

**Deputy Chief Executive  
Resources and Performance**

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Date: 04/02/2016

Dear [REDACTED]

#### **Strategic Local Plan – Duty to Cooperate meeting 26 January 2016**

At the Duty to Cooperate meeting on Tuesday 26 January we discussed HCC Development Service's emerging representations on the Strategic Local Plan (SLP) publication draft (Regulation 19). HCC's officers raised concerns over the provisions for education within the SLP and as promised we take this opportunity to outline the reasons for these. HCC's continued promotion of land west of London Colney was also discussed.

The following is provided without prejudice and for the purpose of continued constructive discussions on the issues.

#### **Secondary school provision**

HCC sought Counsel advice in September 2014 in relation to a new school site at Site F in Harpenden. HCC recognises that this advice considered secondary school need in the context of the earlier Regulation 18 draft of SLP and does not represent current Counsel advice on the publication draft of the SLP. The 2014 Counsel advice does however provide the context for the HCC Development Service representations submitted in relation to the Regulation 18 consultation 2014 and informs HCC's current position. HCC may seek further advice in relation to the publication draft of the SLP and it should be noted that this could change the position taken.

HCC was advised by Counsel that the Regulation 18 plan was unsound and a site for a school in Harpenden as a broad location should be identified in the SLP as a site for Green Belt release to meet demand. HCC was advised that not making that point at the consultation stage would undermine HCC's position. The advice noted that the plan was unsound on the grounds that the SLP did not identify a broad location for a school at Harpenden and that it was also inconsistent to identify the broad location for housing at Harpenden at North West Harpenden (coinciding with Site A), which could ultimately be the preferred school site. It is recognised that the Council has made changes to the SLP in

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relation to the need for a new secondary school in Harpenden, specifically that a new secondary school is required for the Harpenden School Planning Area (paragraph 6.7 and 6.10). It is also recognised, as was stated in the earlier draft of the SLP, that Specific Plans for new school development and expansion of existing facilities will be included in the DLP. Following our recent meeting it is understood that a draft of the DLP will be produced to support the examination of the SLP.

A new secondary school is required early in the plan period and a planning application is likely to be submitted prior to the likely examination date for the SLP. In assessing its position with regard to the soundness of the SLP, given the evidence previously submitted (and particularly that provided in early 2015 which justified identification of Site F) it is necessary for HCC to consider whether the plan provides sufficient support for an imminent planning application. HCC has historically clearly articulated the ongoing demand for secondary school places in representations made in 2011 and November 2014. It is the view of officers that based on the Education Needs Assessment and the alternative sites assessment, which identifies the preferred site, a broad location should be identified within the SLP and a detailed site boundary in the DLP.

Moreover, it is our view that additional justification should be set out at paragraph 6.10 to recognise the body of work which has been submitted by HCC in respect of identifying a site to the north of Harpenden at site F. As you know the site lies in the green belt and significant work has been undertaken in order to determine the most suitable site, information which your authority has had sight of. Notwithstanding that a very special circumstances planning application must now be made, it is deemed not unreasonable to request that explicit support is given to both the aforementioned body of work and the identification of Site F in the current plan.

It is suggested that wording at 6.10 "A provisional site for a ... Education Authority" is replaced with :-

***"The County Council (The Education Authority) has undertaken a detailed assessment of capacity in existing schools followed by a Comparative Sites Assessment and has concluded that a site located east of Common Lane and north of Lower Luton Road to be the preferred location for a new secondary school. The Council has reviewed the evidence and supports the provision of a school at this location. "***

In assessing its position HCC must consider whether the plan provides sufficient support to an application. Aligned to this is whether without a broad location a planning application would be viewed as to prejudice the outcome of the DLP process. While it is understood that consultation on a DLP is set for late 2016 to support the examination of the SLP any delays to the SLP may result in the extension of the timetable.

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It is noted that paragraph 216 of the National Planning Policy Framework states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. It is understood that the more advanced the preparation, the greater the weight that may be given. It is therefore considered that the SLP having been to full Council and agreed for formal publication under Regulation 19 would be a material consideration in the determination of a planning application.

**Primary schools**

Policy SLP6 states that sites for new primary schools may be required in St Albans, Harpenden, London Colney and East Hemel Hempstead. These primary schools are in addition to those required as part of Broad Locations (Infrastructure Delivery Schedule Appendix 5, page 135). As identified in the November 2014 HCC representations there is limited expansion capacity in existing primary schools, new primary schools will therefore be required. HCC has commissioned a site search to identify new primary school sites in St Albans and preliminary findings show that green belt sites will be required. It is highly likely, given what is known about the availability of sites across the District, that green belt sites will also be required in the other settlements listed in Policy SLP6.

New schools are essential infrastructure necessary to support the delivery of the Local Plan. It is welcomed that the Council recognises the need for new schools in the Green Belt in paragraph 6.10 which states that *“education locations for new schools will also be needed and such sites are likely to be located on Green Belt sites”*. HCC does however consider that wording at 6.10 *“Such locations are.....been exhausted”* is replaced with :-

***“Such locations will be supported by this Council if all other expansion possibilities have been exhausted”***

**Green belt policy**

The Council's Proactive Management of the Green Belt is outlined in Policy SLP2 and it is noted that *“Green Belt boundary changes will be made as a result of the SLP Development Strategy”*. It is not clear whether this relates to the provision of essential infrastructure including new primary schools, or whether it relates only to Broad Locations and small-scale greenfield housing development which are explicitly mentioned in the policy.

It is suggested that the section on the Proactive Management of the Green Belt does not acknowledge or reconcile the tension between the objective of protecting the Green Belt and the key issue of ensuring the SLP is providing sufficient school places for families both within existing housing, (especially in the case of Harpenden), and as will begin to emerge as the 8720 houses (in policy SLP 8) planned in the SLP come forward across the Plan period.

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The NPPF makes it clear that new schools are not an appropriate form of development in the Green Belt. Therefore, in the absence of an appropriate land allocation, or in the absence of an appropriate policy, the only way of securing planning permission for a school would be via a demonstration of very special circumstances. That brings with it uncertainty for all stakeholders in the process including the education authority, parents, and local residents.

It is suggested that as new school in the Green Belt will be required wording within paragraphs 5.5-5.8 and in Policy SLP2 is required to recognise the need within the Green Belt for new schools.

### **Infrastructure section**

The Infrastructure schedule should offer more information on secondary education and be more explicit in relation to identified needs, to include Harpenden. It is not clear what is meant by *"It is proposed that the DLP will facilitate identification of school sites in Harpenden and St Albans if required"* and it is requested that this is changed to :-.

***"It is proposed that the DLP will support identification and provision of school sites in Harpenden and St Albans "***

And *"A minimum of one secondary school is required as part of Hemel Hempstead"* should become:-

***Secondary schools are required at Hemel Hempstead and Harpenden and also possibly at St Albans***

### **Land west of London Colney**

Land at London Colney was first identified by SADC as a potential housing allocation in 2009. Extensive technical and environmental investigations were undertaken by HCC at that time and at the request of SADC to investigate the deliverability of the land for residential use. That work resulted in the preparation of a detailed masterplan underpinned by the investigations which were commissioned.

The land was assessed in the SKM report as an area which least contributes towards Green Belt objectives. It is highly ranked in the SKM report being identified as third out of nine sites, it is not clear why the site has scored so low in a subsequent SADC assessment. As outlined in the HCC Landowner Representations (November 2014) the County Council's commitment to the allocation of the site remains. The County Council is contended that SA-S7, given the extent of master planning work undertaken to date, does satisfy NPPF

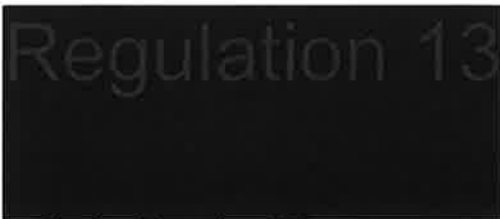
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requirements in this respect and does represent a land release that would have less impact on the Green Belt than other land allocations proposed in the plan. Consultant Vincent & Goring has been commissioned to prepare and submit landowner representations on behalf of HCC.

HCC sincerely wishes to continue discussions with the LPA and where appropriate agree amendments to the plan, allowing the withdrawal of an objection. Where agreement is not reached however HCC will reluctantly consider if it is necessary to engage with the examination process.

I hope the above is helpful in further articulating HCC's current position, as stated this is provided without prejudice and HCC is likely to seek advice with regard to its position in relation to the SLP and secondary school need in Harpenden.

Yours sincerely



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