

STATEMENT OF COMMON GROUND

Land to North of Little Green Lane Croxley Green WD3 3SP

LPA Planning Application Reference: 24/2073/OUT

LPA Appeal Reference: 26/0012/REF

PINS Appeal Reference: 6004972

8 May 2026

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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared by Tetra Tech Consulting Ltd (“TT”)¹ acting on behalf of Richborough (“the Appellant”) and Three Rivers District Council (“the Council”) as the Local Planning Authority.
- 1.2 This statement sets out the matters agreed planning, technical, design and environmental issues relating to an appeal against the refusal of the LPA to grant planning permission (reference number: 24/2073/OUT).
- 1.3 The application was refused by Planning Committee on 22 January 2026. The decision notice was subsequently issued on the 30 January 2026 with the three reasons for refusal (RfR) relating to the following:
- Impact on the Green Belt
 - Impact on Ancient Woodland
 - Lack of a S.106 Agreement
- 1.4 The site address is:
- “Land to North of Little Green Lane, Croxley Green, WD3 3SP”**
- 1.5 The description of development is as follows:
- Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters).***
- 1.6 The application was submitted by the Appellant on 19 December 2024. The Application forms an Outline Planning Application (Layout, scale, appearance, and landscape are reserved matters). Access into the site is sought to be secured by condition, all other access matters remain to be considered as part of the layout reserved matters for the purposes of the description of development.

¹ In March 2026, RPS rebranded to Tetra Tech

1.7 This statement sets out the matters that are agreed and those that are disagreed between the Appellant and the Council; the structure of this SoCG is set out as follows:

- Section 2 provides a list of plans submitted with the application and against which the Council made their decision;
- Section 3 provides a description of the relevant planning history;
- Section 4 sets out the development plan context;
- Section 5 confirms the reasons for refusal provided by the Council;
- Section 6 sets out the agreed benefits and harms from the development;
- Section 7 sets out the areas of agreement in relation to the detailed aspects of the scheme
- Section 8 sets out the areas of disagreement between both parties; and
- Section 9 addresses the planning obligations and conditions.

2.0 THE APPLICATION SUBMISSION

Description of Application Site

- 2.1 The site has an area of approximately 40 hectares. It is a greenfield site predominantly used for agriculture, with existing woodland comprising approximately 7% of the site area. Little Green Lane borders the site to the south, with the existing residential streets of Croxley Green and existing Little Green Junior School beyond this. To the north and east of the site is Rousebarn Lane, a predominantly single track route which runs between the site and Whippendell Woods. To the west of the site is woodland and agricultural fields. A public footpath (Sarratt 017) runs through the site between Rousebarn Lane to the east and Dell Wood to the west.
- 2.2 The site is located to the northern edge of Croxley Green and falls within Sarratt Parish area. The centre of Croxley Green is located approximately 2km to the south with Watford approximately 4km to the east.
- 2.3 The site is less than 2km from Croxley Station (Metropolitan Line) which provides regular services to central London via Northwood and Harrow. The closest bus links are on Baldwins Lane to the south. Junction 18 of the M25 is approximately 6km from the site.
- 2.4 In terms of site constraints, the site is situated wholly within the Metropolitan Green Belt. There are Ancient Woodlands (Dell Wood and Long Newlands Spring) adjoining the site to the west and north-west and within the site (Green Lane Wood). These are also Local Wildlife Sites. Public footpath (Sarratt 017) runs through the site. A Tree Preservation Order (TPO) TPO935 was confirmed on the 14 October 2025. This comprises of 10 individual trees (9 x English Oak and 1 x Common Holly) and 1 group (mixed woodland) all located within the application site. Six individual trees are located to the west of Green Lane Wood (the group protected), 2 are located to the northern site boundary and 2 are located to the southern site boundary with Little Green Lane.
- 2.5 Whippendell Wood SSSI is sited to the east and north-east, separated by Rousebarn Lane. Cassiobury Park (Registered Park Grade II, NHLE 1000219) is also sited to the east. Durrants House (Listed Building Grade II, NHLE 1403581) is directly opposite the site boundary on Little Green Lane. It is a Tudor/Jacobean revival-style country house built in 1866-7. The Croxley Green Conservation Area is to the west, south-west of the site – the site does not adjoin the conservation area boundary. The site is wholly within Flood Zone 1 as defined by the Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance).

Application Plans

- 2.6 The detailed application drawings 001 Rev E (Proposed Site Access Durrants Drive) and 002 Rev D (Proposed Site Access Links Way) show the position of the two proposed points of vehicular access to the site across Little Green Lane from Durrants Drive and Links Way.
- 2.7 The application is accompanied by a Land Use Parameters Plan (ref. P24-1200_DE_0014_S1_Rev F) which demonstrates how the different components of the scheme can be incorporated. The Parameters

Plan identifies areas for residential development; open space; mixed use local centre; 1FE primary school; and school expansion land. The Land Use Parameters Plan also illustrates indicative areas for access to the site and within the site. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters accord with the Land Use Parameters Plan.

- 2.8 The application is accompanied by an illustrative masterplan (page 57 of Design and Access Statement) which accords with the Land Use Parameters Plan and demonstrates how the site could be developed, with open space and sustainable drainage to the east and built development to the south and west with a series of roads and walking/cycling routes. It is important to note that the masterplan is submitted for illustrative purposes only to demonstrate how the site could be developed at the quantum proposed.
- 2.9 A Design Code has been submitted with the application. The purpose of the Design Code is to provide a series of clear instructions/rules to inform subsequent Reserved Matters applications.

Original Plans/reports

- 2.10 The application was initially accompanied by the following plans/reports:
- Application Form
 - Land Use Parameters Plan (P24-1200_DE_0015 Sheet 1 Rev C)
 - Location Plan (P24-1200_DE_001 Rev E)
 - Proposed Site Access Links Way (T24544.001 Rev C)
 - Proposed Site Access Durrants Drive (T24544.002 Rev C)
 - Affordable Housing Statement (Tetlow King Planning, December 2024, M24/0511-01.RPT)
 - Agricultural Land Classification and Soil Resources Report (Reading Agricultural Consultants, July 2024)
 - Air Quality Assessment (BWB, December 2024, 233574-01-AQA)
 - Biodiversity Calculation Metric
 - Biodiversity Checklist
 - Design and Access Statement and Design Code (Richborough, January 2025, Rev A)
 - Ecological and Biodiversity Impact Assessment (RammSanderson, December 2024, RSE_8239_R1_V4_EclA)
 - Education Report (EFM, December 2024)
 - Energy Statement (Greengage, December 2024)
 - Flood Risk Assessment (BWB, December 2024, 233574_FRA)
 - Health Impact Assessment (RPS, December 2024, 1.0)
 - Heritage Statement (Pegasus Group, December 2024, P24-1200)
 - Landscape and Visual Impact Assessment (iceni, December 2024)
 - Local Centre Capacity Statement (Lambert Smith Hampton, December 2024)
 - Noise Impact Assessment (BWB, December 2024, 233574_002)
 - Phase 1 GEO-Environmental Assessment (BWB, December 2024, 233574)
 - Planning Statement (RPS, December 2024)

- Preliminary Arboricultural Impact Assessment (Tyler Grange, December 2024, 11702_R02_NC RevD)
- Sports and Leisure Strategy (Sports Planning Consultants, December 2024)
- Statement of Community Involvement (Catus Group, December 2024)
- Sustainability Statement (Greengage, December 2024)
- Sustainable Drainage Strategy (BWB, December 2024, 233574-SDS)
- Transport Assessment (hub, January 2025, Rev A)
- Travel Plan (hub, December 2024)
- TRDC 5 Year Housing Land Supply Assessment (Emery Planning, December 2024, 24-305)
- Utilities Statement (BWB, December 2024, 233574)

Amended Plans/Reports

2.11 Amendments/additional information submitted during the application include:

- Response to TRDC Heritage Officer comments (Pegasus Group 27/03/25 received 28/03/25).
- Response to Lead Local Flood Authority comments (BWB Ref. 233574-BWB-ZZ-XX-T-W-0005_LLFA received 07/05/25).
- Response to Sport England comments (RPS 22/05/25).
- Green Belt Addendum Assessment (Iceni, March 2025).
- Amend Travel Plan (hub Transport Planning Ltd, 26/6/2024) (NB. The agent has confirmed that the amended travel plan received July 2025 should be dated 26/6/2025).
- Amended Transport Assessment and Appendices (hub Transport Planning Ltd, Rev C 3/7/25).
- Active Travel Route Audit (hub Transport Planning Ltd, 2/7/25).
- Technical Note TN2 – Impact on the SRN (hub Transport Planning Ltd, 18/8/25).
- Green Belt: Purpose A Note (Iceni, August 2025).
- Technical Note TN3 – All Modes Travel Demand (hub Transport Planning Ltd, 1/9/25).
- Stage 1 Road Safety Audit Report (hub Transport Planning Ltd, July 2025).
- Woodland Recreational Management Plan (Outline), ref. RSE_8239_R2_V2 October 2025.
- Planning Statement Addendum (RPS October 2025). Including (2) 'Planning Policy Changes and Implications' such as the Sarratt Neighbourhood Plan and (3) Response to themes and matters raised at the preliminary Planning Committee, by consultees and public consultation.
- Amended Transport Assessment and Appendices (hub Transport Planning Ltd, Rev E 23/10/25).
- Amended Preliminary Arboricultural Impact Assessment (Tyler Grange, 11702_R02_NC, 9 October 2025).
- Amended Design and Access Statement and Design Code (Revision C, October 2025).
- Amended Landscape Strategy (Iceni, ref. DL02 G – previously Appendix 11 of LVIA).

- Response to TRDC Stage 4 Green Belt Review (iceni, September 2025).
- M1 Junction 5 VISSIM Model Tests Technical Note (WSP, 13/11/2025).
- Transport Assessment Addendum (hub Transport Planning Ltd, 10/12/2025).
- Addendum to M1 Junction 5 VISSIM Model Tests Report (12/12/2025, WSP).
- Updated Affordable Housing Position Statement (Email from RPS, 15/12/2025).
- Parameter Plans – Various (6/1/26). NB. No changes were made to the parameter plans they have simply been provided as standalone drawings (previously contained within D&A).

3.0 RELEVANT PLANNING HISTORY

- 3.1 The site has been considered as a potential allocation in the emerging Local Plan and twice recommended for allocation by Officers. The merits of this will be addressed in the respective parties' cases.
- 3.2 There have been no previous planning applications submitted on the site. An Environmental Impact Assessment (EIA) Screening Opinion request was submitted as set out below.
- 24/1220/EIA - EIA Screening Request: Up to 600 new residential dwellings (Use Class C3), 1FE Primary School plus expansion land, mixed use local centre including Doctor's surgery, open and green space and associated infrastructure.*
- 3.3 The Council determined the proposals did not constitute EIA development.

4.0 THE DEVELOPMENT PLAN

The Three Rivers Local Development Plan

- 4.1 The planning merits of the application are to be assessed against the policies of the Development Plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014), the Sarratt Neighbourhood Plan (adopted 2025) and the Croxley Green Neighbourhood Plan (adopted 2018). The policies of Three Rivers District Council reflect the content of the NPPF.
- 4.2 **The Core Strategy** was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).
- 4.3 **The Development Management Policies Local Development Document (DMLDD)** was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM12 (Community, Leisure and Cultural Facilities), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).
- 4.4 **Sarratt Neighbourhood Plan** (adopted 2025). Relevant Policies include: Policy 2 (Design Principles); Policy 4 (Housing Mix); Policy 5 (Affordable Housing); Policy 6 (Biodiversity); Policy 7 (Landscape); Policy 8 (Public Right of Way); Policy 9 (Community Facilities); Policy 10 (Car Parking); and Policy 12 (Renewable Energy & Green Infrastructure).
- 4.5 **Croxley Green Neighbourhood Plan** (adopted 2018). As previously noted, the majority of the application site falls within Sarratt Parish area. It is only the two access points proposed from Little Green Lane that fall within the Croxley Green Neighbourhood Plan area and that can be assessed against the Neighbourhood Plan. Policy H03 (Connections to existing footpaths and cycle ways in new developments) advises that all new development should connect into the existing networks and improve their connectivity.
- 4.6 **Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.**
- 4.7 **The Waste Core Strategy and Development Management Policies 2011–2026.**
- 4.8 **The Waste Site Allocations Development Plan Document 2011–2026.**

- 4.9 It is accepted that the strict application of development plan policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development.

5.0 COUNCIL'S CONSIDERATION

- 5.1 The proposed development was presented to the Council's Planning Committee on 22 January 2026 with an Officer Recommendation (OR) for Approval subject to a Section 106 legal agreement. The recommendation as per the Committee Report was as follows:

"The APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO GRANT PLANNING PERMISSION 24/2073/OUT following the completion of a S106 Agreement to secure the Heads of Term set out at section 7.20 below and subject to the conditions set out at section 8 below."

- 5.2 The Members disagreed with the Officer Recommendation. A decision notice (dated 12th January 2024) included three reasons for refusal ("RfR"). The RfRs are set out below.

Reason for Refusal 1 – Green Belt

- 5.3 Reason for refusal (RfR) 1 reads as follows:

"The proposed development constitutes inappropriate development within the Green Belt which is by definition harmful to the Green Belt. In addition the development would also result in actual harm to the openness of the Green Belt and would conflict with purposes (a) and (c) of including land within the Green Belt. No Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and other harm it would cause. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and Section 13 of the NPPF (2024)."

Reason for Refusal 2 – Impact on Ancient Woodland

- 5.4 Reason for refusal (RfR) 2 reads as follows:

"The proposed development by virtue of intensification of use, would result in the deterioration of Ancient Woodland within and adjacent to the site. There are no wholly exceptional reasons to justify the deterioration of these irreplaceable habitats and it has not been demonstrated that the impacts can be mitigated. The development is therefore contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013), Policy 6.3 of the Sarratt Neighbourhood Plan (2025) and paragraph 193 of the NPPF (2024)."

Reason for Refusal 3 – No S106 Agreement to Secure Necessary Mitigation

- 5.5 Reason for refusal (RfR) 3 reads as follows:

"In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 the development fails to secure necessary infrastructure obligations towards: Primary Education; Secondary Education; Special Educational Needs and Disabilities (SEND); Children's Home; Waste Transfer Station; Highways; Medical Centre; Mental Health Care; Community Healthcare; step free access at Croxley Green Station; Affordable Housing; Biodiversity

Net Gain; Sports Provision; Country Park and Woodland Management and associated monitoring fees. The application therefore fails to provide obligations necessary to make the application acceptable in planning terms and fails to meet the requirements of Policies CP1, CP4, CP8, CP9 and CP10 of the Core Strategy (adopted October 2011), Policies DM6, DM10, DM11 and DM12 of the Development Management Policies LDD (adopted July 2013), Policy 5 of the Sarratt Neighbourhood Plan (2025) and the NPPF (2024)."

- 5.6 On the 24 April 2026, the Council notified both the Appellant and PINs that it does not intend to pursue Reason for Refusal No. 2.

6.0 BENEFITS AND HARMS

Tilted Balance

- 6.1 Given the Council's lack of a 5YHLS it is agreed that the application falls to be determined under paragraph 11(d) of the NPPF).

Agreed harms from the development

1. **Policy Conflict.** Both parties agree there is an element of conflict with the Spatial Strategy The proposal constitutes development outside of the defined settlement boundaries.
2. **Heritage.** The proposal is considered to result in less than substantial harm to the setting of the Grade II Listed Durrants House and the Grade II Registered Cassiobury Park.
3. **Loss of Greenfield Land & Landscape.** Given the loss of a greenfield site, there would be localised harm to the landscape, including the Ancient Woodland.,

Agreed benefits from the development

1. **Housing Delivery.** The delivery of housing, particularly given the absence of a 5YHLS. The current five year housing supply situation is pressing and acute.
2. **Affordable Housing Delivery.** There is an acute need for affordable housing within the District. The affordable housing would comprise 300 dwellings, with 70% for Rent (of which 70% is Social Rent and 30% is Affordable Rent) and 30% Affordable Home Ownership (e.g. Shared Ownership).
3. **Custom and Self Build Housing**.** The provision of 12 dwellings as custom and self-build dwellings
4. **Provision of Supported Living for Vulnerable Children:** The application includes a 5 bedroom property to be built for children's social care.
5. **A New 1FE Primary School with expansion land for 2FE:** The proposed development includes provision of land for a new one form entry primary school in partnership with HCC with capacity for future expansion land if required. The proposed 1FE primary school is intended to serve the new development directly, ensuring that the pupil yield generated by the site is met without placing additional pressure on existing schools. The proposed expansion land for 2FE would also assist in accommodating future growth.
6. **A New Medical Centre.** The HWE ICB are supportive of the new medical centre. The Appellant will build the 'shell' of the medical facility, with the 'fit out' funded by a combination of a financial contribution from the developer (£1.85 million) and CIL. The HWE ICB is also seeking financial contributions for community (£211,608) and mental healthcare (£203,352).

7. **A New Local Centre (Retail, Café and Community Building):** The proposed development provides floorspace for a community hub and local centre facilities across Use Classes E(a), E(b), E(e) and F2(b).
8. **Provision of Sports Facilities and Play:** The proposed development will deliver a range of multifunctional open spaces, providing opportunities for children's play, recreation paths and biodiversity enhancement. Equipped play areas are incorporated into the scheme with other informal open spaces around the site designed to allow for informal play and exploration. The level of provision would exceed that required to serve the development itself.
9. **Locational Sustainability – Growth at Key Centre**:** The Site would represent an urban extension of Croxley Green which is identified as one of six 'Key Centres' within the Council's settlement hierarchy. **Low Carbon Development:** Through a range of measures including sustainable design and construction, the development will seek to maximise energy efficiency in order to reduce energy consumption and achieve high levels of sustainability. The proposals will include air source heat pumps to all new homes and will reduce carbon dioxide emissions by 78kg per year which demonstrates a 37% reduction, significantly exceeding the Council's target of 5%.
10. **New Country Park:** The current site is privately owned with limited public access restricted to one public right of way. The proposals would retain the existing public right of way across the site, maintaining an east to west connection, however, would open up a large proportion (approximately 60%) of the site as green infrastructure and publicly accessible open space.
11. **Biodiversity Net Gain (BNG):** The development would result in a 34.41% increase in habitat units and 42.54% increase in hedgerow units.
12. **Delivery of Sustainable and Active Travel Options and a New Bus Service:** A package of sustainable transport initiatives is proposed, primarily focussing on encouraging alternatives to private car use to maximise the need for extensive new traffic infrastructure. It is proposed to provide Beryl Bikes docking stations on site. It is proposed to introduce a dedicated bus service within and surrounding the site, including to key destinations such as Rickmansworth, Watford Station, Croxley Station, and Watford Junction. Similarly, a seasonal bus pass would be provided to each dwelling on initial occupation.
13. **Job Creation:** The development would result in the creation of 930 FTE jobs during the construction period. At a build-out rate taking six years to complete the proposed development, this equates to approximately 116 jobs per annum.
14. **Enhanced Retail Spend:** The proposed development would generate additional demand and support for the range of services and facilities within Croxley Green, supporting a new population with an estimated spending power of £17.7 million per annum, assisting and maintaining the viability of those key services through increased patronage and benefiting the local economy.

15. **Increased Revenues:** The proposal will generate additional revenue for the local authority through Council Tax generation, which is forecast to be in the region of £1,207,500 in council tax revenue.

** Specific benefits not mentioned in the Officer Committee Report.

Scale of Weight to be given to Benefits/Harms

- 6.2 The parties will apportion weight to any benefits and harms using a scale which has been agreed in advance, as set out below.
- 6.3 The following scale of weight to be allocated has been agreed between the parties:
- 0. No Weight
 - 1. Limited
 - 2. Moderate
 - 3. Significant
 - 4. Substantial
- 6.4 The list above is considered to reflect the wording to be applied by both parties in their respective evidence.

Planning Benefits Comparison Table

- 6.5 Firstly, focussing on the likely benefits associated with the proposals, the Appellant has sought to apply the weighting to each topic based on the submission of both parties Statements of Case. The parties agreed to continue working to develop inputs into this table post-submission of the SoCG, and parties reserve the right to update their findings on weighting.
- 6.6 The table is set out below:

Benefits	Appellant Weight	Council Weight
Social		
1. Provision of housing	Substantial	Substantial
2. Provision of affordable housing	Substantial	Substantial
3. Custom and self build housing	Substantial	Significant
4. Supported living for vulnerable young adults	Significant	Significant
5. A new 1FE primary school with expansion land for 2FE	Significant	Moderate
6. A new medical centre for NHS health and social care services	Significant	Moderate

7. Provision of a local centre	Significant	Limited
8. Provision of Sports Facilities and Play Spaces	Moderate	Moderate
9. Compliance with the Golden Rules (procedural weighting)	Significant	-Consider this to be double counting
Environmental		
10. Locational sustainability – growth at key centre	Moderate	Limited
11. Low carbon development	Moderate	Limited
12. Electric vehicle charging	Limited	No weight
13. New Country Park	Substantial	Moderate
14. Biodiversity net gain	Significant	Moderate
Economic		
15. Delivery of sustainable and active travel options and a new bus service	Limited	Limited
16. Job creation	Significant	Limited
17. Enhanced retail spending	Moderate	Limited
18. Increased revenues	Moderate	No weight

Planning Harms Comparison Table

- 6.7 The below table sets out the potential harms associated with the development and confirms the weight to be given to those harms by both parties.

Harms	Appellant Weight	Council Weight
1. Policy Conflict	Limited	Substantial
2. Green Belt	No weight (not inappropriate development)	Substantial
3. Heritage	Limited	Significant
4. Landscape	Limited	Significant

7.0 AREAS OF AGREEMENT

7.1 The parties agree on the following points, namely that:

Green Belt/Grey Belt

- 7.2 The Council accepts that the need for housing cannot be purely met within the existing settlement extents and that significant Green Belt land will need to be built on to meet this unmet need.
- 7.3 Both parties agree that the Site does not strongly contribute to Purpose (b) of the Green Belt Purposes.
- 7.4 Both parties agree that the Site does not strongly contribute to Purpose (d) of the Green Belt Purposes.

Housing Requirement & Delivery

- 7.5 It is agreed that the Council cannot demonstrate a 5-year supply of housing. Based on the Council's evidence this is currently at 1.18 years supply.

Affordable Housing

- 7.6 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures.
- 7.7 Table 1.2 of the South West Hertfordshire Local Housing Needs Assessment Update (2024) identified a need for 527 affordable homes per annum in Three Rivers.
- 7.8 The scheme proposes to deliver 50% (300 units) of the dwellings as affordable units, with the remaining 50% (300 units) being provided as open market dwellings. 50% Affordable Housing (300 units) is proposed comprising:
- 70% (210 units) for Rent (70% (147 units) Social Rent / 30% (63 units) Affordable Rent
 - 30% (90 units) for Affordable Ownership (e.g. Shared Ownership)

Countryside, Landscape, Visual Amenity and Settlement Character

- 7.9 The site does not fall within any statutory landscape designations and is not a valued landscape (as set out in NPPF Paragraph 180a).
- 7.10 Vegetation to the site's boundaries, as well as the woodland within it, would be retained (other than the removal of two small sections of hedgerow to facilitate access). The existing Public Right of Way running east-west across the northern portion of the site, beyond the proposed built development, would be retained.
- 7.11 The character of the site itself would change as a result of the proposed development, with the loss of a greenfield site.

Public Open Space Provision

- 7.12 The proposals for a new country park, areas for play and recreation, allotments and community orchard, with approximately 60% of the site area to be set aside as open space, with play space included are supported. Subject to appropriate S106 provisions, Sport England raised no objections to the proposals.

Local Centre and Community Facilities

- 7.13 The scheme proposes construction of a 5-bedroom property for children's social care and supported living (Use Class C3(b)); a one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school); a mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)); a country park, areas for play and recreation, allotments and community orchard.
- 7.14 It is agreed that the proposed **local centre and community building** meets the needs that arise from the proposed development and will offer some benefit to the wider local area. The local centre includes provision for a convenience store which is of an appropriate scale and would not compete with existing services within Croxley Green. A community building is also proposed, which will be available as a multi-functional building.
- 7.15 It agreed the **1FE primary school** will serve the new development directly, ensuring that the pupil yield generated by the site is met without placing additional pressure on existing schools. This self-sufficient approach supports the strategic goal of delivering infrastructure that is proportionate and responsive to the specific impact of development. The LEA are supportive of the new on-site school provision.
- 7.16 The **medical facility** within this development would allow the co-location of New Road, Baldwins Lane and Sarratt branch surgery to a new, purpose-built premises in line with the needs of a modern General Practice. The HWE ICB are supportive in principle to a new medical centre, but require approval of a full business case from the HWE ICB Primary Care Commissioning Committee.
- 7.17 The inclusion of a **children's home** on the site was requested at the pre-application stage and is supported by both the County and District Councils.

BNG and Ecology

- 7.18 The proposal is captured by the transitional arrangements contained in paragraph 3 of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 No.44 (C.4) (CD3.12) and therefore the mandatory requirement to deliver 10% Biodiversity Net Gain (BNG) coming into force on 12th February 2024 is not applicable.
- 7.19 Biodiversity Net Gain calculations detail that the development would result in a 34.41% increase in habitat units and 42.54% increase in hedgerow units. This net gain is owed to the creation of other neutral grassland, modified grassland, mixed scrub, allotments, bioswale, shrubs, vegetated gardens, and urban trees. Herts Ecology have advised that sufficient information has been provided to determine the application. Achieving the gains would be secured by the mandatory condition, S106, and alongside

a requirement to provide a habitat management and monitoring plan. Subject to such provisions it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy (2011), Policy DM6 of the Development Management Policies LDD (2013) and the NPPF (2024).

- 7.20 In respect of protected species, Herts Ecology have reviewed the submitted reports and do not consider that protected species would represent a fundamental ecological constraint to the proposals. Mitigation measures are proposed and these could be secured by planning condition.
- 7.21 No areas of ancient woodland will be lost to the development, and that no existing trees or groups of trees on site will require removal. Herts Ecology note that a 30m buffer (which exceeds the 15m standing advice) has been implemented from the areas of built development to Green Lane Wood Local Wildlife Site. In relation to Whippendell Wood Site of Special Scientific Interest (SSSI), Herts Ecology do not consider there will be any adverse impacts on this important habitat, similarly to the adjacent Dell Wood, Jacotts Hill/West Herts Golf Course, and Merlin's Wood and Newland's Spring. Herts Ecology request appropriate condition(s) to ensure that no indirect impacts occur on the above important habitats.
- 7.22 It is agreed that the S106 would allow for appropriate options to come forward for the management of on-site ancient woodland and proposed 24ha country park.

Agricultural Land

- 7.23 The application site is predominantly greenfield and in agricultural use. The appellant has submitted an Agricultural Land Classification and Soil Resources Report (Reading Agricultural Consultants, July 2024) which concludes the land is Grade 3B land which is not considered best and most versatile land. The loss of existing 'good to moderate quality' agricultural land is not, therefore, considered a reason to restrict the development and its loss to the development would not be contrary to the Development Plan or the NPPF (2024).

Transport Matters and Accessibility

- 7.24 Highway infrastructure works proposed include: Two proposed points of vehicular access to the site across Little Green Lane from Durrants Drive and Links Way; Footpath and cycleway connections throughout the scheme; and retention of the existing public right of way (017) and incorporation into the scheme.
- 7.25 The off-site works propose the provision of a 20mph zone in the wider area which will prioritise pedestrians and cyclists. Sustainable transport measures include:
- Contributions towards surrounding active travel links, such as the signage of routes.
 - The provision of Beryl Bikes docking stations on site. HCCHA anticipate 15 such ebikes being provided at an estimated cost of £45,000.
 - The introduction of a dedicated bus service within and surrounding the site, including to key destinations such as Rickmansworth, Watford Station, Croxley Station, and Watford Junction.

The cost of the subsidy for provision of this service has been estimated at approximately £1.955 million over five years.

- A seasonal bus pass to each dwelling on initial occupation. This item is estimated, at this time, to cost up to £511,200 on the basis of providing 6 x 4-week bus passes for 600 dwellings calculated on the basis of a 4-week All-Zone Arriva ticket in Herts/Essex.

- 7.26 In relation to car parking this would form part of the consideration of any subsequent Reserved Matters application. However, based on the illustrative Masterplan it is considered that sufficient space could be accommodated within the site to provide adequate parking to serve the development in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- 7.27 There would not be an unacceptable highway safety reason nor a severe road network reason to justify the recommendation of dismissal of the proposals from a highways or transport perspective. The Local Highway Authority raise no objection and do not wish to restrict the grant of planning permission subject to relevant planning conditions and planning obligations.

Flooding and Drainage

- 7.28 In relation to **surface water flooding**, there are pockets of localised surface water flooding that are addressed within the Drainage Strategy.
- 7.29 The site is wholly within Flood Zone 1 as defined by the Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance).
- 7.30 Access/egress via Little Green Lane to the south is located entirely within Flood Zone 1 and is at a very low risk of surface water flooding. Therefore, safe access and egress is considered achievable for the proposed development. Both parties agree that the proposal would not increase flood risk elsewhere, and would satisfy the requirements of NPPF 175, avoiding the need for a sequential test to be undertaken.
- 7.31 The application was accompanied by a Flood Risk Assessment (FRA) (BWB, December 2024, 233574_FRA) and Sustainable Drainage Strategy (BWB, December 2024, 233574-SDS). These were reviewed by the Lead Local Flood Authority (LLFA) who requested additional information be provided. Additional information (BWB Ref. 233574-BWB-ZZ-XX-T-W-0005_LLFA) was received and the LLFA reconsulted.
- 7.32 The LLFA raises no objections, subject to appropriate surface water conditions.
- 7.33 In relation to **foul water**, Thames Water raises no objections, subject to appropriate conditions regarding appropriate foul water network and sewage work upgrades.

Heritage and Archaeology

- 7.34 The proposed development will adversely affect the significance of Durrants House and Cassiobury Park through changes to their settings. The scale of effect has been minimised by changes to the design which have retained views to and from the rear of Durrants House and retained an extensive buffer of open space in the areas adjacent to Cassiobury Park. The scale of effect is assessed as being less than substantial harm at the low end of this spectrum.
- 7.35 Subject to conditions, there would be no adverse impacts on heritage assets of archaeological interest. The proposed development in this respect complies with the NPPF (2024) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

Place-making and Design

- 7.36 With the exception of access, all matters of design will be dealt with as part of a subsequent Reserved Matters scheme.
- 7.37 Prior to submission of the planning application, a Design Review Panel (DRP) presentation was carried out in September 2024. A DRP is a group of independent, expert professionals (like architects, urban planners, landscape architects) who provide impartial advice on new development and public realm proposals to help improve design quality. DRPs are encouraged by the NPPF (paragraph 138). The DRP applauded the emerging designs and commended the aspirations to design a development of high quality.
- 7.38 The Design and Access Statement sets out how the recommendations made by the DRP have been addressed during subsequent design iterations and how the process informed the Design Code and based on the Illustrative Masterplan and high quality scheme can be secured at the reserved matters stage. The Illustrative Masterplan demonstrates one way in which the development could come forward within the established parameters. It does not preclude alternative layouts at the Reserved Matters stage, provided these accord with the Parameter Plan and the principles set out in this Design and Access Statement and accompanying Design Code.
- 7.39 Both parties agree that there would be no reason to justify the recommendation of dismissal of the proposals from a design perspective, specifically with regard to placemaking and reiterating no issue with CP12 (Design of development), DM1 (Residential Design and Layout) and SNP Policy 2 (Design Principles).
- 7.40 Both parties agree that to secure high quality design, a condition can require that subsequent Reserved Matters accord with the Land Use Parameters Plan (from (Condition 5) committee report) and that an appropriately worded planning condition requiring compliance with the Design Code (Condition 6 committee report) (or an agreed code to be submitted with the first RMA).

Amenity of Existing and Future Residents

- 7.41 The application was submitted in outline, with matters of access for consideration. However, the application was accompanied by an illustrative masterplan which suggests a form of development where a buffer would be maintained between the development and the closest existing properties to the

opposite side of Little Green Lane. Whilst impact on neighbouring amenity would be fully assessed at reserved matters stage, it is considered that the illustrative masterplan demonstrates how the site could be developed to ensure no demonstrable harm to the amenity of existing residents through matters such as overshadowing, loss of light or overlooking. The impact on the amenity of future occupiers would also be assessed at reserved matters stage.

Building Sustainability

7.42 The application was accompanied by an Energy Statement (Greengage, December 2024). This sets out that the proposed development is predicted to exceed Part L 2021 carbon emission reduction requirements. Key aspects of the strategy include:

- Prioritisation of high-performance building fabric to significantly reduce energy demand.
- Implementation of low-carbon heating solutions using heat pumps for all buildings within the development.
- Adoption of an all-electric strategy, eliminating reliance on fossil fuel based systems.
- Maximisation of onsite renewable energy generation through installation of roof mounted photovoltaic (PV) panels.

7.43 The submitted details demonstrate that consideration has been given to sustainability, decarbonisation and energy efficiency at outline stage and illustrate how the development would exceed the requirements of Policy DM4. The Energy Statement is also considered to closely align with the Council's Climate Change and Sustainability Strategy, contributing to the target of achieving net zero carbon emissions by 2045.

Noise and Air Quality

7.44 The application was accompanied by a **Noise Impact Assessment** (BWB, December 2024, 233574_002). Environmental Health (EHO) have reviewed the submitted report and consider the main impacts associated with the application to be: (1) Increased traffic flows resulting in higher noise levels. The EHO notes that this has been considered within the report and the impact on existing residents has been deemed insignificant. The EHO does not have grounds to consider this to be inaccurate; (2) Noise associated with the school; and (3) Noise associated with the community centre and café.

7.45 The application was accompanied by an **Air Quality Assessment** (BWB, December 2024, 233574-01-AQA) which has been review by the Environmental Protection Officer (EPO). They note that a construction phase dust assessment was undertaken to evaluate the potential impact of construction activities (including construction vehicles on public highways up to 250m from the site entrances) on local air quality. The assessment indicates that with the implementation of the recommended mitigation measures, the residual impacts from the construction phase will be not significant. The EPO notes that an operational phase road traffic emissions assessment was also undertaken to consider the impact of development generated road traffic at identified existing receptor locations. This concludes that the

development is not predicted to result in any new exceedances of the air quality objectives and that the impacts of the development are considered to be negligible at all modelled receptor locations.

- 7.46 Subject to conditions there would be no adverse impacts with regards to air quality as a result of the development. The proposed development in this respect complies with the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Land Contamination

- 7.47 The application is accompanied by a Phase 1 **GEO-Environmental Assessment** (BWB, December 2024, 233574) which has been reviewed by the Environmental Protection Officer (EPO). They note that the preliminary risk assessment undertaken has identified a number of plausible contaminant linkages that require further investigation. As such, an assessment of the potential risks associated with the site is considered necessary and the EPO therefore recommends the standard contaminated land condition be attached in the event that planning permission were to be granted.
- 7.48 Subject to conditions there would be no adverse impacts with regards to contaminated land as a result of the development. The proposed development complies with the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard.

Community Facilities & Infrastructure Impacts and Developer Contributions

- 7.49 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sqm of residential development in this area is £180 (plus indexation).
- 7.50 In order to make the proposals acceptable, a number of Heads of Term are required to be secured via a S106 Agreement. These are set out in paragraph 7.20.2 of the Committee Report. It is agreed these contributions will be addressed through the S106 and will fully mitigate the infrastructure impacts of the development.

Prematurity

- 7.51 It is agreed that the emerging development plan is not at an advanced stage and no weight can be placed upon the emerging policies of the Local Plan.

Ancient Woodland / Veteran Trees

- 7.52 Both parties agree the development will not result in the loss of irreplaceable habitats (i.e., ancient woodland and ancient or veteran trees).

8.0 AREAS OF DISAGREEMENT

Green Belt / Grey Belt

- 8.1 There is disagreement on whether or not the site constitutes Grey Belt land, and by definition whether the Site is considered 'not inappropriate' development in the Green Belt.
- 8.2 The appellant is of the view that the Site does not perform strongly against Purpose (a) and (c) of the Green Belt Purposes.
- 8.3 The Appellant is of the view that the site is Grey Belt and accords with clauses (a) – (d) of Paragraph 155 of the NPPF. As such, the development is an appropriate form of development in the Green Belt.
- 8.4 The Council considers the site is not Grey Belt and further considers that very special circumstances do not exist.
- 8.5 The Appellant contends the development at a sustainable location should be given positive weight.
- 8.6 The Council is of the opinion the development as conflicting with the spatial strategy and the Development Plan when read as a whole.

Housing Land Supply

- 8.7 Both parties disagree on the extent of the Housing Land Supply shortfall within Three Rivers District.

Locational Sustainability

- 8.8 The Council disagrees with the Appellant that the development is located at one of the most sustainable settlements in the district and future residents would be more able and likely to walk or cycle to services in Croxley Green and access essential shops, services, secondary schools, and employment. They would also have access to a viable and deliverable public transport network which provides access to a wider range of services and facilities.

Golden Rules

- 8.9 Parties disagree on the weighting to be applied to compliance with the Golden Rules. The Council is of the opinion the weighting applied is double counting. The Appellant is of the opinion Paragraph 158 of the NPPF sets out that 'a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission, as an additional weighting in favour.

Assets of particular importance

- 8.10 Parties disagree whether Footnote 7 provisions (assets of particular importance) indicate that the presumption in favour of sustainable development cannot be engaged. For the Appellant this means there is no clear reason for refusal within Footnote 7, whereas the Council takes the alternate view.

9.0 PLANNING OBLIGATIONS AND CONDITIONS

- 9.1 A final agreed set of planning conditions will be issued to the Inspector in advance of the Inquiry.
- 9.2 The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act which will secure the planning obligations that are deemed necessary to make the development proposals acceptable. The Planning Obligations will be based on the agreed Heads of Terms as set out in paragraph 7.20.2 of the Committee Report.

SIGNED:

For Appellant:

A handwritten signature in blue ink, appearing to read 'Caf', with a large loop at the start and a horizontal stroke at the end.

Name: Cameron Austin-Fell

Date: 08.05.2026

For Local Planning Authority:

A handwritten signature in black ink, appearing to read 'Liz Fitzgerald', with a large loop at the start and a horizontal stroke at the end.

Name: Liz Fitzgerald

Date: 08.05.2026