



JR Background (July 2018)

In recent bulletins RSRP has outlined the status of the JR, an overview of reasons that led to the JR application and provided the main representations made by RSRP to the Planning Application. With less than a week to go to the Application Hearing, most of the key arguments and responses are now registered with the Court.

Why a JR?

The JR is the only process by which the grant of a Planning Application can be challenged. It is RSRP's view that HCC could have addressed concerns long before the Town Planning Application was made, but chose to exclude residents' voices. The brief chronology of HCC's refusal to address this is

2010/11 – HCC commissioned Vincent & Gorbng to identify potential sites for the provision of Secondary education within St Albans District. This was intended to go into the (then) Local Plan Consultation. It was not produced in time and although HCC advised SADC they would consult separately they did not. The report was buried out of sight and unchallenged in any public arena.

2013 – HCC used the report to put forward a case for land acquisition at Batford Farm. The process, once again, was kept out of public view and was only challenged by a last minute, but substantial, public petition organised 24 hours before the sign off by HCC Cabinet. HCC agreed to accept the petition but deemed it too late to delay its decision until the petition had been heard.

2013/14 – Following revelations that HCC had also bypassed the usual consultation with other local government bodies, HCC organised exhibitions about its site choice and the next steps. HCC steered these exhibitions away from the locality of the school, despite venues being available. Residents only got to see the exhibitions after RSRP hired a venue and pressured HCC into releasing the displays.

2014/15 – HCC commissioned further work, again from Vincent & Gorbng, to review the site selection process for Harpenden, to be informed by work to be undertaken by HCC's Schools Planning on Education Need. The results were not ready by original target of September and the Trust's application had to be submitted without a site recommendation. Eventually a large volume of work was produced in early 2015, HCC Committee members were instructed there was no need to review it as it was simply to be passed to DfE. Shortly after HCC cancelled the promised public exhibitions of the new work, declined to take any questions on either their consultant's work or their own supporting material and referred any talk of consultation to a future Town Planning Application.

2015 – DfE publish the Free School applications in which it transpired HCC had offered to acquire land for the school and had included additional demand of 120 pupils per year from Central Beds and Luton to support the Need for the School. DfE referred questions to the Trust's Academies Act Section 10 Consultation (this was held after submission of the Planning Application and the Trust declined to respond to questions about dependence on out of area demand)

2016 – Citing 'urgent business' HCC rush through a motion to provide additional capital to support the build of the school in April. Despite regular communications with DfE, HCC said they had an urgent and unexpected request for allocation of County funds to the build which had to be responded to in two weeks, thus preventing review in public. The amount agreed remains confidential, but the urgent decision did not result in any action for 6 months.

In Spring 2017, following the sectioning off of part of the site to leave a strip for apparent housing development in Green Belt, a resident's petition calling for the site selection to be reviewed was raised and submitted. It was treated as non-urgent in June when, it since transpires, HCC had already initiated the planning application and the petition hearing was deferred to September. In September HCC officers failed to arrange the Hearing and as many of our members had signed the petition RSRP supported two formal complaints into the handling of the petition. These were both upheld as was a further complaint into the underlying officer behaviour that led to the problem.

Many residents will recall the promises of HCC not to purchase the land without planning permission – and to return the land to farming if not used for a school. One promise broken and another looking impossible to fulfil.

In reality HCC's treatment of its residents has been cynical with repeated denial of opportunity to involve its residents despite its promises of transparency and requirements of Localism. The JR addresses the Planning Authority function of the Council, which in this case is where the outcome of persistent mistreatment of residents materialised and it is the only remedy available to address Planning decisions. Inevitably further action will be need to be considered for the systemic failings of the Council, but the immediate need is to prevent the irreparable damage of an ill-informed planning decision.

Funding the Judicial Review

As indicated in our last bulletin the addition of interested parties and the granting of an expedited rolled-up hearing means that all preparation has to be made in advance. The costs of legal representation have increased and need to be met much quicker than originally thought. As indicated an appeal has been launched on crowdjustice.com with the aim of helping meet the additional costs. Contributions are steadily arriving and RSRP's other fundraising routes remain available. Our thanks go to those who are helping us this way. You can support and view progress at

<https://www.crowdjustice.com/case/save-batford-farm-fields/>

Much of the ill treatment of residents by the Council can and will be repeated if the Council are not held to account for their actions. Help us to hold them to account now. Support this challenge.

050718