

HARPENDEN GREEN BELT ASSOCIATION'S
RESPONSE TO St ALBANS DISTRICT COUNCIL'S
CONSULTATION ON A DRAFT
STRATEGIC LOCAL PLAN 2014

Question 1: Economic Development

Disagree.

We do not agree that removing land from Green Belt will assist with economic development of the local area or the country as a whole.

In particular, we disagree with the statement that “*new housing in the district supports economic growth*”. This statement is not justified by evidence: indeed the Sustainability Appraisal Working Note assessing the draft plan (at Appendix B) says specifically of the NW Harpenden site that “*the potential contribution to economic growth through the development of this site is limited*”. The same comment is made in relation to the NE Harpenden site, as well as North St Albans, West of London Colney and West of Chiswell Green.

New housing without adequate supporting infrastructure does not contribute to long-term sustainable economic growth or regeneration, rather it detracts from it. For example, the District suffers from existing high levels of traffic congestion, which the St Albans Sustainable Communities Strategy recognises is a key challenge facing the District, with reducing it said to be an aspect of the four key priorities for the District to 2021. Building new homes without taking any measures to alleviate traffic congestion, as the Strategic Local Plan (SLP) proposes for Harpenden, is likely to inhibit economic growth rather than promote it. We also have significant issues of parking in Harpenden town centre, which the proposals in the SLP will exacerbate, to the detriment of local businesses.

Across the County, there is an infrastructure deficit of £2.4bn. The District Council has made no proper assessment of the quality and capacity of existing infrastructure and its need to meet forecast demands, as it is obliged to do by paragraph 162 of the National Planning Policy Framework (NPPF). For example, in relation to traffic congestion, as mentioned above, it made no calculations itself of the impact on traffic congestion down the A1081 Luton Road when evaluating the NW Harpenden site (Site S5) nor down the B653 Lower Luton Road when evaluating the NE Harpenden site (Site S6) nor did it take Hertfordshire County Council’s advice on such issues before carrying out those evaluations.

Equally, the District Council has not complied with its duty under NPPF paragraphs 156 and 157 to set out its strategic priorities for infrastructure and to plan positively for it: in relation to NW Harpenden, the “Infrastructure Delivery Schedule” at Appendix 5 to the SLP says that the bodies to provide appropriate infrastructure, the time by which it will be provided and how

it will be funded are all “*unknown at this stage*”. Residents can therefore have no confidence that new housing will be properly supported by sufficient infrastructure, which is a necessary minimum for economic growth. Jobs and profits from construction projects are necessarily short term, and the District does not need to attract new people in order to allow local businesses to thrive: indeed, as we have said above, excessive population growth may damage rather than enhance local businesses.

We consider that a strategy of meeting demand for housing, particularly from London, on the Green Belt around London, including in St Albans District, will lead to an imbalanced approach to economic growth, with the South East of the country suffering from over-development and inadequate infrastructure and the remainder of the country receiving insufficient economic support. A joined-up strategy is necessary, which the draft SLP does not provide.

Furthermore, economic development is not an “exceptional circumstance” justifying a change in Green Belt boundaries. A desire for growth is not new or unusual and Green Belt boundaries have historically been fixed where they are in the knowledge that this would impede development for all purposes, including for economic purposes, on the grounds that the 5 recognised purposes of the Green Belt are more important in these locations.

Question 2: Housing Need

Agree.

We do not think that SADC has done a sufficiently good job of making people aware that there are two quite distinct stages: first, an ascertainment of the “objectively assessed need” for housing as defined by national policy and secondly, a decision as to how much of that need it is appropriate to meet, given Green Belt or other constraints. National planning policy and guidance is quite clear that, although Green Belt authorities like St Albans are obliged to measure their “objectively assessed need”, they are not required to meet it by release of land from Green Belt and indeed, should not be releasing land from Green Belt to meet that need unless the circumstances are “exceptional”. Planning Practice Guidance paragraph 45 makes clear that the first stage is the assessment of “full housing needs”, but that should be followed by a second stage, namely the preparation of a Strategic Housing Land Availability Assessment which recognises that Green Belt restrains the ability of the authority to meet that need.

As to the first stage question, we accept that the Government requires SADC to measure something it calls “need” but which does not in fact equate to “need” for housing in the popular sense, but also caters for *“the housing demand of the area”*. We agree that 436 homes per annum is a reasonable measure of this “need” and that, in so far as this “need” is projected into the future by looking at what has occurred in the past, it makes sense to take a 10 year period, rather than the 5 years recommended by the independent consultant.

However, we strongly disagree that the figure of 436 homes per annum, once ascertained, provides any useful tool for determination of planning policy in the local circumstances of St Albans District and in particular for determination as to whether it is appropriate to release land from Green Belt. The number is meaningless. It does not measure housing need in the way that phrase is popularly understood, because it includes those who merely wish or desire to live in the District as well as those who really need to. However, it does not truly measure demand either, because, as the independent consultant recognised at ES 32, the patterns and trends of movement to and through St Albans *“constitute an ‘unstoppable force’, an example of a housing market in which the exercise of demand will always exceed supply and will arise from well beyond St Albans’ boundaries”*. If the study were truly to identify all those people who would buy homes in St Albans District if homes were available

for them, the number would massively exceed even the largest of the options considered by the consultant.

Because the Independent Housing Needs Assessment and SHMA does not attempt to define “need” in the sense in which this word is generally understood, it is impossible to tell from the report what proportion of the 436 homes every year are required by people who are in genuine need of being housed in the District. It should be noted that the distinction between need and demand is not the same as the distinction between local/outsider – there are people in the District now (for example the children of relatively well-off families newly moved to the District) who cannot be said to “need” to live here in future. Equally, there will be people who currently live outside the District who might be said to “need” to live here – for example if they work locally and have strong local ties but are unable to afford local house prices.

Whatever proportion of the 436 homes per annum are genuinely “needed” as opposed to “wanted” – and we simply do not know what that proportion is – there must be very real doubt as to whether those needs will be met by the proposed plan. SADC has no control over the allocation of market housing and its control over allocation of social housing over the long term is limited by Right to Buy and Right to Acquire. The housing market in the District, and in particular in Harpenden, is driven by London, with locals unable to compete in the market with those who have realised substantial equity by sale of London property. Harpenden estate agents tell us that 50% of the houses they have sold in the last year have gone to Londoners. This is consistent with the evidence in the Housing Needs Assessment which, having conducted an analysis of Council tax receipts, found that new-build properties were being acquired by those from outside the District by a ratio of 10:1. The consultant advised that “*these patterns...strongly suggest that new build schemes are driving in-migration to the area rather than meeting the needs of local residents*”: see paras. 2.26-2.27 and ES 31.

It is not fair to existing residents, who place considerable value on the Green Belt, to release Green Belt to meet a figure of 436 homes per annum when this figure is entirely meaningless, measuring neither real need nor real demand and in a situation where the Council cannot in any event ensure that the housing goes to, and stays with, those who genuinely need it.

Question 3: Affordable Housing and Housing Mix/Type

Agree.

We agree that more affordable housing is needed, but it must be recognised that social housing originally constructed as affordable housing may eventually become market housing through the Right to Buy (in respect of Council properties) and the Right to Acquire (in respect of Housing Association properties). Moreover, we note that the Independent Assessment of Housing Need and SHMA at paragraph 2.48 recorded a surge in Right to Buy and Right to Acquire sales since April 2012. Before the Council decides to give up Green Belt permanently for housing, it should conduct a study to predict what proportion of the 40% proposed affordable housing is likely to end up on the market.

We also believe that location is as important, if not more important, than quantity of housing. Green Belt sites on the fringes of our towns are not good places for a concentration of affordable housing, which should as far as possible be provided close to facilities and services.

There are much better locations in Harpenden for affordable housing than the NW and NE Harpenden sites. For example, we have three large surface car parks within a few minutes' walk of the railway station, a new primary school and all the facilities of the town centre, at Bowers Way and either side of Harpenden Railway Station. It may be possible to build a multi-storey car park on one of these, in which case the other two would make excellent locations for affordable housing, in the heart of the town. Equally it may be possible to relocate the Harpenden Telephone Exchange, which would again free up a large site which would be ideally located for affordable housing. Station House, which is currently offices, but appears to be substantially unused, would provide an excellent location for conversion to affordable housing, right next to the Railway Station. As far as we are aware, the District Council has not properly explored any of these options, or similar options in St Albans and other centres in the District. Before concluding that it should release large areas of land from Green Belt, it should commission an independent study to see if there are ways of using brownfield land more imaginatively, in a sustainable way, to provide housing, including affordable housing.

Question 4: Housing Development Options

Option 1.

We strongly agree with Option 1 - to keep Green Belt boundaries where they are.

This is quite obviously the only truly sustainable option, given the findings and recommendations of “Environmental Capacity of St Albans City and District: Defining a Sustainable Level of Development”.

The Green Belt exists for very important reasons and national policy recognises that maintaining Green Belt protection in accordance with section 9 of the NPPF is an important part of achieving sustainable development in practice: see NPPF para. 6.

The Green Belt Review found that the District's Green Belt continues to perform well. Each of the Broad Locations makes a significant contribution to 2 Green Belt purposes (for we must not overlook the fact that the reason why the consultants did not measure the contribution each site makes to the 5th national purpose, to assist in urban regeneration, is because all sites contributed equally well to that purpose) and partially fulfils at least one other purpose. If they do not fulfil all 5 purposes, that is because no Green Belt land of the size of the Broad Locations could be expected to fulfil all 5 purposes - we would suggest that any parcel of land, anywhere in the Green Belt, which was subdivided and subdivided again as the Green Belt Review did to reach the Broad Locations, would find it impossible to pass that test.

Recent Planning Guidance (PPG 44 and 45) emphasises the importance of maintaining Green Belt protection; that Green Belt boundaries should only be altered in truly exceptional circumstances, and that constraints such as Green Belt may restrain the ability of the authority to meet that need. In the accompanying press release Eric Pickles has said that *“protecting our Green Belt must be paramount. Local people don't want to lose their countryside to urban sprawl, or see the vital green lungs around their towns and cities to unnecessary development”*.

We are very concerned that Cllr Daly and planning officers have been promulgating an obviously erroneous interpretation of PPG 44 and telling Planning Policy Committee and residents at local consultation meetings (including with slides to which underlining has been added) that those who wish to protect the Green Belt must provide evidence that *“adverse*

impacts" of meeting objectively assessed need "*would significantly and demonstrably outweigh the benefits*" of doing so. This is wrong for two reasons.

- First, the purpose of a statutory consultation is not to require residents to provide evidence: it is to allow them to participate in the authority's decision-making process by expressing their views on the proposals. It is clear to us that many residents are inhibited from responding to this consultation because they believe that they are not entitled to unless they provide "evidence".
- Secondly, Cllr Daly and his officers have clearly overlooked the word "or" in PPG 44. It is quite clear from this paragraph of the Guidance, in particular when read against NPPF paragraph 14, which it replicates, that Green Belt is to be protected just because it is Green Belt. The test of "adverse impact" applies only where there are no specific policies indicating that development should be restricted. The promulgation of this erroneous view of policy is also inhibiting residents from responding to the consultation, because they believe that it is more difficult to protect Green Belt than it in fact is.

We do not believe that a policy of meeting demand for housing, just because there is demand, by building on the Green Belt around our towns and cities, is a sensible or coherent policy, either nationally or locally. The Metropolitan Green Belt was created to place severe limits on development in the area around London, for the good reason that if market forces were permitted to dictate the location of housing and other development, the result would be urban sprawl, the merging of towns, encroachment into the countryside, destruction of the setting of historic towns and a failure of urban regeneration. To give way to the pressures for development because the market demands it is to subvert the whole purpose of the Green Belt.

The country needs sufficient housing, but it needs it in the right places and supported by the right infrastructure. There is much imaginative thinking currently going on about the creation of new Garden Cities, including by the winner of this year's Wolfson Prize and all the main political parties. That is the future which we believe residents want for their children and grandchildren: properly sustainable communities, well-designed homes within walking distance of facilities and amenities, good transport links etc. In contrast St Albans appears to be taking the easy but unsatisfactory option of acceding to the pressure constantly to erode the Green Belt around our towns and cities, giving way to the primacy of the motor vehicle as it lengthens journey times and putting further strain on already over-stretched infrastructure.

There will always be pressure for development on the Green Belt – because Green Belts are only created in places where there is pressure for development which must be resisted. The Council should be seeking more imaginative ways of building homes. As we have said in section 3 above, we think that there are opportunities for imaginative development of urban areas which have been missed, such as the use of town centre surface car park sites. The Council should be commissioning a study to see if it can make better use, in a sustainable way, of its brownfield sites. It should also be working together with other authorities to create new Garden Cities, rather than looking to Green Belt.

Question 5: “Exceptional Circumstances” for Change to Green Belt Boundaries

We strongly disagree that there are exceptional circumstances justifying change to Green Belt boundaries. The Courts have made clear that this test is “*a very stringent one*”; that it is “*not arguable*” that the mere fact that an authority is drawing up its local plan is itself an exceptional circumstance justifying boundary change and that general planning merits cannot, in law, constitute “exceptional circumstances”: *Gallagher Homes Ltd v Solihull Metropolitan BC* [2014] EWHC 1283.

There is nothing exceptional in the fact that more people would wish to live in the District than we can accommodate: the Housing Needs Assessment and SHMA says expressly that demand for housing in the District is an “*unstoppable force, an example of a housing market in which the exercise of demand will always exceed supply and will arise from well beyond St Albans’ boundaries*” (ES 32).

The argument that there are “exceptional circumstances” appears to rest solely on the fact that the Council cannot provide 436 homes per year unless it builds on Green Belt. But, as we have said above, national policy makes clear that the mere fact that there is a difference between assessed “need” and assessed supply does not justify Green Belt release. That there is an unmet “need” cannot automatically constitute exceptional circumstances, otherwise Green Belt restraint would not be a reason given in paragraphs 14 and 17 of the NPPF for not meeting that need in full. Those who wish to argue that there are exceptional circumstances must show, on the evidence, something particular in St Albans’ local circumstances which is “exceptional” and which necessitates a change to Green Belt boundaries. We do not think that they get anywhere near doing so.

The figure of 436 homes per annum is a measure of some of the demand for housing but, for the reasons given in section 1 above, it is meaningless as a tool for policy in the particular circumstances of St Albans District. As it measures something which has not been measured before, how can it be said that it represents something “exceptional”? We simply do not know what the result would have been of taking a similar measurement at any particular point in the past.

Furthermore, the evidence from the Housing Needs Assessment and SHMA is that new-build homes fuel in-migration into the District rather than meeting local needs (see paras. 2.26-2.27 and ES 31). Green Belt release cannot be justified where the evidence shows that, whatever the level of housing “need” and however that is measured, new market housing on former Green Belt sites will not address that need.

Question 6: Green Belt Review and Development Strategy

Strongly disagree.

The methodology of the Green Belt Review is unsound.

The large parcels of land assessed in Part 1 were subdivided into smaller parts at the end of Part 1 with the identification of 8 "strategic areas" and 8 "sub-scale" areas. Only the 8 "strategic" areas were taken forward for assessment in Part 2. There, they were each subdivided into 2 or more parts, with a choice of one part from each area made according to landscape strength. The 8 areas shown on the Key Diagram, including the 4 Broad Locations, are the sub areas reached by way of this process of division and comparison.

We strongly disagree that this approach provided a robust method of identifying the areas of Green Belt which perform least well against the 5 national and 1 local purpose:

First, the sub-division of the "strategic" areas in Part 2 has resulted in areas which are no longer of a size to be considered truly strategic. At page 4 of the summary booklet it is claimed that the areas of land identified by the Part 2 Review "*are of a strategic scale with the potential for hundreds or thousands of homes and significant public infrastructure*". This is inaccurate: a number of the sites, including NW Harpenden and NE Harpenden, have been acknowledged in the evaluation matrix to be too small to be able to provide any strategic infrastructure.

Some of the 8 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. The two kinds of site have been treated as conceptually different, when they are not.

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 5 national and 1 local Green Belt purpose 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.

Secondly, in Part 2, the 8 "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. It was wrongly assumed that part of every site must be released from Green Belt, but that the whole of any site could not be. As a consequence not all of the options were properly explored.

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.

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. In NW Harpenden, for example, the effect of selecting the site identified in the Part 2 review would be to substitute a very strong Green Belt boundary (the A1081 Luton Road) in part for a line which exists only on a map and does not reflect any feature on the ground. NPPF paragraph 85 requires Green Belt boundaries to be defined clearly "*using physical features that are readily recognisable and likely to be permanent.*"

There are other, unexplained, discrepancies between Parts 1 and 2 of the Green Belt Review. For example, an additional area of land between Milford Hill and Common Lane was added to the NE Harpenden site in Part 2, whereas in Part 1 this area was described as extending only to Whitings Close. It is our understanding that this was added because of a perceived requirement to obtain access down Common Lane and not for any reasons associated with Green Belt purposes.

Question 7: Development Sites

Strongly disagree.

The process by which sites have been selected for release from the Green Belt is patently unsound: illogical, inconsistent and unsupported by, or flatly contrary to, evidence and previous assessments, including those carried out under statute. Some examples are given below with supporting evidence, including documents, provided to SADC in June 2014.

Failure to Give Weight to Green Belt Purposes: It is claimed that “*the strategy will meet development needs with minimum impact on the Green Belt*”. In fact the 4 sites were chosen from 8 without reference to the impact on the Green Belt. Paragraph 5.35 of the methodology agreed at the PPC meeting of 4 March 2014 makes clear that the “evaluation matrix” was not intended to be free-standing, but was to be read together with the Green Belt Review. In the event, however, the sites were chosen only by reference to the scores produced by the matrix and no weight was given to the extent to which they fulfil Green Belt purposes. As a consequence, the 4 sites selected for release from GB are 4 of the 5 sites scoring best for GB purposes. By failing to take into account in the evaluation the extent to which the sites fulfil GB purposes, SADC has failed to reflect paragraph 6 of the NPPF, which makes clear the Government considers that Green Belt policy is an important aspect of “sustainable development” in practice.

Failure to Follow Agreed Methodology: The methodology for the evaluation of sites agreed on 4 March 2014 was not followed in significant respects.

- Contrary to paragraph 5.18 of the methodology, SADC officers did not have “*detailed discussions with Hertfordshire County Council*” before scoring the sites on traffic and access grounds, making the assessments unreliable. We believe that the conclusions drawn on traffic and access for NW Harpenden and NE Harpenden are wildly overoptimistic and would not have been reached had these discussions taken place.
- Contrary to paragraphs 5.8 and 5.21 of the methodology, SADC officers used “as the crow flies” distances rather than measuring walking routes on the ground. This led them wrongly to conclude that NW Harpenden and NE Harpenden were within walking distance – given in the methodology as 800m at paragraph 5.8 and 800m-1000m at paragraph 5.21 - of many services and facilities, whereas in fact people are

likely to drive to reach them, especially as the area topography militates against walking. The judgments about sustainability of development in these locations are therefore based on manifest error.

Internal Inconsistency: If sites are to be properly evaluated, it is vital that the same area of land is scored consistently throughout the evaluation. However, for the purposes of some scores NW Harpenden was treated as including the field north of Cooters End Lane, whereas for the purposes of others it was not. Furthermore, the consequences of assertions made in relation to one criterion were not carried through to the scoring of other criteria. For example, in relation to NW Harpenden, the score for “sustainable location” depended upon education capacity issues being “*capable of resolution*” (see also draft SLP para. 6.69), including by a new on-site primary school. However, for the purposes of the traffic/access score, no consideration was given to the need to provide a separate access for a school or to the impact of school-related traffic.

Inconsistency with Sustainability Appraisal Working Note: The scoring in the evaluation matrix does not tally with the 2014 Sustainability Appraisal Working Note, even in respect of criteria which are supposedly measuring the same thing. For example, Appendix B of the Sustainability Working Note rates East Hemel Hempstead (north) and East Hemel Hempstead (south) as “very sustainable” under “sustainable location”, but NW and NE Harpenden as only “sustainable”. Consequently the view of the sustainability appraisal consultants is that NW and NE Harpenden are less sustainable locations for development than the Hemel Hempstead sites. The evaluation matrix however, gives NW Harpenden a higher score than East Hemel Hempstead (north) for “sustainable location”, and NE Harpenden the same score. The scoring should have been adjusted after receipt of the Working Note to reflect the conclusions in it.

Inconsistency with Statutory Sustainability Appraisals: Some of the scores given in the evaluation matrix are inconsistent with, or even the opposite of, conclusions reached in statutory Sustainability Appraisals of the 2012 draft plan prepared under s.19(5) of the Planning and Compulsory Purchase Act 2004. The justifications given by officers for these discrepancies in answer to public questions are unconvincing. First, it is claimed that the differences arise because of a different national policy context. This cannot be correct: the content of a Sustainability Appraisal is determined by the Environmental Assessment of Plans and Programmes Regulations 2004, which the NPPF does not amend, and the particular SA objectives for St Albans District remain unchanged since 2005. Secondly, it is claimed that the differences arise because the scoring in the evaluation matrix is relative between sites, rather than against an absolute standard. If this is the case (and it does not

appear from the agreed methodology), it is not reflected in the scores given to sites. For example, on “heritage/archaeology” grounds, the only factor which differentiates different sites is the presence or absence of listed buildings. If the scoring were truly relative, that would mean that a site with a listed building would attract a score of 0 or 1 out of 5, a site without listed buildings a score of 5 out of 5. Instead the evaluation matrix gives all sites with a listed building on site a score of 4 out of 5. The evaluation appears not to recognise listed curtilage.

Inconsistency with Previous Evaluations: The scoring in the evaluation matrix is sometimes the exact opposite of other evaluations of the same site. For example, the Strategic Housing Land Availability Assessment (2009) treats vehicular traffic and access issues as a disadvantage of development of “Area of Search 8 (SE part)” – now the southern field in NW Harpenden – and “Area of Search 8 (NW part)” – now the northern field. In the evaluation matrix, in contrast, NW Harpenden has been given 9/10, the highest score of all the sites, against traffic and access: what was a negative has irrationally become a positive.

Previous evaluations of NE Harpenden include recommendations to protect, preserve and improve the important low density farmland that forms the landscape.

Failure to have regard to Sustainable Community Strategies: Contrary to s.19 of the Planning and Compulsory Purchase Act 2004, SADC has not had regard to either the Hertfordshire Sustainable Communities Strategy or the St Albans Sustainable Communities Strategy in determining the number of homes which should be built or the best locations to build them.

Misunderstanding/misapplication of Green Belt Policy: Both in the evaluation matrix, and in answers to public questions, it has been contended that a primary school to accommodate the occupants of new housing in NW Harpenden may be built on land retained in the Green Belt. It has been determined by an inspector (see Three Rivers District Council Site Allocations Report, PINS/P1940.429/7, para. 33) that it is unsound to plan for school buildings (rather than playing fields) on land to be retained in the Green Belt.

Irrational conclusions drawn from evidence/Disregard of cogent evidence: When drawing up the final matrix in July 2009, SADC had two sources of evidence available to it in relation to the traffic/access score for NW Harpenden: a consultation response from HCC Highways from 2009, when the Council was consulting on a proposal to build c.300 homes on Area of Search 8 (SE part), now the southern field for NW Harpenden, and a highways consultant report prepared on the instructions of Herts CC as education authority in 2011, which assessed the whole of the NW Harpenden site as a potential location for a secondary

school, which had been provided by Harpenden Green Belt Association in its submissions. Both raised significant issues concerning traffic and access. SADC

- completely ignored the report provided by HGBA, even though it was more recent than the 2009 consultation response and addressed the whole of the site, and not just part of it;
- failed to consider that the 2009 HCC consultation response was not concerned with the same site as that supposedly being scored, being only the field south of Cooters End Lane. This was obvious, as HCC suggested the potential for access via another arm to the junction of the A1081 and Roundwood Lane – a location from which it is impossible to access the northern part of the NW Harpenden site. Furthermore, the proposal then under consideration involved 200 fewer homes than now contemplated.
- summarised the 2009 HCC consultation response in a misleading way, failing to record that HCC's advice included that "*the A1081 Luton Road forms part of the county's primary distributor network and the average week day traffic flow is in the region of 18,000 vehicles...the County Council as the highway authority will maintain the current policy which states that new junctions on the primary road network will be opposed...[unless] very special circumstances exist*" and "*this area of search represents a large site that will have a significant impact on the road network in the area. Issues surrounding network capacity, access and sustainability must be fully investigated at the earliest opportunity*" and thereby making HCC's advice appear more positive than it in fact was.
- reached conclusions wholly at odds with both the 2009 HCC consultation response and the 2011 traffic consultants' report, both of which emphasised the difficulties associated with traffic and access. No reasonable local authority acting objectively could have drawn the conclusions that "*traffic impact is likely to be acceptable*" or that there is a "*relatively straightforward access position*" from either the 2009 consultation response or the traffic consultants' report.

Regarding NE Harpenden, traffic data appears incomplete and fails to take account, for example, of published Luton Airport projections and data collated and presented for recent developments along the Lower Luton Road.

A similar misuse of evidence from HCC is apparent in the scoring of the NW Harpenden site in relation to school capacity. It is a key part of the evaluation that, whilst “*education capacity issues exist, they are capable of resolution*”, including via an on-site new primary school. However, HCC’s advice is that a primary school needs 2.5ha of flat land – the NW Harpenden site is not flat so clearly not suitable for a primary school. Moreover, no indication has been given as to how or where nursery or secondary school places are to be provided to resolve the education capacity issues that exist.

Equally, HGBA and others provided evidence to SADC that Ambrose Wood, adjacent to the NW Harpenden site, is ancient woodland and a local wildlife site and that the “*small remnant woodland area*” identified on-site is likely to be ancient woodland. Contrary to that evidence, NW Harpenden has been evaluated in the matrix on the basis that there are no local wildlife sites or ancient woodland on site or immediately adjacent.

Mismatch between comments and scoring: There are sometimes discrepancies between the comments in the evaluation and the scores awarded. For example, in respect of “Landscape quality/surrounding area characteristics” for NW Harpenden, the overall conclusion is that a “*mid level evaluation score is appropriate*”. However, in fact a high level has been given, 7/10, in respect of this criterion.

New Sustainability Appraisal Working Note: The new Sustainability Appraisal Working Note Appendix B is inaccurate in several respects.

- In assessing against the SA objectives “greenhouse gas emissions”, “air quality”, it uses the erroneous “as the crow flies” measurements of distance given by officers to justify its conclusions about NW Harpenden and NE Harpenden: the true walking distances are significantly longer.
- In addition, in relation to NW Harpenden the Working Note is inconsistent with the 2012 statutory Sustainability Appraisal for Area of Search 8 as regards the SA objectives “historic and cultural assets”, “health” and “equality and social exclusion”, without good reason.

“Revised” Evaluation Matrix, October 2014: We note that officers prepared a revision to the evaluation matrix in October 2014. As far as we are aware this has not received approval by Planning Policy Committee, nor did it form the basis of the decisions taken in July 2014 as to which sites to release from Green Belt. Moreover, it appears to be relied upon as part of the evidence base only for the online aspect of the consultation and is not available to those

reading the summary booklet in hard copy or Word. However, as it is available on the Council's website we take the opportunity in this consultation to make our views on it known.

The report re-measures some, but not many, of the distances which featured in the original evaluation matrix on which Councillors made their decisions. It demonstrates that the original evaluation was indeed, as Harpenden Green Belt Association and Harpenden Town Council had pointed out in submissions on the draft matrix, based on wholly inaccurate measurements of distance. However,

- The October report continues with errors in its measurement of distances and likely routes taken. For example, the routes measured from the NW and NE Harpenden sites to the Harpenden Railway Station patently fall short of the actual station itself. There are errors in calculations (e.g. NE Harpenden edge of site to nearest town $2.2 + 0.5 = 2.7$, not 2.27) and at one point access is identified via a route that appears only possible if an existing dwelling is demolished.
- The October report does not use the methodology agreed in March 2014. Paragraphs 5.7 and 5.21 of the agreed methodology gave distances that people are likely to walk as 800m or 800m-1km. Paragraph 5.21 indicated that 400m represented a 5 minute walk, 800-1,000m a 10-15 minute walk and that the recommended walking distance reduces by 10m for every 1m rise or fall. Instead of using its own sophisticated interactive mapping system to measure distances accurately, to which the agreed methodology could be applied, officers have instead chosen to use "Google Maps" which has much more optimistic walking times and which does not take account of topography.

In the October report officers seek to argue that the corrected measurements do not change the evaluation scoring or overall conclusions. We strongly disagree. It was a key element of the scoring of the NW and NE Harpenden sites in July 2014 that "*a wide range of facilities including those in the town centre are accessible within walking and cycling distance*": now it is clear beyond doubt that many of the facilities identified as being within walking distance are not within walking distance, the original scoring manifestly cannot be maintained.

Question 8: Housing Density

Disagree.

HGBA recognises that if we are to minimise greenfield development, we need to build more densely in urban areas than has sometimes been the case in the past. We also recognise that, with good design, densely-built housing can be a pleasant place to live.

However, the net density of 40 or more dph is too high for the Broad Locations because these sites are right at the edges of our towns. The housing estates proposed will be wholly out of keeping with the housing on adjacent streets: they will represent ugly "carbuncles" attached to the edges of towns.

It is suggested that if a lower density figure is chosen, it will be necessary to take more land out of Green Belt. This is not the case. It is entirely open to the Council to reduce the overall number of homes and build at an appropriate density without sacrificing other Green Belt land.

Question 9: Infrastructure

Strongly Disagree.

The preamble to this question makes little sense, because the 5 bulletpoints identified from the draft plan have almost nothing to do with infrastructure, which is what the question is apparently aimed at. The appropriate parts of the draft plan to refer to would be paras. 11.3 and 11.4, and the "Infrastructure Delivery Schedule" at Appendix 5.

See our answer to Q1, where we discuss the woeful inadequacy of SADC's infrastructure planning. The Infrastructure Delivery Schedule at Appendix 5 is so sparse as to be almost bare. There is almost no content and certainly no strategic planning in evidence.

The Appendix downplays some infrastructure needs, for example the need to upgrade the Maple Lodge Wastewater treatment works and sewer network to accommodate the proposed new homes in East Hemel Hempstead (north and south). Others it omits

altogether: for example, the Water Cycle Study – Scoping Report in SADC’s evidence base states that, at the proposed rate of home building, upgrades to Harpenden’s waste water treatment works will be required, that the sewerage network is currently at capacity at a number of locations and would require extensive network upgrades through the town; also that localised issues may need to be resolved to ensure the risk of sewer flooding does not increase, with significant upgrades being required through the existing town. No plans have been made for these works to be carried out, which do not feature in Appendix 5 at all.

Appendix 5 falls badly short of SADC’s obligations to set out “*strategic priorities for the provision of infrastructure*” (NPPF para 156) and to “*plan positively*” for the infrastructure required in the area (NPPF para. 157). It is wholly unacceptable to foist an additional 9,000 homes on the District with no clear strategy about how infrastructure will be provided for them or to support existing residents.

As paragraph 11.3 of the draft plan acknowledges, a large part of Hertfordshire's existing. £2.4bn infrastructure deficit relates to highways and schools, and Harpenden and its surrounding villages suffer with current local infrastructure deficiency on both counts. Far from properly assessing the existing capacity, as required by NPPF para 162, SADC has been content to assert in respect of both NW and NE Harpenden that the “*education capacity issues are capable of resolution*”, without in fact making any concrete plans for their resolution.

It seems likely that land will have to be taken out of Green Belt for schools in Harpenden to accommodate the occupants of new housing, but nowhere in the draft plan are these changes to Green Belt boundaries identified. It is wrong to consult with residents about Green Belt changes for housing without identifying the consequential changes to the Green Belt which will be required to accommodate schools and other infrastructure for that housing: residents should appreciate, and be able to comment upon in a single consultation, the full ramifications for the Green Belt of the Council’s voluntary choice to provide 9,000 additional homes.

In so far as the plan (at para. 6.10 and Policy SLP6) proposes new schools on land retained in the Green Belt, this is unsound, as determined by the Inspector in the Three Rivers District Council Site Allocations Report, PINS/P1940.429/7, para. 33. School buildings (as opposed to playing fields) are clearly inappropriate development on the Green Belt and “*exceptional circumstances*” will have to be shown to justify Green Belt boundary change.

Equally, far from properly assessing highways infrastructure and factoring that in to decisions about whether and where to release land from Green Belt, SADC has been content to assert that “*traffic impact is likely to be acceptable*” in NW Harpenden, despite

having carried out no traffic modelling itself, having not discussed the issue with HCC Highways and flatly contrary to the evidence it had available to it.

Question 10: Other Policies

See below for our comments on Policy SLP 13c.

Specific Comment on Broad Locations for Development – NW Harpenden

As regards paragraph 6.69 of the draft plan:

- the conclusion that "*a wide range of facilities including those in the town centre are accessible within walking distance*" is manifestly erroneous, based on "as the crow flies" measurements of distance: see answer to Q7.
- the conclusion that "*topography is favourable for walking and cycling*" is the opposite of the conclusion reached in the statutory Sustainability Appraisal in respect of the 2012 pre- submission draft plan for the southern part of the site. It ignores the fact that the site is on one side of a steep-sided valley, with the A1081 Luton Road running along the valley floor.
- The conclusion that "*education capacity issues exist*" is a gross understatement of the problem, and the assertion that they are "*capable of resolution*" is entirely unsupported: see answer to Q9.
- The conclusions that "*satisfactory vehicular access can be provided*" and "*traffic impact is likely to be acceptable*" are not conclusions which any reasonable local authority would reach on the evidence available: see answer to Q7.

As regards Policy SLP 13c:

This policy assumes that it is possible to fit 500 homes on this site at a net density of 40 dph whilst retaining the listed building at Cooters End Farm and the "small remnant woodland"

and making provision for recreation/public open space as well as, possibly, a primary school. It is not - the site is too small. It is 18 ha gross, 17.1 ha once the listed building and its curtilage is taken into account. Even on the assumption that the part of Cooters End Lane which runs through the site, the public open space, the small remnant woodland and the possible school are all accounted for in the 40% of the site set aside for infrastructure, that leaves only 10.26 ha available for housing. At 40 dph that will accommodate only 410 homes.

In answer to public questions at Planning Policy Committee in September 2014, officers produced a series of slides purporting to demonstrate how this site, or the southern part of it, could accommodate 500 homes. None of these proposals withstand scrutiny.

- The first proposal purported to show how 537 homes could be fitted onto the southern part of the site, with all the infrastructure, including a school, located on additional land owned by the same developer to the East. Apart from the dubious planning merits of having all the housing on one site and all the infrastructure on another, this proposal
 - involves using land which does not form part of the Broad Location on which consultation is taking place and has not been evaluated through the site evaluation matrix. For example, no consideration has been given to the impact on the landscape of these proposals (the land is in a landscape conservation area) nor how the additional land would be accessed.
 - involves building at a density significantly higher than 40 dph and therefore does not reflect Policy SLP 13c.

- The second proposal purported to show 460 homes being fitted onto the southern part of the site, but grossly overstated the areas involved. It showed the southern part of the site as having a total area of 18 ha: in fact this is the gross area of the whole of the Broad Location.

- The third proposal purported to show 440 homes being fitted onto the whole of the Broad Location, as per the calculations in Part 2 of the Green Belt Review. However, the Green Belt Review made no allowance for retention of the listed building and therefore does not reflect Policy SLP 13c.

- The fourth proposal purported to show 720 homes, using the whole of the Broad Location and the additional land owned by the same developer. This is a combination of proposals 1 and 3 and suffers from all the shortcomings of both.