

# **Three Rivers District Council**

## **Local Plan**

### **THREE RIVERS SITE ALLOCATIONS EXAMINATION IN PUBLIC**

**Statement of Common Ground as agreed between:**

**Three Rivers District Council and Hertfordshire County Council:**

(Representor 60254 in respect of representation 30057 in relation to Secondary School Provision).

September 2013

## **Purpose of this Statement of Common Ground**

The purpose of this document is to inform the Inspector and other parties about the areas of agreement and the remaining differences between Three Rivers District Council (TRDC) and Hertfordshire County Council (HCC) in relation to matters addressed with the submission Site Allocations LDD.

The latest position follows a meeting between TRDC and HCC to address concerns over Secondary School Provision.

The Statement of Common Ground has been written as concisely as possible and to avoid duplication of information already submitted to the Inspector in the course of the Examination.

## Issues Raised by Hertfordshire County Council

Section 6 of the Site Allocations Local Development Document Proposed Submission (November 2012) sets out Three Rivers District Council (TRDC) approach to the proposed allocation of secondary school sites in the District. Hertfordshire County Council (HCC) has welcomed the dialogue with TRDC to identify secondary education needs and to have those needs considered in the emerging Local Development Framework. In particular HCC supports the allocation of two potential school sites (one in the east of the District and one in the west of the District) to meet agreed future education needs. There is agreement between HCC and TRDC as to the allocation of Site S(d) (Land to the north-east of Baldwins Lane) which has been identified for allocation to meet the education need in the east of the District.

However, there has been disagreement between HCC and TRDC as to which sites are most suitable and deliverable for secondary school use in the Mill End/Maple Cross area, the west of the District. This disagreement stems from the suitability and deliverability of site S(b) which the District Council have identified as their preferred option and their view that this site is more suitable and deliverable than Site S(a). HCC considers that TRDC preferential treatment of this site does not reflect the technical investigations carried out by HCC and submitted to TRDC as part of the technical evidence base. TRDC state in the Site Allocations LDD Proposed Submission (November 2012) that “as the councils have not been in agreement regarding the allocation of Site S(a), the County Council has confirmed that they are willing to support the District Council in bringing forward Sites S(a) and site S(b) for allocation as a way forward and to provide flexibility whilst further investigation and liaison with landowners take place”. Since then there have been no further investigations by TRDC and no positive outcomes from discussions with landowners. HCC made representations in March 2102 in which it was stated that “unless further substantive evidence is provided by the District Council which addresses the deliverability and suitability dis benefits of site S(b) as opposed to the reasonable alternative of Site S(a) then the County Council will have no option than to challenge the soundness of the plan at the Examination” (P81). Thus, HCC considers that without further supporting investigation by TRDC, Site S(b) is not suitable or deliverable and should not be allocated for education use.

There would also appear lack of clarity between HCC and TRDC as to the *certainty* of demand for school places. This is evidenced in TRDC letter to the Inspector (31 July 2013) where there are references to the difficulties in education planning and forecasts and a more generic reference to school place planning issues. HCC considers that the evidence submitted to TRDC over the last 4 years shows a persistent confirmed demand for school places and that the most up to date information should be reflected in the Site Allocations LDD.

For the above reasons HCC considers that the Site Allocations LDD, as currently worded, is inconsistent with the evidence base, is not *justified* or *effective* and is therefore *unsound*. It is not in accordance with NPPF.

Section 1 below sets out:

- (i) The historical rising demand for school places in TRDC area and the current position which confirms the persistent high demand
- (ii) A synopsis of the town planning and highway appraisal work that has been carried out in respect of existing secondary schools to ascertain their potential for expansion

- (iii) A synopsis of the technical investigations that have been carried out (and submitted to TRDC) which identifies Site S(d) and Site S(a) as the most suitable and deliverable sites for allocation

There is also disagreement between HCC and TRDC as to the need to deliver certainty to the delivery of these identified secondary education sites and in respect of the potential expansion of existing secondary schools in the District. HCC considers that the building zones of the proposed site allocations should be removed from the Green Belt to create certainty and to support the education imperatives set out in NPPF. HCC also considers that the Site Allocations LDD should have a site allocations policy towards existing schools. Currently this is omitted from that document. Without certainty in respect of existing school potential expansions and removal of building zones from the Green Belt it is considered that the Site Allocations as currently worded is not *positively prepared, effective, consistent with national policy* and is therefore *unsound*.

Section 2 below sets out the reasons why HCC considers changes to the Site Allocations LDD in respect of these matters should also be made.

## **1. THE EVIDENCE BASE**

HCC consider that the Site Allocation LDD should clearly reflect the technical evidence submitted to TRDC as a consequence of the work commissioned by HCC arising from requests made by TRDC over a period of 2 years from early 2010 – 2012.

### **(i) Rising demand for school places**

In December 2009 HCC produced a report “Meeting the rising demand for school places” which indicated that demand for primary and secondary school places (based on rising birth rates) had across the County increased, and was likely to increase further. The report forecasted a shortage of secondary school places in Watford and Rickmansworth. The report indicated how HCC had responded to these pressures by seeking to increase planned admissions into St Clement Danes School (Chorleywood) and at Westfield Community College (Watford) and at Bushey Hall School (which has since been redeveloped to provide a new Academy). At that time the County Council report indicated that there was a demand for a further 12 forms of entry (f.e.) up to 2021 across the Rickmansworth and Watford planning areas.

This forecast has since 2009 been updated annually. The September 2013 Statement of Educational Need update (referred to in this statement as the “2013 needs update”) is attached as an appendix to this statement.

In September 2011 it was reported that an absolute shortage of places was forecast from 2014/15 with an increase to **10.5 f.e.** across the area as a whole by **2018/2019**.

The most recent forecast for secondary school places re-confirms an absolute shortage of places from 2014/15, increasing to 3 f.e. from 2016/17 and to a higher shortage (than previously reported) of **11 f.e.** from **2018/2019**. This requirement continues to rise such that there is a deficit of school places of over **18 f.e** from **2022/23**.

In spatial planning terms it is prudent to plan for at least 5% of surplus spaces to allow for some fluctuation in numbers and for a degree of parental preference (the Audit Commission previously indicated that Local Authorities should plan to no more than 10%).

Therefore taking account of the forecast pupil numbers it would be appropriate to plan for

an additional 1 f.e.(5%) to ensure adequate flexibility over the planned period – a maximum of **19 f.e.** in total should be planned for in the period to **2022/23**.

**(ii) The capacity of existing secondary school sites to deliver expansion**

Following discussions with TRDC, in early 2010 Vincent and Gorbing were first commissioned by HCC to undertake town planning appraisals of existing secondary school sites to determine whether additional capacity could be delivered on the existing secondary school sites. Alongside the town planning appraisals a number of highway appraisals were also undertaken by Civil Engineer Consultants Stomor Ltd. In July 2010 the appraisals were completed and reports were presented to TRDC for their consideration. To ensure that the potential capacity of secondary schools outside TRDC area was thoroughly investigated, the report examined the potential expansion of 12 secondary schools across three secondary education planning areas (EPA's): Radlett and Bushey EPA, Rickmansworth EPA and Watford EPA. The potential expansion capacity was assessed on the preferred education model established as a 6-8fe school on a site area of 12-13ha (based on DfES Building Bulletin 98 Briefing Framework for secondary school projects).

The conclusion of the assessments was that out of 12 existing secondary schools across the 3 EPA's, only 4 schools have the capacity for expansion beyond their existing or committed capacity. The conclusions of the 2010 report and the 2013 update for each of the existing secondary schools in TRDC area are set out below. Consideration is also given below to the recent Government relaxation of site size requirements which may enable sites previously constricted by size requirements to be brought forward for expansion.

**St Clement Danes School, Chorleywood**

Planning constraints (Green Belt and AONB status) may constrain the amount of additional development but subject to careful design it was recommended in 2010 that an additional 1 f.e. could be provided on the site. The 2013 needs update confirms that the Council has included the permanent expansion of St Clement Danes by 1f.e. from 2015/16 in their short-medium term strategy. This school converted to an Academy on 1 July 2011; HCC has no legal interest in the site; and, as such it is the schools decision as to whether to pursue that expansion.

**St Joan of Arc Catholic School, Rickmansworth**

The site is too small to accommodate an expansion to 8 f.e. and cannot be expanded using adjoining land (which is unsuitable).The existing school building area is constrained by listed buildings, Conservation Area, Green Belt and flooding designations, all of which would make expansion difficult. In 2010 it was recommended that this site be not pursued for further expansion potential. The 2013 update re-confirms this assessment and also states that since this is a denominational school it currently attracts a high proportion of pupils from London Boroughs. This school converted to an Academy; HCC has no legal interest in the site. Expansion of this school may not increase local access to places without reconsideration of admission rules.

**Rickmansworth School, Rickmansworth**

The site is too small to accommodate an expansion to 8 f.e. and cannot be expanded using adjoining land (which is unsuitable). The school building zone could accommodate more development although there may be some loss of playing fields which would require mitigation. Congestion and parent parking difficulties on the local road network mean that there is only limited scope for expansion. This school converted to an Academy on 1 April

2011; HCC has no legal interest in the site; and as such it is its decision as to whether to pursue any future expansion.

#### **Parmiter's School, Garston**

Although the site is; in the Green Belt; on the periphery of the Watford EPA; located close to other secondary schools; expansion could be achieved to provide an additional 2f.e. which would increase the school capacity to just over 8f.e. This school converted to an Academy on 1 July 2011; HCC has no legal interest in the site; and, as such it is their decision as to whether to pursue the 2 f.e. expansion. The 2013 update confirms the 2 f.e. expansion potential and states that Parmiter's School has agreed to consider the option of expansion which it has agreed to look at in the near future. Since there is uncertainty as to whether Parmiter's School expansion can be delivered it has not yet been included in the HCC short to medium term strategy.

#### **St Michaels School, Garston**

The site is; in the Green Belt; on the periphery of the Watford EPA; located close to other secondary schools; and the site size too small to allow expansion to 8 f.e. The school converted to an Academy and is a voluntary aided Roman Catholic School which is no longer owned by the County Council but transferred to the Trustees of the school on 1 March 2012;. It was concluded that it would be more appropriate to pursue expansion on the nearby Parmiter's School site which had sufficient site capacity to expand and this is confirmed in the 2103 update.

#### **Francis Combe Academy, Garston**

The site has recently been redeveloped under the previous Government BSF programme. The redevelopment resulted in a reduction of the parent drop off area resulting in increased car parking on the surrounding road network. It is was concluded in 2010 that the road network is unlikely to have any additional capacity to enable further expansion and this is confirmed in the 2103 update. The school converted to an Academy on 1 September 2009 but HCC retains the freehold interest to this site.

#### **Reach Free School**

The Reach Free School was not included in the 2010 Vincent and Gorbing report since it is a recent initiative under the Government Free Schools programme. It is understood that the school will be located in temporary accommodation in Tolpits Lane Watford with a view to finding a permanent site in Hillingdon although it is understood that planning permission has not yet been granted for a permanent location. HCC has no legal interests or involvement in this school. This school will provide 4f.e. capacity which is likely to draw in pupils from Hertfordshire either in its temporary location or in its permanent location. The 2013 update considers it prudent therefore to acknowledge this provision and its potential effect in Hertfordshire.

#### **Overall capacity**

The HCC proposed short-medium term strategy (across the Education Planning Areas) accounts for the following schools taking additional capacity:

- (i) Reach Academy (London Borough of Hillingdon)– 4f.e. (from Sept 2013)
- (ii) Bushey Academy (Hertsmere Borough Council) – temporary expansion of 1f.e. from 2014/15-2016/17 (taking advantage of currently available spare accommodation until the school, which has recently been redeveloped, is full)
- (iii) St Clement Danes School (Three Rivers District Council)– 1f.e. from 2015/16

(iv) Bushey Meads School (Hertsmere Borough Council)– 1f.e. from 2015/16

This will provide a total of 6f.e. (since Bushey Academy is temporary) but with the demand for **19f.e.** in total in the period up to **2022/23** there would still be a requirement for **13f.e.** It is acknowledged that there is a further **theoretical 5f.e.** expansion potential at:

- (i) Queens School (Hertsmere Borough Council) -1f.e. but this is dependent on the school agreeing to expand since it converted to an academy on 1 July 2011 and HCC has no legal interest in the site;
- (ii) Parmiter’s School (Three Rivers District Council)- 2f.e. but this is dependent on the school agreeing to expand
- (iii) Bushey Meads School (Hertsmere Borough Council) - 2f.e but this is dependent on the school obtaining third party land or expanding more intensively on its site which might not be acceptable and as this school converted to an academy on 1 July 2011 and as such HCC has no legal interest in this site it is the schools decision whether or not to expand

If all of the above expansions could be delivered the deficit would reduce from **13f.e** to **8 f.e** but there is too much uncertainty (since HCC cannot enforce expansion and these sites are all in the Green Belt) for this to be an acceptable approach to prudent education planning. HCC considers and concludes therefore that it is prudent to continue to plan for 2 school sites which will provide a total of **12-13 f.e** in the plan period. This will allow for a 6 f.e school in 2018/19 and a second 6 f.e. school in 2019/20 with the ability of both schools to expand up to 8 f.e.

*Conclusion:*

*The Site Allocations LDD should acknowledge and make reference to the increasing on-going demand for secondary school places since 2009 and the current demand based on 2013 update. The above figures should be included in the Site Allocations LDD.*

*The Site Allocations LDD should make specific reference to the two schools in TRDC area (Clement Danes School and Parmiter’s School); as having the potential for expansion; that although the schools are in the Green Belt the Council recognises the educational need for expansion which constitutes the special circumstances which could enable Green Belt policy objections to be overcome; and that planning applications for expansion will be supported subject to that need being confirmed at the point of submission and other material considerations being taken into account.*

The letter sent to the Inspector (31 July 2013) states that “the following schools are in the Green Belt and the designation has not prevented development of these sites”. Previous planning consent does not guarantee future planning consent and the Council should, on the basis of the technical evidence submitted, make the changes suggested above to confirm that; it recognises the importance of secondary school expansion; it recognises the potential of its existing school sites to meet the increased demand for places; and that it is prepared to accept that the projected demand provides the special circumstances to enable expansion to be effected.

**(iii) Additional school sites**

In 2010 Vincent and Gorbings were commissioned by HCC to identify two potential school sites to accommodate the projected requirement. At this time HCC set out a requirement for sites with an area of 12-13ha. HCC indicated that split sites with detached playing fields presented a sub-optimal solution. It is now acknowledged by HCC that the restrictions on

site areas have been removed by this Government. However, in the interests of long-term planning HCC consider that the allocation of a 12-15ha site continues to remain a prudent approach to spatial planning since space standards may change during the plan period and could revert to previous guidelines by a successive Government. In any event HCC considers these space standards to be appropriate for education delivery. It remains the case therefore that HCC are seeking to secure an allocation of 2 deliverable secondary school sites of 12-15ha to deliver acknowledged need in the period up to 2022-23.

### **Environmental planning and constraints mapping**

Following a planning and environmental constraints mapping of the three EPA's a total of 30 potential secondary school sites were identified for consideration. A detailed analysis of each site is contained in the July 2010 reports prepared by Vincent and Gorbings. Following planning and highways appraisals, the report recommended that the sites with potential within TRDC area were:

- Land east of the A405/north of A412, Mill End/Maple Cross
- Mill End Recreation Ground, Mill End Rickmansworth
- Old Merchant Taylors Sports Ground, Croxley Green
- Land to the north of Little Green Lane, Croxley Green
- Land to the north-west of Baldwins Lane, Croxley Green

The Mill End Recreation Ground and Old Merchant Taylors Sports Ground would offer split site solutions which would be sub-optimal, both had alternative uses, would require land assembly all which would make acquisition difficult and these were rejected. This left three sites:

- Land east of the A405/north of A412, Mill End/Maple Cross
- Land to the north of Little Green Lane, Croxley Green
- Land to the north-west of Baldwins Lane, Croxley Green

The Froghall Farm site was rejected in the initial search because; the site would offer a split site solution, part of the site is liable to flooding, there may be ecological constraints, the existing site access to the Thames Water waste water treatment plant would not be appropriate for shared use with school traffic; creating an access from the existing Froghall Farm access would require extensive remodelling; and access from Uxbridge Road or Denham Way would not be acceptable to the highway authority.

### **Site Allocations Consultation**

In 2011 TRDC published its Site Allocations Consultation and identified the three sites from the Vincent and Gorbings report together with an additional further 2 sites:

- Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)
- Land to the north of Little Green Lane, Croxley Green Site S(c)
- Land to the north-west of Baldwins Lane, Croxley Green, Site S(d)
- Land at Froghall Farm and adjoining lands Mill End/Maple Cross, Site S(b)
- Land to the west and north of Little Green JMI, Croxley Green, Site S(e)

Site S(b) was included by TRDC despite the preliminary evidence submitted by Vincent and Gorbings. In its representations to TRDC (report prepared by Vincent and Gorbings dated January 2011) HCC set out further investigations on all five of the sites contained in the Site Allocations DPD. Those investigations comprised formal views of the Highway Authority on site access issues, a planning history site search, and some preliminary investigations into land ownership.

**Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)**

The Council in its consultation document indicated concerns about loss of good quality farmland, the importance of the landscape buffer provided by the site between Mill End/Maple Cross, and the safety of the access into Long lane from the Uxbridge Road.

HCC indicated in response that there will be a loss of farmland but that neither TRDC nor HCC had done any work on farm viability to ascertain whether this would render the wider farm holding unviable. HCC accepted that the site was open and that a landscape mitigation strategy would be required with any application and that built development on part of the site (with the larger part being retained as playing fields in open use) would not challenge the overall integrity of the landscape buffer. HCC also consulted the highway authority which confirmed that highway safety was not an issue and that they had no fundamental objections to obtaining a safe and satisfactory access.

**Froghall Farm and adjoining land, Mill End/Maple Cross Site S(b)**

TRDC indicated that development of this site would have less impact in landscape and Green Belt terms and that the site is more likely to be delivered through the support of landowners.

HCC indicated in response that the site is more visually contained but the site was discovered to be in multiple ownership and would require compulsory purchase which could protract any development process and that the TRDC had produced no evidence that the land owners would support a school. HCC also consulted the highway authority which confirmed that new access points from Uxbridge or Denham Road to the school site would be unacceptable and that access they would object to the development if there were other more suitable sites in terms of access (i.e. site S(a)).

**Land to the north of Little Green Lane, Croxley Green Site S(c)**

TRDC indicated concerns about the loss of good quality farmland, impact on open countryside and inadequate access to the site from Little Green Lane.

HCC indicated in response that there will be a loss of farmland but that neither the TRDC nor HCC had done any work on farm viability to ascertain whether this would render the wider farm holding unviable. HCC acknowledged that the site was beyond the natural boundary of Little Green Lane but that landscaping and existing tree belts could contain development. HCC also consulted the Highway Authority which confirmed that a suitable point of access could be achieved to this site.

**Land north east of Baldwins Lane, Croxley Green Site S(d)**

The Council acknowledged that development of the site will need careful design to avoid landscape impact, the site is slightly smaller than the optimum size, the key advantage of this location is the location between Watford and Rickmansworth and good links to public transport.

HCC indicated in response that it welcomed the Council's support of this site.

**Land to the west and north of Little Green JMI, Croxley Green S(e)**

TRDC acknowledged that vehicular access to this site would be difficult, that part of the site is in HCC ownership and that detached playing fields are not ideal.

HCC indicated in its response that six access options had been considered and discussed with the Highway Authority who confirmed that a safe and adequate access could not be achieved to the site.

**Further technical investigations**

Following the representations in January 2011 HCC had further meetings with TRDC to discuss the site allocations in more detail. TRDC indicated that in order to confirm the suitability and deliverability of the sites, further technical investigations were required on each of the following sites:

- Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)
- Land to the north of Little Green Lane, Croxley Green Site S(c)
- Land to the north-west of Baldwins Lane, Croxley Green, Site S(d)
- Land at Froghall Farm and adjoining lands Mill End/Maple Cross, Site S(b)

TRDC confirmed its intention not to pursue Land to the west and north of Little Green JMI, Croxley Green, Site S(e) as a site allocation. As a consequence of the TRDC request Vincent and Goring were instructed by HCC to undertake the following technical investigations on each of the sites:

- Archaeological assessment (desk-top)
- Ecological assessment (phase 1 walkover)
- Flood risk assessment
- Highways and access feasibility study
- Landscape and visual impact assessment (in accordance with Landscape Institute guidelines)
- Ground conditions assessment (desk top)
- Noise assessment
- Air quality assessment
- Agricultural viability assessment for sites a, b and c only

The technical investigations were completed in September 2011 and a report was prepared by Vincent and Goring on each of the sites. Land ownership investigations were also completed by Lambert Smith Hampton and these were included in the reports too. An executive summary report was also prepared which is available to the Inspector if required. The conclusions of the technical investigations were as follows:

**Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)**

- The site (19.64ha) is held in two parcels owned by one trust aside of one small strip of land owned by the Council on part of the site boundary
- Vehicular access to the site *can be achieved* with some improvement to visibility splays which would accord with HCC Principal Roads policy and is acceptable to the highway authority
- Traffic generation *can be managed* through proposed improvements to the access and the introduction of pedestrian crossing points
- There would be a *moderate adverse* impact on agricultural viability but the overall holding would not be rendered unviable
- Landscape is assessed as being of *low-medium* quality with *low* sensitivity to development, visibility of the site is limited due to boundary vegetation, and in relation to Green Belt policy there would be *some limited* harm as a result of the new buildings and narrowing of the gap between the built up areas of Mill End and Maple Cross, there would be some *in principal harm* to visual amenity of the Green Belt which could be mitigated through careful design and placement of buildings with appropriate landscaping
- Ecological assessment identified the site as of *medium* value due to the existence of the County Wildlife site and recommended badger, bat activity and reptile surveys

around the boundary vegetation to support a planning application

- Archaeological assessment recorded *high potential* for remains due to a crop mark triple ditch system of Bronze-iron age which would need to be evaluated at the time of a planning application but is *unlikely to preclude development* of the site
- Ground conditions were identified as *unlikely to preclude development* there being *no flood risk or contamination*
- Noise assessment is *unlikely to preclude development* but recommended the introduction of a landscaped bund along the site boundaries to mitigate noise
- Air quality is *unlikely to preclude development*

#### **Froghall Farm, Mill End/Maple Cross, Site S(b)**

- The site (27.62ha) has 4 parcels in 5 separate land ownerships (the area for school buildings being in 3 ownerships and the area for a detached playing field being in 2 ownerships with a 99 year lease on part)
- Vehicular access to the site from Uxbridge or Denham Road *cannot be achieved* since it would not accord with HCC Principal Roads policy and would be unacceptable to the highway authority; vehicular access *could be achieved* from the roundabout but this could be a costly solution
- Traffic generation *can be managed* through the provision of a roundabout
- There would be a *neutral* impact on agricultural viability
- Landscape is assessed as being of *low quality* with *low sensitivity* to development, visibility of the site is limited due to boundary vegetation, trees on site and offices, and in relation to Green Belt policy there would be some *significant adverse* effects as a result of the new buildings and narrowing of the gap between the built up areas of Mill End and Maple Cross, there would be some *more significant* harm to visual amenity of the Green Belt which could be mitigated through careful design and placement of buildings with appropriate landscaping
- Ecological assessment identified the site as of *medium* value due to the wetland species interest of the County wildlife site and recommended badger, bat activity, bat tree roost and emergence surveys, breeding bird survey and reptile surveys around the site boundaries to support a planning application
- Archaeological assessment recorded *low* potential for remains of all archaeological periods
- Ground conditions identified *three sources of contamination*: waste disposed of in the former landfill in the centre of the site; spreading of sewerage sludge on the south eastern part of the site; and a leaking fuel bowser; there is a moderate risk of contamination and there would be a requirement for significant remediation to achieve development on the site
- The site *is liable to flooding* and parts of the site would be subject to a sequential flood testing approach
- Noise assessment recommended the introduction of a landscaped bund along the site boundaries to mitigate noise
- Air quality is *unlikely to preclude development*

#### **Land to the north of Little Green Lane, Croxley Green Site S(c)**

- The site (17.48ha) is held in 2 parcels the majority held by a Trust and the remainder held by HCC
- Vehicular access to the site *can be achieved* and is acceptable to the highway

authority

- Traffic generation *can be managed* through traffic calming measures and potentially parking restrictions
- There would be a *slight adverse* impact on agricultural viability but the overall holding would not be rendered unviable
- Landscape is assessed as being of *medium-high* quality with *medium-high* sensitivity to development, visibility of the site is limited due to woodland blocks, and in relation to Green Belt policy there would be *some limited* harm as a result of the new buildings and narrowing of the gap between the built up areas of Mill End and Maple Cross, there would be some in principal harm to visual amenity of the Green Belt which could be mitigated through careful design and placement of buildings with appropriate landscaping
- Ecological assessment identified the site as of *low* value due to the site being in agricultural use and there being few boundary habitats but a number of surveys would be required: badger, bat activity, bat tree roosting, bat emergence, breeding bird and reptile surveys around the site boundaries to support a planning application
- Archaeological assessment recorded *low potential* for remains
- Ground conditions were identified as *unlikely to preclude development* there being *no flood risk or contamination*
- Noise assessment is *unlikely to preclude development* but recommended the introduction of a landscaped bund along the site boundaries to mitigate noise
- Air quality is *unlikely to preclude development*

#### **Land to the north east of Baldwins Lane, Croxley Green Site S(d)**

- The site (12.26ha) is held in 2 parcels the majority held by London underground and Lodge End is a privately owned access road along the site boundary
- Vehicular access to the site *can be achieved* and is acceptable to the highway authority provided pick up and drop off facilities can be provided on the site and some changes to access from Lodge Lane
- Traffic generation *can be managed*
- Landscape is assessed as being of *medium* quality with *medium* sensitivity to development, there are significant views of the site from the west of the site, and in relation to Green Belt policy there would be *more significant* harm as a result of the new buildings and narrowing of the gap between the built up areas of Watford and Croxley Green, there would be some in principal harm to visual amenity of the Green Belt which could be mitigated through careful design and placement of buildings with appropriate landscaping
- Ecological assessment identified the site as of *low* value due to the presence of native habitats but a number of surveys would be required: badger, bat activity, bat tree roosting, bat emergence, breeding bird and reptile surveys around the site boundaries to support a planning application
- Archaeological assessment recorded *low potential* for remains
- Ground conditions were identified as *unlikely to preclude development* there being *no flood risk or contamination*
- Noise assessment is *unlikely to preclude development* but recommended a development off set of 30m to achieve the upper noise limits
- Air quality is *unlikely to preclude development*

As a consequence of the technical investigations Vincent and Gorbing identified the presence of significant development constraints on Site S(b) (land ownership assembly, access costs, ground conditions, flooding and a more significant impact on the Green Belt) that do not pertain to Site S(a). Thus it was concluded that Site S(a) is more suitable and deliverable for a secondary school than site S(b).

As a consequence of the technical investigations Vincent and Gorbing identified the presence of some development constraints on Site S(c) (landscape and Green Belt impacts). It was acknowledged that development of Site S(c) would have extended development beyond the natural boundary of Croxley Green into open countryside.

Thus the September 2011 report concluded that Site S(a) and site S(d) were comparatively more suitable and deliverable than sites S(b) and S(c) and that sites S(a) and S(d) should be allocated as secondary education school sites. These reports were submitted to TRDC.

#### **Site Allocations Pre-Submission (Preferred Options)**

Following the submission of the September 2011 Vincent and Gorbing reports, the Council published its Site Allocations Pre-Submission (Preferred Options) Consultation Document (January 2012). The Consultation Document contained three preferred sites:

- Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)
- Land to the north-west of Baldwins Lane, Croxley Green, Site S(d)
- Land at Froghall Farm and adjoining lands Mill End/Maple Cross, Site S(b)

Site S(c) Land to the north of Little Green Lane, Croxley Green Site had been removed from the list of potential sites. Despite the technical evidence about suitability and deliverability of Site S(b) in that document TRDC advised that it considered Site S(b) to be a more appropriate site than Site S(a) on the grounds of public opposition to the previously proposed M25 compound site on Site S(a), the value of Site S(a) as amenity space and Green Belt separating Mill End and Maple Cross and the impacts on the viability of the farm.

In January 2012 the HCC commissioned further work to ascertain the likely abnormal development costs to all 3 sites since it had significant concerns about the suitability and deliverability of Site S(b) the Council's preferred site. Consultants were appointed to quantify the development costs associated with; proposed access arrangements, remediation to deal with ground conditions and the quantification of any other abnormal development costs associated with the 3 sites. This work is contained in a report prepared by Vincent and Gorbing (dated March 2012). It was submitted to TRDC as a representation to the Site Allocations Pre-Submission (Preferred Options) Consultation Document (January 2012). The further technical work is summarised as follows:

#### **Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)**

- Sub-structure and external works associated with the delivery of a secondary school: £1.38m
- No contamination or gas concentrations were found during intrusive investigations and no remediation would be required
- Indicative cost of providing T junction access to Long Lane: £179,000

#### **Froghall Farm, Mill End/Maple Cross, Site S(b)**

- Sub-structure and external works associated with the delivery of a secondary school: £6.79m (to provide gas membranes, sealed joints and passive venting as a consequence of proximity to a landfill site)

- Significant contamination was found during intrusive investigations and significant remediation would be required; long term gas monitoring would be required; access to part of the site was denied by the landowner and it was not possible to determine the full extent of the landfill site into the proposed school building zone; and site levelling would be required due to undulations
- Indicative cost of providing roundabout access: £742,000

**Land to the north east of Baldwins Lane, Croxley Green Site S(d)**

- Sub-structure and external works associated with the delivery of a secondary school: £1.4m (assuming the majority of playing fields could be provided off site if required)
- No contamination or gas concentrations were found during intrusive investigations and no remediation would be required
- Indicative cost of providing re-configured access to Baldwins Lane: £233,000

In the final evaluation HCC concluded in the March 2012 representations (which still pertains) that:

**Land east of the A405/north of A412, Mill End/Maple Cross, Site S(a)**

HCC does not agree with the TRDC on-going view of site (a) since:

- The wider agricultural holding of which site (a) is a part would not be rendered unviable by the release of land for a secondary school
- There would be some *limited* harm to the Green Belt as a result of the proposed new school buildings and some *in principle* harm on visual amenity which could be mitigated through careful design and siting of buildings together with a landscape mitigation strategy
- The site is suitable and deliverable for a new 6-8fe secondary school with no abnormal development costs
- The Green Belt boundary could be amended to include the 4ha building zone and allocation of and retention in the Green Belt of land to provide playing fields will retain the openness and provide on-going protection to the Green Belt
- HCC does not consider that there will be an unacceptable impact on the landscape which is assessed as being of low-medium quality with no significant or valuable landscape features that would be lost
- HCC does not concur with the view that there would be significant public opposition to the allocation of this site for a new school; the Councils summary of responses from the Issues and Options Consultation which is attached in the representation indicates that 1750 residents supported the proposal with 310 objections

*Conclusion:*

*HCC considers that Site S (a) should be allocated as a secondary school site with the building zone of 4ha removed from the Green Belt and the playing fields being retained in the Green Belt and, given the on-going level of demand for places, it should be made clear that the site can be brought forward for development at any time during the plan period. The Site Allocations LDD as currently worded does not reflect the evidence submitted to the Council over the last four years and the Councils assessment of the site is not justifiable.*

**Froghall Farm, Mill End/Maple Cross, Site S (b)**

HCC does not agree with the Councils on-going view of Site S(b) that there is on-going merit in considering this site for a potential secondary school since:

- Technical investigations have confirmed that the site is contaminated and would require extensive remediation which would add additional cost to the development
- Cost assessments have confirmed that the provision of a new roundabout to provide access would add additional cost to the development
- HCC considers that the cost of remediation and access is likely to render the site undeliverable for education funding particularly with the availability of other more cost effective sites
- There is no evidence that landowners would be supportive of development; the owner of the land where the school building zone will go has objected to the development and prevented access to the site for ground investigations
- The site would be split in operational terms between the building zone and the playing field which would be undesirable in terms of education delivery and the pedestrian route through the woodlands to the playing fields would be difficult to supervise and as such is considered unsuitable
- The building zone is likely to be significantly reduced from 4ha as a consequence of flood zone restrictions, TPO restrictions, roundabout requirements, the requirement for a 10m noise attenuation bund
- Depending on the extent of alluvium deposits on Froghall Farm (unknown because access was denied) there could be a requirement for deeper site foundations for the school which would add additional cost to the abnormal
- The preparation of a planning brief with the potential for competing education and employment allocations could lead to implementation delays

*Conclusion:*

*The evidence base provided to the District Council demonstrates that site S(b) is not suitable and deliverable and should not be given preferential status in the Site Allocations LDD over site S(a). The Site Allocations LDD as currently worded does not reflect the evidence submitted to the Council over the last four years and TRDC assessment of the site is not justifiable. We understand that TRDC has a preference for site S(b), and the County Council has previously agreed to support Sites S(a) and site S(b) for allocation as a way forward and to provide flexibility. However no further evidence has been produced by TRDC to alter HCC's view that site S(b) is suitable or deliverable for a secondary school. Consequently HCC considers that the allocation should be removed from the Site Allocations LDD in order for the plan to be justified in accordance with the evidence base.*

**Land to the north east of Baldwins Lane, Croxley Green Site S(d)**

HCC in general supports the information as set out in the Site Allocations LDD but considers that the word "reluctantly" should be removed from the Site Allocations DPD.

**2. SITE ALLOCATIONS**

The two potential school sites as currently identified in the Site Allocations Development Plan LDD should be allocated for education use; the building zones should be removed from the Green Belt and the playing fields can remain in the Green Belt.

TRDC has set out in its letter to the Inspector (31 July 2013) their concerns:

"There have been a number of issues.... As HCC will not be building the school it is likely that the indicative built up areas are actually larger than required."

HCC does not support TRDC position set out in that letter for the following reasons:

- Most of the school sites cited above were closed were between 20- 30 years ago as a result of a cyclical change in the long –term demographic and a reduction in the birth rate leading to a significantly reduced demand for school places; the forecasts are now showing a cyclical change in the long term demographic with an increase in the birth rate (this is reflected at a national level); this increase is reflected in a significant demand for places across the Education Planning Areas in south west Hertfordshire; the forecast has shown an increasing demand for the places over the last 4 years which is sustained until 2023/24. HCC considers that the demand for places in Three Rivers is sufficiently well established to justify the allocation of 2 potential school sites and the removal of the built up areas from the Green Belt
- The site should be allocated for education use with the built up areas and playing fields being clearly designated; planning permission will only be granted for a secondary school use on the site; removing the site from the Green Belt will add certainty to education delivery ensuring that sufficient land in the local plan is properly allocated to meet the education infrastructure needs of the community; and, removing the built up area will give certainty to the local community about what is planned for the local area. This approach accords with NPPF which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities with NPPF requires local authorities to plan positively for their areas, without this positive approach the plan not be in accordance with national policy and will not be positively prepared and thus will remain unsound
- In the interests of long–term planning HCC consider that the allocation of a 4ha build zone continues to remain a prudent approach to spatial planning since space standards may change during the plan period and could revert to previous guidelines by a successive Government and the delivery mechanisms for constructing new schools could also change

The letter sent to the Inspector (31 July 2013) states that “due to difficulties in education planning” it is envisaged that at least one site will be developed in the first part of the plan period (2015-2018) and a further site needed at the end of the plan period depending on needs at that time. It is anticipated that Site S(d) will be progressed initially by the County Council”. HCC considers that there should be no restrictions on enabling either one of the two sites identified coming forward for development at any time should there be a funding and a delivery organisation to enable implementation.

*Conclusion:*

*The Site Allocations LDD should allocate two Sites: Site S(a), and Site S(d) for secondary school use on an equal footing to ensure the delivery of additional secondary school places for which there is a significant demand to provide flexibility to the delivery of additional secondary schools during the plan period. The built up areas (4ha) of these sites should be removed from the Green Belt. These changes should be made to ensure that the plan accords with NPPF.*

## HCC suggested changes

The changes proposed to the Site Allocations LDD as a consequence of the areas of disagreement are:

- 1) updated wording of the Site Allocations LDD to reflect the on-going, persistent high demand for secondary education school places
- 2) a more positive approach to the expansion potential of specific existing secondary schools
- 3) deletion of Site S(b) from the Site Allocations LDD an unfettered approach to the timing of all three sites in the plan period which allows flexibility to meeting needs and creates certainty around the delivery of school places as and when they are required.

HCC considers that these changes are required to ensure the plan is *positively prepared, justified, effective and consistent with national policy*. Unless these changes are made the plan continues to be *unsound*.

The following changes are suggested to section 6 education allocations of the Site Allocations LDD:

### **Para 6.1:**

- Make reference to NPPF policy in respect of education provision

### **Para 6.2:**

Should be updated to confirm the on-going demand for school places and reflect the 2013 update as follows:

- In September 2011 it was reported that an absolute shortage of places was forecast from 2014/15 with an increase to **10.5 f.e.** across the area as a whole by **2018/2019**.
- The most recent forecast for secondary school places re-confirms an absolute shortage of places from 2014/15, increasing to 3 f.e. from 2016/17 and to a higher shortage (than previously reported) of **11 f.e.** from **2018/2019**. This requirement continues to rise such that there is a deficit of school places of over **18 f.e** from **2022/23**.
- In spatial planning terms it is prudent to plan for at least 5% of surplus spaces to allow for some fluctuation in numbers and for a degree of parental preference (the Audit Commission previously indicated that Local Authorities should plan to no more than 10%).
- Therefore taking account of the forecast pupil numbers it would be appropriate to plan for an additional 1 f.e. (5%) to ensure adequate flexibility over the planned period – a maximum of **19 f.e.** in total should be planned for in the period to **2022/23**.

**New para:** Two schools in the District (Clement Danes School and Parmiter's School) have the potential for expansion. Although the schools are in the Green Belt the Council recognises the educational need for expansion which constitutes the special circumstances which would enable Green Belt policy objections to be overcome. Planning applications for expansion will be supported subject to that need being confirmed at the point of submission and other material considerations being taken into account.

**Para 6.3:** no text changes

**Para 6.4:** amend to read:

The Core Strategy recognises the need for additional school places in the district and proposes that 2 sites be allocated for this purpose in the Rickmansworth area.

**Para 6.5:** Amend to read: both sites could be developed in the plan period

Para 6.6: no text changes

**Para 6.7-6.13:** delete

**Para 6.15:** amend to read: In the east of the district Site S(d) has been allocated to meet the need for school places in the area. In the west of the district Site S(a) has been allocated to meet the need for school places in the area.

**Para 6.16:** amend to read: The school building zones are removed from the Green Belt to ensure that development can proceed, acknowledging the demand for school places, and ensuring delivery of education infrastructure in the district. The removal of the building zone from the Green Belt is solely to provide sites for secondary education. It does not create a precedent for other forms of development which will be refused. Should the site not be brought forward for education development within the plan period there will be no presumption in favour of an alternative use allocation in the next plan review.

The pages on each of the secondary allocations needs to be amended as follows to reflect the evidence base submitted to the council and to plan positively for school development:

**Site S(d)** – amend to remove the paragraph “in the east...local community” – it is not expressing positive support for the allocation

**Site S(b)** – delete this site

**Site S(a)** – amend as follows:

- There will be a moderate/adverse impact on agricultural viability but this is acknowledged not to render the wider agricultural holding unviable
- Vehicular access to the site would be from Long Lane close to the junction with the Uxbridge road and will not affect residents residential amenity along Long Lane
- Landscape is assessed as being of *low-medium* quality with *low* sensitivity to development, visibility of the site is limited due to boundary vegetation, and in relation to Green Belt policy there would be *some limited* harm as a result of the new buildings and narrowing of the gap between the built up areas of Mill End and Maple Cross, there would be some *in principal harm* to visual amenity of the Green Belt which could be mitigated through careful design and placement of buildings with appropriate landscaping

Remove the paragraph “This is the County Councils preferred school site...”

### Three Rivers District Council’s Response

The Council does not dispute that there is a forecast need for Secondary School places over the Plan period, but acknowledge the difficulties in educational planning.

The Council’s intention is that the three sites are allocated for secondary education to provide flexibility and choice for education providers (including the providers of Free Schools) whilst further investigations and liaison with landowners take place. Whilst we acknowledge that HCC have undertaken some initial investigations the Council still intends to undertake further investigations including liaison with the land owners and the production of a planning brief for the area which will take account of both HCC’s findings and the Council’s further investigations in regards to Site S(b).

With regards to the sites proposed for allocation in the Mill End/ Maple Cross area (Sites S (a) & S(b)) the document does not state that one site should be developed before the other

only that one of them may be developed as a secondary school and therefore does not prevent either site coming forward first.

We are of the opinion that the Infrastructure Delivery Plan (**SD30**) is the most suitable place to identify the potential expansion of any existing schools as this is the document that details the infrastructure requirements for the District.

We are of the opinion that the build areas shown in the document are indicative and for the reasons set out in our letter dated 31<sup>st</sup> July 2013 to the Inspector, we are of the opinion that the Green Belt designation is not removed from these areas.

### **Agreed Position**

Agree on the forecast need for Secondary School Places.

That the wording in paragraph 6.2 be updated to reflect the most recent education demand forecasts. (To be submitted as an additional modification).

That Site (d) Croxley green – land north east of Baldwins Lane be allocated for Secondary Education use.

That Site (a) Mill End/Maple Cross – Land east of A405/north of A412 be allocated for Secondary Education use.

### **Outstanding Matters**

The need to include specific reference to the existing Secondary Schools that have the potential to be expanded (Clement Danes School and Parmiter's School) within the SALDD and the need to specify what constitutes 'very special circumstances'.

That the Green Belt designation should be removed from the 4ha building zone areas on the sites.

Whether Site S(b) Froghall Farm and adjoining land should be allocated for Secondary Education use.