences are bizarre. For example, NW Harpenden and NE Harpenden had both been scored “0/10” (the lowest possible score) for their contribution to strategic infrastructure when the previous draft local plan was submitted for Examination: see agenda item 11, PPC meeting 17 May 2016. In the current evaluation, they are both given “green” ratings (the highest possible score) for their “unique contribution to infrastructure provision or community facilities”.
4. The draft plan is not **justified, effective** or **consistent with national policy** because the choice of strategic sites is based on political whim rather than balanced planning evaluation.

D. Absence of Transport Evidence Base

1. The Council should have considered transport issues “*from the earliest stages of plan-making*”, in accordance with NPPF 2018, paragraph 102 and PPG “Transport Evidence Bases In Plan Making and Decision Taking”. Only by having a robust understanding of current and future likely transport issues could the Council direct development towards the most sustainable locations and plan positively for transport infrastructure to support current and future needs. Traffic

congestion is a serious issue affecting the quality of life of residents across the District and there has been very rapid and noticeable growth in the use of the Thameslink rail line in recent years. Existing congestion is likely to be seriously compounded by the extent of growth planned in the District and in neighbouring areas, including Central Bedfordshire and Luton, and the expansion of Luton airport.

2. As mentioned above, the Council is not making the results of its traffic modelling available until after this consultation has closed and the public has been deprived of any opportunity to make representations on it. In any event, the traffic modelling exercise to be conducted will only take into account the Broad Locations which the Council has selected. It will not model the traffic impact of development on the Broad Locations which have been rejected. Consequently, it cannot provide evidence, even after the event, to justify the selections made.
3. Policy L18 states that “*the Broad Locations for Development have been selected in part on the basis of their potential to offer opportunities to achieve sustainable travel outcomes. New school locations have also been selected in part on the basis of their potential to offer opportunities to achieve sustainable travel outcomes.*” These statements are simply not true. Neither Broad Locations nor school locations have been chosen by reference to their potential to offer sustainable travel outcomes: the Broad Locations have been chosen solely by reference to their Green Belt status.
4. For the above reasons, the local plan is not **justified, effective** or **consistent with national policy** because it is not based on adequate, up-to-date and relevant evidence about current and future transport movements and traffic congestion.

E. Lack of Proper Infrastructure Planning

1. NPPF 2018, paragraphs 16(c), 2 and 26 stress the need for local plans to plan positively for infrastructure, as well as other needs, and for local authorities to base their decisions on accurate and up-to-date information about infrastructure capacity, including joint working.
2. The Council’s infrastructure planning is inadequate. The table at Appendix 4 sets out some of the costs associated with specific infrastructure at the Broad Locations. However, there has been no real planning for the infrastructure to support general growth across the District, outside the Broad Locations.
3. For the above reasons, the local plan is not **positively prepared, justified, effective** or **consistent with national policy** because it has not been planned positively to meet the infrastructure needs of the District.

F. Policy L21: Education Sites in the Green Belt

1. Policy L21 plans for a number of schools on land which is to remain Green Belt. This is a flawed, unsound, approach. School buildings are by definition inappropriate development in the Green

Belt, under NPPF 2018, paragraph 145. By seeking to retain these sites in the Green Belt, the Council is accepting that there are no exceptional circumstances which justify the release of the sites from the Green Belt. However, the Council cannot bind itself in advance to finding that there are “very special circumstances” justifying development of schools in the Green Belt on a planning application, since it does not have all the information which would be available to it on such an application. Indeed, it is apparent that there can be no such “very special circumstances” justifying placing schools on Green Belt land outside the Broad Locations if they could be accommodated on the Broad Locations, as is the case, for example, at the NW Harpenden Broad Location (the previous draft Detailed Local Plan proposed two options for siting the proposed primary school: one inside, and one outside, the Broad Location). Consequently, the Council is putting at risk important infrastructure which is needed to support the level of new housing which it proposes. The inability to provide schools, consistently with Green Belt policy, is a constraint on the provision of new housing which the Council must take into account when determining its housing target.

2. For these reasons, Policy L21 is not **justified** or **consistent with national policy**.

IV SOUNDNESS: POLICY S6 VII) – NORTH EAST HARPENDEN BROAD LOCATION

1. Policy S6 vii), relating to the NE Harpenden Broad Location, is unsound for a number of reasons.
2. It is worrying that there is a minimum number of dwellings, but no maximum. The overall net density of 40 dph is too high, bearing in mind the site is located on the urban edge of Harpenden in the green belt adjacent to open countryside. Many visual receptors would be affected by an urban housing estate on green belt land within the countryside.
3. Batford is an isolated community with limited facilities and services. Bearing in mind that a percentage of residents would rely on local services such as shops, cafes, banks, doctors/nurses, dentists etc within easy walking distance, it is unsound not to make provision for a neighbourhood centre, with the communities relying instead on existing shops and services which are currently over-subscribed. Bearing in mind that dwellings at NW Harpenden and NE Harpenden combined amount to at least 1340 dwellings, without the inclusion of a neighbourhood centre within the Masterplan then the broad locations are unsustainable with a strong reliance on the car to access wider facilities and services.
4. The B653/B654 is quoted by the County Council as being the busiest ‘B’ road in the county and 2nd busiest in the country and yet no transport assessment or transport contributions are being factored in to policy to secure highway improvements. The location of the urban extension piggy backs on to the 1950 housing estate and would feed into Porters Hill, Pickford Hill and Common Lane. All these roads in turn feed into the Lower Luton Road. On a wider impact, the junctions with Station Road and Common Lane as well as Thrales End Lane would all be affected. Moreover, the roundabout with High Street, Wheathampstead and the Cory Wright

Road roundabout with Marford Road which are also subject to long tail backs and traffic congestion particularly in am/pm peak rates. Traffic tail backs to East Hyde and beyond and the A1 by Lemsford Village are a daily issue. Bearing in mind Central Bedfordshire propose placing an incinerator at East Hyde and the County have approved a 9 form of entry secondary school in Batford, this broad location policy is fundamentally flawed and ill-conceived.

5. It is not clear whether the Porters Hill Play Park is to form part of this Broad Location. HGBA opposes its loss.
6. HGBA is concerned that parts of the Lower Luton Road abutting the site adjacent to St Martins Close are prone to severe flooding (both fluvial and surface water) on both sides of the carriageway this is due to the location of the River Lea which runs in parallel with the road. This development will exacerbate flood risk. This part of the site has a steep gradient and a robust sustainable urban drainage scheme would need to be carefully thought out before erecting this amount of housing in close proximity to the watercourse.
7. HGBA supports the Batford Community Action Group in its response to this consultation.
8. For the above reasons, Policy S6 vii) is not **justified, effective** or **consistent with national policy**.

V: SOUNDNESS: POLICY S6 VIII) - NW HARPENDEN BROAD LOCATION

1. Policy S6 viii), relating to the NW Harpenden Broad Location, is unsound for a number of reasons.

Listed Building

2. The NW Harpenden Broad Location contains a Grade II listed building, Cooters End Farm. This, its curtilage and its setting are clearly heritage assets to be protected by NPPF 2018 paras 193 and 194. No clear or convincing justification has been given for the harm caused by loss of the listed building or by development within its setting. Policy S6 however makes no mention of the retention of the listed building at all.
3. If it is proposed to demolish Cooters End Farm this would be a clear breach of NPPF 2018 paragraph 195. Moreover, the Sustainability Appraisal supporting the draft plan at this stage assumes that it will be retained and must be reviewed if that is not the case. No evaluation has been carried out of the impact of development of the Broad Location on the setting of the listed building and for all these reasons the Policy is unsound for not being **consistent with national policy**.

Protection of Woodland

4. There is a small area of woodland at the south eastern corner of the NW Harpenden Broad Location. This is believed to be ancient woodland, associated with Ambrose Wood, directly

across Ambrose Lane, which a HCC study determined to be ancient woodland based on its species diversity. It is carpeted with bluebells in the Spring, which are an ancient woodland indicator species. On previous plans, this area has been shown as excluded from the Broad Location but the Policies Map accompanying the draft local plan includes it. To be **consistent with national policy**, it should be made clearer in Policy S6 vii) that this area of woodland is not only to be retained, but to be protected.

Capacity & Density

5. NW Harpenden has a gross area of approximately 18 ha. (Green Belt Review Part 2, para. 7.6.8). However, this area includes the listed building and its curtilage. Removing that leaves a gross area of about 17.1 ha. It is clear that the site is not large enough to accommodate all the requirements of Policy S6 viii), including a minimum of 580 dwellings and a 2.5ha site for a primary school, at any reasonable density of housing. Moreover, it is worrying that there is no stated maximum number of dwellings for the Broad Location.
6. The Council defines a strategic site as one having capacity for 500 dwellings at a net density of 40 dwellings per hectare, based on an assumption that 60% of the available area will be available for residential development (see Planning Policy Committee 13 March 2018, Agenda item 10, paragraphs 4.2-4.3). Since NW Harpenden can only accommodate 410 homes on that basis, it clearly should not have been taken forward as a strategic site. However, in order to achieve the political goal of ensuring that NW Harpenden remains in the plan, the Council has performed a sleight of hand, claiming that NW Harpenden can accommodate 580 homes.
7. How the 580 dwellings figure has been achieved is set out in Annex 1 to the draft plan. What this shows is that the Council have first assumed that the key pieces of infrastructure, namely the primary school and public open space, will be placed outside the Broad Location. Then they have calculated the site's capacity assuming that 80% of the Broad Location will be used for housing. It also appears to be assumed that the listed building will be demolished.
8. Thus, the decision to place the school and the public open space outside the Broad Location has not been taken on planning grounds, because these are the best locations for them, but on political grounds, to ensure that NW Harpenden exceeded the threshold of 500 homes. This leads to the totally illogical situation that:
 - (1) although the school could have been located on the Broad Location (as it was under the former draft Detailed Local Plan), it is being placed on Green Belt land, despite being inappropriate development for the Green Belt; and
 - (2) although the "red, amber, green" assessment of sites claimed that NW Harpenden scores the highest possible "green" score for its "unique contribution to strategic infrastructure and community facilities", in the draft plan the Broad Location itself makes no contribution at all to any infrastructure or community facilities.

9. Approaching the planning of the NW Harpenden Broad Location in this politicised way has a number of severely detrimental consequences:

- (1) the proposed housing development is at an extremely high density, completely out of character with the surrounding areas, contrary to NPPF 2018 paragraph 122(d);
- (2) Annex 1 appears to assume that the listed building will be demolished; alternatively the proposed housing and school development is at a density which will substantially harm the setting of the listed building at Cooters End Farm, contrary to NPPF 2018 paragraphs 193, 194;
- (3) the development is at a density which pays no regard to the need to protect the surrounding landscape: the area in which the NW Harpenden Broad Location sits is currently designated by both the Council and Central Bedfordshire Council as of special landscape importance (as recognised by the Green Belt Review), contrary to NPPF 2018 paragraphs 122(d) and 170;
- (4) the school is inappropriate development in the Green Belt and will substantially weaken the Green Belt boundary at Ambrose Lane, encouraging further development to the East;
- (5) The location of the school is contrary to the advice given in the Green Belt Review Part 2, which at Figure 7.1 and the preceding table states that the land east of Ambrose Lane forms an area of higher landscape/visual sensitivity which *“has a very open character. Development would completely change this. Any changes to this landscape would be very conspicuous and seen over a wide area...Development would also detract from The Kings School, which forms a local focal point...development would be visually prominent from the surrounding landscape”*;
- (6) the location of the school will create very substantial traffic problems down Ambrose Lane, which leads into a tight network of Victorian streets; and
- (7) the school is adjacent to Ambrose and Westfield Woods, which are ancient woodland.

Green Belt boundaries

10. As explained above:

- (1) the Green Belt boundary to the east in the northern section of the NW Harpenden Broad Location does not comply with NPPF 2018 para. 139(f); and
- (2) the location of the school, on Green Belt land to the east of Ambrose Lane, will substantially weaken the new Green Belt boundary at this location.

Absence of Traffic Assessment

11. HGBA is very concerned about the traffic impact of development at the NW Broad Location, which has not been properly assessed. As indicated above, the Council's traffic modelling is not available for comment during this consultation. Cooters End Lane and Ambrose Lane are narrow country roads, leading into a tight network of Victorian streets in Harpenden and the volume of traffic likely to be generated down them by development of the Broad Location, including school traffic, is unsustainable, as demonstrated by modelling carried out in 2016 in respect of the previous draft local plan. The A1081 is already congested in peak times, with delays at the Park Hill/A1081 junction where the road narrows under the Nickey Line bridge. This Broad Location, like NE Harpenden and others, has been selected for very substantial housing numbers without any proper analysis of the traffic impacts of doing so.
12. For the above reasons, Policy S6 vii) is not **justified, effective** or **consistent with national policy**.
13. Generally, Policy S6 has been conceived in haste and will not deliver sustainable development. Bearing in mind as a minimum 1,340 new homes will be delivered within the next twenty years on NE Harpenden and NW Harpenden alone, there appear to be no substantial social, environmental or economic benefits justifying the release of these green belt sites.

VI APPROPRIATE MODIFICATION

1. If the Council has failed in its legal duties the plan cannot be salvaged.
2. Even with respect to issues of soundness, HGBA's primary position is that the local plan is so badly flawed that it cannot sensibly be modified. A plan in which key and controversial issues about removal of land from Green Belt for housing are based on pre-determined political considerations rather than planning considerations is so far from being sound as to warrant complete rejection by the Inspector. If, however, the Inspector is to proceed with modification of the plan then it can only be on the basis that the Green Belt boundaries should remain where they are.