



# PRESS RELEASE

2<sup>nd</sup> August 2018

180802 RSRP PR R1

PROPOSED 4<sup>TH</sup> SECONDARY SCHOOL FOR HARPENDEN AREA – ANOTHER MILESTONE



A story that started before 2006 and remained hidden from local residents until September 2013 reached yet another milestone at 10.15am on Thursday 2nd August in Court 18 at the Royal Courts of London before Mrs Justice Lang. Just 15 minutes were allocated to the case labelled 'CO/1681/2018 The Queen on the application of Cairns v Hertfordshire County Council' for a brief Hand Down that provided only a limited statement, read out to the court. In practice, the complete (more detailed and complex) ruling will be made public at a later date. Therefore at this time no further comment can be made without both access to the complete verdict text and the time to review it in some detail.

The Hand Down followed a 2-day Judicial Review (JR) Permission Hearing some three weeks earlier in the same Court. The Court had at that time considered first admissibility of some material presented just prior to the session and then moved on to the key questions of whether a JR was to be granted and the JR Hearing itself, as required for a rolled-up hearing. The Court stated it considered the new information to be relevant and allowed that to be formally submitted on the first morning. At that time the Court moved on to hear representations from legal teams representing the Claimant, David Cairns, the Defendant (HCC's Local Planning Authority) and both Interested Parties (Herts County Council - HCC Education and the Secretary of State for Education – ESFA as the Applicants). The case was brought against the Local Authority Planning function and was contesting how they handled the Planning Application. During the Hearings no comment was made by the Judge as to whether permission for a JR had been formally granted, so the Hand Down

is initially the outcome of a permission hearing, which if granted, will then use the same evidence to determine the JR.

The Hand Down Summary read out on 2<sup>nd</sup> August indicates that the Grant of Planning Permission will be allowed to stand. David Cairns, Right School Right Place and many thousands of residents are understandably deeply disappointed in this result, but are awaiting the full ruling in order to assess implications contained within the detail.

In particular this transcript will determine what further steps are appropriate, necessary or available. This could include formal challenges and RSRP will consider the position within the time specified by the Court where this is appropriate.

The complex implications inherent in the brief initial Hand Down do not as yet offer a clear path ahead for residents or the Council and it will be necessary to study the full ruling in some detail before further comment can be made. The initial understanding of the Hand Down Judgement is that the Court has found failings on the part of the Council, yet has indicated that it is prepared to allow the planning permission to stand despite these acknowledged failings. Clearly a ruling that appears to allow the Council/DfE to build in such an unsuitable location is deeply disappointing for thousands of residents across Harpenden, the villages and further afield. The implications of what could be classed as a 'hollow victory' will need to be carefully assessed in the short time available for some responses.

Herts County Council have previously said that they can't wait to get bulldozers on site. However the ruling, in respect of implications for treatment of the potential archaeology on site, at least offer some hope that the Council will honour and respect the important history present in as yet unknown locations across the site. Perhaps we can hope that the archaeology alone may prove pivotal in finally forcing HCC to build elsewhere.

The Court has specific time frames for such Appeals, and any such appeal would require RSRP to consider its input to that process. Any appeal or further pressure by HCC at this stage, however, would just re-confirm the inequality already inherent within this entire saga to date. Let us hope that HCC see sense, decide to listen to their communities and look for appropriate schooling that benefits its residents on the more equitable basis that RSRP has campaigned for throughout. In that case it is further hoped that HCC move to return the field to farming, as they promised so many years ago.

Inevitably further action will need to be considered to address the wider systemic failings of the Council, but the immediate need is to address the irreparable damage of what many believe to be an ill-informed planning decision.

With so many believing this is a bad decision for Harpenden, Hertfordshire and its people, David Cairns, Chair of Right School Right Place, launched Judicial Review proceedings – the only potential remedy to a grant of planning permission. It was not a decision he took lightly but on top of the actual school build proposal, he wanted to safeguard the interests of all local residents.

In reality HCC's cynical treatment of its residents saw repeated denial of opportunities for involvement despite Localism requirements and promises of transparency. The Judicial Review was the only remedy available to address Planning decisions and as such addressed the Planning Authority function of the Council, where the outcome of persistent mistreatment of residents materialised.

Many local residents see this as a fight for local identity, with many wondering just why Herts County Council seem so focussed both on this unsuitable site and on overriding local communities. Their attempt to build a school on a dangerously overcrowded road is arguably about as far from actual need as it is possible to get in the planning area.

Further information will follow shortly.

Ends-

### **About**

**Right School Right Place** is a campaign group made up of over 2000 concerned residents and supporters in Batford, Harpenden and Wheathampstead and the wider school planning area who support the need for a new district school but believe that Hertfordshire County Council has proceeded with a rushed and undemocratic decision to develop a school site in Batford. This is despite clear evidence that this site is highly unsuited to this use, resulting in urban sprawl between Harpenden and Wheathampstead and irreparable harm to the Green Belt in this Landscape Conservation Area (33) (designated as conserve and improve by Herts County Council).

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