Judicial Review – Overview of Process, Outcome and Key Documents

As indicated in previous RSRP information, a Judicial Review application was made in April 2018 into the Grant of Planning Application (15 March 2018) for the Katherine Warington School on the site at Batford Farm Fields. Once this process was launched RSRP, and other directly involved parties, were subject to Court rules about what could be openly discussed about matters relating to the case. Prior to the launching of the case RSRP published its main submissions to the Planning Application process which had expressed numerous substantial concerns over the proposed development. The core submissions remain available in RSRP's document library on its website. Following the publication of the outcome of the case we are able to discuss more of the content than was permissible while the case was proceeding.

Overview:

Three documents were published by the Court on Thursday 2 August 2018 being:

- The Judgement – a 31 page document giving the decisions and reasons for decisions by the Judge
- The (Draft) Order – a 10 point summary of the Court's conclusions on all matters relating to the case.
- Application for Leave to Appeal (within the remit of the JR Hearing) – a two page summary of the Judge's response to Claimant's application to Appeal within the framework of the JR Hearing.

The documents are addressed in the following sequence – The Order (as it summarises the whole case); The Judgement, in sections relating to each of the three Grounds in the Application and the Appeal which was in response to the draft judgement prior to confirmation of decision (sealing).

A: The Order – Content

The Order broadly follows the sequence of the JR with key points presented.

- Points 1-3 are concerned with material submitted to the Court and its admission into the process. Point 1 related to the last of the formal submission of the Claimant, which had been delivered one day late following unforeseen personal commitments for one member of the legal team; along with additional material submitted after that time. The additional material related to Needs Figures which HCC had submitted to the St Albans Local Plan Draft consultation at the same time as the Planning Application – these figures were significantly lower and matched the same lower figures quoted on HCC's website continuously since early November 2017. The final submission related to a matter which the Defendant

intended to rely on relating to a Screening Opinion given to the Applicants' agent in early August 2017 – the Claimant had asked the Defendant to agree (for the Court) that they had not included this document in the Planning information provided in support of the application. The Judge accepted all evidence as relevant and admissible as it had material bearing on the case. In points 2 and 3 the Judge in preliminary reading had asked the Claimant's Counsel to clarify some points in the skeleton argument that had been submitted – point 2 noted this had been complied with (on the morning of the Hearing) and asked for formal confirmation by 1600 the following day (3).

- Point 4 confirms permission to apply for the JR was granted on all grounds. This was the formal application being granted – the notification of the grant did not occur during the Hearing and the Order represents the first confirmation of this.
- Points 5 and 6 refer to the Outcome – the Judge dismissed the 2nd and 3rd Grounds but allowed the claim on ground 1 – this related to the failure of the Defendant (HCC as a Planning Authority) to require an EIA (Environment Impact Assessment). However the Judge went on to refuse relief. All these matters are reviewed in the relevant sections of the Judgement, but in essence the Judge considered legal arguments and precedent did not require either Ground 2 (Green Belt Impact) or Ground 3 (Needs Assessment) to be taken forward, but did find the Council had failed on EIA and then decided that had the EIA been undertaken the same outcome would have arisen therefore the relief (which was to quash the grant) was refused.
- Sections 7 and 8 relate to costs. The Court ordered that the Claimant pay two-thirds of the Defendant's costs (subject to a maximum of £10,000) and no order for costs was made in respect of Interested Parties. The IPs are HCC as an Education Authority and ESFA on behalf of the Secretary of State for Education.
- Section 9 related to the request to appeal the Judge's decision prior to the Judgement being sealed and announced. RSRP were advised that in such cases where there is are grounds to question any aspect of the judgement, any of the parties can do so prior to the judgement being handed down. In this instance there were representations from a number of parties (whose representatives were given the draft judgement a few days earlier) – the principal point was from the Claimant questioning the failure to require the Defendant to carry out the process it was required to have done. That application was refused and is the subject of the third document.
- Section 10 confirms the standard right of Appeal – which if progressed would be handled as a separate Court case – exists and any application must be filed within 7 days from the hand-down. It is our understanding that the norm is 21 days.

A: The Order – RSRP Comment

The key areas that are not covered elsewhere within the Order are the nature of the immediate appeal. RSRP noted the grounds for dismissing on 2 and 3 which were a matter of the Judge's interpretation of the law. It was considered unlikely that any merit would come from asking the Judge to review the interpretation applied in these matters within the JR process. However the unusual step of challenging on ground 1 was taken because the Judge had identified a clear failing which had resulted in the denial of due public input. Indeed as it transpires there is as yet no resolution of the key aspect of Archaeology which is in the public interest and has wider significance. The use of this method of requesting a review within the normal JR process was suggested as it provided the quickest resolution of the matter, compared to undergoing the time of a formal Appeal,

should the grounds for questioning be upheld. It does not preclude the address of the same, or any other matter, through the standard Appeal procedure.

The normal period for lodging an Appeal is 21 days after Hand-down. This has to include assessment of grounds for Appeal and organising every aspect of lodging such an Appeal. RSRP are struck by the inequity of a process that took a Judge three weeks to resolve being given a fraction of that time for consideration of Appeal.

The question of costs has also attracted some comment – the arrangements that govern the cost allocation in such matters are defined by 'Aarhus', which like much case Law and precedent derives from the case which led to the rules being established. In an environmental matter (which this was by virtue of Green Belt) and claim by an unincorporated body (for which both the claimant individually and the residents qualify) the law seeks to allow such cases to be brought without undue financial burdens. It does so by restricting the exposure of an individual to £5,000 of opposition costs and a group to £10,000 of opposition costs. In return the claimant has maximum cost recovery of £35,000 of their own costs. Advice prior to the case was that there have been cases recently in which public authorities have sought gain higher cost awards against claimants – this led to a restricted fundraising effort prior to direction from the Court. In this instance, as RSRP has already stated, the case was requested to be 'expedited' by the ESFA and the request for that and a rolled up hearing (where the full hearing happens immediately after grant of application), the opportunity to raise funds in the knowledge of having a case accepted was also denied to RSRP. It is noted that the Planning Application, to which both HCC and ESFA signed up to as joint applicants, clearly stated that the temporary arrangement for September 2018 was to be delivered by a 5 month build programme starting in March 2018. In March 2018 the same ESFA cancelled the 2018 opening (prior to the JR application) and by May 2018 were stating they needed 13 months to deliver the same start programme for 180 pupils. On the basis of this the expedited hearing was granted. The expedition was not challenged for two reasons, there was a need to have the matter resolved which RSRP recognised and there were further cost implications – any challenge would increase costs to residents.

Despite finding clear failure on the part of HCC and the argument being put that the failure led directly to the case being brought to Court with all its financial implications for the Claimant, the Judge appears to have adopted an arbitrary approach to cost allocation in making a meaningless gesture that two thirds of the costs are attributed to the Claimant, subject to the original maximum. The equity of the costs allocation approach which also further fails to penalise the Council for a failing is being reviewed, but at first viewing it appears that once again HCC are not held in any way accountable for the rules they break along the way. While it is acknowledged there may not be an obvious acceptable (or legally valid) answer to this issue, it is RSRP's view that a totally one-sided approach that penalises one party for another's mistake is wholly unacceptable.

B: The Judgement – Content

The Judgement is a 31 page document with considerable referencing to case law. It is not our intention to publish the full judgement on the site – this is due to both scale and lack of knowledge about permissions. Should you wish to view the judgement it can be accessed through the Gov.uk web for the Planning Division of the High Court, under a link to Previous Decisions. The relevant reference no for the case is CO/1681/2018. If you view the judgement please note that all

referencing is to point numbers in the relevant cases referred to – please ensure you note when you are reading a section of reference and a section (possibly with same number) of the Judgement.

The Judgement document is constructed in a number of sections. The document opens with background and appropriate general legal framework, which by page 2 (para 9) begins to reference case law and precedent – a common trait through the document. By para 16 it concludes that very special circumstances for Green Belt Development apply. This leads to five paragraphs on the legal status of Environmental Impact Assessment, which was at the heart of ground 1 of the Claim. This establishes by para 19 that consideration of the development as an EIA Development is relevant and has noted requirements that a Planning Authority is prohibited from granting planning permission … unless it has taken the environmental information into account or carried out an EIA in respect of the development. In setting the scene the Judge concludes the LPA must establish if the (development) is likely to have significant effects on the environment by virtue of factors such as its nature, size or location".

Having established the Ground should be considered, it is noted that the applicant submitted a request to HCC on 15 May 2017 the last day on which the EIA Regulations of 2011 were in effect (they were displaced with 2017 regulations the following day). There was some question of whether the 2017 Regulations applied to the second screening opinion – which applied to the Application as submitted on 11 September 2017 – or whether 'transition arrangements' came into effect. The Judge noted that whichever governing legal framework there was common ground of eligibility of consideration – namely it related to an urban development project of greater than 5 Hectares. The Judge noted that the LPA had decided in both opinions it was not an EIA development as it 'not likely' to have significant effects on the environment by virtue of facts such as nature size and location (para 24). The Claimant's submission (para 25) was that this was irrational as the LPA failed to make any, or any legally adequate, assessment of the likely effects. The claimant highlighted the openness of the Green Belt and archaeological significance as particular (though not exclusive) such effects. In short the planning permission was considered and granted without legally adequate consideration of whether the development constituted an EIA development.

Significant case law is referenced 26-30 with debate about the role of mitigation and its application – in lay terms whether the decision should identify the damage likely to be caused before considering whether mitigation can be applied to counter the effects i.e. if it is not known what problems are being solved how can it be known that there is a solution. At point 31 the Judge notes, and notes that the parties are agreed, that where an EIA process is required a "local planning authority cannot lawfully achieve the same end by an analogous procedure of its own" i.e. that it is unacceptable to substitute a non-standard process to achieve the outcome.

The judge then moved to consider the screening opinions in respect of Green belt (32-36) in relation to significant effects. It was noted the Defendant had noted "subject to careful consideration of siting, form and massing … it is considered unlikely there will be any significant environmental effects" (33) and "while the development may impact the landscape, this is considered to be minimal due to the siting of the buildings" (34). The Judge (35) considered the Defendant had given sufficient consideration and made a "legitimate exercise of judgement". As such the Judge did not consider for Green Belt that the screening opinions did not reach the high threshold required for irrationality.

The Judge turned then to Archaeology / Heritage Assets which accounted for the largest section of the Judgement – 13 pages paras 37 to 55. The judge noted that the first Screening Opinion (4 August 2017 responding to request of 15 May 2017) appeared to reach a defensible conclusion that the

area had low archaeological potential. It noted that Vincent and Gorbing had submitted their work of January 2015 in support of their submission. This repeated the conclusions suggesting these were valid (in absence of any other assessment) as of May 2017, although it did note work undertaken by a "student" (omitting to mention this was an Archaeology PhD student) which had raised some potential anomalies and indicated that a survey of the site would be undertaken over the coming months and the outcome and an updated desk based assessment would be provided with the application. The Judge notes (39) that it was usual practice to carry out a second screening opinion on submission of the application, thus noting the second opinion could capture new information (and by implication would be expecting to see new information).

The Judge noted (40) that the Planning Officer had by 26 September the benefit of further work completed by the applicants – two key documents were noted an updated Desk Based Assessment by Peter Reeves of CgMs dated June 2017. This stated it had been revised due to surveys undertaken on the site which it states "were found to be inaccurate". The second document was an evaluation dated September 2017 by two archaeologists which noted a number of finds indicative of general background of activity over a prolonged period (though no discernible settlement pattern) and separate find of 14 graves tentatively Anglo Saxon.

At 41 the Judge states "For reasons which were not explained in the evidence, the second screening opinion made no mention at all of the potential significant environmental effects of the proposal on archaeological remains". It goes on to state that the Principal Planning Officer stated he had not prepared or signed off the screening opinion but had reviewed it. The judge went on to observe the claimant had correctly observed this was ex post facto (after the event) evidence to which little weight could be attached.

At 42 the judge states "On the balance of probabilities, it seems likely that the issue of the potential significant environmental effects of the proposal on the archaeological remains was accidentally overlooked by the author of the screening opinion."

The section continues to state that the judge considers that at the very least these matters ought to have been included (in the screening opinion) and therefore the screening opinion was incomplete. At section 43 the judge considers that the Defendant considered the issue and decided it did not need to address this - then its assessment was inadequate, through failure to state its reasons.

The Judge then moved on to 'Relief' i.e. what should be done to redress the error. The Judge noted the Planning Officer's comments that he considered the archaeology was in in area of the site that was unlikely to be affected by building work and that the Officer proposed addressing the concerns through Planning Conditions and separate sign off by experts – notably the County Archaeologist and English Heritage (para 44). The Judge went on to consider other case law where fault had been found and the remedies proposed. There is lengthy reference to a case heard by Lord Carnwath in 2015 (Champion v North Norfolk District Council) including at para 51 reference to Champion para 58 in which the conclusion was that by "relying on evidence presented the developer or competent authorities" a court can decide that a contested decision "would not have been different". It carried a proviso that any court considering such a decision should take into account the extent to which the public was deprived of access to information and participation in decision making. In paras 52 and 53 the Judge highlights that law must refuse to grant relief if it appears to the court to be highly likely the outcome would not have been substantially different but allows the court to disregard this for reasons of exceptional public interest. By paragraph 55 the Judge concludes that there is no purpose to be served in quashing the grant of planning permission. In doing so the Judge states this would merely result in delay in constructing the new school.

The Judge goes on to consider Grounds 2 and 3 together, arguing Ground 3 comes first. This was the challenge on Needs and the Judge summarised the Claim as being that Defendant erred in taking account of irrelevant considerations and / or ignoring relevant considerations, thus making the Judgement irrational. The judge effectively accepted submissions from the two interested parties that amounted to saying that the Defendant's Planning Committee was entitled to accepts HCC Education's forecasts as the most accurate assessment of educational need (para 67) and indicated that both the published and adjusted forecasts were put before the Planning Committee. The Judge noted that forecasting is not a precise science, but relies on the exercise of judgement. In this instance that judgement is planning judgement and the Judge had initially pointed that as an over-riding factor "The exercise of planning judgement and the weighing of the various issues are matters for the decision makers and not for the court" (para 13) which had been preceded by an indication that challenges such as this can only succeed on public law grounds.

The Judge indicated that the Officer Report considered criticisms of the LEA assessment in the consultation responses which "touched upon" the points made by the Claimant. The Judge summarised on the choice of site and scale of school (para 82) that "this decision was a legitimate exercise of planning judgement by the Defendant, with which (the) Court cannot and should not interfere".

With regard to Green Belt the Ground 2 challenge had revolved around the nature of HCC's site choice being counter-intuitive to the Green Belt policies in the area. It was argued that two factors were contra to the Green Belt policy, first that the scale of school was predetermined by HCC (at 6-10 FE) and that this removed viable and less damaging options and second that HCC's application of cost (of land acquisition) leads to the dismissal of less valuable Green Belt parcels as these are more likely to generate 'Hope Value' as they are, by definition, the more likely to be released from Green Belt in Local Plans. In turn it was argued that the policy employed by HCC Education would therefore lead to perverse favouring of more valuable Green Belt sites (in Green Belt terms) for release for schools development which is contrary to Local Plan considerations. The Judge considered that the claim under Ground 2 was 'in truth a merits challenge' disguised as a public law challenge and therefore there was no error of law.

In conclusion the Judge (paras 83-86) confirmed all three grounds warranted consideration in JR and that careful scrutiny of the evidence was required before grounds 2 and 3 were dismissed. In considering Ground 1 paras 84 and 85 reiterate the relevance of archaeology in terms of EIA but in reaffirming the decision that was in the Judge's discretion the judge has taken into account that no other ground was successful and therefore although the claim was allowed the relief was refused.

B: The Judgement – RSRP Comment

The key areas that were considered fell into two distinct categories – those which the Judge considered to be matters of Planning Judgement and those which were not. The principle of allowing reasonable discretion in the exercise of planning judgement is well known and much debated. Reading the judgement it is possible that one could form the view that this is an almost unalienable tenet, which in turn leads to the question (in general terms), how is the process safeguarded against wrong decisions whether these arrive by accident or design. In practice, and it was 'touched upon' there is a means of considering errors of planning judgement – this in essence examines the question of the rationality of the decision being made and seeks to establish 'how' unreasonable it may be. It is often referred to as Wednesbury unreasonable after a landmark case that sought to establish the principle.

The principle of Wednesbury unreasonable is such that the test is that no reasonable decision making body would have reached the decision that it did in the face of the evidence available. It is, in legal terms, a very high bar to meet. In this case both Grounds 2 and 3 of the claimant's arguments required consideration of that irrationality. In Ground 2 the process is simpler to explain – how rational is it that you have policies (as a Local Authority) that directly lead to taking out the more valuable Green Belt lands. In recent times hardly any new secondary schools have been commissioned in the St Albans area, indeed Hertfordshire has gone many years without commissioning a new secondary school. Three projects came in quick succession – Harpenden, Croxley Green and Bishops Stortford North. For Croxley Green (the sister project of Harpenden) the circumstances had similarities as demand was seen to be rising from infill development and general population increase – there was no large scale concentrated housing development. In that instance HCC approached and secured a land allocation in the Three Rivers DC Local Plan – the planning application was made directly by the ESFA to Three Rivers DC and duly passed. The school opened in temporary accommodation last year and 76% of its intake is from within the 2km sustainable transport radius. BSN is related to a major new housing development – this called for 2500 houses, a level deemed sufficient to warrant a new secondary school to service the new housing with some excess for other local demand. While it may seem logical to have serviced this demand with a school within the land set aside for new development (ex Green Belt) the actual proposal put forward by HCC was to have the school buildings within the development area, but to take a substantial piece of unreleased Green Belt land in addition to accommodate school playing fields. By definition this is land that the Local Plan did not designate for release from Green Belt. In the case of Harpenden the point being argued was that HCC's preferences for land acquisition led to a more valuable piece of Green Belt being released under very Special Circumstances – and that more sustainable options were ignored. In the Judgement it is a matter for debate whether the weight attributed to the irrationality consideration by the Judge was sufficient or whether there was too strong an erring towards the presumption of planning judgement being properly exercised (and untouchable).

The same principle applies to the dismissal of Ground 3 – the Needs question. A strong case of irrationality can be seen if taking the argument apparently favoured by the Judge – in agreeing that the presentation of Need forwarded by HCC education to the Planning Officer and the Planning Officer's acceptance of it the Judgement effectively says no matter how many secondary schools are needed in the Harpenden Education planning area, the majority of pupils will always live in Harpenden and therefore every school will need to be built in Harpenden. The outcome of this is that if pupils numbers across Harpenden EPA grow to say 1000 per annum then at the current 60% residence in Harpenden Town, two complete schools worth would need to come in to the town i.e. even with viable numbers in both the larger villages in the EPA, HCC logic would drive pupils in rather than offer more sustainable travel solutions. The irrationality of this was not addressed by the Judge.

With regard to the Needs element which RSRP has always argued includes where the Need is as well as how big it is, there were a number of illustrations put forward in representations. The Judge's reference to some having been touched upon by the Planning Officer disguises the fact that many were not considered, including HCC's own enquiry in 2006 which predicted exactly this type of failing. RSRP's representations to the Planning Process included submitting HCC's own report following its own enquiry into the failing (which had a major effect on success of applications from Village children) to the planning process – there was no evidence of its consideration or of its recommendations that included changing the forecasting and planning practices to better accommodate such circumstances. The judgement offered relies on the presumption of Planning Judgement superseding all other considerations. RSRP first brought attention of this report to Councillors in 2013.

Perhaps the strangest matter within the judgement within this context is that the Judge readily admitted into evidence the Claimant's submission in late June that highlighted the use of different, lower, forecast figures for HCC's submission to the latest SADC Local Plan consultation. In practice these were submitted at the same time as the planning application was being heard by HCC and, given that the same, lower figures appear on the County website as the County's forecast of area demand it is a valid question that to ask why no reference is made to this when it appears that a one-off set of figures has been used to support the planning application. A rational approach would see all figures amended the same way as the figures in the application – anything else is, by definition, irrational.

With regard to the EIA requirement it is understood that a much more public and onerous check should have been carried out – this is a failing which the Judge found. The failing is of HCC's making. With regard to the 'accidental overlooking' or 'for reasons unknown' it is noted that in evidence the Planning Officer stated that he had visited the site in August specifically to review the Archaeology, which was emerging as a significant find. The Officer declares it was not him but a colleague that undertook the screening review on 26 September. However the Planning Officer reviewed this assessment and saw no cause for concern. It is not stated when the review took place, but it was the first non-applicant document to be added to the Planning Register. What the Judge's comments suggest is that there was a double failure – the EIA officer who had access to the initial Screening opinion and view on EIA requirement failed to register the Archaeology and the checking officer who had been to site specifically to review the archaeology also failed to notice its absence in the EIA process. Further the referencing drew attention to a change in emphasis on the applicant's expert report which saw the archaeology work of the PhD student described as "found to be inaccurate" – a remarkable conclusion considering the update was dated June 2017 a month before the archaeology survey work promised in the applicant's agent's letter had even begun. RSRP picked up a number of reports in July 2017 following the 'exhibitions' in which people reported an apparent effort to dismiss the archaeological potential of the site; this came shortly after the updated report. The application, as with most these days, is recommended to have a Statement of Community Involvement supplied as indication of applicant engagement. Although one was produced, its Appendices remained absent for some time, eventually being provided in the final update of the Planning Register in mid-December 2017. Good practice suggests that Localism requirements can be addressed by inclusion of the SCI outcomes in the Planning Application assessment – none were taken into account by the Planning Officer. RSRP had questioned both the validity of methods employed in constructing the SCI and understood that Archaeology was one of many aspects questioned through the formal responses gathered by the applicants.

It is also worthy of note that although the Judge refused relief (the quashing, temporarily or otherwise) of the grant of permission, this was done on the basis of no exceptional public interest and that no prejudice was suffered. In this context it is noted that there was interest from over 2500 people who submitted representations, over 3,300 who signed a petition and from archaeological experts who identified at least regional if not national significance. Through the Application process RSRP had noted that a number of key documents had simply failed to appear, including reference documents by which public consultees could have assessed the planning work as a basis for agreement / concern with the application.

C: The Appeal (within JR) – Content

An application for leave to Appeal within the judgement phase of the JR was lodged following the draft judgement being made available. The request was based solely on the Judge's 'exercise of discretion' in relation to accepting that the although the Defendant had failed to designate as requiring an EIA (Environmental Impact Assessment) the Judge decided that there should not be a requirement for the Council to go back and do the job as required.

The ability to recall to Court to discuss the matter was offered, but not taken up by the Judge (it was estimated this would have resulted in a maximum of ½ day in Court and would have provided the opportunity for all parties to have their views considered). On the basis of the written submission the Judge provided a response confirming her original decision, quoting the relevant case law referenced in the Judgement and concluding that "there has been no substantial prejudice" and citing legal guidance that the Court should refuse relief "if it appears to be highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of had not occurred".

The refusal went further to highlight that if, as (in the Judge's view) the claimant was suggesting that the Council needed to have undertaken the appropriate required review before approving the archaeological matters (still outstanding), then the Judge argued that it was further reason why the remedy was not necessary as the matter was addressed in conditions. The Judge concluded that the matter, while very important to all the parties, has no wider significance.

C: The Appeal – RSRP Comment

As this matter is now the subject of a live application, there must be some restriction on discussion of key points by the parties involved to prevent prejudicing the potential Hearing. RSRP are aware that despite protocol for such matters there was an early "announcement" of the lodging of an Appeal on the evening 8th August, before paper copies had been delivered to Court. Prior to this the claimant's legal team had undertaken the required notification to the Court and as is normally the case immediately followed this with electronic notification to the other parties (legal representatives). Although we cannot as yet identify the particular avenue through which this matter was brought into the public domain, RSRP can (and did) confirm on 10th August that Appeal papers had been lodged. No comment on the specific content of the Appeal will be made while the matter is before the Court – it is a central pillar of the Justice system that the Courts are allowed to decide on matters without undue influence.

There is naturally great disappointment that having found that the Council had erred there is no apparent requirement or desire to have that error corrected. There was evidence of relevant further failings on the part of the Council in the case and evidence put by the claimant to the Court, including many which had been raised with the Planning Authority on numerous occasions throughout the Planning Consultation, and some which were reinforced by doubts included in the Council's own statutory consultees, some of which the Defendant also appear to have overlooked publishing on a timely basis (for reasons that are not apparent).

In paragraph 55 of the Judgement the Judge comments (when considering and rejecting relief) that to do so "would merely result in further delay in constructing the new school". RSRP believe they are fully entitled to interpret this as rewarding HCC and EFSA for delaying the process to create a false sense of urgency on which to rush through a flawed application.

The obvious statement is that the most satisfactory answer would have been for the application to have been called in by the Secretary of State of Housing Communities and Local Government as requested by many immediately after the 19 February 2018 Planning meeting, which would have provided independent assessment.