



**Stage 9**

**Response to EX231**

**SADM31 – HS22/BrP4**

**West of Brookmans Park**

**Prepared by Aurora Properties Limited**

**Submitted - 11 February 2021**

## Response to EX231 (HS22/BrP4) – SADM31

1. The Inspector has invited submissions in respect of EX231, which contains a statement of common ground between WHBC and the Royal Veterinary College (RVC) and Hill Residential Ltd (Hill).
2. HS22/BrP4 was allocated in the submission Plan based on the evidence available to the Council in 2016. That was limited to the SKM Stage 1 (strategic) Green Belt review and the WHBC Stage 2 (site specific) Green Belt review.
3. Following the Hearing Session in September 2017, the Inspector requested the Council to undertake a further Green Belt review. The Council appointed Land Use Consultants (LUC) for that purpose. The LUC report (Stage 3 Green Belt review) was dated August 2018 and published in September 2018.
4. The Inspector made clear in his note dated December 2017 that the purpose of the Stage 3 review was to assist the making of more informed judgments on the soundness of different development strategies in a Green Belt context.
5. It follows from the Inspector's reasoning that the Stage 3 Green Belt review would potentially amend the Council's evidence, with the consequence that sites which had been allocated in the submission Plan might be found to be unsound from a Green Belt perspective and sites which had not been allocated in the Plan might be found to be less harmful if released from the Green Belt.
6. NPPF 2012 Paragraph 182 specifically requires that the Plan should be the "*most appropriate strategy*". The LUC Stage 3 Green Belt review caused the Council to recognise that the submitted Plan was not the most appropriate strategy, or even an appropriate strategy. It was therefore resolved by the Council to delete HS22/BrP4 from the submitted Plan (together with HS24/BrP7, HS29/Cuf12 and HS30/Cuf7). However, that outcome can only be achieved with the acquiescence of the Inspector, who is the only person who can recommend Main Modifications to the submitted Plan under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, in order to make it sound.
7. It would clearly be perverse for the Inspector to require a Green Belt review for the purposes of making more informed judgments about which sites should be released from the Green Belt and to then prevent the Council from advancing and implementing those recommendations at the Examination.
8. In addition to finding that the release of HS22/BrP4 would cause High harm to the Green Belt, the Council should also be mindful that all of the surrounding land to the north, south and west of HS22/BrP4 was found to be Very High harm. Clearly, the impact of HS22/BrP4 on the openness and permanence of that surrounding "essential to retain" Green Belt land is a material consideration.

9. In preparing the Stage 3 Green Belt review, LUC undertook an assessment of P65 (which included HS22/BrP4 as a sub-parcel) against National Green Belt purposes. LUC stated;

*“Expansion of Brookmans Park across the railway line would mark a significant change in settlement form and a less clearly defined Green Belt boundary, weakening the integrity of the wider Green Belt.”*

10. LUC did not undertake a national Green Belt purposes assessment in respect of the smaller parcel (P65a), but did comment:

*“Although the whole parcel is open and rural in character, and expansion of Brookmans Park to the west of the railway line would weaken the integrity of adjacent Green Belt, retaining open land to the north of Bradmore Lane would reduce harm to settlement separation.”*

11. The Council is also aware of guidance in the Calverton judgment (Number: [2015] EWHC 1078 (Admin)) where Mr Justice Jay considered those matters (amongst others) which should be taken into consideration when releasing land from the Green Belt. Paragraph 51 is relevant to the circumstances at HS22/BrP4, where the new LUC Stage 3 Green Belt review has caused the Council to look again at the harm caused to *“this”* Green Belt.

12. Faced with the new Green Belt evidence from LUC and the guidance in Calverton, the Council has decided to request the Inspector to delete HS22/BrP4 from the submitted Plan. This is a well-founded and rational request, based on new evidence and the appropriate application of High Court guidance.

13. The Statement of Common Ground at EX231 makes clear that there is no common ground between WHBC and RVC in relation to the allocation of HS22/BrP4. The Council states:

*“WHBC no longer support the allocation of this site, or the potential extension to it which is described below and do not consider there to be exceptional circumstances for its Green Belt release.”*

14. The Council’s position is unambiguous, that HS22/BrP4 should be deleted from the submission Local Plan and Policy SADM31 be modified accordingly.

**Alan W D Perkins FRICS**  
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**10 February 2021**