

PLANNING STATEMENT

Land to North of Little Green Lane, Croxley Green

MNP-00124.C8622
December 2024

REPORT

The report has been prepared for the exclusive use and benefit of our client and solely for the purpose for which it is provided. Unless otherwise agreed in writing by R P S Group Limited, any of its subsidiaries, or a related entity (collectively 'RPS') no part of this report should be reproduced, distributed or communicated to any third party. RPS does not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report. The report does not account for any changes relating to the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report.

The report has been prepared using the information provided to RPS by its client, or others on behalf of its client. To the fullest extent permitted by law, RPS shall not be liable for any loss or damage suffered by the client arising from fraud, misrepresentation, withholding of information material relevant to the report or required by RPS, or other default relating to such information, whether on the client's part or that of the other information sources, unless such fraud, misrepresentation, withholding or such other default is evident to RPS without further enquiry. It is expressly stated that no independent verification of any documents or information supplied by the client or others on behalf of the client has been made. The report shall be used for general information only.

Prepared by:

RPS

Prepared for:

Richborough

Contents

1	INTRODUCTION	1
2	THE SITE	5
3	PROPOSED DEVELOPMENT.....	7
4	DEVELOPMENT ASSESSMENT	17
5	EFFECT ON THE OPENNESS OF THE GREEN BELT	24
6	GREY BELT ASSESSMENT	30
7	COMPLIANCE WITH THE DEVELOPMENT PLAN	38
8	THE STATUS OF THE EMERGING DEVELOPMENT PLAN.....	45
9	COMPLIANCE WITH NATIONAL POLICY	49
10	OTHER MATERIAL CONSIDERATIONS.....	55
11	MARKET AND AFFORDABLE HOUSING DELIVERY	58
12	S106 HEADS OF TERMS AND CIL COMPLIANCE.....	61
13	HARMS AND BENEFITS OF THE DEVELOPMENT	65
14	THE TILTED BALANCE	75

Tables

Table 5.1	Conclusions in relation to Green Belt purposes	27
Table 8.1	Local Plan Review Growth Options and implications of new NPPF requirements	46
Table 11.2	Three Rivers' 5YHLS at 1st April 2023 against the revised standard method	59
Table 12.1	S106 Monitoring Charges.....	63

Figures

Figure 2–1	Aerial Image of the Site	5
Figure 3–1	Illustrative Masterplan	7
Figure 3–2	Land Use Parameters Plan	8
Figure 3–3	Building Heights Parameters Plan	10
Figure 3–4	Access and Movement Strategy.....	14
Figure 3–5	Green Infrastructure Context Plan (Iceni)	15

Appendices

Appendix 1 :	Chronology of the Site's promotion in respect of the Local Plan.....	78
Appendix 2 –	The Council's EIA Screening Decision.....	79

1 INTRODUCTION

- 1.1 This Planning Statement is submitted on behalf of the applicant Richborough in support of an outline application for residential-led development at Land to North of Little Green Lane, Croxley Green, WD3 3SP ("the Site"). The Site is within the administrative area of Three Rivers District Council ("the Council"). The proposals provide for a sustainable development at one of the District's Key Centres (Croxley Green). The description of development is as follows:

Outline Application: Construction of up to 600 residential dwellings (Use Class C3(a)), a 5-bedroom property for children's 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 café 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. (All matters are reserved except for vehicular access).

Site Evolution

- 1.2 It is material to this case that in May 2021 the Council published its committee report for the emerging Local Plan Regulation 18 'Preferred Policy Options Consultation and Potential Sites for Allocation'. This included a proposed allocation on the site for 782 dwellings, a local centre, primary school, medical centre, country park and community sports facility. The Site benefitted from Officer support (as set out in paras 8.6 to 8.11 of this Statement), and had been supported by the Local Plan Sub-Committee and the Policy and Resources Committee. Essentially, the Site was to be consulted on as a detailed Regulation 18 allocation only to be removed from the draft Plan by a late Member amendment which was carried at Full Council.
- 1.3 In September 2022, the scheme was amended (reduced scale) by the applicant to seek to address Members concerns. The Council's professional Planning Officers again supported this proposal. However, in October 2022, Members decided to disagree with Officer recommendations and not propose the site for allocation in the related Part 3: Additional Sites for Potential Allocation consultation undertaken in January 2023. In August 2023, the Council proposed a further reduction in the number of dwellings to be included in the Part 4 Reg 18 consultation. This totalled 4,852 dwellings, equating to 270dpa or 43% of the former national Standard Method local housing need figure for Three Rivers District.
- 1.4 As a result, Members have on two occasions gone against the professional Officer recommendation in not including the site for a draft allocation in the emerging Local Plan. A chronology of the evolution of the Local Plan in respect of the Site is attached at **Appendix 1**. As addressed later in this planning statement, the Applicant considers the likelihood of the current

version of the Plan reaching Examination is extremely limited and a delay to the Regulation 19 Plan until February 2026 has already been approved. This is particularly relevant having regard to the transitional arrangements in the recent NPPF consultation as addressed later in this Planning Statement.

Application Submission

- 1.5 Up to 600 dwellings will be provided within the proposed development site which is in the Metropolitan Green Belt. The Site will be accessed from two vehicular access points across from Little Green Lane opposite Links Way and Durrants Drive which will be improved to accommodate the additional traffic movements associated with the development. The development will consist between two to four storey dwellings including a proportion of flats in the Local Centre set within a landscaped setting. The buildings and landscaping have been designed to be in keeping with the character and scale of its surroundings. The northern part of the Site is proposed as a country park. The eastern extent of the Site will provide ecological enhancements and drainage attenuation to optimise the development potential of the site allocation.
- 1.6 This planning statement should be read in conjunction with the accompanying plans and drawings as part of the Application, and the suite of specialist reports which have been prepared to address the full range of material planning considerations. These include:

Item	Consultant
Application Documents	
Application form / certificates	RPS / Richborough
Planning Statement incl Draft S106 Heads of Terms	RPS
Statement of Community Involvement	Cratus
Design and Access Statement incl. Design Code	Pegasus
Energy Statement	Greengage
Sustainability Statement	Greengage
Educational Needs Assessment	EFM
Sport and Recreation Strategy	Sports Planning Consultants
Affordable Housing Statement	Tetlow King
5YHLS Assessment	Emery Planning
Local Centre Capacity Assessment (Retail)	LSH
Flood Risk Assessment	BWB
Sustainable Drainage Statement and Strategy	BWB
Transport Assessment	HUB
Travel Plan	HUB
Phase 1 Geo-Environmental Assessment	BWB
Utilities Assessment	BWB
Air Quality Assessment	BWB
Noise Assessment	BWB
Heritage Statement (incl. Archaeological Desk Based Assessment)	Pegasus
Health Impact Assessment	RPS
Biodiversity Checklist	Rammsanderson

Ecological Impact Assessment	Rammsanderson
BNG Metric and Assessment	Rammsanderson
Landscape and Visual Impact Assessment and ZTV (incl. Green Belt Assessment)	Iceni
Preliminary AIA and Tree Constraints Plans	Tyler Grange
Agricultural Land Classification Report	Reading-ag

- 1.7 In addition to a range of supporting plans including an indicative Masterplan, the following formal application plans have submitted.

Item	Consultant
Application Plans (including illustrative plans)	
Site Location Plan	Pegasus
Proposed Site Access Plans	HUB
Land Use Parameter Plan	Pegasus
<i>Incorporated into the Design and Access Statement:</i>	
Building Heights and Densities Parameter Plan	Pegasus
Site Character Areas Parameter Plan	Pegasus
Access and Movement Parameter Plan	Pegasus
Phasing Strategy Plan	Pegasus
Landscape Strategy Plan	Iceni
Illustrative Masterplan	Pegasus
Development Framework Plan	Pegasus

EIA Screening Request

- 1.8 An Environmental Impact Assessment (“EIA”) screening opinion request was made to the Council (24/1220/EIA) for 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. The Council determined the development did not warrant the submission of an EIA. The Council concluded that:

“The impacts [of proposed development] are likely to be relatively limited and thus unlikely to give rise to unusually complex or potentially hazardous environmental effects, other than what would normally be considered in a planning application. Consideration has been given to Schedule 3 of The Regulations and National Planning Practice Guidance to establish whether the proposed development is likely to have significant environmental effects that would necessitate the submission of an Environmental Impact Assessment. The development is only considered to have local effects and is not a particularly sensitive or vulnerable site in EIA terms. The development is neither unusually complex nor likely to have potentially hazardous environmental effects therefore TRDC [the Council] do not consider that an Environmental Impact Assessment is required.”

- 1.9 A copy of the Council's adopted Screening Opinion is enclosed at **Appendix 2**.

Pre-Application Advice

- 1.10 Pre-Application discussions have been undertaken and a formal request for advice was made 27 August 2024 with a response received 18 October 2024. The feedback issued by the case

officer at the Council provided an analysis of issues, primarily the principle of development. The development's impact on Green Belt, both spatially and visually, being the primary concern. The Officers set out how any housing mix should ensure alignment with local needs and identified the need for a high proportion of social rented properties being important. The impact on nearby heritage assets required thorough evaluation, and a robust transport strategy prioritising sustainable modes would also be important. Demonstrating compliance with sustainability policies and exceeding mandatory biodiversity net gain targets were recognised key factors in the planning balance.

- 1.11 The determination of "very special circumstances" will rely on a comprehensive assessment of all harms and benefits, supported by robust evidence demonstrating the development's ability to meet local needs and provide tangible advantages to the community.

Public Consultation

- 1.12 A separate Statement of Community Involvement (SCI) is provided with the application submission. This SCI summarises how various public consultation was undertaken and how consultees were contacted, and the discussions undertaken. The SCI also summarises how the feedback to the draft application submission has informed the masterplans evolution and technical reports related to the scheme.
- 1.13 A specific public consultation was held between 27th September and 13th October. A webinar consultation event was held on Tuesday 1st October via a dedicated Zoom link. A recording of this was uploaded to the dedicated consultation webpage. This webpage was interactive and allowed members of the public to submit their views electronically and suggest new ideas to the masterplan.
- 1.14 The public consultation involved a leaflet circular, setting out the proposals and date and time of the consultation to over 5,000 addresses, in addition to engagement with local ward members and Members of the Three Rivers Planning Committee. The Lead Member for Infrastructure and Planning Policy and the Parish Council also received the leaflet. A website ([www.https://bit.ly/Croxley-Green](https://bit.ly/Croxley-Green)) was also setup to allow the public to review the proposal and share their views through the public consultation.
- 1.15 Representatives from the project team, including the applicant, master planners and planning consultants were present through the webinar event which began with a presentation and was then followed by a question-and-answer session. Overall, there were 161 questions at the online Q&A and 328 responses to the feedback options on the website.

2 THE SITE

- 2.1 This chapter sets out the site context and baseline conditions. The Application Site is edged in red on the supporting Site Location Plan (Drawing no. P24-1200_DE_001).

Site Location

- 2.2 The Site is located to the north of Little Green Lane, Croxley Green, Rickmansworth, covering an area of 40.69 hectares ("ha"). The Site is an irregularly shaped parcel and is centred at approximate National Grid Reference 507844, 196953.
- 2.3 The Site is comprised of agricultural land with an island area of ancient woodland. The Site is used primarily for agricultural purposes at present, with existing woodland area comprising of approximately 7% of the land use area.
- 2.4 The Site lies within the administrative area of Three Rivers District and is situated solely with the Green Belt. The Site is not covered by any statutory or non-statutory designations for landscape or heritage quality or value. A public right of way crosses the Site from west to east across from Dell Wood. This footpath is referenced by the definitive rights of way as 'Sarratt 017', which connects York House School to Jacotts Hill and the Grand Union Canal to the east.
- 2.5 Little Green Lane flanks the southern boundary of the Site with a hedgerow boundary. One hedgerow bisects the site north to south, opposite Durrants House. The Site is gently undulating with an area of relatively low land in the eastern parts of the Site. The land rises up to the west and far north. The Site is bounded by hedgerows and woodland. The Site is located within Flood Zone 1 (Low Risk).



Figure 2–1 Aerial Image of the Site

Surrounding Context

- 2.6 The surrounding area is characterised by a mix of land uses. Woodland is situated to the north, comprising of Dell Wood and Whippendell Wood. To the north and east of the Site is Rousebarn Lane, a predominantly single lane track that runs alongside Whippendell Wood.
- 2.7 West Herts Golf Club is located beyond Rousebarn Lane to the east, and the adjacent Borough of Watford. Residential dwellings are present to the south of the Site, opposite Little Green Lane.
- 2.8 Agricultural pastoral fields are present to the west of the Site. In addition, a western parcel of land to the immediate southwest of the Site is owned by Hertfordshire County Council ("HCC"), however when experienced on the ground, there is no physical demarcation of this land parcel from the wider field associated with the Site location plan.
- 2.9 To the south west of the Site is Little Green Junior School. The road also includes provisions for pedestrian movement with adjacent footpaths. Durrants House, a designated heritage asset (Grade II) is set immediately to the south of the Site across Little Green Lane. Cassiobury Park, a registered park and garden, with a variety of habitats is located 0.4km east of the Site.
- 2.10 Baldwins Lane located to the south of the Site contains a number of existing local amenities, such as a food store, chemist and a green grocer which are within a 400m walk of the Site. The wider area of Croxley Green is one of only five 'Key Centres' in the District. Croxley Green is recognised as a highly sustainable location with a range of services and facilities and public transport services.

3 PROPOSED DEVELOPMENT

- 3.1 This section sets out the description of development and the specific parameters of the application proposals.

The Application Proposal

- 3.2 The description of the Proposed Development is as follows.

Outline Application: Construction of up to 600 residential dwellings (Use Class C3(a)), a 5-bedroom property for children's 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 café 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. (All matters are reserved except for vehicular access).

- 3.3 All matters are reserved except for the two principal accesses onto Little Green Lane. An Illustrative Masterplan (see Figure 3-1 below) demonstrates how the 40.69 ha site could be developed and has been informed by the results of various technical reports submitted with the application.



Figure 3-1 Illustrative Masterplan

- 3.4 The Illustrative Masterplan is founded on best practice urban design principles as addressed within the Design and Access Statement (“DAS”), community integration and sustainable development, with strong links to the wider area. Although layout is a reserved matter, the Illustrative Masterplan included in the application is a response to the site opportunities and influences, presenting socio-economic benefits for the local and regional area.

Land Use Parameters

- 3.5 As part of the proposed development, an overarching Land Use Parameters Plan has been prepared (see Figure 3-2 below) to demonstrate how the different components of the scheme can be incorporated into the overall layout.



Figure 3–2 Land Use Parameters Plan

- 3.6 The proposed layout shows the disposition of land uses and the proposed structure for movement within the development. A well-connected movement network, accessible by all users, is proposed which helps to ensure that all areas of the development will be accessible, easy to navigate, safe and secure. The proposed access and movement strategy will focus on the delivery of the following elements which are in accordance with the objectives of national and local planning policy:

- Proposed access points;
- Proposed pedestrian and cycle movement network;
- Street hierarchy;
- Street typologies; and
- Parking strategy.

- 3.7 The key components of the development are as follows:

- A. Residential Development comprising
 - o Up-to 600 dwellings ranging from 1 to 5-bedroom properties.
 - o 50% of the dwellings are affordable homes.
 - o 2% of all dwellings will be custom and self-build plots.
 - o One property specifically for children's social care and supported living.
- B. Local Centre comprising
 - o Provision for NHS health and social care services
 - o Community Building
 - o Two local retail units (framework plan parameters provide for an anchor convenience store (indicatively 400sqm), and for café/additional retail (indicatively 165 sqm)
 - o Car parking and public realm
- C. Education Facilities comprising
 - o One form entry primary school
 - o Land reserved as expansion land for a potential two form entry primary school.
 - o Early Years and SEND provision (subject to consultation)
- D. Open Space of 24ha comprising:
 - o A new Country Park (known as Rousebarn Country Park).
 - o A central spine of multi-functional open space (known as Durrants View)
 - o Existing Green Lane Wood to be protected
 - o Orchard area and Allotments (0.27ha)
 - o Attenuation features
 - o Play spaces and equipped play area (0.83ha)
 - o Connected and accessible green infrastructure including retention of all trees and hedges, except where unavoidable.
- E. Highway Infrastructure comprising:
 - o Two vehicular access points onto Little Green Lane
 - o Footpath and cycleway connections throughout the scheme
 - o Retention of the existing public right of way (017) and incorporation into the scheme

Key Aspects of the Proposals

Design and Layout of the Development

- 3.8 A Design Code has been submitted with the application setting out how a high-quality design will be provided and secured adhering to the requirements of Chapter 12 of the National Planning Policy Framework (“NPPF”). The Design Code presents a proposed development of a very quality and will noticeably and significantly improve the standard of design and place-making in this part of the district.
- 3.9 A Design Code has been carefully constructed as a concise and accessible document that is easy to use by those involved in designing the detailed proposals, as well as those involved in assessing the reserved matters submissions. The information contained within this document is focused on providing instructions and a clear set of rules, avoiding unspecific guidance or potentially ambiguous references, which could be interpreted in a variety of different ways. Diagrams in this Code are indicative and have been provided to communicate the design intent, rather than specific details which should come forward through discussions between the applicants and Three River District Council and through the more detailed design stage.

Density & Building Heights

- 3.10 As the application is outline, detailed matters relating to the layout, appearance, landscaping, and scale of new development will be the subject of a subsequent reserved matters application. Notwithstanding this, an illustrative layout has been prepared to show how the Site could be developed to provide up to 600 new homes at an overage overall density of 43 dwellings per hectare.
- 3.11 Density is related to scale of buildings, a parameter plan of proposed building heights across the scheme supports this application. The proposals and the height parameters plan detail the proposals for up to 3 storeys across the majority of the Site with more discreet areas of up to 4 storeys towards the centre is appropriate to fit in with the low-rise suburban development immediately to the south of the Site.
- 3.12 The 4-storey buildings in the central core were deemed appropriate by the independent Design Review Panel and through pre-application discussions.



Figure 3-3 Building Heights Parameters Plan

Housing Mix

- 3.13 The development would provide up to 600 new dwellings (Use Class C3) within the residential area shown on the Land Use Parameters Plan. Whilst the mix of housing is not a matter being determined at the outline stage, the illustrative Masterplan has been prepared utilising information available from the South West Hertfordshire Local Housing Needs Assessment ("LHNA") (2020) to help inform and guide the overall housing mix.
- 3.14 Additionally, evidence has been used from the emerging Local Plan process, particularly in relation to tenure provision for the affordable housing component of the scheme, which indicates the greatest need in the district is for Social Rented housing, followed by Affordable Rent. Based purely on an analysis of affordability the Local Housing Needs Assessment recommends that as much social rented housing be secured as viably possibly. The emerging local plan policy therefore seeks 70% social rented housing together with 25% First Homes. This allows the remaining 5% for shared ownership housing.
- 3.15 Overall, the proposals deliver 50% of the dwellings as affordable housing, leaving 50% of the dwellings as open market dwellings.). Based on 600 dwellings (including 2% to be custom and self-build plots), indicatively the proposed housing mix is as follows:

Market Housing (300 dwellings)

One bed units – 11%

Two bed units – 30%

Three bed units – 42%

Four bed units – 17%

Affordable Housing (300 dwellings)

Social Rent (70%) - One bed units – 22%; two bed units – 46%; three bed units – 28%; four bed+ units 4%.

First Homes (25%) - One bed units – 20%; two bed units – 45%; three bed units – 29% four bed units 5%.

Shared Ownership (5%) - One bed units – 19%; two bed units – 44%; three bed units 31%; four bed units 6%.

- 3.16 All homes would be designed to meet the nationally described space standards.

Education Provision

- 3.17 The Land Use Parameter Plan includes land within the Site to deliver a 1FE primary school (1.4ha), plus the expansion land for future delivery of a 2FE primary school (an additional 0.6ha). The detailed design of the school will be subject to future RMAs. However, the location of the school has been carefully chosen to ensure the plot is suitable to meet the requirements of

HCC as the Education Authority. Due consideration has been given to the HCC Land Specification: Education document and the plot is: approximately 2ha in size; predominantly flat; easily accessible to pedestrians and vehicles; and free from major site constraints.

- 3.18 The delivery of the primary school will be addressed and secured through a legally binding S.106 Agreement that will accompany this application's determination. An education report accompanies this application submission that addresses the need for the on-site primary school and the additional land that will be safeguarded for an agreed period of time for the primary school's expansion in the future, should it be required.
- 3.19 Any school delivered on site will have the opportunity to include new Early Years provision. The development will be able to contribute planning obligations towards additional Special Education Needs and Disabilities places should that be evidenced as necessary by HCC Education.

The Local Centre

- 3.20 The development provides floorspace for a community hub and local centre facilities, across Use Classes E(a), E(b), E(e) and F2(b). It is a key objective of the proposals to ensure that this floorspace assists with meeting the needs of the existing community of the Croxley Green area as well as the future community of this proposed development, as part of a drive to push for existing and new community integration.
- 3.21 The local centre is located towards the southern extent of the Site to ensure it is fully accessible to existing and future residents, which will be accessed by Durrants Drive and Links Way. The location is intentional being central to the two primary access points to the Site, and the ability to serve the existing community and future residents, whilst allowing for a 'bus gate' arrangement to be created allowing for a pedestrian friendly environment whilst encouraging the use of sustainable modes of travel.
- 3.22 The DAS emphasises the importance of the local centre as a hub for community interaction, highlighting the inclusion of a public square designed to host various events like markets and performances. The DAS places a strong emphasis on making the local centre a pedestrian-friendly destination, encouraging alternative modes of transport such as cycling and the use of buses.
- 3.23 The specific breakdown uses within the local centre are detailed as follows:

Provision for NHS health and social care services

- 3.24 The development will provide a specified land use area to facilitate the delivery of a new NHS health and social care services. Details of the new NHS health and social care services are provided in the accompanying Health Impact Assessment ("HIA") which indicates the specific type of services to be provided in this new space is still being determined in conjunction with the Hertfordshire and West Essex Integrated Care Board ("ICB") and a local General Practitioner

(GP). Options being considered however, include: a new GP medical centre and the potential to co-locate allied services such as a pharmacy.

- 3.25 The proposal which will be secured via the S106 process and further engagement with the ICB to see the replacement of the existing outdated practice in Croxley Green with a new modern premises. The development framework plan parameter does not specify the exact amount of floor space allocated. This information will be finalised in a later stage reserved matters application, given provision will be for medical or health services it will comprise of Use Class E(e) under the Town and Country Planning (Use Classes) Order 1987 (as amended).

Retail and Café Provision

- 3.26 The local centre also includes the provision of new local retail units. In total this allows for 2 retail units not exceeding a floor area of 400 sqm, this includes the potential for a café within the local centre all falling within use Class E.
- 3.27 Supporting this application is a Local Centre Capacity Assessment from prepared by Lambert Smith Hampton, which provides full justification for the scale and location of the retail components of the scheme and demonstrates how the retail facilities will be secured and delivered.
- 3.28 As set out in the DAS it is proposed that these retail units could house local shops. Emphasising that the local centre should become an active and vibrant part of the community.
- 3.29 Beyond the dedicated retail and cafe spaces, it is proposed the public square at the heart of the local centre will be designed to host a variety of activities, such as: pop-up stores, farmers markets and community events.

Community Building

- 3.30 A new purpose-built community centre will be provided on the Site, which will be available as a multi-functional building. The role of the community building within the broader context of the local centre and its aim to create a vibrant and thriving community hub. The on-going management and maintenance of the building will be secured through the S106 agreement. It is envisaged the future ownership and management of the building would be discussed with the local planning authority and parish council, prior to its conclusion through the S106.

Access and Movement

- 3.31 The Site is located in a highly sustainable location on the edge of Croxley Green which is well-connected to Croxley Train Station for London Underground services in addition to Watford with higher speed services into London Euston. Proximity to Rickmansworth and local amenities is fully detailed in the accompanying Transport Statement, setting out how a new bus service is planned to connect the Site directly to Watford and important transport hubs.
- 3.32 The application is seeking detailed consent for two vehicular access points crossing Little Green Lane and pedestrian access onto the public right of way footpath 017. Details of the internal road

layout will be included within future RMAs. The Movement and Access Parameter Plan shows the proposed accesses and illustratively shows internal accessibility arrangements.

- 3.33 The Site integrates with existing pedestrian infrastructure. The development will provide direct pedestrian access from Durrants Drive and a direct pedestrian/cycle link from Links Way. Additionally, a continuous, 2-meter-wide footway is available along both Durrants Drive and Links Way to access nearby bus stops. Existing footpaths, including Public Rights of Way, run along the western boundary and through the northern part of the Site, connecting to surrounding areas and green spaces.
- 3.34 The development prioritises cycling, offering dedicated and shared cycle routes on-site and connections to the surrounding network. A new shared footway/cycleway will run along the western side of Links Way, connecting to Dover Way and Canterbury Way and continuing towards Baldwins Lane, providing access to shops and Croxley Danes School. This cycleway will have priority over all intersecting side roads. Additionally, the Site will provide secure on-plot bicycle storage for residents.
- 3.35 Detailed vehicular access points are proposed into the Site from Durrants Drive and Links Way. The existing Durrants Drive residential road will be used to provide direct access into the Site, maintaining its current width of approximately 6.8 meters to accommodate bus traffic. Vehicles and pedestrians entering or exiting the Site via Durrants Drive will have priority over Little Green Lane traffic. The Links Way residential road will also offer direct access into the development. Both access points from Durrants Drive and Links Way will have priority over Little Green Lane, facilitating smoother traffic flow into and out of the Site. Both access points are shown on the Access and Movement Plan, below.



Figure 3-4 Access and Movement Strategy

- 3.36 In accessibility terms, the scheme integrates with existing transportation infrastructure, introduces new sustainable transport options, and ensures a convenient location for residents to access essential amenities and services. The design prioritises accessibility for pedestrians, cyclists, and public transport users, making it a well-connected and convenient location.

Green Infrastructure and Recreation Provision

- 3.37 A Landscape Strategy plan has been prepared which demonstrates how the proposed development will provide 60% of the Site area as some form of green infrastructure and open space.

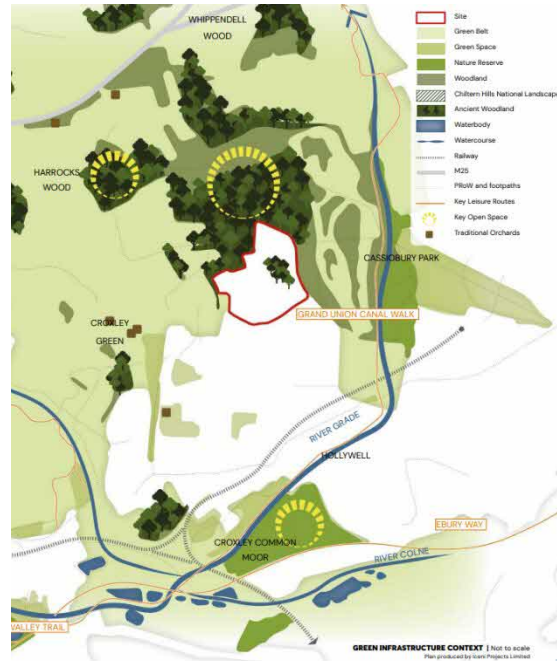


Figure 3-5 Green Infrastructure Context Plan (Iceni)

- 3.38 The overall approach to the master planning of the Site has been landscape-led from the outset. This and embedded extensive planting throughout the residential development to create a green neighbourhood.
- 3.39 The Green Infrastructure Strategy and Landscape Strategy encompasses various elements and principles, from various open space typologies (i.e., Country Park, Durrants View, Greenways) to multiple recreation opportunities (i.e., play spaces, leisure and exercise routes and social interaction spaces).
- 3.40 The future management and maintenance of the Green Infrastructure will be discussed with the local planning authority and unless either the District and Parish Council's wish to take the future ownership and maintenance on, it is envisaged the land will be maintained by a management company and secured through the s106 Agreement.
- 3.41 Policy PSP2 of the Core Strategy ("CS") identified the need to develop a play area in Crowley Green to address the deficiency in provision. The CS was adopted in 2011, and as set out in the Council's most recent assessment of the open space needs in Three Rivers (the Open Space Standards Paper ('OSSP') (May 2019), there remains shortfalls in "parks and amenity greenspace" provision in the Chorleywood Analysis Area with no formal park provision identified in the area. The OSSP recommends that these space types should be a priority for new forms of provision.

- 3.42 The OSSP also identified significant gaps in walk time catchments of provision for children and young people meaning that this part of the local population is not being catered for adequately. This is particularly detrimental to the north of Chorleywood as existing provision comprises the Swillet Play Area to the south. The OSSP recommends that opportunities are explored to create new play provision at other sites in Croxley Green. At best, the deficiency in play space has spanned some 21 years since the adoption of the CS, meaning a significant proportion of children have grown up in Croxley Green without good access to play space.
- 3.43 The proposed development will deliver a range of multifunctional green 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.

4 DEVELOPMENT ASSESSMENT

- 4.1 This chapter sets out how the supporting technical work has informed a detailed understanding of the Site along with likely impacts of new development and the mitigation proposals that are embedded within the scheme. The following provides a general overview of the principal technical assessments that have been undertaken. Full details of the related disciplines will be found in the relevant technical reports.

Landscape and Visual Impact Assessment (“LVIA”)

- 4.2 The landscape and visual effects of the proposals has been fully assessed as part of the LVIA submitted alongside the Application. The assessment describes the existing character and quality of the landscape on and around the Site, and also considers the potential landscape and visual effects of the proposed development on the Site and wider area.
- 4.3 The Site is not covered by any statutory or non-statutory designations for landscape or heritage quality or value, however, the Site contains an area of Ancient Woodland in the eastern land parcel. The Site is bound by further areas of Ancient Woodland at Dell Wood and Long Newland’s Spring, on the western and northern Site boundary. To the south of the Site along Little Green Lane, is Durrants House, a Grade II Listed Tudor/Jacobean revival-style country house. No trees on Site are covered by Tree Preservation Orders. The Site is publicly accessible via Public Right of Way Sarratt 017 which bisects the northern part of the Site in an east-west direction.
- 4.4 It concludes the effects on the immediate surroundings of the Site will be limited as a result of careful design, and due to the existing dense vegetation, which bounds the Site to the north, east and west. Appropriate transitional characters are proposed within the development through the incorporation of areas of open space within the Site between the built development and the woodland beyond, and these areas and associated planting within them will further minimise effects on the immediate surrounding landscape. This clear edge to the development also limits effects on the wider landscape around the Site and north Croxley Green, with the woodlands physically and visually separating the settlement from the open countryside beyond.
- 4.5 The proposed design and layout of the development, in reflecting and respecting the character of the adjoining settlement, will also reduce the effects on the townscape character south of the Site. The assessment concludes that these developments, along with the proposed development, will not have significant cumulative impacts. Overall, there is no landscape or visual reason why development on part of the Site would be unacceptable, should the development reflect the proposed designs. Temporary effects on the landscape and visual character are anticipated during the construction phase, but these effects are expected to be controlled through a Construction Management Plan at detailed application stage.

Heritage & Archaeology

- 4.6 A Heritage Statement has been prepared by Pegasus which assesses the historic development of the Site, its current appearance and contribution to the surrounding area and assesses their significance.
- 4.7 There are no recorded heritage assets within the Site. There is an underlying potential for archaeological assets of prehistoric date to be present within the Site. There is low potential for archaeological assets of Romano -British or medieval date, and very low potential for early medieval assets to be identified within the Site. There is very low potential for significant archaeological assets of post -medieval or modern date to be identified within the Site.
- 4.8 The results of the geophysical survey indicated no anomalies suggestive of significant archaeological remains across most of the Site. The possible building identified represents an asset of uncertain significance. In the event of archaeological assets of prehistoric, Romano - British or early medieval date being identified within the Site they have the potential to be of regional significance. Should assets of medieval, post-medieval or modern date be identified they are unlikely to be of greater than local significance.
- 4.9 The proposed development has been designed to minimise harm to the significance of Durrants House and Cassiobury Park through changes to their settings. Taking into account 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 lower end of this spectrum in relation to Durrants House and at the lowest end of this spectrum for Cassiobury Park.

Access and Accessibility

- 4.10 A Transport Assessment (“TA”) and Travel Plan (“TP”) support this application. The preparation of the TA and FTA have been informed meetings with Local Highway Authority (HCC).
- 4.11 The accompanying TA sets out reasons for compliance with national and local planning policies emphasising sustainable transport (walking, cycling, public transit), detailed traffic generation and distribution modelling using TRICS and Junctions 10 software, and a comprehensive assessment of the impact on local junctions. The report demonstrates that the development will not create unacceptable impacts on highway safety or the road network, thereby supporting planning approval.
- 4.12 The accompanying TP analyses existing transportation infrastructure—walking, cycling, bus, and rail access and proposes improvements to encourage sustainable travel options and reduce reliance on private cars. To accommodate the new footway/cycleway, a small number of highway trees along Links Way will need to be removed, however this has been proposed following a request from HCC Highways. In addition, the footway/cycleways will have priority over Little Green Lane where it enters the development site. The report cites relevant local and national transport policies, including the Hertfordshire Local Transport Plan and the Local Cycling and

Walking Infrastructure Delivery Plan, to justify its recommendations. The plan sets targets for reducing single-occupancy car journeys and outlines specific measures, such as improved pedestrian and cycle routes, a new bus service, and secure cycle storage, along with a monitoring plan to evaluate its effectiveness.

Ecology & Biodiversity

- 4.13 Ecological surveys have been carried out which have informed the proposed development. The ecological impact assessment (“EcIA”) is based on a desk study, which have been followed up by numerous on-site ecological surveys undertaken between May to September 2024. The scope of the surveys included habitat surveys and condition assessments, as well as bat, breeding bird and badger surveys.
- 4.14 Avoidance, mitigation, and compensation measures identified in this EcIA have been incorporated into the illustrative masterplan proposals and will be delivered at the detailed design stage. The Scheme has maximised opportunities to incorporate and enhance biodiversity within the proposals wherever possible.
- 4.15 No significant residual effects are expected to occur to notable species and no compensation is therefore required. The following enhancement measures are proposed to comply with national and local planning policy, current legislation and good practice, the detail of which is expected to be secured through planning condition, pursuant to a Reserved Matters application.

The installation of a variety of bat, bird, and insect boxes on retained site trees.

The creation of hedgehog highways within private gardens, to allow passage for these mammals and create foraging opportunities within the residential area.

The installation of swift, house sparrow, starling and house martin boxes and bat bricks on appropriate aspects of dwellings within the residential area.

Information packs to be provided to residents and the school outlining the ecological importance of Ancient Woodlands within and surrounding the Site.

- 4.16 Overall, the Scheme would result in a biodiversity net gain of 34% Habitat Units and 42% Hedgerow Units. The potential to maximise net gain within the redline boundary of the Scheme has been explored based on the Scheme’s design parameters and targeting realistic and deliverable habitats as part of the Scheme’s soft landscaping. The mandatory requirement for 10% BNG has been achieved and surpassed for the Scheme and the Trading Rules have been met. This level of increase in BNG represents a considerable benefit of the scheme.

Arboriculture

- 4.17 An Arboricultural report, consisting of a tree survey and an Arboricultural Impact Assessment, has been prepared which assesses the implications of the indicative Masterplan proposals. The Site is an ordinary cropland field on the settlement edge, bounded by hedgerows and trees that

will be augmented by new planting, meaning that the overall tree and hedgerow resource on site will be enhanced. Whilst two small sections of hedgerow require removal to facilitate site access, none of the existing trees, woodland or groups of trees require removal to facilitate the development proposals.

Agricultural Land Classification

- 4.18 To assess the agricultural land quality, in total, 38 soil profiles were examined across the Site using an Edelman (Dutch) auger at an observation density of one per hectare in accordance with the established recommendations for ALC surveys. All the agricultural land at the site is classified as Subgrade 3b as shown in Figure RAC/10439/2 in the accompanying agricultural land classification report. There is no best and most versatile (BMV) land present within the site.

Flood Risk and Drainage

- 4.19 A Flood Risk Assessment has been submitted with the application. The Site is located in Flood Zone 1 indicating a low probability of flooding from fluvial sources. The risk of flooding due to groundwater, sewers and artificial sources has also been assessed and is considered to be low. The Site is shown to be predominantly at very low risk of flooding from surface water. A small low risk flow route bisects the western corner of the Site, and a low-risk flow route is present in the east of the Site.
- 4.20 This report demonstrates that the proposal has a low probability of flooding from all sources. The report also confirms that surface water runoff from the Site will not be affected by the development proposals thereby ensuring that flood risk is not increased elsewhere. It is considered that the information provided within this report satisfies the requirements of the NPPF and local policy. Paragraph 175 of the NPPF sets out: *"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."* Indeed, the design proposals have taken an approach to development that excludes areas at risk of flooding.
- 4.21 The Sustainable Drainage Statement accompanying the submission details a proposed Sustainable Drainage Systems ("SuDS") plan, outlining the design principles to manage surface water runoff sustainably, focusing on water quantity and quality, amenity, and biodiversity. It includes site details, existing conditions assessments, proposed drainage strategies (incorporating infiltration basins, swales, and other features), and a SuDS operation and maintenance plan.

Noise and Vibration

- 4.22 A Noise Impact Assessment accompanies the submission. It assesses the potential noise impacts of a proposed large-scale development in Croxley Green, including residential dwellings, a school, and a local centre, on surrounding areas. The assessment uses baseline noise surveys and established standards (BS 8233, BB93, DMRB) to predict noise levels and identify necessary mitigation strategies. It seeks to demonstrate that the development can meet noise regulations and is suitable for the proposed uses, addressing potential impacts on both existing and new noise-sensitive receptors.

Air Quality

- 4.23 An Air Quality Assessment accompanies the submission, it evaluates both the construction and operational phases, modelling predicted pollutant concentrations (NO₂, PM₁₀, PM_{2.5}) using ADMS-Roads and IAQM guidelines. Key findings indicate negligible impact on existing air quality objectives, rendering the proposed development suitable. The report includes detailed methodology, baseline conditions, and mitigation measures for construction dust, ultimately concluding that no further air quality mitigation is necessary.

Ground Conditions and Land Contamination

- 4.24 The accompanying geo-environmental report details a desk study analysing historical land use, geology, and environmental factors, including potential ground gas risks, radon levels, and ground dissolution. Based on this preliminary assessment, the report recommends further ground investigation to confirm ground conditions, quantify contaminant linkages, and inform foundation design, specifically addressing concerns around the old gravel pit and a topographical depression. The ultimate purpose is to assess environmental risks and liabilities associated with the development to inform planning permission.

Utilities

- 4.25 The accompanying utilities statement details existing utility infrastructure within and surrounding the development site, anticipated connections for the proposed residential development, a primary school, and a local centre, and projected costs for utility connections and diversions. It includes a utility search log, a 'Linesearch Before U Dig' report, and detailed information from various utility companies, such as UK Power Networks, Cadent Gas, Affinity Water, British Telecom, and Virgin Media.

Energy, Sustainability and Climate Change

- 4.26 The accompanying energy statement for the application analyses the project's energy efficiency strategies, including building fabric performance, efficient systems, and renewable energy options. The assessment evaluates the feasibility and impact of these technologies, considering

factors like planning constraints, noise, aesthetics, and financial implications. The findings of this report are embedded into the final design code for the Site, further aligning with the emerging design standards of the Council to create a wholly sustainable scheme.

- 4.27 The proposed strategy is well-positioned to reduce carbon dioxide emissions beyond the minimum 5% reduction required by Policy DM4, contributing to the district's wider sustainability goals.

Health Impact Assessment

- 4.28 A HIA report has assessed the potential impacts of the proposed development during the construction, operation, and maintenance phases. The HIA evaluates the potential effects of the development on the health and well-being of the local population. The report considers various factors, including the impact on open space and physical activity, transport infrastructure, housing, education, employment, air quality, noise pollution, and health and social care services.
- 4.29 The HIA uses a population health approach, focusing on the potential effects of the development on specific vulnerable groups, including children, older adults, low-income individuals, people with poor health, and those facing social disadvantages.
- 4.30 The HIA concludes that the proposed development would have a mostly positive impact on the health of the community, with the potential to improve access to green space, promote active travel, and enhance healthcare services. However, the report also highlights some potential negative impacts, such as temporary disruption to transportation during construction and a possible increase in air pollution. The HIA makes several recommendations for mitigating these negative impacts and maximising the potential benefits of the proposed development.

Formal Sports and Recreation Strategy

- 4.31 A Sports and Recreation strategy assesses the local need for sports facilities and create a plan that addresses the impact of the development on the existing sports landscape. It analyses the current provision of both indoor and outdoor sports facilities in the area, considering national policy frameworks and local plan guidelines, and updates the findings with recent data and consultations. The document then calculates the additional demand for sports facilities that the proposed development will generate, based on the predicted increase in population.
- 4.32 Finally, it outlines a series of options for delivering sports facilities, considering both on-site provision and off-site contributions. The strategy concludes that the most appropriate strategy for mitigating the impact of the new development on existing sports facilities and adding value to the local community is through targeted improvements to existing sports clubs in the local area, which is in addition to the on-site recreational routes and children's areas of play.

Retail

- 4.33 A supporting Local Centre Capacity assessment has been prepared by Lambert Smith Hampton to assist in identifying the potential for a food store to operate from the local centre. It considers the scale of the development, its location, and the footprint of the local centre. The document considers the likely catchment areas served by convenience food store at the Site; estimates the quantitative need within the defined catchment area that could support convenient store operation and presents findings of the soft market testing exercise, demonstrating significant commercial interest from major grocery retailers.
- 4.34 Finally, it outlines the floorspace requirement that two retail units could take, based on sales density. It will contribute to improvements in local consumer choice and the overall sustainability of the development.

Education

- 4.35 An education report has been prepared by EFM to assess the impact of the proposed development on educational infrastructure in Three Rivers and Hertfordshire. The report explores the demographic trends of the area, including dwelling delivery, birth rates, and age profiles, to forecast the potential need for additional school places. The report also examines existing schools within the vicinity of the development, including their current capacity, occupancy levels, and projected enrolment trends. Finally, the report analyses the potential need for additional early years provision and special education needs support, considering the relevant policies and funding mechanisms.

5 EFFECT ON THE OPENNESS OF THE GREEN BELT

- 5.1 The Site is wholly located within the Metropolitan Green Belt. This chapter sets out the impact of the development of the Site on the Green Belt in definitional terms, along with impact on openness and the Green Belt purposes. A separate Green Belt Assessment has been undertaken by the Applicant, which is included within the LVIA and summarised below.

Policy Background

- 5.2 Paragraph 143 of the NPPF sets out the five Green Belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.3 As set out in the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.4 While the NPPF does not define “openness,” the PPG provides guidance¹, stating:
- “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- The degree of activity likely to be generated, such as traffic generation.”*
- 5.5 As outlined by paragraph 153 of the NPPF, “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness²”.
- 5.6 In a scenario whereby development is found to be “inappropriate”. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green

¹ Paragraph: 001 Reference ID: 64-001-20190722

² Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Therefore, in this scenario, in order for the proposed development to be considered acceptable the benefits of the development must clearly outweigh the harms of the proposal. Before consideration of whether very special circumstances exist, it is important to understand the level of contribution and harm to the Green Belt from the land and by the development proposals.

The Council's Green Belt Assessment

- 5.7 As part of the work on the emerging Local Plan, Three Rivers District Council and Watford Borough Council commissioned an assessment of some 152 Green Belt parcels. This study undertaken by LUC (Stage 2 study) assessed the potential impact of release of Parcel CG8 on the integrity of the remaining Green Belt, including consideration of the strength of residual Green Belt boundaries. In assessing the impact on adjacent Green Belt this study found:

'Releasing this land would have negligible impact on adjacent Green Belt land because the surrounding registered parkland and ancient woodland constraints mean there would be no significant increase in the containment of adjacent Green Belt land, nor any weakening of the boundary of the urban edge.'

- 5.8 The study assessed the overall Green Belt harm and any variations of harm within Parcel CG8 that could follow the release of land, finding this to be 'Moderate-High' on the grounds that:

'Release of the parcel would have a significant impact on preventing urban sprawl and encroachment on the countryside. However, its release would only have a negligible impact on the adjacent Green Belt due to its containment by Cassiobury Registered Park and Garden and ancient woodland. It is therefore concluded that the harm to the Green Belt of releasing this land would be moderate-high.'

The Applicant's Green Belt Assessment

- 5.9 The applicant has undertaken a site-specific assessment of the Site (prepared by Iceni, December 2024) against purposes of Green Belt, and resultant harm of release. This is summarised or paraphrased below.

Openness of the Green Belt

- 5.10 *Openness is often considered to have both a spatial (i.e., physical) element and a visual element.*
- 5.11 *The Site is currently undeveloped and physically open and free from built development. The proposed development will inevitably result in a substantial increase in physical built form, to the extent that the Site could no longer be described as open. There would therefore be a high level of harm to the physical openness of the Site.*
- 5.12 *The Site is also visually relatively open to the immediate surroundings, with views within and into the Site available from the roads and paths which adjoin and occur within the Site. While*

development within the Site will be visible from the immediate surroundings, views from the wider Green Belt will be very limited. There will therefore be a high level of harm to the visual openness of the Green Belt at the Site but limited to no harm to the visual openness of the wider Green Belt.

- 5.13 *Other elements, such as increased movement and activity at the Site as a result of its development, will also result in a high level of harm to the openness of the Green Belt. The effect on the openness of the Green Belt is assessed as being moderate to high. However, we consider that overall, aside from the definitional harm caused by development in the Green Belt, given the characteristics of the Site, the level of harm to Green Belt openness is limited to the immediate site (i.e. on-site and localised).*

Assessment against the Green Belt Purposes (extract from the supporting LVIA)

a. To check the unrestricted sprawl of large built-up area

- 5.14 *Croxley Green is considered to constitute a large built-up area in relation to this purpose. The Green Belt at the Site plays some role in preventing sprawl, and sprawl (e.g. scattered or ribbon development) could potentially occur along the northern side of Little Green Lane, and potentially along Rousebarn Lane. However, any sprawl would be well contained from the wider Green Belt by the woodland belts and blocks which bound the Site to the north, east and west, and the Green Belt at the Site is therefore well contained from the wider Green Belt, limiting the extent of potential sprawl. The Green Belt at the Site is assessed as making an average contribution to purpose a, and therefore not strongly perform against this purpose.*
- 5.15 *Development as proposed at the Site would come forward through a masterplan, and include a wholistic design for the Site, including buildings and open spaces, and it would not constitute sprawl. The development would also be very well contained by the existing adjoining woodland, limiting any effects on the wider Green Belt beyond the Site, as also noted in the Council's Stage 2 [Green Belt] assessment. The development would also form a clear extension to the existing settlement to the south. Development at the Site in line within the proposed masterplan, will result in limited harm to this purpose of the Green Belt.*
- 5.16 *As set out within the Council's Green Belt assessment, releasing this land would have a negligible impact on the adjacent Green Belt due to its containment, and therefore the Green Belt would continue to function, and continue to serve purpose beyond the Site.*

b. To prevent neighbouring towns from merging into one another

- 5.17 *The only town within the near vicinity of the Site is Watford. The nearest suburb of Watford lies around 1km east of the Site, however, Cassiobury Park, including the large, wooded hill within it, comprises the space between the Site and Watford. The existing settlement at Croxley Green south of the Site beyond Baldwin Lane, and the settlement at Watford, are separated by a small area of open land along Grand Union Canal and the River Gade, and the proposed development at the Site will therefore not decrease the existing gap between the settlements.*

5.18 Therefore, the Green Belt at the Site plays no role in preventing neighbouring towns from merging, and development at the Site will result in no harm to this purpose.

c. To assist in safeguarding the countryside from encroachment

5.19 The existing settlement edge is well defined along Little Green Lane to the south of the Site, and the Site is clearly countryside. However, the Site benefits from very clearly defined boundaries which form a firm limit to further encroachment into the countryside. The Green Belt at the Site is therefore considered to make an average contribution to this purpose.

5.20 The proposed development will be very well contained from the wider Green Belt, as also noted within the Council's Stage 2 [Green Belt] assessment and new, readily identifiable boundaries between the settlement and the wider Green Belt are available. Development would extend into the countryside, but it would be well related to the existing settlement and will form a logical extension to Croxley Green. The harm to this purpose of the Green Belt as a result of the proposed development is considered to be moderate.

d. To preserve the setting and special character of historic towns

5.21 Croxley Green is not considered a historic town, but the Conservation Area to the west and south west of the Site protects the historic 'green' and its surroundings. The Site is physically and visually clearly separated from the Conservation Area. The Site therefore plays no role in this purpose of the Green Belt, and there will be no harm to this purpose as a result of the proposed development at the Site.

e. To assist in urban regeneration by encouraging the recycling of derelict and other urban land

5.22 The Council are unable to meet their growth needs solely on brownfield or derelict sites, and land within the Green Belt is required for development in order for the Council to accommodate its local housing need. Development at the Site will therefore result in a limited level of harm on this purpose.

Table 5.1 Conclusions in relation to Green Belt purposes

Contribution to Green Belt Purpose		Harm to Green Belt Purpose	
Purpose a	Average	Purpose a	Limited
Purpose b	None	Purpose b	None
Purpose c	Average	Purpose c	Moderate
Purpose d	None	Purpose d	None
Purpose e	-	Purpose e	Limited

Conclusion

5.23 The Site itself makes a relatively limited contribution towards the purposes of including land within the Green Belt. The effect on the openness of the Green Belt is assessed as being moderate to high. Overall given the characteristics of the Site, the level of harm to Green Belt openness is limited to the immediate site (i.e. on-site and localised).

- 5.24 The NPPF is clear that substantial weight should be given to any harm to the Green Belt, other than in the case of development on Grey Belt land. It is acknowledged that in such a scenario development in the Green Belt is inappropriate development, by definition, under the terms of the NPPF. This constitutes definitional harm to the Green Belt and substantial weight is given to any harm to the Green Belt.
- 5.25 Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from proposals is clearly outweighed by other considerations.
- 5.26 The introduction of built form on an undeveloped area would inevitably result in the loss of openness of the Green Belt causing harm, as well as harm by inappropriateness. The PPG explains that openness in Green Belt terms is capable of having both spatial and visual aspects, such that the visual impact of a proposal may be relevant, as may its volume. The proposal would introduce new residential development at 43 dwellings per hectare, with public open space located at the northern edge covering approximately 60% of the site area. Such a development would not be out of keeping with the prevailing form of residential development in the immediate area with elements of built development on the southern side of the Site and heavily wooded boundaries to all other sides which reduces the overall impact of the development, in spatial terms, with only a limited impact on the overall openness of the Green Belt.
- 5.27 The impact on the visual openness of the Green Belt has been assessed by Icení in the accompanying LVIA and Green Belt Assessment supporting this application. The statement concludes at para 6.35 that *'the Site is also visually relatively open to the immediate surroundings, with views within and into the Site available from the roads and paths which adjoin and occur within the Site. While development within the Site will be visible from the immediate surroundings, views from the wider Green Belt will be very limited. There will therefore be a high level of harm to the visual openness of the Green Belt at the Site, with this impact very localised. However, there will be limited to no harm to the visual openness of the wider Green Belt'*.
- 5.28 In terms of the effect on the purposes of the Green Belt, Paragraph 143 of the NPPF explains that Green Belt serves five purposes. An assessment of the sites performance against those five purposes has been carried out by Icení, concluding that the Site makes no contribution to the three of the five purposes of the Green Belt (preventing neighbouring towns from merging into one another, preserving the setting a special character of historic towns and assisting with urban regeneration by recycling urban land) and makes a limited contribution towards two of the five purposes (checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment).
- 5.29 Drawing the above matters together, RPS concludes that the proposals would have a moderate adverse impact on the openness of the site in spatial terms and visual terms. Additionally, the site results in a nil to average contribution against some of the five purposes of the Green Belt.
- 5.30 A Grey Belt methodology is applied in the next chapter.

- 5.31 In accordance with guidance in paragraph 155 of the NPPF, development of homes in the Green Belt should not be regarded as inappropriate where, (a) the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, (b) there is a demonstrable unmet need for the type of development proposed³, (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework, (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

³ Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years

6 GREY BELT ASSESSMENT

- 6.1 This chapter sets out the site-specific Grey Belt Assessment informed by the LVIA and Green Belt Assessment prepared by Icení. The exercise will provide an overall assessment as to whether or not the Site strongly contributes to any of purposes (a), (b), or (d) in NPPF paragraph 143, in order to be considered as 'Grey Belt'.
- 6.2 The applicant reserves its right to provide an addendum to the Planning Statement, following the publication of any Planning Practice Guidance in January 2025 pertinent to Grey Belt.
- 6.3 This chapter does not seek to duplication the methodology for the LVIA and the site-specific Green Belt Assessment, please refer to the separate report prepared by Icení for details on how the conclusions relied upon in this chapter have been arrived at.

Methodology for Grey Belt Assessment

- 6.4 This assessment has been undertaken in regard to the operational NPPF (December 2024) and the reform of Green Belt policy and the introduction of 'Grey Belt'.
- 6.5 The NPPF Glossary (page 73) defines 'Grey Belt' as;
- "Land in the Green Belt comprising Previously Developed Land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."*
- 6.6 The assessment of Grey Belt is a three-part criterion test. In this instance, the Site is not previously development land and so is "any other land".
- 6.7 The site-specific LVIA and Green Belt Assessment has been completed to assess the Site against the three-criterion set out.
- 6.8 As concluded the contribution the Site makes to the purposes of the Green Belt (as set out in Section 6.21-6.31 of the LVIA), means it does not 'strongly perform' against any purpose.
- 6.9 Turning to the qualifying features for Grey Belt in more detail:

Criterion (a) to check the unrestricted sprawl of large built-up areas

- 6.10 The development would be very well contained by the existing adjoining woodland, limiting effects on the wider Green Belt beyond the Site, as noted within the Council's Stage 2 Green Belt Assessment, meaning the Site is effectively preventing unrestricted sprawl.
- 6.11 As set out at paragraph 6.22 of the supporting LVIA, *"Croxley Green is considered to constitute a large built-up area in relation to this purpose. The Green Belt at the Site plays some role in preventing sprawl, and sprawl (e.g. scattered or ribbon development) could potentially occur along the northern side of Little Green Lane, and potentially along Rousebarn Lane. However,*

any sprawl would be well contained from the wider Green Belt by the woodland belts and blocks which bound the Site to the north, east and west, and the Green Belt at the Site is therefore well contained from the wider Green Belt, limiting the extent of potential sprawl. The Green Belt at the Site is assessed as making an average contribution to purpose a", and therefore not strongly perform against this purpose".

- 6.12 Due to the very well contained nature of the development by the existing adjoining woodland, as set out in paragraphs 6.22 – 6.24 of the supporting LVIA, these features provide a clear element of restriction to the extent of potential sprawl. Criterion 'a' is therefore satisfied.

Criterion (b) Preventing neighbouring towns from merging

- 6.13 The Stage 2 Green Belt Assessment for Three Rivers District and Watford Borough (2019; extract in Appendix A9) considered the impact of release of Parcel CG8 (the same as application site area, including HCC owned land) on the contribution to the purposes of the Green Belt established in the NPPF, was assessed within this study, it was concluded the parcel does not lie in the gap between neighbouring towns.
- 6.14 Paragraph 2.25 of the supporting LVIA concludes: *"The only town within the near vicinity of the Site is Watford. The nearest suburb of Watford lies around 1km east of the Site, however, Cassiobury Park, including the large wooded hill within it, comprises the space between the Site and Watford. The existing settlement at Croxley Green south of the Site beyond Baldwin Lane, and the settlement at Watford, are separated by a small area of open land along Grand Union Canal and the River Gade, and the proposed development at the Site will therefore not decrease the existing gap between the settlements. Therefore, the Green Belt at the Site plays no role in preventing neighbouring towns from merging, and does therefore not strongly perform against this purpose. Development at the Site will result in no harm to this purpose."*
- 6.15 Criterion 'b' has been met.

Criterion (d) Setting of historic towns

- 6.16 This matter has also been addressed within the consideration of the Site's performance against Green Belt purpose d.
- 6.17 As set out in the supporting LVIA, at paragraph 6.29, in terms of historic towns, *"Croxley Green is not considered a historic town, but the Conservation Area to the west and south west of the Site protects the historic 'green' and its surroundings. The Site is physically and visually clearly separated from the Conservation Area. The Site therefore plays no role in this purpose of the Green Belt, and does therefore not strongly perform against this purpose. There will be no harm to this purpose as a result of the proposed development at the Site"*. The Site makes a nil contribution to preserving the setting and special character of historic towns, or no role in this location.

- 6.18 In light of the above three-part assessment the Site clearly does constitute Grey Belt land under the definition set out in the NPPF. Notwithstanding this, further tests are required to be met, set out in paragraph 6.17 of this Statement.

Other considerations

- 6.19 The NPPF Glossary definition of Grey Belt sets out clearly that: *“Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*
- 6.20 As mentioned in this Statement, the Site contains an island of Ancient Woodland (called Green Land Wood) which is included under the definition of ‘irreplaceable habitat’, which are protected assets of importance within footnote 7. In this case, Grey Belt excludes the application of policies relating to Ancient Woodland, unless it would provide a strong reason for refusing or restricting development. Given the landscape-led proposals of the scheme, and the retention and mitigation measures sought for the Ancient Woodland, the development has been restricted to avoid development in this area. Thus, it is clear the proposals do not provide a strong reason to refuse the development on these grounds.
- 6.21 The Site is located within the Impact Risk Zones of Whippendell Wood Sites of Special Scientific Interest (“SSSI”) and Croxley Moor Common SSSI. Footnote 7 of the NPPF relates to policies and sites designated as SSSI. Grey Belt excludes the application of policies relating to areas at designated at SSSIs, unless it would provide a strong reason for refusing or restricting development. The development proposals include several mitigation measures to address potential impacts on SSSIs, particularly Whippendell Wood SSSI, which is located north of the site through buffers, construction management plans, public access management, waymarking, fencing and lighting. These measures aim to protect the ecological integrity of Whippendell Wood SSSI during both construction and operation of the development. The report concludes that, with these mitigations, no significant negative residual impacts are expected to occur to Whippendell Wood SSSI, and no compensation is proposed. The approach is designed to maintain the level of biodiversity within Whippendell Wood SSSI. The site is also within the Impact Risk Zone of Croxley Moor Common SSSI but given the separation distance of 1.9km, no negative construction impacts are expected.
- 6.22 The Site has been sequentially arranged such that built development is located outside of areas at risk of flooding from surface water and such that development will not impede flows. Grey Belt excludes the application of policies relating to areas at risk of flooding or coastal change, unless it would provide a strong reason for refusing or restricting development. The development area has been restricted to avoid these areas at risk.
- 6.23 The qualification of Grey Belt does not undermine existing protections for best and most versatile agricultural land in this location. Planning policies and decisions still recognise the benefits of the best and most versatile agricultural land, and the Site represents an area of poorer quality so this should be preferred.

Allowing Development in the Green Belt through Decision-Making

- 6.24 For decision-making, the NPPF (December 2024) applies immediately.
- 6.25 To ensure that in the short term the Government is supporting the delivery of housing, in advance of local planning authorities getting updated Local Plans in place and Green Belt reviews underway (which this Council is failing on), the Government supports changes that support the release of Green Belt land outside the plan making process.
- 6.26 Paragraph 155 of the NPPF sets out four criteria, for the development of homes in the Green Belt should also not be regarded as inappropriate where:

Criterion (a) utilise Grey Belt land and not undermine the purposes of remaining Green Belt

- 6.27 As concluded in paragraph 6.13 of this Statement, the Site comprises Grey Belt land and the proposals utilise Grey Belt land. Additionally, as set out in paragraph 6.42 of the supporting LVIA, it emphasises the *"very well-contained nature [of the Site]"* and states that *"any harm to the Green Belt will be contained to that occurring within the Site, with no resultant harm to the wider Green Belt."*
- 6.28 Criterion 'a' is therefore met in this instance.

Criterion (b) there is a demonstrable unmet need for the type of development proposed

- 6.29 Footnote 56 of the NPPF, sets out *"in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years"*.
- 6.30 The Council's own assessment accepts it has a lack of five-year housing land supply – at 1.9 years' (December 2023).
- 6.31 The 2023 measurement for the Housing Delivery Test for Three Rivers District was 30%.
- 6.32 The Policy and Resources Committee Report (dated 5th October 2023) stated that: *"Officers consider other needs such as the chronic lack of affordable housing, accommodation for the elderly and the delivery of much needed infrastructure constitute exceptional circumstances and as such some Green Belt release is required to meet the development needs for the area."* Even with a 'low growth' option of 270 dwellings per annum across the 18 year plan period, this would see lower harm areas of Green Belt be proposed to be released.
- 6.33 Criterion 'b' is therefore met in this instance.

Criterion (c) development in a sustainable location

- 6.34 In sustainability terms, Grey Belt locations should meet these expectations set out in the NPPF (paragraphs 110 and 115), around effective use of land and access to transport which the proposals achieve.
- 6.35 The proposals demonstrate a vision-led approach, integrating sustainable transport principles from the initial design stage. It incorporates active travel infrastructure, promotes public transport use, and aims to reduce reliance on private cars. The location is within walking distance of existing facilities and well-connected to public transport.
- 6.36 The proposed development seeks to limit the need to travel by providing local amenities, offer a genuine choice of transport modes through active travel infrastructure and public transport improvements, and mitigate potential traffic impacts through a comprehensive TP. These efforts aim to create a sustainable community that aligns with the NPPF's objectives while recognising the unique context of the suburban location.
- 6.37 Given the prioritisation of sustainable transport modes (as set out in paragraphs 4.72 – 4.80 of the supporting TA), the safe and suitable access for all users, the reflection of national guidance and mitigation of traffic impacts. It is considered the Site, and the proposals are sustainable.
- 6.38 Criterion 'c' is therefore met in this instance.

Criterion (d) compliance with the 'Golden Rules'

- 6.39 Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.
- 6.40 Paragraph 156 states: *"Where major development involving the provision of housing is proposed on land released from the Green Belt ... on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:*
- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
 - b. necessary improvements to local or national infrastructure; and*
 - c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

Paragraph 156(a) - 50% Affordable Housing

- 6.41 The proposed development includes 50% (up to 300 units) on site affordable housing provision, which exceeds the requirements of Policy CP4 (45%) of the adopted Core Strategy (2011). The proposed tenure split will be 70% Social Rent, 25% First Homes and 5% Shared Ownership

which reflects the requirements of Policy CP4 of the Adopted Core Strategy, as set out in the supporting Affordable Housing Statement at paragraph 1.4.

- 6.42 The first 'Golden Rule' is met.

Paragraph 156(b) - Improvements to local or national infrastructure

- 6.43 Contributions towards necessary improvements to local or national infrastructure.
- 6.44 The proposed development includes many infrastructure improvements to accommodate new residents and benefit the existing community, whilst the majority of which are identified in this Statement at paragraph 13.8 onwards. To summarise specific necessary local improvements encouraged by paragraph 156(b) the development proposes:

Education

- 6.45 The proposed development will include a new 1FE primary school with expansion land for 2FE. In addition, the development will include land for the potential expansion of the existing Little Green Junior School, as set out in the supporting Education Report prepared by EFM.

Healthcare

- 6.46 The proposed development will include a local centre with provision for NHS health and social care services. This will help address the existing shortage of medical facilities and inadequate infrastructure currently noted in Croxley Green and Hertfordshire and will create a significant local public health benefit for the existing and future communities. Further information is set out within the supporting HIA prepared by RPS.

Transport

- 6.47 The development will include two points of vehicular access, located logically along Little Green Lane. This will be supplemented by an internal road infrastructure to connect between the development parcels. The development will also include a network of connected streets together with traffic-free walking and cycling routes that are attractive and safe. In addition to a new bus service running through the site, the development will also provide a suitable contribution towards the implementation of lifts at Croxley Underground station. Footway / cycleway improvements are also proposed to improve connectivity to Baldwins Lane. Site wide footways will also connect with existing public rights of way. Further detail of the proposals related to transport matters, are set out in the supporting TA and TP prepared by Hub.

Open Space and Recreation

- 6.48 The development will feature a country park, a community orchard, and allotments. These amenities will create new amenity space for new and existing residents, including play areas and a network of footpaths and cycle paths. The development will also retain existing hedgerows, trees, and woodland, integrating them into the public open space. The existing public rights of way network will be enhanced and new public rights of way and new open space for recreation

and physical activity will be introduced. The new greenway will offer an attractive recreational route to new residential areas, play spaces, sports facilities, trim trails, and the Country Park.

Community Facilities

- 6.49 The proposed development will include a Local Centre with a community building, retail and cafe provision, and car parking. An appropriate level of floorspace for the retail facilities within the local centre has been demonstrated to meet the local needs arising in the norther part of Croxley Green, based on a soft marketing exercise undertaken in association with the proposal. Further information is set out within the supporting Local Centre Capacity statement prepared by Lambert Smith Hampton.

Sports and Recreation

- 6.50 The development will contribute to the improvement of off-site sports facilities, such as Chess Valley RUFC and the public tennis facilities at Baldwins Lane Recreation Ground, Sport England have demonstrated support for the approach as set out in the supporting Sport and Recreation Strategy prepared by Sports Planning Consultants.
- 6.51 The improvements set out above satisfy the requirements for improvements in necessary local infrastructure and therefore the contributions encouraged by paragraph 156(b) of the NPPF are met.

Paragraph 156(c) – New Accessible Open Space

- 6.52 Contributions towards the provision of new, or improvements to existing, green spaces that are accessible to the public should be made as part of the ‘Golden Rules’ criteria. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.
- 6.53 The proposals go beyond simply providing green space. They demonstrate an understanding of creating a network of interconnected green spaces, promoting active travel to off-site facilities, and ensuring that new green spaces are integrated into the development's design to maximise accessibility and quality of life for residents.
- 6.54 Criterion ‘c’ of the ‘Golden Rules’ set out in paragraph 156 of the NPPF is therefore met.

Paragraph 158 – Compliance with Golden Rules

- 6.55 Paragraph 158 of the NPPF is clear that: *“A development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission”.*

Paragraph 159 – Improvements to Green Spaces

- 6.56 Paragraph 159 of the NPPF replaces the general compensatory improvements required for Green Belt release. The golden rule to provide improvements to green spaces must now *‘contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan.’* And

‘Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.’ The proposals address these requirements, such as:

Landscape Setting

- 6.57 The proposed design and layout of the development reflects and respects the character of the adjoining settlement, which reduces the effects on the townscape character south of the Site. The well-contained nature of the Site also limits effects on the wider Landscape Character Area. The development incorporates areas of open space to respect and acknowledge the Listed Durrants House from a landscape perspective.

Support Nature Recovery

- 6.58 The development proposals support nature recovery through several key strategies, focusing on biodiversity net gain, habitat creation, and the protection of existing ecological features.

Local Standards for Green Space Provision

- 6.59 As set out at paragraph 7.30 of this Statement, Policy DM11 (Open Space, Sport and Recreation Facilities and Children’s Open Space) states that Developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the Site area should be set aside as open space, and where the development is likely to be occupied by families with children, 2% of the Site area should provide formal equipped play facilities.
- 6.60 Approximately 60% of the Site area is to be set aside as open space.

Local Nature Recovery Strategy

- 6.61 The Site has not been specifically identified within a Local Nature Recovery Strategy, but the supporting EclA details the wider area’s ecological importance and potential for habitat creation.
- 6.62 The Government is also clear that it would, as now, be possible for other Green Belt land to be released outside the plan-making process where ‘very special circumstances’ exist, but such cases would remain exceptional.
- 6.63 Given the findings conclude the site is Grey Belt. Firstly, this means there is no requirement to justify ‘very special circumstances’ with reference to and under paragraph 153. Secondly, there’s no clear reason for refusal under Green Belt policy under paragraph 11(d)(i) and footnote 7. Finally, the assessment would pass onto the tilted balance in favour of the proposals at paragraph 11 (d)(ii) NPPF. This is undertaken at the end of this Planning Statement.
- 6.64 It is the Applicant’s strongly held opinion that the proposals therefore meet at the appropriate tests as indicated above and constitutes Grey Belt.
- 6.65 Should, however, the Council disagree with the Council and consider the Site does not qualify as Grey Belt (and that the proposals remain inappropriate development) then an assessment of ‘very special circumstances’ (or benefits of the development) is set out later in this statement.

7 COMPLIANCE WITH THE DEVELOPMENT PLAN

- 7.1 Whilst national policy has clearly very recently moved on with the recent publication of the NPPF, the relevant legislation⁴ still requires that the application should be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Core Strategy ("CS"), adopted in October 2011; the Development Management Policies Local Development Document ("DMP"), adopted in July 2013, and the Site Allocations Local Development Document ("SALDD"), adopted November 2014. Reference is also made below to the Minerals and Waste Plans and the Croxley Green Neighbourhood Plan.

Core Strategy Development Plan Document (2001 - 2026)

The Core Strategy is out of date

- 7.2 The Core Strategy was adopted in 2011, some thirteen years ago and has been acknowledged by the Council as being out of date. Inspector Matthew Nunn in the Sarratt Appeal Decision from May 2024⁵ acknowledged this at paragraph 18 of their decision. The Council accept through their Housing Delivery Test Action Plan webpage that the Core Strategy is considered out of date⁶. This reduces the weight that should be given to the policies that are most important for the determination of this application. The principal reasons for the out-of-date nature of the CS relate to the following:

The CS was adopted in October 2011 and predates the adoption of the first NPPF in March 2012 and its subsequent updates. Particularly the concept of Grey Belt is not recognised.

The CS is now over 13 years old and has not been subject to any updates since adoption (September 2011).

The CS does not reflect up-to-date housing requirements. It adopts a housing target of 180 homes per year compared to the significantly higher target of 640 dwellings per annum as per the Local Housing Need figure under the previous standard method housing target, notwithstanding the updated Local Housing Need figure under new standard method of 832 dwellings per annum (December 2024). The adopted development plan strategy is therefore not sufficient to meet current housing need.

The CS does not reflect up-to-date employment and economic requirements, including shifts in working practices.

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁵ APP/P1940/W/22/3311477

⁶ [Monitoring | Three Rivers District Council](#) [Accessed 17 December 2024]

The CS fails to take into account numerous planning permissions granted since 2011 by the Council and Appeal decisions.

7.3 Additionally, as addressed later in this statement, there is no dispute that the Council cannot demonstrate a deliverable supply of housing as required by the NPPF. The Council's position is that the Council can only demonstrate a 1.9-year supply of housing⁷. This was based on the previous assessment of local housing need which has now substantially increased as addressed below. The Development Plan is plainly not delivering the amount of housing (market, affordable and custom-self build) required. The most important policies are also deemed out of date by NPPF para. 11(d) (carrying reduced weight as a result) and its accompanying footnote on both housing land supply and housing delivery test grounds.

7.4 The NPPF is clear that where a local planning authority cannot demonstrate a five-year supply of deliverable sites, policies which are 'most important for determining the application' are deemed out of date⁸.

Assessment against the Core Strategy Policies

7.5 Whilst the CS as a whole is out of date and therefore its policies cannot be ascribed full weight, the NPPF does not change the statutory basis of the development plan for decision making, and the fact the policies are deemed 'out of date' does not mean they should carry no weight or be disregarded or ignored. This position was reflected by Inspector Matthew Nunn in the Sarratt Appeal Decision from May 2024⁹.

7.6 The CS provides strategic policies for the district. The relevant policies contained within the CS are summarised below.

7.7 Policy PSP2 (Development in the Key Centres) sets out criteria that new development would be expected to accord with based around delivering new development, for which there is an identified need for to maintain the vitality of the centres, but in a way that is sustainable, improves connectivity, and conserves and enhances the local distinctiveness of the respective centres. Croxley Green is identified as one of five settlements identified as Key Centre and whilst the development is located outside the settlement boundary, it is located at one of the most sustainable settlements in the district.

7.8 Policy CP1 (Overarching Policy on Sustainable Development) sets out that all new development would be expected to contribute towards the sustainability of the district through a number of ways, for example reducing carbon emissions, building mixed and sustainable communities, and sustaining the viability and vitality of existing settlements in the district.

⁷ Housing Land Supply Report December 2023

⁸ Footnote 8 of the NPPF

⁹ APP/P1940/W/22/3311477

- 7.9 Policy CP2 (Housing Supply) states that housing provision will be made primarily from within the existing urban area (approximately 75% of total housing development between 2001- 2026) and also from housing sites at the most sustainable locations on the edge of existing settlements within the Green Belt (approximately 25% of total supply between 2001-2026)
- 7.10 Policy CP3 (Housing Mix and Density) aims to promote high quality residential development that respects the character of the district and caters for a range of housing needs. New development is expected to make the most efficient use of land, without compromising the quality of the environment and existing residential areas.
- 7.11 Policy CP4 (Affordable Housing) seeks to increase the provision of affordable homes in the district and meet local housing need as informed by the Strategic Housing Market Assessment. It seeks an overall provision of around 45% of all new housing. As a guide, the policy seeks that 70% of the affordable housing be provided as social rented and 30% to be of an intermediate tenure.
- 7.12 Policy CP9 (Green Infrastructure) states that the Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces.
- 7.13 Policy CP10 (Transport and Travel) aims to promote transport measures identified in the Infrastructure Delivery Plan in partnership with HCC, the Highways Agency and transport providers.
- 7.14 Policy CP11 (Green Belt) seeks to maintain the general extent of the Metropolitan Green Belt in the District. There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. The supporting policy text states at para 5.101 that:
- “Within the Green Belt, there is a general presumption against inappropriate development which should not be approved except in very special circumstances.”*
- 7.15 The ‘very special circumstances case’ (and benefits of the proposals) is set out within this planning statement. As the Applicant has set out the proposals represent development on Grey Belt land and therefore very special circumstances is not required to be demonstrated. Policy CP11 is out of date as it does not acknowledge the requirement for a Grey Belt assessment.
- 7.16 Policy CP12 (Design of Development) requires that new development be of a high standard of design and have regard to the local context and conserve or enhance the character and quality of the area.
- 7.17 In relation to landscape impact (policies CP1 and CP12), the LVIA demonstrates how the development will form a natural and logical extension to the settlement to the south and will be bound by very strong and clearly defined boundaries between the new settlement edge and the countryside beyond. The new homes will be designed to front onto the areas of open space, to create an attractive aspect and to provide passive surveillance. The proposed buildings will be

taller than those within the neighbourhood to the south, but considering the well-contained nature of the Site, and the fact that the design and materiality of the proposed buildings will reflect and respect the vernacular to the south, it is considered that the new built form will harmoniously sit adjacent to the existing settlement, regardless of the additional height.

- 7.18 The LVIA also demonstrates the character of the Site will change as a result of the proposed development. The open arable land will be lost and will be replaced with a new residential development and associated open spaces and infrastructure. While the effect on the landscape character of the Site is judged as adverse (due to the loss of the open land), this does not mean that the development will be unattractive or inappropriate. The neighbourhood will be designed to be attractive and safe, with many new areas of publicly accessible open space, as well as space to encourage wildlife through habitat creation. Areas of open space have also been incorporated within the development to respect and acknowledge the Listed Durrants House from a landscape perspective.

Development Management Policies Local Development Document (Adopted 2013)

- 7.19 As with the CS, the NPPF does not change the statutory basis of the development plan for decision making, and the fact the policies are deemed 'out of date' does not mean they should carry no weight or be disregarded or ignored. The Development Management Policies provides detailed policy in line with the strategic policies of the CS against which planning applications are assessed.
- 7.20 The relevant policies contained within the Development Management Policies are considered to include:
- 7.21 Policy DM1 (Residential Design and Layout) which states that all applications for residential development should satisfy the design criteria as set out in Appendix 2 of the Plan to ensure that development does not lead to a gradual deterioration in the quality of the built environment, and that landscaping, the need for privacy and amenity space and the creation of identity in housing layouts are taken into account.
- 7.22 Policy DM1 requires all proposals for residential development satisfy the design criteria laid out in Appendix 2 of the DMP LDD. Appendix 2 aims to ensure that development does not lead to a gradual deterioration in the quality of the built environment, and that landscaping, the need for privacy and amenity space and the creation of identity in housing layouts are taken into account. It continues that: "*certain developments may not comply with all guidance but still may be considered acceptable.*" As set out within the DAS, the provision of private amenity space for future occupiers will be provided in accordance with the emerging policy requirements of the draft Local Plan to ensure the proposals meet the true merits of sustainability. The justification for deviation from adopted standards is set out within the Design Code, submitted with the application.

- 7.23 Policy DM2 (Green Belt) states that new development within the Green Belt will not be permitted, except in very special circumstances. In terms of the development plan, the demonstration of very special circumstances as set out in this Planning Statement means the proposals would comply with Green Belt Policy DM2, as indicated below:

As set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below:

*a) **New Buildings Within the Green Belt, except in very special circumstances**, approval will not be given for new buildings other than those specified in national policy and other relevant guidance. Further guidance on the factors that will be considered in assessing applications for agricultural or forestry dwellings in the Green Belt is contained in Appendix 3.....*

- 7.24 Policy DM3 (The Historic Built Environment) seeks to retain and enhance heritage assets and will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.25 Policy DM4 (Carbon Dioxide Emissions and On-Site Renewable Energy) states that proposals will be required to demonstrate that developments will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability. The policy states that this may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable, or low carbon energy supply.
- 7.26 Policy DM6 (Biodiversity, Trees, Woodland, and Landscaping) seeks to ensure development does not result in any net loss of biodiversity value across the district as a whole.
- 7.27 Policy DM7 (Landscape Character) requires proposals to make a positive contribution to the surrounding landscape. The policy states that proposals that lead to unacceptable harm to the character of the landscape in terms of siting, scale, design, or external appearance will be refused planning permission. As set out in the LVIA the proposals do not lead to an unacceptable landscape harm.
- 7.28 Policy DM8 (Flood Risk and Water Resources) states that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.
- 7.29 Policy DM9 (Contamination and Pollution) states that the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.
- 7.30 Policy DM11 (Open Space, Sport and Recreation Facilities and Children's Open Space) states that Developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the Site area should be set aside as open space,

and where the development is likely to be occupied by families with children, 2% of the Site area should provide formal equipped play facilities.

- 7.31 Policy DM12 (Community, Leisure, and Cultural Facilities) states where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport.
- 7.32 Policy DM13 (Parking) requires that development should make provision for parking in accordance with the parking standards and the zone-based reductions set out in Appendix 5 of the Plan until such time as set standards are revised. As with the approach to residential amenity, the justification for the parking provision is set out within the DAS and TA, which utilises more up-to-date information and evidence from the emerging Local Plan.

Site Allocation Local Development Plan Document (2014)

- 7.33 The Site Allocation DPD seeks to allocate sufficient sites to deliver the housing requirements set out within the CS. The DPD allocates one site in Sarratt for 10 new homes, however this has yet to be delivered. The woodland to the north of the Site is identified as 'Open Space.' The DPD is of limited relevance to this application.

Minerals and Waste Policies and Proposals

- 7.34 HCC produces policies and proposals related to minerals and waste planning that cover the county of Hertfordshire.
- 7.35 These consist of:
- The Minerals Local Plan 2002–2016
 - The Waste Core Strategy and Development Management Policies 2011–2026
 - The Waste Site Allocations Development Plan Document 2011–2026

Croxley Green Neighbourhood Plan (Made 2018)

- 7.36 The Site does not fall within the Croxley Green Neighbourhood Plan Area, however, given its proximity to Croxley a number of its aims and delivery objectives as part of the Plan's overall vision may crossover and impact upon it, particularly with regards to transport and highway matters.
- 7.37 The Neighbourhood Plan is to plan a sustainable future for Croxley Green. Many people in the community refer to Croxley Green as a "village," due to the historic settlement and its semi-rural nature. Croxley Green is almost surrounded by designated Green Belt land, some within the parish, and much to the west, north and east in neighbouring parishes. The Independent Examiner's Report was issued on 21st September 2018.

Summary

- 7.38 It is acknowledged that the development is located outside the urban area of Croxley Green in open countryside on an unallocated site contrary to the general spatial strategy of the CS (PSP2) which has an urban focus overall. It is also acknowledged given the developments location in the countryside landscape harm exist and the proposals would conflict with Policies CP1 and CP12 of the CS, and Policy DM7 of the DMP.
- 7.39 However, as set out in CS Policy CP11 and Development Management Policy DM2, the construction of new buildings in the Green Belt is inappropriate except in very special circumstances. The 'very special circumstances' case (or benefits of the proposals) is set out in this Planning Statement at Chapter 13.
- 7.40 Development can therefore come forward outside of the key centres if in compliance with CS Policy CP11.
- 7.41 The Courts, namely *R (Milne) v Rochdale Metropolitan Borough Council* (CD6.1) which considers the relationship of policies in the development plan:
- "It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases the decision-maker has to make a judgment on whether the proposal accords with the development plan read as a whole, taking into account such factors as the relative importance of the policies complied with or infringed, and the relative extent of that compliance or conflict."* (Paragraph 48)
- 7.42 It is clear that compliance with the Development Plan as a whole does not mean that a proposal needs to be in accordance with every policy, and failure to comply with a given number of policies does not result in a binary position where proposals are inconsistent with a Development Plan. With less significant policies not being given as much weight in the planning balance. Given the sites location on the edge of a Key Centre and compliance with Green Belt policy, the scheme could be deemed to be compliant with the development plan as a whole.
- 7.43 The counter view is that despite compliance with Policies CP11 and DM2, the sites unallocated location in the countryside and conflict with spatial strategy (Policy PSP2) and landscape policies (CP1 and CP12 of the CS, and Policy DM7 of the DMP) means that the development is contrary to the development plan as a whole. In part because, as already discussed, the adopted Core Strategy is out of date, so paragraph 11(c) of the NPPF would not apply in this scenario. In the context of the Green Belt, CS Policy CP11 fails to recognise the designation of Grey Belt as set out in the NPPF. In this instance, as addressed later in this planning statement the tilted balance is relevant to the determination of the application.

8 THE STATUS OF THE EMERGING DEVELOPMENT PLAN

- 8.1 Having regard to advice within the NPPF both the emerging Local Plan and Sarratt Neighbourhood Plan cannot attract significant weight at this stage, given the preparatory stages they are at as addressed below.

The Emerging Local Plan

- 8.2 Given the acknowledged out of date Local Plan, the Council commenced preparation of the Local Plan, some seven years ago in 2017. The new Local Plan is not sufficiently progressed to be able to afford it or its policies significant weight. The latest position¹⁰ is that the Regulation 19 consultation on the Local Plan will not take place until February/March 2026 and will not be adopted until September or October 2026. Over recent years, the Local Plan has been subject to consultation on a number of iterations, as detailed below.

Local Plan Issues & Options and Call for Sites (July 2017 – September 2017)

Additional Call for Sites Consultation (July 2018 – August 2018)

Potential Sites Consultation (October 2018 – December 2018)

Part 1 Preferred Policy Options & Part 2: Sites for Potential Allocation (June 2021 - August 2021). N.B. Officers recommended the Site's inclusion for allocation at this stage of the Plan making process, and later omitted by last minute Member amendment.

Part 3: Additional Sites for Potential Allocation (January 2023 – March 2023)

Part 4: 'Lower Housing Growth Option Protecting More Green Belt Land' (October – December 2023)

- 8.3 The current published position, as indicated above is a proposed 'Low Growth – Green Belt Restraint / Protection Option.' This Regulation 18 version of the Local Plan consulted on delivery of just 4,852 dwellings (or 270 dwellings per annum), equating to just 43% of the Standard Method Local Housing Need figure of 637 dwellings per annum across the new Plan-period (note: previous Standard Method). This would have constituted **a shortfall of 5,135 dwellings** against the Council's residual housing target based on the Government's standard method at the time. Applying the new Local Housing Need figure under new Standard Method to the proposed 'Low Growth' option proposing just 4,532 dwellings, equates to just 32% of new Standard Method Local Housing Need figure of 832 dwellings per annum across the plan period, constituting a **shortfall of 10,124 dwellings**. There is clearly a greater shortfall against the revised NPPF's requirements, which has not as yet been addressed. The proposed Low Growth and Green Belt Restraint option therefore would not be allocating enough land for housing to meet actual local need.

¹⁰ 17 October 2024 Local Plan Sub Committee

- 8.4 There remains huge uncertainty over whether the Local Plan will progress and in its current form the revised 2026 adoption date is simply unrealistic.
- 8.5 The table below considers the implications of the December 2024 NPPF and the transitional arrangements that could pose implications for Three Rivers', particularly the risks associated with such a reduced growth option. It is very unlikely the Plan will proceed in its current form, but should it do so, the Inspector at the subsequent Local Plan Examination may consider that the Council are failing to meet the development needs for the area. The Inspector could pause the examination and ask Three Rivers to do additional work to find more sites, delaying the plan and costing the Council financially as was the case with Welwyn Hatfield or simply more likely should the Plan proceed in its current format simply found to be unsound.

Table 8.1 Local Plan Review Growth Options and implications of new NPPF requirements

Growth Option	SM Option	SM Option	High Growth Option	Low Growth Option	December 2024 NPPF	Transitional Arrangements*
Stage	Part 1 & 2 (Reg 18)	Part 3 (Reg 18)	After Part 3 (Reg 18)	Part 4 (Reg 18)	N/A	N/A
Plan Period	2018-2038	2018-2038	2023-2041	2023-2041	2023-2041	2023-2041
Standard Method	630	630	637	637	832	666 (80% of 832)
Total Required Housing Target	12,624	12,624	11,466	11,466	14,976	11,988
Supply	10,919	11,306	10,839	4,852	4,852 (assumes continuation of low growth option)	10,839 (assumes maximum previously identified after Part 3)
Allocations per annum	546	565	602	270	270 (assumes no additional sites identified for potential allocation)	666 (no departure from SM)
Shortfall	1,705	1,318	627	6,614	10,124	c. 1,149

*Applies a hypothetical scenario that Reg 19 stage is consulted on or before 12th March 2025 – i.e., the 'with their housing requirement at least 80% of the standard local housing need figure' scenario. This assumes the Council change approach from their high-risk low-growth option; however Members have voted to delay the Reg 19 Plan until February 2026 to allow time to collect evidence base that intends to demonstrate any release of Green Belt would undermine its function as a whole.

Officer's Recommendation for the Site to be Allocated

- 8.6 Richborough has sought to engage with the emerging Development Plan process from the outset and have submitted detailed representations promoting the Site to the Council's various Regulation 18 consultations. Progress on the Local Plan Review has been exceptionally slow. Appended to this Planning Statement is a chronology of engagement in the Local Plan process.
- 8.7 Richborough has been engaged in the Local Plan Review from the beginning of the process in 2016/17. The Site was promoted by Richborough initially for 500 new dwellings. In 2019, the then Leader of the Council and the Officers requested that the Site capacity be increased from 500 to 800 dwellings to assist in reducing the shortfall against the Standard Method target identified through the Part 1 and Part 2 Reg 18 Plan.
- 8.8 It is highly material to this planning application that the Council's Planning Policy Officers have twice recommended to Members that the Site should be allocated for housing. This demonstrates

the general suitability of the Site and proposal's ability to assist with delivering the council's development needs of the area.

- 8.9 The Site was recommended by Officers for potential allocation on two occasions. On 18 May 2021, the Officer Report identifying the 'Potential Sites for Allocation Document' was taken to the Local Plan Sub Committee meeting, including the Site for 782 dwellings, a local centre, primary school, medical centre, country park and a community sports facility. A member amendment note following the Full Council meeting removed the Site from consultation. On the second occasion (November 2022), the Site was one of the five recommended sites of the officer's site assessment and sustainability appraisal work supporting the further Part 3 Reg 18 Plan consulting upon 'additional sites for potential allocation'¹¹. The conclusion was as follows:

"The site is deemed suitable for residential development. Small areas of the site are at risk of surface water flooding and future proposals would need to satisfactorily address this and provide suitable mitigation where necessary. Consideration to heritage assets and potential environmental impacts will also need to be made as part of any future proposals. The site is both available and achievable. The site is deemed to be developable [and deliverable]."

Developers have indicated approximately 500 dwellings on site to be the optimum site capacity for the development to be viable considering the infrastructure provision associated with the development. Optional proposal for 800 dwellings has also been proposed, which is claimed to bring more infrastructural benefits. Lowering dwelling numbers further will not make the development unviable however, that will likely lead to a reduction in the additional benefits such as not releasing land for a country park. Illustrative masterplan has been submitted."

- 8.10 In summary, Officers have twice previously recommended the Site for inclusion in the draft Local Plan – as being *"deemed suitable for residential development. The site is both available and achievable. The site is deemed to be developable [and deliverable],"* however elected Members have repeatedly taken the political decision to not proceed with a draft allocation and instead concentrate as is currently the case in not addressing the local housing need for the district.
- 8.11 In RPS view the fact that Officers have twice recommended the Site for removal from the Green Belt and allocation as a sustainable urban extension represents a material consideration of relevance to the determination of this application, which RPS contend is in line with relevant case law on material considerations¹².

¹¹ Appendix 3a SHELAA Forms Reconsidered Reg 18 Sites of November 2022 Local Plan Sub Committee Report

¹² *Stringer v MHLG 1971* and *R v Westminster CC ex-parte Monahan 1989*

Draft Sarratt Neighbourhood Plan

- 8.12 A Neighbourhood Plan is in the process of being prepared for the Sarratt Parish. Whilst this Plan is not seeking to allocate any new housing sites (deferring this to the emerging Local Plan) the Applicant has nevertheless sought to be engaged with this process.
- 8.13 A Neighbourhood Plan for Sarratt is currently at examination, with the early stages of preparation with initial consultation taking place in 2021, the most recent consultation has just been undertaken in September 2024. Following the close of the second Regulation 16 Consultation on 11 September 2024 and as of November 2024, the examination of the Sarratt Neighbourhood Plan has reconvened.
- 8.14 As part of the evidence base to inform this Plan a Local Housing Needs Assessment has been published which identified a housing need of 170 new affordable homes in Sarratt over the Plan period. Despite this, the Neighbourhood Plan is not proposing to allocate any housing sites and so on this basis, once 'Made' we do not consider that it will benefit from the protection afforded by paragraph 14 of the NPPF.
- 8.15 Notwithstanding this, given that the Neighbourhood Plan is still in preparation stages we do not consider that any weight can be attached to its policies. However, the development proposals have sought where possible and appropriate to use the Design Guide as part of the Neighbourhood Plan to help guide the Design Code for the application site.

9 COMPLIANCE WITH NATIONAL POLICY

- 9.1 The NPPF, last updated December 2024, and the Planning Practice Guidance, a living document first created in March 2012 and revised subsequently, are material considerations and have been carefully taken into account in the proposed development. The relevant legislation¹³ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF and PPG are material considerations.
- 9.2 If the NPPF points in favour of granting planning permission, that is a sufficiently powerful material consideration for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 to justify allowing the application despite any non-accordance with the development plan.

National Planning Policy Framework (2024)

- 9.3 At the heart of the NPPF is a presumption in favour of sustainable development. Para. 11 states that development proposals which accord with an up-to-date development plan should be approved without delay. As per paragraph 11(d), when the most important policies for determining applications are out-of-date, permission should be granted unless:
- i. *“The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
- 9.4 Footnote 8 of the NPPF establishes that policies are to be considered “out-of-date” for situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Footnote 7 of the NPPF states that the policies referred to in (i) are those contained in the NPPF relating to, as relevant to the Site: land designated as Green Belt; an Area of Outstanding Natural Beauty; and designated heritage assets.
- 9.5 Where the most important policies are out of date or where there is an absence of a five-year supply of housing, the NPPF also requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-

¹³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

- designed places and providing affordable homes, individually or in combination¹⁴. However, this so called ‘tilted balance’ in favour of granting permission may be ‘disengaged’ where specific policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development. Those relating to the Green Belt are one such potential category¹⁵.
- 9.6 Chapter 5 entitled “Delivering a sufficient supply of homes” supports the Government’s overarching objective to significantly boost the supply of homes. Among other things, Chapter 5 of the NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
- 9.7 Chapter 5 also highlights the requirement for Local Planning Authorities to maintain a 5-year housing land supply of deliverable sites, with an appropriate buffer and to monitor progress on the Housing Delivery Test, which should not fall below 95%.
- 9.8 The NPPF provides an increased emphasis upon delivering development which will both stimulate the economy and deliver the housing needs of local communities. In this context the Development will assist with the delivery of that objective through the provision of new housing, including affordable homes, in a sustainable location to benefit the growth of Croyley Green. Irrespective of the Council’s land supply position, this proposal represents a highly sustainable development in its own right and should be approved in accordance with the principles of the NPPF.
- 9.9 Paragraph 51 of the NPPF provides advice on prematurity as follows:
- Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*
- 9.10 As addressed above, the Council has been working on a new Local Plan for some seven years however, it still remains in its very formative stages, and several years away from adoption, with further consultation and an Examination to take place, there is no basis whatsoever for seeking to resist this scheme on the grounds of prematurity.
- 9.11 Through the NPPF the planning system is charged with contributing an important role in facilitating social interaction and creating healthy, inclusive communities, as outlined in Chapter 8 of the NPPF. Local planning authorities should create a shared vision with communities of the

¹⁴ Paragraph 11(d)(ii)

¹⁵ The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12

residential environment and facilities they wish to see. To support this, planning policies and decisions, in turn, should aim to achieve places which promote – found in paragraph 96:

promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

- 9.12 The NPPF also advises that to deliver the social, recreational, and cultural facilities and services the community needs, planning decisions should – as outlined in paragraph 98:

plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments;

take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community; and

ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 9.13 Chapter 13 “Protecting Green Belt Land” sets out the five purposes of the Green Belt which are:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 9.14 Paragraph 151 states local planning authorities should plan positively to enhance the beneficial use of Green Belts, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity, and biodiversity. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in

the Green Belt is regarded by definition as inappropriate unless it falls within the exceptions listed in paragraph 154 of the NPPF.

- 9.15 Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.16 Paragraph 155 of the NPPF sets out that the *“development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of [the] Framework and where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 [of the NPPF]”*.
- 9.17 For the reasons set out within this Planning Statement, very special circumstances do exist and justifying a development plan policy departure.

Planning Practice Guidance

- 9.18 The PPG was first published in 2014 and is periodically updated. It adds further context to the NPPF, and the two documents are to be read in conjunction with one another.
- 9.19 The section on the **Green Belt** highlights issues surrounding what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt as well as how plans might set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements, including landscape and visual enhancements.
- 9.20 Paragraph: 001 Reference ID: 64-001-20190722 of the PPG states the following:

What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;

the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

the degree of activity likely to be generated, such as traffic generation.

- 9.21 The PPG supports local planning authorities in objectively assessing and evidencing **development needs for housing** (market and affordable) and economic development. Assessing housing need is the first step in the process of deciding how many homes need to be planned for, and so a standard methodology has been prepared to assess this. The standard method uses a formula to identify the minimum number of homes expected to be planned for.
- 9.22 The PPG supports the emphasis of the NPPF to assist communities in bringing forward plans for development in their local areas, through the form of **Neighbourhood Plans** and Neighbourhood Development Orders. This confirms that once made at referendum, a Neighbourhood Plan becomes part of the statutory development plan.
- 9.23 The PPG states **good quality design** is an integral part of sustainable development, and the NPPF recognises that design quality matters should drive up design standards across all forms of development. A core planning principle for plan makers and decision takers is to always seek to secure high quality design. It is stated that significant weight will be given to development that reflect local design policies and government guidance on design, as well as outstanding or innovative designs which promote high levels of sustainability. Further detail is included in the accompanying DAS.
- 9.24 **Planning obligations** should meet the tests that are necessary to make the Development acceptable in planning terms, directly related to the Development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the NPPF. Policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development. A draft Heads of Terms is included as part of this report under Section 12.
- 9.25 The PPG supersedes the technical guidance note published alongside the NPPF in 2012. The PPG advises how **Flood Risk Assessments** (FRAs) should be prepared to ensure that development assesses the likely risk to a development site and follows avoidance, managing and mitigation measures as appropriate. The guidance advises that proposals make use of flood mapping provided by the Environment Agency, to provide an FRA appropriate to the scale and type of development and follow the standing advice on flood risk when preparing an assessment. An FRA has been prepared and submitted with the planning application.
- 9.26 The PPG brings extra emphasis on the role of **health and wellbeing** through planning decisions. The guidance recommends that opportunities for healthy lifestyles should be a consideration in the development of planning applications. This includes supporting people of all ages to make

healthy lifestyle choices through active travel, physical activity, and access to areas for recreation and play. Development proposals should also consider how accessibility, good design and open spaces can contribute towards social interactions, promote inclusive communities and lead to reductions in health inequalities. The development proposals include a significant proportion of public open space and a children's play area, encouraging informal recreation and active lifestyles. The Site benefits from close proximity to a number of nearby services and facilities which are accessible by walking or cycle, which promotes health and wellbeing benefits in addition to potentially reducing car usage.

National Design Guide

- 9.27 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics: a) Context b) Identity c) built form d) movement e) nature f) public spaces g) uses h) homes and buildings i) resources j) lifespan.
- 9.28 The Applicant's Design Code submitted with the application follows the national approach to coding and provides greater certainty and clarity over the high-quality form of the development proposals.

10 OTHER MATERIAL CONSIDERATIONS

- 10.1 There are other non-statutory development documents that are relevant to the Proposed Development, which are:

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007)

Affordable Housing Supplementary Planning Document (adopted June 2011).

Open Space, Amenity and Children's Playspace SPD

- 10.2 This SPD expands on "saved" policies L.10 and L.11 from the Three Rivers Local Plan 1996 – 2011. The policies and proposals of the plan set out the planning context for development. These policies in the Three Rivers Local Plan (2001) have been superseded by the Development Management Policies, in this instance Policy DM11 of the Development Management Policies Local Development Document (Adopted 2013).

- 10.3 Open spaces provide a valuable formal and informal recreational facility for children and adults. They add character and interest to a housing development thus considerably enhancing its quality. The Council recognises the new housing developments are likely to increase demands on existing local open space provision and proposes to address this issue by continuing to provide and maintain children's playground and playing fields.

- 10.4 The SPD seeks to ensure that an adequate level of open space is made within or associated with, new housing developments, in order to meet the recreational needs of residents who will occupy the developments.

- 10.5 In determining the type and level of provision that would be most appropriate to the development proposed, the Council will take account of:

The need to ensure that sufficient allowance is made for play, sports, and general-purpose recreation within developments;

The estimated level of occupancy of the proposed developments;

Three Rivers standard for open space provision;

The location and characteristic of the proposed development;

The Site's proximity to existing recreational facilities;

Local circumstances, needs and opportunities;

Whether there are any other planning objectives that need to be given priority in the development of the Site; and

Any other material considerations.

- 10.6 The SPD sets out how the standards should be applied to new housing developments, namely on-site provision for larger developments (i.e., developments of 25 or more dwellings or 0.6 hectares or more) should consist of at least 10% of the Site area, with a breakdown of 8% and 2% dedicated to amenity space and play space, respectively.
- 10.7 The design principles for open space are also set out within the SPD.

Affordable Housing Supplementary Planning Document

- 10.8 The Council recognises that average house prices within the Three Rivers district are some of the highest in the country outside of London. The lack of suitable and affordable housing within Three Rivers impacts on the ability of the district to attract and retain workers with impacts on key services and the local community.
- 10.9 The SPD serves to provide guidance on the application of affordable housing policies set out in the CS Development Plan Document. The policies within the CS seek to secure the provision of an appropriate level, mix and size of affordable housing units so that planned housing addresses the identified housing need of all parts of the community.
- 10.10 The SPD sets out further clarification on the design, layout and distribution and timing of delivery of affordable housing. Matters relating to viability are also addressed within the SPD.

Written Ministerial Statement – Building the homes we need

- 10.11 On 30 July 2024, the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government published a Written Ministerial Statement (WMS) setting out the Labour Government's proposed reform to housing delivery and the planning system, in response to the national housing crisis. The principal focus of the WMS is to deliver housing, improve affordability and build 1.5 million homes over the next five years.
- 10.12 The WMS sets out the basis for the reform of calculating housing numbers by mandating the standard methodology is used to determine local authorities housing requirements. The current standard methodology for Three River's District totals 832 dwellings per annum, under the proposed new stock-based approach (December 2024).
- 10.13 The WMS recognises that housing development will come forward outside of the local plan process. In local authority areas which lack a 5YHLS or poor performing HDT, Green Belt development will still be possible where 'very special circumstances' exist, but can come forward if development proposals meet a new set of proposed 'golden rules' namely 50% affordable housing on-site, provision of local infrastructure to benefit the local community (e.g. schools, GP surgeries, transport links); and provide public access to green spaces.
- 10.14 A major theme of the WMS is not only to deliver more homes but improving affordability and the provision of affordable homes for ownership and for rent to support diverse communities. Local authorities should, where affordable homes are being proposed, adopt a flexible and positive approach to affordable tenure and mix.

- 10.15 In accordance with case law¹⁶, this WMS can and should be a material consideration in the determination of planning applications, which sets out a clear vision and direction of travel for the positive and supportive approach to future housing delivery, improving affordability and the continued and elevated role that Green Belt development plays in this strategy, which are front and centre relevant to the determination of the subject application scheme at Land North of Little Green Lane.
- 10.16 Full weight can be applied to the new NPPF at this time, such that the case for development of the Land North of Little Green Lane remains in the context of the revised operational NPPF 2024.

¹⁶ Cala Homes (South) Ltd, R v Secretary of State for Communities and Local Government & Anor [2011] EWCA Civ 639 (27 May 2011)

11 MARKET AND AFFORDABLE HOUSING DELIVERY

- 11.1 Paragraph 61 of the NPPF confirms the Government's objective to significantly boost the supply of homes. To support this objective, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 11.2 As mentioned, the recent Statement from Angela Rayner (Secretary of State for Ministry for Housing, Local Government and Communities), stated the Government's target of delivering 1.5 million additional homes in the next five years.

Five Year Housing Land Supply and Housing Delivery Test

- 11.3 The Council's Housing Land Supply report states that the deliverable supply at 1st April 2023 is 1,449 dwellings, which against the local housing need plus a 20% buffer equates to 1.45 years. A position of 1.9-years was agreed within the Sarratt appeal decision¹⁷, where the Inspector opined this was a "very serious shortfall." The Applicant has prepared a separate 5YHLS statement, which assesses the robustness of that position. This is summarised below and demonstrates the Council's land supply is materially lower between 1.45YLS and 1.18YLS based on the revised operational NPPF and approach to land supply.
- 11.4 On the requirement side, the strategic policies in the CS (adopted October 2011) are more than five years old and have not been reviewed and found to be up to date. Therefore, in accordance with paragraph 78 and footnote 40 of the NPPF, the 5YHLS should be measured against the local housing need using the standard method set out in the Planning Practice Guidance (PPG). The local housing need for Three Rivers calculated using the current standard method is 832 dwellings per annum.
- 11.5 The latest Housing Delivery Test (HDT) result (2023) confirmed that Three Rivers achieved a result of 30%. This means that the 20% buffer applies to the 5YHLS calculation. Therefore, the supply that needs to be demonstrated is 4,992 dwellings (i.e., 832 x 5 years + 20%).
- 11.6 On the supply side, the Council claims to have a deliverable supply of 1,449 dwellings. Emery Planning has reviewed the supply and for the reasons set out in sections 11-12 of the supporting 5YHLS assessment, conclude that 271 dwellings should be removed from the Council's supply. The reason for this is because the Council has not provided clear evidence that housing completions will begin on the sites that fall within category b) of the definition of deliverable as set out on page 72 of the NPPF. This means that the deliverable supply is 1,178 dwellings.
- 11.7 The Council has not yet published a revised Housing Land Supply update for December 2024.

¹⁷ APP/P1940/W/22/3311477

- 11.8 New local housing need figures for each authority were published alongside the publication of the new NPPF (December 2024). This includes a revised standard method to calculate local housing need and the reintroduction of the appropriate buffers. The implication of the revised standard method is set out in the table below:

Table 11.1 Three Rivers' 5YHLS at 1st April 2023 against the revised standard method

	Requirement	Council	Emery planning
A	Annual local housing need figure / requirement	832	832
B	Five year requirement	4,160	4,160
C	20% buffer	832	832
D	Total five year requirement	4,992	4,992
E	Annual housing requirement	998	998
Supply			
F	Deliverable supply at 1 st April 2023	1,449	1,178
G	Supply in years	1.45	1.18
H	Undersupply against the five year requirement	-3,543	-3,814

- 11.9 Consequently, the Council's supply position will worsen further when the proposed reforms to the NPPF are adopted. Against the proposed revised standard method, we consider that the Council can only demonstrate a 1.18-year supply. Even according to the Council's own figures, it can only demonstrate a 1.45-year supply against the revised standard method.

Affordable Housing Delivery

- 11.10 A separate affordable housing statement has been submitted with the application. This demonstrates there are serious and persistent affordability challenges across Three Rivers District. This is exemplified by the affordability indicators which show a poor and worsening affordability across the Three Rivers District.
- 11.11 It is the opinion of Tetlow King Planning that there is an acute housing crisis in Three Rivers District, with a lower quartile house price to income ratio of 12.83. Mortgage lending is typically offered based on up to 4.5 times earnings (subject to individual circumstances). Here, the affordability ratio is some 185% higher than that.
- 11.12 Boosting the supply of affordable homes will mean that households needing affordable housing will spend less time in unsuitable accommodation. This will improve the lives of those real

households who will benefit from the provision of high quality, affordable homes that meet their needs.

11.13 The affordable housing benefits of the application scheme are therefore:

Exceeding policy compliant 45% requirement with 50% provision (up to 300 dwellings) of the scheme provided as affordable housing;

A deliverable scheme which provides much needed affordable homes;

In a sustainable location;

With the affordable homes managed by a Registered Provider;

Which provide better quality affordable homes; and

Greater security of tenure than the private rented sector.

11.14 Evidently, there can be no doubt that the provision of 300 affordable dwellings on this site to help those in acute need in Three Rivers District should be afforded Very Substantial weight in the determination of this application.

12 S106 HEADS OF TERMS AND CIL COMPLIANCE

- 12.1 In assisting in the delivery of new homes, the NPPF and PPG recognise that conditions or planning obligations may be required to make development acceptable and mitigate what might otherwise be unacceptable impacts on the surrounding area. However, paragraph 56 of the NPPF states that “planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.” As such, planning obligations must only be sought where they meet all of the following tests set out in NPPF paragraph 58:

- a) Necessary to make the development acceptable in planning terms;*
- b) Directly related to the development; and*
- c) Fairly and reasonably related in scale and kind to the development* Draft Heads of Terms ('HOT') will be subject to ongoing discussions during the course of the planning application.

- 12.2 This is in accordance with Regulation 122(2) of the CIL Regulations 2010 (as amended), which puts into law the need for planning obligations to be directly related to development. It is anticipated that an appropriate package of Section 106 contributions will continue to be discussed with officers following submission of the planning application. A draft Heads of Terms is though provided at this stage.

Planning Obligations

- 12.3 Policy CP8 (Infrastructure and Planning Obligations) sets out that development will provide, or make adequate contribution towards, infrastructure and services to:
- a) make a positive contribution to safeguarding or creating sustainable, linked communities;
 - b) offset the loss of any infrastructure through compensatory provision, and
 - c) meet ongoing maintenance costs where appropriate.
- 12.4 It notes that infrastructure provision will take full account of the Council's priorities for infrastructure, services, and facilities, including those identified in the Infrastructure Delivery Plan and Infrastructure Delivery Schedule. This will contribute to the infrastructure necessary to support growth in the area.
- 12.5 The tests summarised in paragraph 58 of the NPPF as set out in Regulation 122 of the CIL Regulations (2010 as amended) should inform negotiations on the scale and form of any planning obligations required in association with the Proposed Development.

S106 Heads of Terms

- 12.6 Draft 'Heads of Terms' will be prepared in conjunction with the District and County Councils; however, it is anticipated that this document provides a starting point for consideration. It is considered that the Section 106 may include the following:

Affordable Housing Provision and Space Standards

- 12.7 A total of 50% of the dwellings proposed will be affordable housing which equates to up to 300 units, comprising a mix of Social Rented, Shared Ownership and First Homes. This provision is in line with and exceeds the requirement in the CS Development Plan Document.

Biodiversity Net Gain Measures

- 12.8 Whilst no off-site biodiversity net gain is intended to be secured with a legal agreement, the significant on-site enhancements will need to be secured to ensure habitat that is created or enhanced to deliver the BNG requirement, must be secured for a minimum of 30 years.

Land for 1FE Primary School (plus expansion land for 2FE)

- 12.9 The appropriate transfer of land for education provision are to be agreed following discussions with the County Council.

Land for provision of NHS health and social care services

- 12.10 The appropriate transfer of floor space for health and allied service provision are to be agreed following discussions with the NHS Hertfordshire and West Essex ICB.

Financial Contribution towards Sports Provision

- 12.11 As per the recommendations of Sport England, the appropriate and proportionate contributions towards sports are to be agreed following discussions with the district council.
- 12.12 It is expected the obligation will be drafted accordingly and similar to “the Owner shall pay [£X] to the Council prior to [X] to be used by the Council towards [open space] [indoor/outdoor sports] provision within the local area that is necessary as a consequence of the development.”

Transport and Highways

- 12.13 Appropriate and proportionate contributions towards highway improvements are to be agreed following discussions with HCC.
- 12.14 The development will also be providing additional highway improvements including signalised junctions at Baldwins Lane to both Links Way and Durrants Drive, and a widening of path to facilitate a dedicated cycleway along Links Way.
- 12.15 It is expected the obligation will be drafted accordingly and similar to “the Owner shall pay [£X] to the Council prior to [X] to be used by the Council towards off-site highway works that are necessary as a consequence of the development.”

Other Transport Contributions

- 12.16 Appropriate and proportionate contributions towards step-free access improvements at Croxley Station are to be agreed following discussions with Transport for London.

Public Open Space

- 12.17 On-site public open space will be provided as part of the development. Arrangements for on-going management will be agreed following discussions with the Council during the application process.
- 12.18 Space has been provided throughout the Site to accommodate children's play spaces. The type of play area has already been provided indicatively but the final form will need to be discussed in more detail during the course of the application.
- 12.19 As discussed, an off-site contribution may be considered to address those recreational needs that are not provided for on-site sports provision.

Community Use Agreement

- 12.20 The provision of sports pitches at the land to be transferred to the County Council for the development of the primary school, could be subject to an arrangement such as a Community Use Agreement.

Monitoring Charge

- 12.21 It is noted that Three Rivers District Council has introduced a S106 monitoring charge. Applicable for any S106 agreement relating to an application received after 1 January 2024. It is understood that where an obligation secures more than one category of works as set out in the table above, a fee is payable for each category. The full monitoring fee is payable for the largest fee category, and 50% of the monitoring fee for any subsequent categories.
- 12.22 It is considered that the relevant categories consist of:

Table 12.1 S106 Monitoring Charges

Category	Type	Monitoring Fee
3b	Affordable housing on-site contribution, no review mechanism	£620.00
6	Other non-financial obligations	£300.00
7	Other financial obligations	£350.00
Total		£945.00 (Including 50% discount)

Community Infrastructure Levy ("CIL")

- 12.23 The Council's CIL charging schedule came into effect in February 2015. CIL charges are updated each year to take account of inflation. The associated CIL charges for the proposed development are expected to comprise:

Residential Development at a rate of £268.94 per sq. metre up to 31st December 2024

Retail Development at a rate of £89.65 per sq. metre up to 31st December 2024.

- 12.24 The Council's CIL Regulation 123 List identifies the following strategic infrastructure against which CIL will be spent:

Education facilities

Strategic and local transport proposals

Publicly accessible leisure facilities and open space provision (including children's play areas and outdoor / indoor sports and leisure facilities and allotments)

Health care facilities

Other social and community facilities (including community halls, youth facilities, and library services)

Emergency services

- 12.25 As set out in the Pre-Application advice note received, a CIL Additional Questions Form accompanies this application.

13 HARMS AND BENEFITS OF THE DEVELOPMENT

- 13.1 As set earlier in this Statement at paragraph 6.49, given the findings conclude the site is Grey Belt. This firstly means there is no requirement to justify 'very special circumstances' with reference to and under paragraph 153 and secondly, there's no clear reason for refusal under Green Belt policy under paragraph 11(d)(i) and footnote 7. Finally, the assessment would pass onto the tilted balance in favour of the proposals at paragraph 11 (d)(ii) NPPF.
- 13.2 Should the Council disagree with the Applicant and determine that the Site does not qualify as Grey Belt (and that the proposals remain inappropriate development) then an assessment of 'very special circumstances' (or benefits of the development) has been set out here.
- 13.3 When considering any planning application, the NPPF is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from proposals is clearly outweighed by other considerations.
- 13.4 It is noted that in the Sarratt appeal decision¹⁸ the Inspector at paragraph 94 acknowledged (see below) the necessity for greenfield housing development to take place and the resultant harm to the Green Belt and landscape, particularly in the absence of any timely plan led solution and the urgent need for housing delivery. In Richborough's opinion this land supply deficiency has worsened, and the urgency is now even more acute.

The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.

The Harm from the Development Proposals

1. Green Belt

- 13.5 On the harm side, if not considered Grey Belt by the Local Planning Authority, the development would constitute inappropriate development which is harmful by definition. There would be a significant loss of openness, as well as a conflict with a purpose of the Green Belt, namely safeguarding the countryside from encroachment. All this Green Belt harm in must holistically amount to **substantial harm** (note: this harm falls away if considered to meet the definition of Grey Belt).

¹⁸ APP/P1940/W/22/3311477

2. Landscape

- 13.6 The development would result in the loss of a greenfield site and two small sections of roadside hedgerow. However, there exists a clear edge to the development which limits the effects on the wider landscape around the Site and north Croxley Green, with the woodlands physically and visually separating the settlement from the open countryside beyond. Whilst there would be harm to the localised landscape, in that the development would encroach into the countryside, although the harmful effects would diminish over time as the landscaping becomes more established. Nonetheless, this represents **moderate harm**.

3. Loss of Farmland

- 13.7 There will be harms associated with the loss of a greenfield site, though it is recognised that this land is considered to be Grade 3b Agricultural Land, and not classed as 'Best and Most Versatile'. This represents a **limited harm** of the development.

4. Heritage

- 13.8 The development will cause harm to the significance of both Durrants House and Cassiobury Park through adverse effects upon their respective settings. The scheme design has been developed to minimise the impact upon heritage assets and the scale of effect has been assessed as less than substantial harm at the lower end and lowest end of this spectrum, respectively and a **limited harm** from the development.

5. Arboriculture

- 13.9 A breach in the hedgerow to access the Site is required without physical options to go round it. All the woodland has been retained and given generous buffers to protect it both during construction and post development. The proposals overall will increase the tree and hedgerow cover substantially across the Site. In this context the loss of small sections of hedgerow for access purposes represents a **very limited harm** from the development.
- 13.10 As mentioned, at the request of the local highway authority, a proposed walkway/cycleway (outside the red line boundary) and to be delivered under the Highways Act, will run along the western side of Links Way, connecting the development site to Baldwins Lane (offsite). The path will continue along Dover Way before turning northwards on Canterbury Way to enter the development site. This route will provide a direct and safe connection to Croxley Danes School and local shops for both pedestrians and cyclists. This route (subject to consultation) would see the loss of some (surveyed) street trees. Having regard the overall scale of the development and the significant amount of new trees proposed, this represents a **limited harm** from the development.

The Benefits from the Development Proposals

- 13.11 RPS has presented this information below against the three dimensions to sustainable development.

Social Benefits

1. Provision of Housing

- 13.12 The Council cannot demonstrate a five-year supply of housing land as required by the NPPF. Only a 1.18-year housing land supply exists, equating to a shortfall of 3,814 new homes. This is a very serious shortfall. The most recent Housing Delivery Tests have been failed by a wide margin. The Inspector in the Sarratt appeal (paragraph 101) referred to the housing shortfall (1.9yrs) as being severe and attributed substantial weight to the delivery of housing.
- 13.13 The NPPF at Chapter 5 and Paragraph 61 seeks to support the Government's objective of significantly boosting the supply of homes. To achieve this, it notes that it is important that a sufficient amount of variety of land can come forward where it is needed. The proposed development will provide 600 new dwellings across the Site. The homes will comprise a range of 1-4+ bedroom units, providing an opportunity for a mix of housing types and sizes to meet the needs of different households in the wider community.
- 13.14 The proposed quantum of development represents a deliverable and meaningful contribution towards meeting the very substantial shortfall and future annual need for the Council in the short term without undermining the medium / longer term spatial strategy of the district as part of the plan making process of a new Local Plan in due course.
- 13.15 The delivery of substantive quantum of housing as proposed, that will meet the severe and compounded housing supply shortfall on this available and deliverable site which represents a **very substantial benefit** of the application.

2. Provision of Affordable Housing

- 13.16 As a direct consequence of the identified substantial shortfall in housing delivery there is a significant shortage of affordable housing in Three Rivers. Policy CP4 sets a requirement of 45% affordable housing. The proposed development would also deliver up to 300 affordable homes (50% provision) with a policy compliant tenure split of 25% First Homes, 70% Social Rent and 5% Shared Ownership. This exceeds the policy requirement and constitutes a very substantial contribution to affordable housing need when taken in the context of Three Rivers critical need.
- 13.17 In terms of affordable housing delivery, the delivery of affordable homes has been well below what is required. Between 2001/2 and 2021/22, only 27% of the total housing delivered comprised affordable tenures. The Council acknowledges that the 45% delivery of affordable housing sought by Policy CP4 of the CS has been achieved only once in 25 years in the district.

- 13.18 In terms of affordable housing need, the SHMA (2016) identified a need for 357 affordable rented homes per annum in Three Rivers from 2013-2036. Pro-rating this figure to Sarratt (at a rate of 2.12%, which is the percentage of the Three Rivers population who live in Sarratt) identifies a need of 8 affordable homes per annum in the village, however between 2012 and 2020, only 6 new homes in total were built in Sarratt which demonstrates a shortfall of 56 affordable homes already.
- 13.19 The Inspector in the Sarratt Appeal (paragraph 81) recognised the provision of 44 affordable dwellings would attract substantial weight. In contrast approval of the proposed development would therefore result in the delivery of some 300 affordable dwellings. The delivery of 50% of the dwellings represents a **very substantial benefit** of the scheme.

3. Custom and Self Build Housing

- 13.20 The Application proposes a 2% provision of dwellings to be built as custom and self-build dwellings. Based on 600 dwellings this amounts to some 12 dwellings being provided on the Site as custom and self-build plots.
- 13.21 The issue of provision of custom and self-build dwellings was addressed at the Sarratt Appeal. The Sarratt Inspector afforded 8 custom and self-build dwellings substantial weight. The Inspector acknowledged no custom and self-build dwellings had yet been built in the district and at paragraph 80 commented that demand for custom and self-build significantly exceeds supply.
- The NPPF also requires that the provision of custom and self-build housing should be assessed and reflected in planning policies. Furthermore, there is a statutory requirement for local authorities to keep a register of those seeking to acquire plots for custom and self-build housing and to grant sufficient permission to meet demand. In the case of these appeals, there are no development plan policies that relate to custom and self-build homes. It is accepted by the Council that demand for this type of housing in the district significantly exceeds supply.*
- 13.22 In relation to this application the provision of 12 dwellings as custom and self-build dwellings therefore represents a **very substantial benefit** of the development.

4. Supported Living for Vulnerable Young Adults

- 13.23 At the pre-application stage and in discussion with the Local Education Authority, a specific request has been made for one dwelling on site to be provided to the local education authority as a property for children's social care services.
- 13.24 The request was for a 5-bed property to be built with one bedroom for a live in carer and four bedrooms for children's social care. Further details are being provided from the Local Education Authority on this provision and the acute need for it within the district. In relation to this application the provision of a property specifically for supported residential children's care represents a **significant benefit** of the development.

5. A New 1FE Primary School with expansion land for 2FE

- 13.25 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 relevant mechanisms for securing land for the school would be detailed in the s106 agreement.
- 13.26 Policy PSP2 of the CS supports the provision of new schools to meet identified needs in the Key Centres. Policy DM12 of the DMP states that new community facilities, including schools, should be accessible by sustainable modes of transport. The accessibility of the Site is discussed in detail in the education statement submitted with the application which addresses how the school will be available for both new and existing children in the area. The provision of the school on-site with expansion land represents a **significant benefit** of the development.

6. Provision for NHS health and social care services

- 13.27 A HIA accompanies the planning application and following pre-application discussion with Hertfordshire and West Essex ICB. This also follows from the ICB response to the emerging Local Plan where it stated that in relation to the Croxley Green area and specifically the New Road Surgery at Croxley Green:
- "there is still a need to relocate the practice's main surgery from a constrained converted residential building to a purpose-built premises. The practice is currently searching for a suitable site."*
- 13.28 The development will include dedicated space within the local centre specifically for new NHS health and social care services. The specific services to be housed in this space are still being determined in conjunction with the ICB and local GP practices. Discussions are exploring options, potentially including a new GP medical centre, possibly co-located with a pharmacy or other allied healthcare services. This flexible approach aims to create a health hub within the Local Centre.
- 13.29 The HIA consultant team has met multiple times with the ICB and a local GP practice to discuss the need and feasibility of new NHS services. The ICB has confirmed they are undertaking a needs assessment, which will inform how the project can best contribute to local NHS provision. Significant weight given to new public service infrastructure in planning decisions, citing the updated NPPF Policy 101. While the specifics of the NHS provision are still under discussion, the report demonstrates a clear commitment to providing space for these services. The active engagement with the ICB and local GP practices, combined with the supportive national policy environment, indicates a strong likelihood of these plans being realised.
- 13.30 The provision of a new NHS health and social care services with the ability to treat more patients, and to provide a much more comprehensive range of services to both existing and new patients, must undoubtedly be seen as a **very significant benefit** of the development.

7. Provision of Local Centre (Retail, Cafe and Community Building)

- 13.31 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). It is a key objective of the application to ensure that this floorspace assists with meeting the needs of the existing community of Croxley Green as well as the future community of this proposed development, as part of a drive to push for existing and new community integration. The specific breakdown and specific use of the hub will be confirmed at later detailed design stages. For the application purposes, the development framework plan parameters provide for an anchor convenience store (indicatively 400sqm), and for café/additional retail (indicatively 165 sqm). These retail facilities will provide for local day to day needs of the Croxley Green catchment area.
- 13.32 The Local Centre also includes proposals for a new Community Hub building (indicatively 430sqm) as addressed in greater detail in the DAS. The new building will allow for a range of community uses within the flexible floorspace, for future residents of the proposed development.
- 13.33 Overall, the proposal supports for the provision of dual use of key community facilities to serve the local and future community and represent a **significant benefit** of the development.

8. Provision of Sports Facilities and Play

- 13.34 The proposed development will deliver a range of multifunctional green 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.
- 13.35 The level of provision would be above that which is required to serve the development itself and would contribute to address the deficiencies that have been experienced in Croxley Green for many years.
- 13.36 A site-specific Sports Need Assessment has been prepared by Sports Planning Consultants in support of the proposals. It sought to understand the evidence available in relation to supply and demand for indoor and outdoor sports facilities and evaluates how effectively the existing provision meets current and projected future demand. Specifically, it considers the impact that the proposed development will have and sets out a sport and leisure strategy to address these which concentrates on upgrading existing off-site sports facilities and clubs, such as Chess Valley RFC, Baldwins Lane Recreation Ground (tennis), Council venue (football) and Croxley Guild of Sport (Cricket) or Bushey CC / Rickmansworth CC, subject to final endorsement from Sport England.
- 13.37 Noting the identified long-term deficiencies, the provision of play space on site and upgrading off-site sports facilities represents a **moderate benefit** of the development.

Environmental Benefits

9. Locational Sustainability – Growth at Key Centre

- 13.38 The CS (2011) sets out the overall spatial strategy for the district for the period up to 2026. Whilst the Site is located in Sarratt Parish, it would represent an urban extension of Croxley Green which is identified as one of six 'Key Centres' within the Council's settlement hierarchy. The overall strategy for the identified Key Centres is the delivery of 60% of the district's housing requirement over the Plan period, which also conserves and enhances the local distinctiveness and improves provision of, and access to, services and facilities to meet future demands.
- 13.39 Given the development is located at one of the most sustainable settlements in the district and as addressed in detail in the TA, 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.
- 13.40 In comparison with less sustainable locations, new residents of the development will be less likely to be reliant on private transport given the level of on-site facilities and access to services and facilities locally and by public transport provision. The locational sustainability of the scheme represents a **moderate benefit** of the development.

10. Low Carbon Development

- 13.41 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 as detailed in the energy and sustainability report.
- 13.42 The proposals will include air source heat pumps to all new homes which will reduce carbon dioxide emissions by 78kg per year which demonstrates a 37% reduction, significantly exceeding the Council's target of a 5% reduction. Other measures, as set out in the energy strategy report will result in a development proposal that commits to exceeding current building regulations and will be secured via site specific planning condition. This represents a **moderate benefit** of the development.

11. Electric Vehicle Charging

- 13.43 The Appellant is also proposing to include electric charging ports as part of measures to enhance the sustainability of the proposal. This is aligned with the Council's emerging policy framework, and represents the direction of travel for future developments, and is a clear betterment of the proposals. This represents a **limited benefit** of the development.

12. New High Quality Public Open Space and Country Park

- 13.44 The proposals would retain the public right of way across the Site and maintain a connection east-west across the Site. This retains onward connections to the Grand Union Canal but also

Harrocks Wood and Whippendell Wood which is also publicly accessible open space. This public right of way and linear feature represents the only level of public access across the Site, which is all privately owned.

- 13.45 The extent and quality of the green infrastructure and publicly accessible open space proposed (approximately 60%) would be significantly in excess of policy requirement (10%) and will be secured by the associated Green Infrastructure Design Code and Landscape Strategy, which will demonstrate how a large public parkland in the form of a new Country Park will be set out, function and delivered being publicly accessible to new and existing residents.
- 13.46 In comparison with a site that currently is entirely privately owned, with very limited public access, restricted to one public right of way, the new country park and publicly accessible open space network represents a **substantial benefit** of the development.

13. Biodiversity Net Gain (BNG)

- 13.47 The ecology report submitted with the application demonstrate that aside from the Site accesses, the trees and hedges on site would be retained, thereby preserving the most ecologically significant features. Post development, the scheme would result in the following 34% net gain in habitat units and 42% net gain of hedgerow units.
- 13.48 The net gain in Habitat Units is a result of the extensive area of open green space proposed within the Scheme, converted from low distinctiveness cropland to a habitat pattern of medium distinctiveness neutral grassland, SuDS features and native tree and shrub planting.
- 13.49 The net gain in Hedgerow Units is because of low impacts to existing Site hedgerows and new native hedgerows planted across the Scheme.
- 13.50 This is significant, such benefits would not otherwise arise, for example if the Site were to be maintained in its current agricultural use or more of the Site were to be developed.
- 13.51 Having regard to the improvements to biodiversity delivered from the Site and the scale of the net gain this represents a very clear benefit of the development that has been acknowledged in other appeal decisions¹⁹. These enhancements to biodiversity net gain represents a **significant benefit** of the development.

14. Quality of Design

- 13.52 The development design will promote a safe, accessible, and healthy environment creating a sense of place by complementing the local character and pattern of the surroundings. The housing layout will be designed to encourage residents to engage with their neighbourhood and the open landscaped and parkland setting, with houses fronting the road and overlooking green

¹⁹ APP/B2002/W/22/3311282 & APP/W0530/W/23/3315611

- areas. The aim is to encourage a sense of community and safe environment for all members and ages of the community.
- 13.53 It is appreciated this is an outline application, with matters of appearance, landscaping, layout, and scale reserved for subsequent consideration. Notwithstanding this, a significant package of detail is provided regarding the ultimate design and layout of the proposals via a Design Code. This has been informed by the Sarratt Neighbourhood Plan Design Code, whilst also advice from an Independent Design Review Panel. The Design Review Panel for the project provided largely positive feedback on the design of the scheme, praising its landscape-led approach, the generous provision of public open space, and the commitment to sustainable transport. The Design Charter or Vision for the Site was considered well-expressed and appropriately aspirational.
- 13.54 The final form of the scheme will be guided to by these development parameters and Design Code which will be secured by condition. Whilst high quality design is expected in all developments and an intrinsic requirement, rather than an 'add-on' the landscape led approach to this development and the attention to detail of the scheme as indicated through the Site wide Master planning provides a level of quality and attention to detail as exemplified through the design code that will ensure the development goes beyond just 'high-quality' and will be achieved at reserved matters stage without the effect of any "watering down".
- 13.55 The NPPF states significant weight can be given to development that reflects local design policies, or design guides or codes. The design quality of the scheme represents a **significant benefit** of the development.

Economic Benefits

15. Delivery of Sustainable and Active Travel Options and a New Bus Service

- 13.56 As addressed in the TA a package of transport initiatives is proposed, primarily focusses on focus on encouraging alternatives to private car use to minimize the need for extensive new traffic infrastructure.
- 13.57 It is proposed to bring a bus service into the Site to serve Watford and important transport hubs. Major destinations between the Site and Watford will also be served. This new public bus will be available to both new residents and the existing community. Other sustainable and active travel proposals include consideration being given to the inclusion of a Beryl Bike scheme within the Durrants Square of the site (i.e., local centre). The Beryl Bikes cycle hire scheme has expanded from Watford with Three Rivers District Council funding a 2-year pilot scheme within Croxley Green. This was launched in October this year, with the introduction of 5 new bays and 15 e-bikes. The nearest Beryl docking stations to the proposal site are along Baldwins Lane; with one fronting Winton Drive and the other fronting the Post Office. The applicant will investigate the possibility of having a Beryl Bikes station on the Site.

- 13.58 The proposals through the s106 agreement will be secured and represent a **limited benefit** of the development.

16. Job Creation

- 13.59 The proposed development would also contribute to the provision of employment in the local area through the generation of construction jobs both on site and through the local supply chain. There are approximately 6,000 workers in the construction industry in Three Rivers according to nomis web²⁰ local authority. The construction phase of the development will directly create around 930 Full Time Equivalent jobs for the estimated build out. This is calculated by taking the proportion of the total anticipated construction cost of the 600 homes (£109m) which comprises labour (28% across the UK) and dividing by the average gross pay per employee in the construction industry (plus £3,000 to account for overheads per employee): £32,832. At a build-out rate taking six years to complete the proposed development, this equates to approximately 116 jobs per annum.
- 13.60 This level of job creation which will extend to a number of years represents a **significant benefit** of the development.

17. Enhanced Retail Spend

- 13.61 The proposed development of up to 600 dwellings units would also 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 annum²¹. This will assist in maintaining the viability of those key services through increased patronage and benefiting the local economy. This represents a **moderate benefit** of the development.

18. Increased Revenues

- 13.62 The proposal will also 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. The scheme will also attract the New Homes Bonus from central government, with revenues of payments for one year between lower tier £943,024 and upper tier £235,756 anticipated for the Council. The New Homes Bonus calculator has been based on a assumed split of Council Tax banding as it is across the District (October 2023), however it is noted post-development could have much closer tax banding. This represents a **moderate benefit** of the development.

²⁰ [Nomis - Official Census and Labour Market Statistics](#)

²¹ ONS (2023) Family Spending Workbook 3: Expenditure by Region. Based on average occupancy of 2.4 persons per dwelling.

14 THE TILTED BALANCE

- 14.1 It is acknowledged the tilted balance does not change the statutory presumption in favour of the Development Plan set out in Section 38(6) of The Planning & Compulsory Purchase Act 2004. It does however mean that some policies may need to be afforded reduced weight in accordance with the Suffolk Coastal Supreme Court judgement²². Otherwise, if restrictive policies are rigorously applied, they will continue to block and frustrate the national imperative to significantly boost the supply of housing.
- 14.2 The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five-year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan (and the emerging Plan) is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that Green Belt land will need to be built on to meet this unmet need.
- 14.3 These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. A plan-led approach to development is certainly desirable, but in this instance, there is little prospect of a timely plan-led remedy. The overwhelming deficiency in the five-year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.
- 14.4 As set out in paragraph 7.2-7.4 of this Statement, the adopted development plan is acknowledged to be out of date. Specifically, the Plan is failing to deliver the required amount of housing.
- 14.5 The proposals require determination against the Development Plan, as set out in para 14.1 above. This is set in the context of the Development Plan acknowledged as being out of date. As set out in CS Policy CP11 and Development Management Policy DM2, the construction of new buildings in the Green Belt is inappropriate except in 'very special circumstances'. However, as set out above this policy is now out of date, not reflective of national policy which requires an assessment of whether the land should be deemed to be Grey Belt land. As set out above the land is Grey Belt Land.
- 14.6 Should the Council disagree with the Applicants position that the site represents Grey Belt, then the proposals can be considered to be in compliance with an out-of-date development plan and demonstrate 'very special circumstances' exist. Notwithstanding this, as set out in paragraph 7.42 of this Statement, compliance with the Development Plan as a whole does not mean that a proposal needs to be in accordance with every policy, and failure to comply with a given number of policies does not result in a binary position where proposals are inconsistent with a

²² Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) 10 May 2017

- Development Plan. With less significant policies not being given as much weight in the planning balance. Given the sites location on the edge of a Key Centre and compliance with Green Belt policy, the scheme could be deemed to be compliant with the development plan as a whole in this scenario.
- 14.7 The NPPF emphasises the importance of delivering sustainable development and meeting the need for housing. The policies in the NPPF are material considerations which should be taken into account in dealing with applications from the day of its publication.
- 14.8 The proposed development is located within the Green Belt. However, it is considered to be Grey Belt for the reasons of the assessment set out within this Statement at Chapter 6.
- 14.9 Accordingly, the scheme does not represent “inappropriate development” in the Green Belt. This means, based on the NPPF there is no need for an assessment of very special circumstances under paragraph 153 of the NPPF.
- 14.10 Secondly, this means there is no clear reason for refusal under Green Belt policy under paragraph 11(d)(i) and footnote 7 of the NPPF.
- 14.11 Thirdly, the assessment of the scheme in this scenario falls to the tilted balance.
- 14.12 Despite the compliance with the development plan as a whole, for reasons given in this statement the adopted Development Plan is out of date and therefore the proposals fall to be assessed under paragraph 11(d) and the tilted balance of the NPPF, where permission should be granted unless any adverse impacts of doing so (refer to paras. 13.3-13.7 of this statement) would significantly outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 14.13 Where there is an absence of a five-year supply of housing, the NPPF sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. However, the ‘tilted balance’ in favour of granting permission may be ‘disengaged’ where specific policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development. Those relating to the Green Belt are one such category (albeit not in this instance due to the site being Grey Belt land and the exception of Green Belt areas set out within the Glossary definition). There is therefore no clear reason for refusing the scheme. Therefore, the ‘tilted balance’ is not disengaged in this instance.
- 14.14 The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole. It is quite clear that, as a fallback argument through the tilted balance, none of the harms identified would significantly and demonstrably outweigh the very substantial collective benefits of the development as addressed in detail in section 13 of this Planning Statement. Therefore,

notwithstanding any conflict with specific development plan policies, it follows that the application should be approved.

Appendix 1 : Chronology of the Site's promotion in respect of the Local Plan

CHRONOLOGY TO DATE

Events and timeline

This report summarises the timeline and key events that relate to the promotion of the site. These are as follows:

Date	Event and commentary
Local Plan Issues & Options and Call for Sites Public Consultation – Regulation 18 (28 July 2017 to 8 Sept 2017)	In terms of housing need the consultation considered three growth options. These were 'Low Growth' of 411 dwellings per annum (20% below OAN), 'Moderate Growth' of 514 dwellings per annum (OAN) and 'High Growth' of 617 dwellings per annum (20% above OAN).
July 2018	In 2018 the Government introduced the standard method for calculating housing need. This produced a minimum annual housing need figure of 615 dwellings per annum for Three Rivers. Requiring the Council to fall into the 'High Growth' option.
7 November 2018	Presentation to Councillor Sara Bedford, the Portfolio Holder Martin Trevett, and others – masterplan proposals for 500 dwelling site tabled
7 December 2018	Representations submitted to non-statutory Potential Sites Consultation
19 March 2019	Vision Document 2019 – including revised proposals for 800 dwellings, plus infrastructure package submitted to the Council to reflect feedback from Officers and Members at the time.
August 2020	The Local Housing Needs Assessment (2020), an updated version of the 2016 SHMA, applied the standard method in the study with the minimum housing need figure now at 630 dwellings per annum. The study concluded that there were no exceptional circumstances that justified using an alternative method for calculating housing need.
10 May 2021	Local Council Elections held in Three Rivers District – Liberal Democrats now control 23 out of 39 Council seats.
18 May 2021	TRDC publishes draft Preferred Policy Options Consultation and the Potential Sites for Allocation documents to be considered by Full Council ('the draft Plan'). The Potential Sites for Allocation Document taken to the meeting included the site for 782 dwellings , a local centre, primary school, medical centre, country park and a community sports facility.

The draft Regulation 18 plan failed to meet this target and planned for 8,973 dwellings, 1,705 dwellings short.

18 or 19 May 2021 (timing unclear)	An Amendment Note is published by the Council (post-Council meeting) deleting the site from the draft Plan document. The Wellcome Trust's land at Abbots Langley and all contingency sites are also deleted. The 8,973 total was considered the closest the Council could come to meeting the standard method target at the time. All the remaining housing sites were considered to be either unsuitable or unavailable for development.
25 May 2021	Full Council approves the amended draft Plan for consultation (Matthew Bedford orchestrates proceedings) – 28 in favour, 0 against, 5 abstain – with the site excluded from the Plan
17 June 2021	Lib Dems win Chesham & Amersham by-election
6 August 2021	Watford Local Plan submitted to the Planning Inspectorate for examination. This included a Statement of Common signed between Watford District Council and Three Rivers District Council, dated 5 August 2021. This confirmed that Watford is seeking to meet all of its own need within its own boundary up to 2036. Watford is unable to assist with meeting Three River's unmet housing need (c. 1,700 dwellings). Three Rivers is currently unable to meet its full housing requirement using the Government's method for calculating local housing need. Three Rivers accepts that Watford are unable to meet any of this unmet need.
20 August 2021	Representations submitted by Richborough to draft Plan consultation TRDC consultation ran from 11 June – 20 August 2021 and was formed of two parts: Part one set out the preferred development strategy and preferred policy options; Part two included potential sites that could be allocated for residential, employment or other uses in the Local Plan.
9 September 2021	Update meeting held with officer Claire May – who confirmed there has not been any change in the evidence base which led to officers identifying the site as a potential development site prior to the 25 May change. Considers the site is still suitable for development. No timeline as yet for reporting the main issues arising from the draft Plan consultation to councillors/committees. She suggested to wait for any direct approach to Members until Officers have first reported on the draft Plan responses.
6 June 2022	Local Plan sub-committee Members confirmed Claire May has left the Council. New timetable discussed – including intention to carry out a '2nd draft Plan' consultation later in 2022 (no specific dates given as yet for this). This would address 'undeliverable sites and new potential sites' and would be considered at the next sub-committee meeting (likely to be 25 July 2022).
6 June 2022	The Watford LP examination is now at the main modifications stage. Watford is now consulting the 'schedule of modifications' needed to make the plan sound (to enable it to move to adoption). The modifications clarify that Watford can meet all its own need, <u>but does not include any allowance towards meeting</u>

unmet needs from Three Rivers. This means that 1,700 dwellings remain unaccounted for in Three Rivers District.

14 September 2022 – 13 October 2022	RPS emailed Officers to modify the site scheme to address members concerns – this being 500-unit scheme to transfer surplus land as a country park to address previous concerns by Members. Officers presented potential sites to Members at the private 9 Nov Local Plan Sub Committee.
18 October 2022	Full Council meeting – motion put forward by proposer and seconder, whom both are Members of the Council, stating the Council should conduct an alternative lower housing Plan option. Put forward under Rule 11 (Notice of Motions) in the Council constitution. Confirmed by committee clerk.
9 November 2022	Local Plan Sub Committee provided presentation on additional sites submitted as a result of the Reg 18 Potential Sites for Allocation consultation in 2021; provided Officers' recommendations on which sites should be proposed for potential allocation in the Reg 18 Additional Sites for Allocation Consultation to help meet the Council's housing target. Through this, five sites were recommended by officers for future allocation. Two newly submitted and three sites were resubmitted (amended) for consultation (including Richborough's site).
5 December 2022	Policy and Resources Committee sought member approval for revised LDS to incorporate a further Reg 18 'Preferred Local Plan and Housing Numbers' consultation in Sept/Oct 2023. It was agreed that this further Regulation 18 consultation would be focused on lower housing numbers than has been consulted on in the previous round of Reg 18.
7 December 2022	Local Plan sub committee considered Part 2: Additional Sites for Potential Allocation as private business. The recommendation was agreed that the Committees decision / recommendation be put to the Policy and Resources Committee and that public access to the report and minutes be denied until publication of the Draft Local Plan.
27 January 2023	Part 3: Additional Sites for Potential Allocation consultation was published, confirming that Richborough's site at Croxley Green had been removed following decisions by Members, contrary to Officers' recommendation.
10 March 2023	Representations on behalf of Richborough submitted to the Part 3 consultation.
4 May 2023	District Council election took place. Liberal Democrats retained their majority on the Council. Seat change: +1 Green, -1 Independent
13 June 2023	Local Plan Sub Committee outlined approach proposed by officers to deciding the level of housing growth for the District when taking into consideration Green Belt as a constraint (i.e., new methodology brought forward by Officers following Full Council motion previously). RPS spoke at this Committee on behalf of Richborough to reaffirm that the best way approach for determining the appropriate housing number for the District is to meet the standard method housing need in full. In addition, it was reaffirmed that the Council should not base site release solely on the relative harm to the Green Belt and instead consider the

overall integrity of the Green Belt and its five purposes.

	At the 24 August 2023 Local Plan Sub-Committee officers recommended a number of strategic sites in areas of higher Green Belt harm to be included in the Regulation 18 consultation on the basis that the benefits in terms of sustainability and infrastructure provision outweighed the harm of removing those sites from the Green Belt for development. This brought the total dwelling figure to 7,463, equating to 415 dwellings per annum across the plan period which is 65% of the SM target of 637dpa.
24 August 2023	At this meeting, the Chair proposed an alternative recommendation to that proposed by Officers. This recommendation further reduced the number of dwellings to be included in the Part 4 Reg 18 consultation. This totalled 4,852 dwellings, equating to 270dpa or 43% of the SM target. The Chair's recommendation was agreed by the Sub Committee and therefore those sites together with those recommended to Policy and Resources at 3 August Sub Committee go forward to be included in the Part 4 Reg 18 document (not including Richborough's site). Marko Kalik confirmed this was a "whittling down" approach.
27 October – 10 December 2023	Local Plan Regulation 18 Consultation (Part 4) period. Following on from the previous Regulation 18 Consultations which took place in 2021 and earlier in 2023, the Council carried out a supplementary consultation on a lower growth option, focusing on housing site allocations and reducing the impact on the Green Belt. Richborough submitted Representations to this consultation.
13 February 2024	Richborough submitted additional views on the implications of the new NPPF shortly after the consultation – this was an Opinion from Chris Young KC.
May 2024	District Council election took place. Liberal Democrats retained their majority on the Council. Seat change: +1 Green, -1 Lib Dem.
11 September 2024	Sarratt Neighbourhood Plan (Regulation 16) consultation. Representations have been made though at this final stage for the Examiners attention to seek to provide some greater flexibility in certain policy areas, that are now relevant to the application-led approach.
11 November 2024	Three Rivers' District Council Policy and Resources Committee approved a revised Local Development Scheme, delaying a Regulation 19 version of the new Local Plan until February/March 2026. This is due to delays on updating evidence base documents, namely the Open Space Sport & Recreation Study (2019) and Green Belt Review (2019). The Council remain committed to deviate from the Standard Method Local Housing Need figure, with the intention for new evidence base to demonstrate any release of Green Belt would undermine the Green Belt as a whole.

Appendix 2 – The Council’s EIA Screening Decision

**THREE RIVERS DISTRICT COUNCIL
ADOPTED SCREENING OPINION
24/1220/EIA**

Date request received: 31 July 2024

Date decision required: 21 August 2024

Request for a 'Screening Opinion' in respect of the following development:

Proposed development of 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.

Introduction:

The Council has received an application for the above and are required to complete a formal screening opinion under Regulations 5 and 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of these proposals.

Is the project Schedule One? No

Is the project Schedule Two? **Yes**

With regards to the descriptions of development and applicable thresholds in Schedule 2, the development is classified as 10(b) Infrastructure Projects –Urban Development Projects. The applicable thresholds and criteria for this development type are:

- (ii) the development includes more than 150 dwellings; or
- (iii) the overall area of the development exceeds 5 hectares.

The proposed development exceeds both (ii) and (iii) as the development includes more than 150 dwellings (up to 600) and the overall area of the development exceeds 5 hectares (circa. 40 hectares), and therefore the threshold in Schedule 2 is met.

Is the project in or adjacent to a sensitive area? Yes, adjacent to Whippendell Wood (SSSI)

Note: Regulation 2(1) defines 'sensitive areas', these are:

- Site of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of development

The characteristics of development must be considered with particular regard to—

- (a) the size and design of the whole development;
- (b) cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example, due to water contamination or air pollution).

2. Location of development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

(a) the existing and approved land use;
(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

3. Types and characteristics of the potential impact

The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact

Consideration of selection criteria in Schedule 3

1. Characteristics of the development:

(a) the size and design of the whole development:

The proposed development would result in the provision of 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.

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 beyond this. To the north and east of the site is Rousebarn Lane, a predominantly single track which runs alongside Whippendell Woods. To the west of the site are agricultural fields. A public footpath runs along the northern edge of the site.

The submitted Land Use Parameters plan suggests 12.57 hectares of residential development to the south and west of the site, with a 0.6 hectare local centre to the south. To the east of the residential development 1.4 hectares is indicated for a 1FE primary school with a further 0.6 hectares of land for school expansion. To the north and east of the site 20.51 hectares of public open space is indicated.

The proposal would not be of a size or design that would result in significant cumulative impacts that cannot be considered with detail submitted under a planning application. It is noted that any planning application would need to be informed by supporting documents including a Landscape and Visual Impact Assessment.

(b) cumulation with other existing development and/or approved development:

The EIA Regulations require consideration be given to other existing and/or approved projects. To the south-west of the site is a development site (Killingdown Farm) where planning permission has been granted (LPA ref. 20/1881/FUL) for a residential development of 160 dwellings with associated works. The development is at an advanced stage with some completed dwellings now occupied.

The submitted EIA Screening Matrix identifies that there is potential for cumulative air quality impacts and / or noise impacts during the construction phase of the development. However, given the advanced stage of the Killingdown development at this time it is anticipated that this would be completed prior to any development at this proposal site taking place (any proposal still subject to planning approval). For the same reason there are unlikely to be cumulative construction traffic impacts.

In relation to post construction traffic the sites would utilise different vehicular access points, the Killingdown development accessed via Little Green Lane, off Baldwins Lane, whereas the proposal site would be accessed via the junction of Little Green Lane / Canterbury Way to the north.

It is not considered that there would be significant cumulative effects. Any cumulative effects could be managed through the planning process eg. appropriate planning conditions such as Dust Management Plan; Construction Management Plan (to include vehicle routing) etc.

(c) the use of natural resources, in particular land, soil, water and biodiversity:

The proposed development will result in physical changes to the site through changes in topography, however, no long term significant adverse effects are anticipated as a result of reprofiling. The development will require consumption of natural resources (eg. land and materials during construction; energy during and post construction; and water during and post construction), however, it is not considered that use of natural resources would be significant. Relevant statutory bodies (eg. water authority) would be consulted at the time of formal planning application and their comments considered at that time.

As previously noted, the site is predominantly used for agriculture. It is understood that an Agricultural Land Classification Survey has been undertaken which has classed the site as Subgrade 3b. As such the site does not contain any BMV 'best and most versatile agricultural land'.

The site contains an area of woodland and the submitted Screening Matrix and accompanying covering letter set out how this would be enhanced as part of the development. Enhancements would be required as part of mandatory Biodiversity Net Gain.

(d) the production of waste:

Waste would be generated during construction and the submitted screening matrix suggests a Site Waste Management Plan would be provided as part of the planning application. This could cover construction waste and waste following occupation.

No significant effects are anticipated as a result of the proposed development's production of waste either during construction or operation.

(e) pollution and nuisances:

The site is primarily used for agriculture, and therefore any increased use of the site would likely increase noise levels from the site. During construction there would be potential for localised noise generation and degradation of air quality through dust and emissions associated with earth movements, use of plant, vehicle movements etc. The submitted EIA Screening Matrix sets out that a Phase 1 Geo-Environmental Assessment, as well as intrusive investigations, would establish the site's pollution status, advising as to the need for any mitigation strategy. It also advises that an Air Quality Assessment will accompany any future planning application and would identify mitigation measures where required.

In relation to impacts from construction traffic, a Transport Statement would be submitted with any application and would include a full assessment of transport effects and any necessary mitigation. The LPA would expect a Construction Environmental Management Plan and a Construction Traffic Management Plan be submitted, and together these would include measures to manage and mitigate construction traffic impacts.

The submitted EIA Screening Matrix notes that a SUDS strategy would deal with surface water drainage. Construction management details could include the management of any spillages during construction works.

The site is within Zone 3 of a Source Protection Zone (SPZ). A CEMP and Drainage Strategy will ensure that there are no adverse impacts on groundwater during construction / operation.

No significant risk to human health during either construction or operation are anticipated.

The matrix notes that a Noise Assessment and Air Quality Report would both be submitted to establish the baseline position and any mitigation.

The activities associated with the proposed development are not typically associated with hazardous substances or toxic emissions.

No significant effects are anticipated as a result of the proposed development's production of pollution/noise and it is not anticipated that the development would lead to contamination of land or water.

- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;

Given the nature of the proposed use, the risk of major accidents/disasters is considered to be limited. Similarly, risks during construction can be managed through adherence to relevant Health and Safety legislation/best practice requirements and use of appropriate planning conditions, eg. Construction Management Plan.

- (g) the risks to human health (for example, due to water contamination or air pollution).

It is considered that appropriate measures can be put in place, whether that be during construction (eg. CEMP) or operation, and controlled by necessary planning conditions to mitigate against any potential risks.

The characteristics of the development are not considered to give rise to significant environmental impacts in this case.

2. Location of development:

- (a) the existing and approved land use;

The site is wholly within the Metropolitan Green Belt. It is comprised largely of undeveloped agricultural land with existing woodland comprising approximately 7% of the site area. The area is semi-rural being sited adjacent to the northern edge of the existing settlement boundary (Croxley Green) with open land and woodland to the north and east.

The proposal would change the use from agriculture to residential, and a Ground Contamination Report would review any mitigation necessary to accommodate this land use.

The environmental sensitivity of the site is not considered to give rise to significant environmental effects.

- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

As previously noted, an Agricultural Land Classification Survey has been undertaken which has classed the site as Subgrade 3b. As such the site does not contain any BMV 'best and most versatile agricultural land'.

There is vegetation (largely to field boundaries) and the site is considered to have some ecological and biodiversity value. However, the development is unlikely to result in significant effects on the capacity of natural resources on the site, and improvements and benefits to biodiversity can be sought and secured with any planning application. Mandatory biodiversity net gain would also likely apply.

The site is entirely within Flood Zone 1 (lowest risk of flooding). The submitted information is clear that sustainable drainage systems would be utilised.

No significant effects are anticipated as a result of the development's impact on natural resources.

- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment;

- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

As noted above, the site is adjacent to a 'sensitive area' (Whippendell Wood SSSI) as defined by Regulation 2(1).

The site is not located within or in close proximity to any wetlands, riparian areas or river mouths.

The site is not located within or in close proximity to any coastal zone or marine environment.

The site is not located within or in close proximity to any mountain or forest area. The site is adjacent to ancient woodland (Whippendell Wood SSSI), which is a 'sensitive area' as defined by Regulation 2(1). The covering letter sets out that mitigation measures are proposed eg. barrier planting, to ensure no significant impacts on this 'sensitive area'. The developable area of the site is located over 400 metres to the south of the adjacent SSSI. There will be no direct loss of ancient woodland.

The site is not located within or in close proximity to any nature reserve or park. It is adjacent to a Local Wildlife Site (Dell Wood) and a Local Wildlife Site also falls within the site area.

The site is not located within or in close proximity to any area/site protected under EU legislation.

The site would be located relatively close to the built up edge of Rickmansworth.

The site is not located within an area of historical, cultural or archaeological significance.

No significant effects are anticipated as a result of the absorption capacity of the natural environment. Impacts on the adjacent 'sensitive area' can be managed via mitigation / conditions as appropriate.

3. Types and characteristics of potential impacts

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

Changes will occur to the area as buildings and associated infrastructure are proposed to be constructed on land where no built form currently exists. While these impacts would largely be localised, there are likely to be public viewpoints of the development site including from public footpaths around the site, as well as from adjacent roads.

The development site is located beyond the edge of the existing residential settlement of Croxley Green to the south, with no residential dwellings or other built development to the northern side of Little Green Lane. It is considered that the majority of impacts would only affect the immediate area, however, there may be views of the site from further away. The impacts regarding traffic would affect road users passing through the area.

(b) the nature of the impact;

The development of the site would impact on the visual amenity and character of the area and its landscape. A landscaping scheme could be dealt with as part of a planning application to supplement retained planting. A Landscape Visual Impact Assessment (LVIA) would be expected to accompany a planning application and it is expected this would be capable of specifying necessary mitigation measures.

The massing, layout and visual impact of the proposed buildings would also be considered as part of any planning application.

There is the potential for impacts on ecology and biodiversity. Whilst work has commenced on understanding these impacts, further surveys will be required and mitigation measures where necessary will be incorporated on site. Relevant surveys would be required with any subsequent planning application, however, ecological effects are expected to be localised and are not considered likely to lead to significant environmental effect. It is recognised that there is a mandatory requirement to ensure an overall gain in biodiversity of at least 10%.

The proposed development would be likely to result in changes to traffic movements to and from site with an increase in traffic movements as a result of the development. Relevant surveys/reports would be expected to accompany any subsequent planning application eg. Transport Assessment, Construction

Logistics Management Plan, Construction Environment Management Plan, Construction Traffic Management Plan and Framework Travel Plan.

The proposal could result in impacts in respect of noise, however, these are largely expected to be noise effects due to construction and would be of a temporary nature and can be managed with appropriate mitigation.

There could be impacts in respect of air quality due to increased vehicle movements and the nature of traffic.

The site is within Flood Zone 1 and is assessed as having an annual flooding probability of less than 1 in 1000 (0.1%). The submission sets out that it is proposed to incorporate a sustainable drainage system this and would be fully assessed at the planning application stage.

There are no heritage assets within the site. The boundary of the Croxley Green Conservation Area is located approximately 550 metres to the south-west of the site. Durrants House (Grade II Listed) is located approximately 40 metres to the south of the site. Cassiobury Park (Grade II Registered Park and Garden) is within close proximity of the site.

Impacts on heritage assets would be assessed at application stage.

(c) the transboundary nature of the impact:

There are not expected to be any transboundary effects as a result of the proposed development.

(d) the intensity and complexity of the impact:

The intensity and complexity of any impacts are unlikely to be unusual or significant.

(e) the probability of the impact:

There is likely to be an impact due to additional urbanisation compared to the existing situation due to the impact of built development compared to the existing situation.

The magnitude of the visual impact of the development on the landscape will be assessed through the LVIA.

The proposed development would be likely to result in changes to traffic movements to and from site with an increase in traffic movements as a result of the development. The impact on highway safety and the road network will be fully assessed as part of the planning application.

There is potential for impacts on ecology and biodiversity, however, mitigation is to be proposed. Mandatory Biodiversity Net Gain would likely apply.

The site is within Flood Zone 1 and is at low risk of flooding, however, sustainable drainage is required to be incorporated.

Noise impacts would arise, however, these are likely to be focussed on the construction phase.

There could be impacts in respect of air quality due to increased vehicle movements.

(f) the expected onset, duration, frequency and reversibility of the impact:

The impact of the proposed residential led development could not be reversed.

Impact of potential additional traffic movements following occupation of the development (including school). These would not be reversible but would not be constant.

Construction traffic would have some impact on the locality; this would be assessed as part of the planning application. Such impact would be temporary.

(g) the cumulation of the impact with the impact of other existing and/or approved development:

The Killingdown Farm development to the south-west has been identified when considering cumulative impacts. This residential development 160 dwellings is at an advanced stage. It is not considered that

there would be significant cumulative effects. Any cumulative effects could be managed through the planning process eg. appropriate planning conditions such as Dust Management Plan; Construction Management Plan (to include vehicle routing) etc.

(h) the possibility of effectively reducing the impact

As part of the planning application a significant number of assessments and surveys would be required to be submitted. The Screening Opinion Request at Appendix 6 identifies a number of plans and reports that would be submitted with any subsequent planning application. Whilst at this time this is considered a comprehensive list, validation requirements would be reviewed at submission stage and it is also anticipated that discussion / agreement regarding accompanying information will take place during any pre-application discussions.

Appropriate planning conditions could be attached to any planning permission were they to meet the relevant tests. An initial indication of some likely planning conditions has been made in this Screening Opinion.

Is the proposal EIA development?

The proposal is considered to be Schedule 2 development that is unlikely, having regard to the nature, location and other characteristics of the development, to give rise to significant environmental effects. As such, it is not considered to be EIA development.

Consideration of need for additional information

In accordance with national guidance, Three Rivers District Council has created a list of local requirements for the validation of planning applications. This has been incorporated into a validation checklist which encompasses national requirements (including the application form, the correct fee, ownership certificates and other specific details) as well as local validation requirements. The checklist can be viewed on the planning pages of the Council's website at <https://www.threerivers.gov.uk/services/planning/planning-applications#Planning%20application%20validation>.

Conclusion:

The applicant has requested a Screening Opinion to be carried out.

The impacts discussed above are likely to be relatively limited and thus unlikely to give rise to unusually complex or potentially hazardous environmental effects, other than what would normally be considered in a planning application. Consideration has been given to Schedule 3 of The Regulations and National Planning Practice Guidance to establish whether the proposed development is likely to have significant environmental effects that would necessitate the submission of an Environmental Impact Assessment. The development is only considered to have local effects and is not a particularly sensitive or vulnerable site in EIA terms. The development is neither unusually complex nor likely to have potentially hazardous environmental effects therefore the Council do not consider that an Environmental Impact Assessment is required.

This recommendation does not in any way prejudice the outcome of any future planning application, which will be subject to full consultation, and assessment of the planning issues.

This Screening Opinion has been adopted by Three Rivers District Council.



Kimberley Rowley
Head of Regulatory Services

Date: 15 August 2024

Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL