

## SUMMARY OF HARPENDEN GREEN BELT ASSOCIATION'S REPRESENTATIONS

### **Legal Compliance & Duty to Co-Operate**

1. The Inspector is asked to require St Albans District Council ("**the Council**") to prove by robust evidence that it has complied with the Duty to Co-operate, by effective co-operation involving "*sustained joint working with concrete actions and outcomes*" rather than simply "*an exchange of correspondence, conversations or consultations*", particularly with Central Bedfordshire Council and Luton Borough Council in respect of matters which affect Harpenden.
2. The Council is in breach of the Duty to Co-operate because it has not given sufficient weight to the Strategic Economic Plan produced by Hertfordshire LEP in making its decisions as regards the location of housing in its local plan. For political and non-planning reasons, it has chosen to allocate housing to Harpenden, which falls outside the LEP's M1/M25 growth area, in preference to areas in and around St Albans, which do. This affects the funding available for infrastructure to support new housing development.
3. By Regulation 18(3) of the 2012 Regulations, the Council was under a legal duty to take into account representations made to it during a consultation conducted in the Autumn of 2014. That statutory duty engaged the common law duty of procedural fairness, including the obligation to take the product of consultation conscientiously into account in finalising its local plan. The Council did not take the product of the 2014 consultation conscientiously into account and, in particular, failed to properly grapple with legitimate criticisms of the way in which strategic Green Belt sites had been evaluated and chosen.

### **Soundness**

The local plan is unsound, for the following reasons:

1. The setting of the housing target, and the decision to remove land from the Green Belt, is not **justified or consistent with national policy**. In particular:
  - (1) The decision was taken back-to-front. A housing need figure was first ascertained, then four strategic sites chosen for release from the Green Belt, with the decision as to whether or not exceptional circumstances exist which justify such a release being made only thereafter.
  - (2) No reasoned rationale was given for the assertion that exceptional circumstances exist which merit a change to Green Belt boundaries so as to meet 100% of the District's objectively assessed housing need, but no more. Reasonable alternatives, including meeting less than 100% of need and releasing less Green Belt, were not considered.

- (3) A proportion of the housing target figure is to be made up of small-scale Green Belt sites which are yet to be identified and will be brought forward “*where directly supported by local communities*”. Direct support by local communities is not an exceptional circumstance justifying Green Belt boundary change and it is inappropriate for the housing target to have been set on the assumption that these sites will be forthcoming.
2. The local plan is not **justified** or **consistent with national policy** as it has not been informed by an up-to-date Strategic Housing Land Availability Assessment (“**SHLAA**”).
3. 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, which is a serious problem throughout the District and a key issue affecting sustainability of development.
4. The decisions made as to the moving of Green Belt boundaries are not **justified** or **consistent with national policy**, because the Green Belt Review commissioned by the Council from consultants was seriously flawed in its approach; failed to provide a robust method of identifying those areas of Green Belt which perform least well against Green Belt purposes and has resulted in adjusted Green Belt boundaries which are not clearly defined, using physical features that are readily recognisable and likely to be permanent. In particular, the proposed new Green Belt boundary at Harpenden does not comply with NPPF requirements.
5. The identification of four “Broad Locations” to be removed from the Green Belt was not **justified** or **consistent with national policy**, because the sites were pre-determined in advance on political and non-planning grounds and the decision then dressed up by a purported assessment which was illogical, inconsistent and unsupported by, or flatly contrary to, evidence and previous assessments, including those carried out under statute. Elements of the assessment are so bizarre as to be “*Wednesbury*” unreasonable.
6. The local plan is not **positively prepared, justified, effective** or **consistent with national policy** because the Council has failed in its duty to properly assess and plan for the District’s infrastructure needs.
7. Policy SLP 13c, relating to the North West Harpenden Broad Location (“**NW Harpenden**”) is not **justified, effective** or **consistent with national policy** because:
  - (1) it proposes a new Green Belt boundary based on an imaginary line, not reflective of any physical feature on the ground;
  - (2) it is impossible to achieve;

(3) it is based on assumptions about the sustainability of development at this location which are not justified on the evidence.

8. Policy SLP6 is not **effective** or **consistent with national policy** because the location of a secondary school in Harpenden, which is likely to require further release of Green Belt land, is a strategic issue which should have been dealt with in the Strategic Local Plan rather than being left over for the Detailed Local Plan.