


IN THE HIGH COURT
APPLICATION FOR LEAVE TO APPEAL
TO THE COURT OF APPEAL (CIVIL DIVISION)

Title of case/action: <i>Hestfordhwe C.C. v - SSEUG</i>	Action/case no. File no. <i>594/08</i>
Heard/tried before (insert name of Judge): <i>Mitting J</i>	Court no. <i>27</i>
Nature of hearing <i>S. 288 T.C.P.</i>	
Date of hearing/judgement: <i>28/5/09</i>	
Results of hearing (attach copy of order): <i>Allowed</i>	
Applicant's/Claimant's/Respondent's/Defendant's * application for leave to appeal	Allowed/refused* <i>Allowed</i>
Reasons for decision (to be completed by the Judge): <i>No record to review as issue of under examination</i>	
Judge's signature: 	Note to the Applicant: When completed this form should be lodged in the Civil Appeals Office on a renewed application for leave to appeal or when setting down an appeal

* Delete as appropriate

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN

(1) HERTFORDSHIRE COUNTY COUNCIL
(2) CITY AND DISTRICT OF ST ALBANS

Claimants

-and-



SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Defendant

ORDER

UPON HEARING Counsel for the Claimants and for the Defendant

IT IS ORDERED THAT

1. The application under section 113 of the Planning and Compulsory Purchase Act 2004 to the contents of the East of England Regional Strategy ("the RSS") is allowed in part. Policies H1, LA2, LA3 and SS7 which provide for substantial greenfield urban extensions to Hemel Hempstead; Welwyn Garden City and Hatfield over and above that provided for in the draft RSS dated December 2006 and green belt reviews to facilitate such developments are remitted to the Secretary of State to the extent identified in the Schedule to this Order. It is directed that those parts of the RSS remitted to the Secretary of State are to be treated as not having been approved or adopted.
2. The application under section 113 to quash the policies of the RSS in respect of urban extensions to the north of Harlow in East Hertfordshire and associate green belt reviews is dismissed.
3. The Hertfordshire County Council's application for permission to appeal is refused.

4. The Secretary of State shall pay 80% of the costs of Hertfordshire County Council to be subject to detailed assessment if not agreed.
5. The Secretary of State shall pay a proportion of St Albans costs summarily assessed in the sum of £15,000.
6. The Secretary of State shall have 28 days from the date of the approved judgment becoming available to make application to either the High Court or the Court of Appeal for permission to appeal.
7. Hertfordshire County Council shall have 28 days from the date of the approved judgment becoming available to renew its application for permission to appeal to the Court of Appeal.

RSS Policy/para	Those parts of Policy/supporting text to be re-determined (indicated by a line through the text except for "Key Diagram".)
SS7	<p>The broad extent of green belts in the East of England is appropriate, and should be maintained. However, strategic reviews of green belt boundaries are needed in the following areas to meet regional development needs at the most sustainable locations:</p> <ul style="list-style-type: none"> • Stevenage, involving land in Stevenage and North Hertfordshire; • Hemel Hempstead, involving land in Dacorum, and probably St Albans District; • Harlow, involving land in Harlow, East Hertfordshire and Epping Forest Districts; and • Welwyn/Hatfield, involving land in Welwyn Hatfield District and potentially St Albans District. <p>A more local review will be required in Broxbourne</p> <p>.....</p>
H1	<p>.....</p> <p>Dacorum (first column) 12,000 second column 1,860 (370) third column 10,140 (680) Figures include provision (the amount to be determined through Development Plan Documents) for any expansion of Hemel Hempstead within St Albans District</p> <p>.....</p>
	<p>St Albans 7,200 1,830 (370) 5,370 (360) Figures exclude provision (the amount to be determined through Development Plan Documents) for any expansion of Hemel Hempstead within St Albans District, which is included in the Dacorum total.</p> <p>.....</p>
	<p>Welwyn Hatfield first column 10,000 second column 2,730 (550) third column 7,270 (480)</p>
	<p>.....</p> <p>Hertfordshire first column 83,200 second column 17,480 (3,500) third column 65,720 (4,380)</p> <p>.....</p>
LA1	<p>.....</p> <p>(2) Exceptions to the approach in (1) (a) are made at Hemel Hempstead, Welwyn Garden City and Hatfield where strategic green belt reviews will be undertaken to permit these new towns to develop further as expanded key centres for development and change.</p> <p>(3) Other towns in the London Arc will retain and develop their existing individual roles within its polycentric settlement pattern, recognising and</p>

	<p>making as much provision for new development within the built-up area as is compatible with retention and, wherever possible, enhancement of their distinctive characters and identities.</p> <p>.....</p>
13.38	<p>..... The extent of national and regional housing needs, coupled with the benefits of increasing the towns' size, tying into existing infrastructure and tackling regeneration issues, present exceptional circumstances justifying green belt reviews to enable their expansion.</p>
LA2	<p>.....</p> <p>Overall housing growth of 42,000 in Dacorum by 2021, concentrated mainly at Hemel Hempstead. Brownfield redevelopment opportunities will be maximised but sustainable urban extensions will also be required, to be focused on the edge of the built up area of Hemel Hempstead. Extension of Hemel Hempstead into St Albans District will probably be required, taking account of constraints and any opportunities arising from decisions on Buncefield and involving preparation of joint or coordinated Development Plan Documents with St Albans DC. Identification of the urban extensions will require a strategic review of the green belt that allows scope for continued growth of Hemel Hempstead until at least 2031.</p> <p>.....</p>
13.39	<p>The regeneration and expansion of Hemel Hempstead provides a major opportunity for the town to be a key focus for growth, contributing to meeting West Hertfordshire's development needs and will reinforce recovery from the Buncefield fire.</p>
LA3	<p>Welwyn Garden City and Hatfield are a joint key centre for development and change within the London Arc. The strategy for the towns involves: (1) Overall housing growth of 40,000 by 2021, focused mainly at these towns. Identification of urban extensions will require a strategic review of the green belt that allows scope for continued growth until at least 2031. Part of the 10,000 may be in St Albans District if extension of Hatfield to the west emerges as a preferred option, involving preparation of joint or coordinated development plan documents with St Albans DC. Brownfield redevelopment opportunities will be maximised but sustainable urban extensions will also be required.</p> <p>.....</p>
13.42	<p>The locations of future growth in Welwyn Hatfield</p>

	<p>Borough is a matter for determination through the Local Development framework process. This should develop the long term strategy for the future of the two towns, including testing their potential to meet development needs to 2031 and beyond in accordance with Policy SS7. The green belt review should include joint or coordinated work with St Albans District if further expansion of Hatfield to the west emerges as a preferred option. The area to the west of Hatfield includes land identified in the 2007 Hertfordshire Minerals Local Plan for sand and gravel extraction. If this location emerges as a preferred option for an urban extension, the relevant Development Plan Documents will need to provide guidance on the relative extent of areas for mineral extraction and built development and on phasing for any areas where extraction needs to take place before built development.</p>
<p>Key Diagram</p>	<p>Hemel Hempstead</p> <ul style="list-style-type: none"> • Removal of housing growth notation • removal of 'GBR' notation. <p>Welwyn Hatfield</p> <ul style="list-style-type: none"> • removal of housing growth notation • removal of 'GBR' notation