

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77

Called-in application 25/1020/OUT - Land East of Oxhey Lane, Carpenders Park

Inquiry reference APP/P1940/V/26/3378268

POST-INQUIRY SUBMISSION OF THE RULE 6 PARTY

*Comments on the Three Rivers Regulation 19 Local Plan consultation (31 July - 25 September 2026),
submitted in response to the Inspector's invitation*

Residents Protecting Oxhey Lane Fields

1. Introduction and scope

1. The Rule 6 party is grateful for the opportunity to comment on the Regulation 19 consultation for the emerging Three Rivers Local Plan, which opened on 31 July 2026 and closes on 25 September 2026. In accordance with the Inspector's invitation, these comments are confined to the bearing of the consultation documents on the application site, which the draft Plan identifies as allocation H17, Land East of Oxhey Lane (SHELAA reference NCFS12), and on the matters before the Secretary of State. We do not seek to reopen or repeat the evidence and submissions already before the inquiry; where those are referred to, it is only to identify what, if anything, the newly published documents add to them.

2. References below are to the Regulation 19 Local Plan Part I (Strategic Policies) and Part II (Site Allocations), and to the Sustainability Appraisal Report (WSP, July 2026, ref. UK0030015.9473-WSP-RP-001-5). None of these documents was before the inquiry. The Plan was published for consultation on 31 July 2026, after the hearing sessions had closed, and no witness has been examined on any of it. The supporting evidence base on which those documents draw, including the Stage 4 Green Belt Review, the Landscape Sensitivity Assessment and the Level 2 SFRA, was before the inquiry and was addressed in the evidence. What is new is the way in which the Plan and the Sustainability Appraisal apply that evidence to this site, and our comments are framed accordingly.

3. In short, the Regulation 19 documents do not assist the applicant. The emerging allocation can, at this stage, carry only very limited weight; the Council's own newly published evidence records findings on this site which support rather than answer the concerns examined at the inquiry; the allocation is not the scheme before the Secretary of State.

2. The weight the emerging allocation can carry

4. Having regard to paragraph 49 of the NPPF, the draft allocation can carry only very limited weight. There are three reasons.

5. Stage of preparation. The Plan is at Regulation 19 consultation only. The foreword to Part I records that submission is intended by the Government's November deadline, that the Examination in Public is expected to commence in the first half of 2027, and that the Inspector will return the Plan to the council with whatever modifications are determined mid-2027. The allocation is untested by examination, and the consultation period has not closed. Part II records that, during the plan process, the Green Belt boundaries were altered, and this site was entirely removed from the Green

Belt. That removal is proposed, not made: the site is, and will remain throughout the determination of this application, Green Belt under the adopted development plan.

6. Unresolved objections. Substantial objections to allocation H17 are certain, and we are ourselves submitting a Regulation 19 objection on grounds of legal compliance and soundness. More significantly, the Plan itself records the council's position. Allocation H17 in Part II states that full council considered the site to be Green Belt, 'given its location on the edge of an area of fundamental importance', and considered that it should be retained in the Green Belt. The foreword to Part I records that full council agreed the plan in January, that the government ruled the proposed figure of 7,017 homes was too low, and that directions requiring additional Green Belt sites followed despite cross-party representations. It adds that the intervention caused delay and uncertainty, but that 'the decision was not ours to make'. The Sustainability Appraisal's stated reason for the site's selection (Appendix K, Table K-1) opens: 'The government directed the council to include this site.' The allocation therefore appears in the Plan under ministerial direction rather than as a choice the authority itself would have made on the evidence, and the authority's own recorded position stands, in substance, as an unresolved objection to it.

7. Consistency with national policy. Whether release of this land from the Green Belt is justified is among the principal matters the 2027 examination must resolve, in the light of the Council's recorded position, the Stage 4 Green Belt Review's identification of areas of fundamental importance, and the objections now being lodged. That question remains genuinely open and cannot at this stage weigh in the applicant's favour. It is also a question the Government has itself identified as one for the examination. In his letter of 15 April 2026, confirming the directions issued on 18 March 2026, the Minister of State for Housing and Planning wrote that 'Examination remains the appropriate forum for testing individual site allocations and the supporting evidence base', and that relevant stakeholders would have the opportunity to engage through the forthcoming consultation and examination hearings. The stated purpose of the direction was that the additional sites be included in the Regulation 19 consultation so that the proportion of housing need being met is increased. It did not determine whether release of this site from the Green Belt is justified. On the Minister's own account, that is a matter for the examination.

3. The Council's newly published evidence on this site

8. The Sustainability Appraisal assesses the application site at Appendix E (Assessment of site options, NCFS12). It records that:

- development of this greenfield site, with a Local Wildlife Site close to the south, 'would have adverse effects on biodiversity';
- 'The site is also located within the Green Belt and is not considered to be grey belt';
- development 'would result in the loss of agricultural land' and 'would extend Carpenders Park into open countryside while the site possesses a medium sensitivity to the built environment';

- the site's southern boundary is 'marginally impacted by Flood Zone 3b in addition to a flood storage area', with parts of the site at risk of surface water flooding in 1 in 30, 1 in 100 and 1 in 1,000-year rainfall events; and
- development 'may disrupt the public right of way which runs across the north of the site'.

9. Appendix K likewise records that the site 'is not considered to be grey belt'. These are the conclusions of the Council's own consultants, published this summer as part of the Plan's formal evidence base, and they correspond closely to the evidence heard at the inquiry. The Sustainability Appraisal's finding that development 'would extend Carpenders Park into open countryside' is the same effect which Ms Fisher assessed in her evidence as giving rise to major adverse effects on the character of the site, moderate adverse effects on the character of Landscape Character Area 14 Bushey Hill Pastures, and moderate adverse effects on the character of Carpenders Park itself.

10. The last of those was not assessed in the applicant's Landscape and Visual Impact Assessment at all. On visual effects, Ms Fisher's assessment was of major adverse effects on views from Carpenders Park and from the footpath crossing the site, Watford Rural 013.

11. The characterisation of the site as other than grey belt is of relevance to the sequential logic the Plan itself adopts. Part I explains that site selection 'has followed a sequential approach', with priority given first to previously developed and underused land within settlements and, where that is insufficient, to 'land within the Green Belt, including grey belt land where appropriate, before other Green Belt locations'. On the Council's own evidence this site falls into the last of those categories.

12. That characterisation is also directly material to a matter in issue at the inquiry. The applicant's case was that the site makes no more than a moderate contribution to Green Belt purpose (a) and so falls to be treated as grey belt. The Council's newly published evidence reaches the opposite conclusion on the same site and does so in documents prepared for the very plan which allocates it. The same grey belt assessment was applied across the district's site options in Appendix K; this site did not pass it.

13. The allocation text in Part II records a substantial set of unresolved site constraints, each deferred to a future application.

4. The allocation is not the scheme before the Secretary of State

14. Allocation H17 is not the scheme before the Secretary of State. It is a different proposal, of different composition, comprising an indicative capacity of 381 dwellings together with 60 extra-care (C2) units and a children's care home on 12.7 hectares. It has been neither designed nor assessed, and nothing in it constitutes an assessment of the application now before the Secretary of State.

15. The allocation's requirements are in any event deferred: an Access Strategy and Transport Assessment, an archaeological assessment, a Preliminary Ecological Appraisal, an Arboricultural Impact Assessment, a Landscape and Visual Impact Assessment, a Flood Risk Assessment and a Site Waste Management Plan are each required at the planning application stage. The draft allocation resolves none of the matters in issue at the inquiry, and we would not accept any suggestion that it

does. Until those assessments have been carried out and tested, the allocation cannot carry the reliability that significant weight would require.

5. The secondary school allocation to the north (ED1)

16. One allocation needs taking on its own. Figure 1 of Appendix A to Ms Fisher's proof (CD6.15) mapped the proposed allocations, existing consents and the site directed by the Secretary of State to the south of Carpenders Park. It relied, at that stage, on a secondary school north of the application site as an emerging proposal. The draft Plan now allocates it as ED1, Carpenders Park Farm, Oxhey Lane, which Part II describes as lying to the northeast of Carpenders Park: a site suitable for a secondary school of up to ten forms of entry, on 8.2 hectares of land which the Plan records remains in the Green Belt.

17. Two things follow, both of which were put to the inquiry and are now borne out by the Council's published plan. The first is that the northern boundary of the application site is not a durable limit to development. The applicant's containment case depended on physical features restricting further expansion, yet the Plan now proposes built development immediately to the north, and Figure 5 of the Committee Report (CD2.2, page 25) identifies further land within the same strategic option which could follow. ED1 itself remains in the Green Belt: the Plan does not treat this edge of Carpenders Park as released. The second is that a school building of that scale has the potential to alter the views from, and the character of, the adjacent parts of Merry Hill Wood. As Ms Fisher explained, that makes the application site more important, not less, as a protective feature of this part of the Green Belt. It forms part of the only genuinely accessible countryside in an area otherwise largely made up of golf courses, and it is what separates the settlement edge from the Wood.

6. The cumulative context now proposed on the Oxhey Lane corridor

18. The emerging Plan cannot be relied on selectively. Whatever weight it carries, it carries as a whole and read as a whole it changes the context in which this site would come forward. Part II proposes, on the Oxhey Lane / Little Oxhey Lane corridor which serves the application site:

- H14 - Land at Oxhey Lane (CFS13): 98 dwellings, 2.8 ha, greenfield, access from Oxhey Lane;
- H15 - Land North of Oxhey Lane (CFS14): 96 dwellings and community space, 3.4 ha, access from Oxhey Lane;
- H16 - Grange Wood, Oxhey Lane (NCF511): 50 dwellings, 1.4 ha, access via Oxhey Lane;
- H17 - the application site;
- H18 - South of Little Oxhey Lane (PCS47): 400 dwellings, a medical centre and community facilities, 19.4 ha, also allocated under ministerial direction; and
- ED1 - Carpenders Park Farm, Oxhey Lane: a secondary school of up to ten forms of entry on 8.2 ha of land which the Plan records remains in the Green Belt.

19. Ms Fisher's Figure 1 anticipated the effect of this pattern before the Plan was published. Her evidence was that, taking the emerging allocations, the existing consents and the directed site to the south together, the proposed development would form part of a relatively continuous band of built development along Oxhey Lane between the northern edge of Hatch End and the southern edge of Watford at Oxhey, giving rise to cumulative harm to Green Belt purpose (b). The Regulation 19 Plan now proposes precisely that pattern. These allocations flow from the same ministerial direction, not from any permission on this site. They are not said to make this site acceptable, and they are not matters for determination here. Their relevance is to the baseline against which the effects of this application fall to be judged.

20. The Sustainability Appraisal records (paragraph 6.4.8) that five proposed sites at Carpenders Park amount to 1,025 dwellings. Allocations H14, H15, H17 and H18 each rely on improvements to the same footways, crossings and bus stop infrastructure on the same two lanes, and allocation H18 records a single-width bridge on Oxhey Lane immediately to its west 'which may experience capacity issues, with mitigation potentially required', deferred in its entirety to a future application.

21. That matters for a plain reason. The evidence we called at the inquiry addressed Oxhey Lane as it is now, and the emerging Plan would not leave it as it is. Mr Walpole's evidence (CD6.16) identified three highways harms: the delay, disruption and inconvenience to existing traffic arising from the creation of a new four arm signal controlled junction on Oxhey Lane; inadequate forward visibility, the proposed 52.3 metres and 48 metres being less than half the 120 metres required by the Design Manual for Roads and Bridges for a 40 mph main distributor road; and the discouragement of vulnerable road users from Oxhey Lane by the substandard provision for active travel along it. Separately, on sustainable location, the notes exchanged on the Department for Transport's Connectivity Tool following the updated guidance (ID.10 and ID.11) record the site as falling within the bottom ten per cent of sites nationally, and the applicant's rebuttal evidence accepted that walking distances in the Transport Assessment had been understated by 250 to 300 metres, taking facilities listed at 800 metres to over 1,000 metres, up and down the gradients addressed in Mr Walpole's evidence.

22. On walking in particular, allocation H17 makes an admission of its own. Among the site constraints it records that pedestrian links into the centre of Carpenders Park are limited from the site, and that improvement to pedestrian infrastructure may be required as part of future development proposals. That is the Council's own description of the same difficulty Mr Walpole addressed at the inquiry.

23. Each of those harms turns on the same junction, the same road and the same active travel network which the corridor allocations would also load, and which, as set out above, four of those allocations rely on improving. Nothing published with the consultation assesses those combined effects. The consultation therefore supplies context which tells against the application, and nothing which answers the objections to it.

7. Conclusion

24. Our comments on the consultation documents come to this:

(a) the emerging allocation H17 attracts only very limited weight, having regard to the early stage of the Plan, the substantial and unresolved objections to the allocation, including the Council's own recorded position that the site should be retained in the Green Belt, and the open question of the allocation's consistency with national policy;

(b) the Council's newly published Sustainability Appraisal records findings on this site which support the landscape, openness, biodiversity, flood risk and public access concerns examined at the inquiry, and states in two places that the site is not considered to be grey belt;

(c) the allocation is not the application scheme, which differs from it in composition, and defers every substantive assessment to a future application, so answers nothing that was in issue at the inquiry;

(d) the cumulative scale of development now proposed on the Oxhey Lane corridor, more than a thousand dwellings together with a secondary school of up to ten forms of entry, reinforces the highways and landscape objections to the scheme; neither the Plan nor the Sustainability Appraisal assesses those allocations together, and the allocation of the school site immediately to the north confirms both that the site's northern boundary is not a durable limit to development and that this site's role in protecting Merry Hill Wood is heightened rather than diminished; and

(e) in the alternative, a grant of permission in advance of examination would pre-empt the proper testing in 2027 of the allocation, its capacity, and the unassessed cumulative effects of the Carpenders Park allocations, being the testing which the Minister of State confirmed, on 15 April 2026, the examination is the appropriate forum to carry out.

25. For these reasons, and for those set out in our evidence and closing submissions, planning permission should be refused. We are grateful for the opportunity to comment and would be glad to assist further or to clarify anything in these comments if that would help.

Rue Grewal

For and on behalf of Residents Protecting Oxhey Lane Fields