



The Planning Inspectorate

Report to Three Rivers District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE THREE RIVERS DISTRICT COUNCIL SITE ALLOCATIONS LOCAL DEVELOPMENT DOCUMENT

Document submitted for examination on 19 June 2013

Examination hearings held between 15 October 2013 and 31 October 2013 and subsequently on 16 July 2014

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Abbreviations Used in this Report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
BMV	Best and most versatile (agricultural land)
CS	Core Strategy
DMPLDD	Development Management Policies Local Development Document
EPA	Education Planning Area
FPC	Further Proposed Change
f.e.	Forms of entry (school size measurement)
HCC	Hertfordshire County Council
HMA	Housing Market Area
LDD	Local Development Document
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework ('the Framework')
PPG	(The online) Planning Practice Guidance
RS	Regional Strategy
SA	Sustainability Appraisal
SALDD	Site Allocations Local Development Document
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
TfL	Transport for London
WBSL	Warner Bros. Studios Leavesden

Non-Technical Summary

This report concludes that the Three Rivers Site Allocations Local Development Document or 'SALDD' provides an appropriate basis for the planning of the District and is sound providing a number of modifications are made to the plan. The Three Rivers District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations of other parties on these issues.

The Main Modifications can be summarised as follows:

- As proposed by the Council, amendment of policy to phase the release of housing sites to allow for a degree of 'safeguarding' of land excluded from the Green Belt for use beyond 2026, if not required in the meantime to maintain a five year housing land supply;
- Revision of the Green Belt boundary as proposed by the Council so as to exclude sites allocated for housing development currently in the Green Belt where it is necessary to do so to avoid conflict with Green Belt policy. (The Langleybury School site can be retained in the Green Belt as an allocation because re-development in the manner proposed and anticipated would be not inappropriate within a Green Belt);
- Deletion of a number of sites originally proposed for housing outside and within the Green Belt (and the Green Belt at the latter locations will therefore remain unaltered). These are H(1), H(2), H(6), H(17), H(26), and H(28);
- Allocation of a lesser number of sites within the Green Belt not previously proposed for housing (and the Green Belt boundary at those locations is to be altered accordingly.) These are H(39), H(40) and the expanded area of H(13);
- As proposed by the Council, revision of the Green Belt boundary to accommodate the Maple Cross/Maple Lodge Employment Area referenced E(d) and the anticipated expansion of Leavesden Studios, the latter in association with the rationalisation of the boundary to exclude the large housing development that has already taken place at the adjacent Huntonbury Village Leavesden Park;
- An area of open space in the same ownership as the Leavesden Studios site to be excluded from the Green Belt to form a rational amended boundary but formally protected by designation as open space, along with a similar rationalisation of approach involving newly created open space in the Huntonbury Village Leavesden Park development and at nearby Hill Farm Avenue;
- Assumed capacity of a small number of housing sites to be either reduced or increased to reflect known circumstances and constraints pending detailed proposals. Those reduced in assumed capacity are H(3), H(33) and H(36). H(35), the comprehensive re-development of South Oxhey Town Centre, now assumes increased capacity;
- Replacement of the alternative secondary school sites proposed at Mill End/Maple Cross and Froghall Farm by a single firm allocation at the former location referenced S(a) with an enlarged 'build area' to accommodate a new primary school also;
- Allocation of a further primary school site at Woodside Road, Abbots Langley; and
- As proposed by the Council, revision of the Green Belt boundary to exclude the anticipated 'build area' on sites allocated for education development.

Introduction

1. This report contains my assessment of the Site Allocations Local Development Document (SALDD)¹ in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that, to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (June 2013) which is the same as the document published for consultation in November 2012.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.
5. During the examination I wrote, through the Programme Officer, to the Council on a number of occasions: First to raise my initial concerns that there was a fundamental inconsistency arising from the retention within the Green Belt of land allocated for housing and certain other purposes. This was contrary to national policy intentions regarding inappropriate development within Green Belts and those of the adopted CS, which, amongst other things, anticipated minor revisions to the Green Belt boundary to accommodate development needs. I also wrote specifically concerning the Leavesden Studios, to expedite and inform the necessary discussions with Watford Borough Council, and then more comprehensively following the principal examination hearing sessions. These letters together comprise what is in effect an interim report. The Council's positive response including a number of proposed main modifications gave rise to the need for a supplementary hearing session

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') state that the term *Local Plan* covers Local Development Documents (LDD) of various kinds including those, such as this one, that make site allocations. The Council uses the term to describe its portfolio of LDDs as a whole and the National Planning Policy Framework defines it in a similarly collective way. I have therefore referred throughout to this document as the SALDD, which will form part of the larger Local Plan.

to consider concerns raised in respect of new allocations embodied therein.

Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation. The Council outlines the manner in which it has worked with neighbouring authorities and relevant bodies and the ongoing arrangements for such working in a Duty to Co-operate Statement and Addendum.²
7. The Duty to Co-operate was imposed after the adoption of the CS. The nature of the SALDD is such that, whilst the CS clearly addresses issues that potentially transcend administrative boundaries, the implications of most of the site allocations do not. Watford Borough Council has withdrawn its original objection to loss of Green Belt at Leavesden and looks forward to remaining involved in future decisions regarding planning for this area, including Green Belt definition. Ongoing discussions with Hertfordshire County Council (HCC) regarding site identification for educational needs had not produced full agreement by the time of the Hearing, but the Duty to Co-operate is not a duty to agree, but rather a duty to strive for co-operative solutions where possible and I have no evidence to suggest that such effort has been lacking.
8. There is a well-documented tradition of joint working with neighbouring authorities and much of the evidence base takes the form of jointly commissioned studies which do transcend administrative boundaries.
9. Reference to the Duty to Co-operate is made by a number of parties in their submissions but there is nothing to suggest that the Council has failed in its duty in the sense intended by the relevant legislation.

Assessment of Soundness

Preamble

10. By way of a preamble it is necessary to set out briefly the context for the SALDD.
11. The RS (*The East of England Plan*) was revoked with effect from 3 January 2013, before the SALDD was submitted for examination and there is no reference to the RS within the document. I place no weight on the previous existence or content of the RS, other than to note that the CS was prepared in the context of its existence and influence and in that sense only does it remain relevant. Subject to a number of changes proposed by the Council the CS was determined sound in September 2011³ and subsequently adopted in October 2011.

² Documents SD38 and SD49 respectively.

³ Inspector's Report dated 16 September 2011 Ref. P1940/429/6

12. The NPPF was issued and came into effect on 27 March 2012. A number of parties effectively sought to argue that the changes introduced by the NPPF are so radical that, in order to accord with its intentions the entire planning strategy for the Three Rivers District should be revisited from the date of its introduction. However, I have no remit to examine or draw conclusions on the CS or the more recently adopted DMPLDD and there is in any event no statutory requirement which requires a local plan to consist of a single document even though the Framework now encourages that.
13. Moreover, it would do little in the short term, bearing in mind the acknowledged need in Three Rivers to find some land for housing and other forms of development through minor revision of the Green Belt boundaries,⁴ to serve, in a practical sense, the NPPF's intention nationally to boost significantly the supply of housing. In any event recent case law⁵ very clearly establishes and clarifies that the correct approach is for a site allocations plan such as this to accord with the parent adopted core strategy.
14. The Council recognises that the next round of plan-making will inevitably involve resolution of a number of cross-boundary strategic issues in co-operation with neighbouring authorities that could not practically be taken on board at this juncture. The necessary evidence base to inform them has yet to be established. The objectively assessed housing needs for the relevant HMA in the period beyond 2026 and the appropriate distribution of housing supply in response to those needs have yet to be established.
15. Whether or not the accommodation of such needs will require a major review of the Green Belt boundary (in a manner not previously required by the now defunct RS which informed and directed the adopted CS) is clearly a matter for the Council at the appropriate time and it is under a statutory duty to keep matters under review. Notwithstanding the desirability in principle of safeguarding land outside the Green Belt⁶ to cater for longer term development needs, to prematurely opt for such a review now, in the absence of a co-operatively undertaken assessment of need for future development land and its appropriate geographical distribution would, in my estimation, be the antithesis of sound planning. That is not to say that a modicum of contingency planning to anticipate some such needs in a flexible manner broadly in accordance with, but not unduly straitjacketed by, the thrust of locally established policy in this respect (i.e., the principles of the CS) would not in the meantime contribute to soundness. National policy in respect of the Green Belt recognises that plans address specific periods of time, whereas needs will continue and are, in the interests of continuity and stability in local policy, sensibly anticipated, as far as possible, to provide for smooth transition between consecutively adopted local planning frameworks.

⁴ CS policy CP11

⁵ *Gladman Developments Limited and Wokingham Borough Council* [2014] EWHC 2320

⁶ Framework: paragraphs 83 & 85

16. It is against this background that I draw conclusions on the following main issues to be addressed in assessing the overall soundness of the SALDD.

Main Issues

17. Taking account of the context I have described, and all the representations submitted, I have identified seven main issues upon which the soundness of the SALDD depends. In drawing conclusions on those issues I have also taken account of all the written evidence prepared for, and the discussions which took place at, the Examination Hearings.

Issue 1 – Whether the SALDD has been positively prepared and whether, overall, it will deliver sustainable development in accordance with the broad thrust of the National Planning Policy Framework ('the Framework')

18. I have previously noted that the statutory Duty to Co-operate was introduced after the adoption of the CS. Irrespective of that duty, it is very evident that the tradition of joint working amongst the Hertfordshire authorities has been to the benefit of the development planning process in Three Rivers and that much of the evidence base has been generated by jointly commissioned studies of relevant topics. That characteristic weighs favourably in the balance of considerations germane to an assessment of whether or not the SALDD has been positively prepared.
19. It is pertinent that the Council participates in cross boundary investment and infrastructure strategy exercises⁷ and has its own Infrastructure Delivery Plan(IDP)⁸. This identifies nothing that would prevent development pursuant to the CS from occurring, but recognises a significant gap in school provision, a matter discussed in detail at the hearings sessions to which I return below. For present purposes it is sufficient to note that, whilst there is no dispute with HCC that, in principle, the need should be positively addressed through the SALDD, the means to that end on a site-specific basis had not been fully agreed upon. Given that the needs for school sites are in principle known (albeit subject to ongoing refinement), the failure to give the local community and relevant education providers sufficient certainty as to how a decision maker should react to a development proposal⁹ for a school development is a significant failing in a SALDD such as this, and one which goes to soundness. I return to the Council's detailed response to this identified failing under Issue 2.
20. West Hertfordshire Hospitals NHS Trust questions the lack of specific allocations for healthcare purposes by reference to perceived failings of the CS in this regard but the IDP, upon which it was consulted, does not identify specific needs that require land allocation and the lack of such does not, in the circumstances, affect the overall soundness of the SALDD.

⁷ EB20, EB30

⁸ SD30

⁹ Framework, para. 154

21. Similarly, the need for specific allocations for developments by faith organisations is insufficiently developed or defined to render the SALDD unsound in their absence. While I acknowledge the frustrations evidently experienced by the New Gospel Halls Trust¹⁰ in this context, I am conscious that without secure control of its preferred site, which lies in the Green Belt, a specific allocation could well prove undeliverable.
22. Given my conclusion that the Framework does not, in the circumstances of Three Rivers, demand a complete re-appraisal of the Local Plan as a whole and its deployment of objectively assessed requirements I have no reason to fundamentally question the basis of the strategy upon which the SALDD is based, even supposing that were to be within my remit.
23. On the whole, I am satisfied that the strategy for allocating sites is adequately justified as the most appropriate when considered against reasonable alternatives in the context of the CS and the Framework. There are certain specific exceptions to this which undermine soundness and reasonable alternatives to consider which would counter this, to which I return in detail, but generally speaking the SALDD, if implemented as anticipated, would deliver a pattern of development broadly in line with the CS intentions regarding spatial distribution for sustainability objectives¹¹ whilst minimising incursions into the Green Belt. This overall outcome would be in line with Framework objectives to deliver sustainable development whilst for the most part protecting established Green Belt.
24. The Council has a well-established system of monitoring land use planning across a range of data sets as is evident from its AMR, CS policy CP13 and its associated Appendix 7. The effectiveness of the plan depends on this to the extent that policy adjustment is required in response to monitoring outcomes, notably the manner in which the SALDD policy SA1 aims to phase the delivery of housing on the allocated sites in accordance with CS policy CP2 intentions and a range of practical considerations affecting the likely delivery timescale of individual sites. This does not strike me as a mechanism to ration development sites simply for the sake of rationing, as it was portrayed by some participants in the Hearing Sessions, but rather a mechanism to bring sites forward in an orderly fashion and in accordance with the strategic priorities established in the CS. Policy CP2 aims through flexible phasing to facilitate the delivery of infrastructure alongside new housing development so as to ensure that existing services and infrastructure are not subject to undue pressure.
25. The phasing is said to be indicative and hence it is inherently capable of adjustment in response to monitored progress across the plan timescale. There is no suggestion that the progress of the plan is incapable of being systematically monitored and it was explained that the simple expedient of including a SALDD component, specifically, in future AMRs would clarify the relevant factors to be taken into account by landowners and

¹⁰ NGHT 1

¹¹ TRDC3 analyses delivered and planned housing by location according to the CS settlement hierarchy

prospective developers in bringing forward particular developments in accordance with planned priorities.

26. All in all, bearing in mind the circumstances the Council finds itself in relative to the development plan cycle, the former strategic framework provided for by the RS and the associated adoption of its CS, I am satisfied that broadly speaking the plan has been positively prepared to deliver sustainable development in accordance with the broad thrust of the Framework. Nevertheless, there are some particular aspects of the SALDD I consider should be adjusted through the mechanism of main modifications in order to make it sound and these emerge from my consideration of the six further issues I have identified. Aside from my initial concerns regarding the inconsistency between development allocations and retention of Green belt protection, the most immediately apparent failure in this respect is the failure to positively and decisively identify all the necessary school sites, this matter having been left open in the submitted plan. But there are other failings which also need to be addressed.

Issue 2: Whether the SALDD addresses necessary changes to the Green Belt boundary in an appropriate fashion.

27. Notwithstanding the evidence of past performance and evident market pressures I have strong reservations concerning the wisdom of relying on allocations that are so finely matched to small alterations to the Green Belt, as to leave no room for manoeuvre overall, as is the case here, especially as the CS relies on expected windfalls in its latter period rather than firm allocations. I do not consider the CS, in providing that "sufficient land will be identified to meet development requirements throughout the plan period"¹² necessarily demands such a tight fit, with no element of contingency or safeguarding and the NPPF, certainly, does not. The latter clearly seeks to ensure that, in general, altered Green Belt boundaries should be capable of enduring beyond the plan period¹³, which in this case would be the period beyond 2026.
28. For the purposes of the SALDD, I am satisfied that, although very locally significant, the adjustments to the Green Belt proposed through the MM brought forward by the Council are within the meaning of the minor boundary adjustment provided for by the CS. The vast majority of the Green Belt within Three Rivers would remain unaltered and its essential functions would not be unacceptably compromised in the circumstances by any of the minor adjustments proposed, including those to accommodate school development. The strategic separation and containment functions of the established areas of Green Belt would continue to be effective.
29. It is also of practical relevance that there is no specific safeguarding policy in the adopted DMPLDD, whereas the CS through policy CP2 and

¹² CS Spatial Strategy paragraph 4

¹³ NPPF para. 83

the SALDD through policy SA1 (as now proposed to be modified¹⁴) amounts to a de facto “safeguarding” of allocated sites pursuant to a phasing strategy designed to prioritise urban sites over edge-of-settlement sites and previously developed land over greenfield sites in accordance with the adopted CS. The proposed **MM34** sets out a structured approach that reflects the overall strategy while responding to the outcome of monitoring and provides for the safeguarding of land for development in the event it is not required in the plan period.

30. It seems to me, given the adoption of the CS and the Council’s particular circumstances, that this necessarily goes some way towards the intention in principle that mechanisms to ensure an enduring Green belt boundary are in place, but falls short of explicitly identifying safeguarded land between allocated development sites and the inner edge of the Green Belt along the lines of the general principle outlined in the NPPF. However, in all the circumstances I consider this to be an acceptably appropriate course, provided there is the some genuine prospect of contingency and flexibility to cater for development in the period immediately following 2026; this would ensure a smooth transition between current planning circumstances and those that may emerge from any strategic review of the development plan framework by the Council, the eventual timescale of which remains inevitably and inherently uncertain at this juncture.
31. Although, in general, I do not therefore consider the Council’s approach to be unduly “tentative” in the context of the CS, it would undoubtedly be contrary to Framework intentions if the requisite changes to the Green Belt proved sufficient only to accommodate development needs to 2026 precisely with no contingency in the event of non-delivery of allocated housing sites. In those circumstances the year on year planned supply of housing land would be compromised. The Council would simply run out of housing land and there is no current basis for thinking that its needs could be accommodated at that time in neighbouring areas. In order to make the SALDD sound relative to the intentions of the Framework, I consider that a margin of flexibility is required that in no sense amounts to a major review but rather stays sufficiently close to the CS policy CP11 intentions to maintain internal consistency as between the suite of documents that will comprise the Council’s adopted local plan. The question of where that margin of flexibility should be identified is intimately bound up with the merits of specific allocations and mooted additions and alternatives addressed in the context of the sixth and seventh issues I have identified.
32. As it is, the SALDD as submitted embodies an approach to allocating sites for development in the present Green Belt that is fundamentally unsound. For reasons detailed in my pre-hearing letters to the Council,¹⁵ the harmfully contradictory approach of leaving allocated sites protected by Green Belt, thereby requiring developers to demonstrate very special circumstances in order to gain planning permission is unacceptable. As the Council has invited main modifications to rectify this failing it is not

¹⁴ Council’s letter to Inspector dated 8 August 2013

¹⁵ Inspector’s letters of 10th & 30th July and 2nd & 12th August 2013

necessary to repeat the detail in my earlier correspondence. Suffice it to say that I could not recommend adoption with that approach still current. Sites positively allocated for development or effectively safeguarded through phasing cannot remain in the Green Belt in circumstances where the allocated development would be deemed inappropriate in a Green Belt.

33. By the same token, the build areas (as opposed to the playing field areas) for the new schools proposed should, as a matter of sound practice, be removed from the Green Belt. Local communities and relevant education providers and agencies require certainty in accordance with Framework principles regarding positivity and decisiveness.¹⁶ It is unsound to require school developers to demonstrate very special circumstances in order to develop sites allocated for that purpose.
34. While I acknowledge that there is a theoretical risk that non-implementation of a school development site allocated as such could pave the way for arguments that it should be used for housing instead, the principle of removal from the Green Belt having been thus established, this is common to many forms of allocation and is in any event mitigated by confidence in the need for the allocation and by the certainty on the part of providers that they should allocate resources to site acquisition and may confidently apply for planning permission. A virtuous circle of that nature is clearly a benefit of the purposeful development planning that should characterise a document of this nature. Prompt review in the unlikely event of non-implementation or a carry-forward into the next planning cycle, if implementation is simply delayed, would provide an additional safeguard. The benefits of firm, positive allocation outweigh the risks, which in my view are exaggerated in any event.
35. Notwithstanding the Framework intention that altered boundaries should endure for the long term, a major review of the Green Belt would be inappropriate in the circumstances. However, the altered Green Belt boundary should allow for a small margin of flexibility to accommodate unforeseen failure to deliver housing sites in the plan period and/or initial needs at the beginning of that period beyond 2026. This margin can be achieved by effectively safeguarding suitable land through the site allocation and phasing process, effectively creating a category of land at this stage presumed to be developed early in the next plan period. Sites allocated for housing development that would be classified as inappropriate in a Green Belt should be removed from it.
36. The indicative build area of allocated school sites should similarly be removed from the Green Belt and it follows that the employment allocation at Maple Cross should be removed from the Green Belt. It also follows, given the importance of the Leavesden Studios site in the context of Framework intentions to build a strong, competitive, economy, that the relevant areas¹⁷ should be removed from the Green Belt. Policy CP11 of the CS as explained by paragraph 5.106 commits the Council to reviewing the Green Belt here and while the Council now proposes to

¹⁶ NPPF paras. 154 and 157

¹⁷ Inspector's interim post-hearing letter dated 8th November 2013

modify the plan to exclude the large area of housing under development from the Green Belt, the failure to exclude also the WBSL expansion land undermines the soundness of the SALDD. Consistency with the intentions of the CS demands that the boundary of the Green Belt here is drawn back to a long term defensible line complementary to an appropriate allocation. These changes are all required to make the SALDD sound in the context of the CS and the Framework. As proposed by the Council, **MM44** comprehensively removes allocations for housing, school buildings and employment development from the Green Belt.

Issue 3: Whether the SALDD provides satisfactorily for the amount and type of local employment, shopping and green infrastructure envisaged by the Core Strategy.

Employment Land

37. CS policy CP6 sets the scene for the employment allocation in the SALDD and the evidence base suggests that while there is an oversupply of office floorspace there is a need for limited development (circa 3.5 hectares) in the warehousing and industrial sector. Policy SA2 of the SALDD safeguards the most important concentrations of established employment premises in the District and provides for the expansion of the existing commercial area at Maple Cross. As previously noted, removal of this allocation from the Green Belt is necessary in the interests of soundness. While the landowners would be supportive of a wider allocation mooted by Maple Cross Properties they are content that, notwithstanding the lack of main road frontage to the allocation, it is qualitatively suitable for industrial and warehousing development and are confident of achieving development of that type. A more ambitious scenario mooted evidently reflects an aspiration to develop a retail outlet village or similar, complementary to the hotel which has been granted permission alongside existing commercial premises, but is not backed by convincing evidence of objective need. Allocation beyond that proposed by the Council would in my view be premature and speculative pending resolution of the future of the wider area that was initially proposed for secondary school development and described in the SALDD as "Mill End/Maple Cross–Froghall Farm and adjoining land".¹⁸ Absence of a wider employment allocation at this stage does not affect soundness. If a powerful enough case were to emerge, it could either be promoted in the Green Belt on the grounds of very special circumstances or advocated as an allocation at the next review of the local planning framework.
38. The needs of WBSL, on the other hand, are evidently real and pressing as the Leavesden Studios develop as a major force in the local economy with significant implications for the British film industry. The CS recognises Leavesden Aerodrome to be a key employment area and yet the SALDD not only fails to allocate it as such but retains key areas in the Green Belt where demonstration of very special circumstances would arguably be likely for the Studios operation but would nevertheless represent an unduly onerous impediment to expansion, notwithstanding

¹⁸ Site S(b)

the CS commitment to review its status.¹⁹ In the interests of soundness the Council proposed during the examination that the long term pattern of development at the Studios site should be provided for now, complemented by the necessary adjustment to the Green Belt to reflect not only what has already occurred in the way of housing development but what is expected and apparently supported in the way of developing the Studios operation. The current ambiguity in the SALDD in respect of the Studios anticipated expansion is a failing that undermines soundness, but would be satisfactorily addressed by **MM41** and **MM44**.

39. Beyond these matters the allocation of Kings Langley for mixed use reflects the reality of the situation on the ground and the Council's aspiration to introduce more housing and does not of itself affect soundness, albeit I have reservations about the quantity of housing that can be realised through this approach. With the potential exception of the Comet site in Rickmansworth, there is little evidence, anecdotal or otherwise, that the new and temporary permitted development right to convert offices to housing is likely to have a significant influence on the supply of either, notwithstanding qualified acknowledgement of a degree of oversupply of office floorspace in Three Rivers.²⁰

Shopping

40. Three Rivers is not a major destination for comparison shopping, being close to Watford, Hemel Hempstead and St Albans, and very accessible to London. The CS policy CP7 therefore aims to maintain a stable hierarchy serving primarily local needs, descending from Rickmansworth Town Centre through district centres to local centres and local shops. The SALDD defines and protects these established retail areas, identifying primary and secondary frontages as appropriate and in effect aims to re-balance and reinvigorate provision in South Oxhey as part of a comprehensive redevelopment of the central area.²¹ The approach is informed by the evidence base²², updated in 2012 to take account, amongst other things, of the Framework. The most recently commissioned study broadly reaffirmed the appropriateness of the policy approach of the then emerging SALDD, which is consistent with the principles of the Framework. There is no reason to question the soundness of the SALDD in respect of shopping.

Green infrastructure

41. Policy CP9 of the CS aims for a net gain in the quality and quantity of 'green infrastructure' in Three Rivers drawing on the evidence base²³ and is complemented by the DMPLDD policy DM11. Policy SA5 of the SALDD complements both by supplementing the open space allocations of the 1996-2011 local plan designations (which will continue) with additional areas, some quite substantial, to reflect the reality of current use or

¹⁹ CS policy CP11(d)

²⁰ EB02 & EB04 and CS p 41

²¹ SALDD policies SA4 & SA6

²² EB09 & EB29

²³ EB05 & EB06

transferred ownership. As part and parcel of the process of making the approach to the Leavesden Studios site sound vis-à-vis Green Belt and development land in co-operation with Watford Borough Council, it would be logical to bring the relevant portion of the open space²⁴ east of 'the Island' site within the purview of the SALDD policy SA5 (together with open space associated with the major housing development at Leavesden). **MM41** would achieve that objective. Beyond that, there are no implications for soundness in respect of green infrastructure, which the CS intends should also be the subject of a SPD to address matters of detail. Paragraph 114 of the Framework includes the intention that local planning authorities should plan positively for the creation, protection and enhancement of networks of biodiversity and green infrastructure. As part of the overall Local Plan for Three Rivers the SALDD is supportive of the positive approach embodied therein.

42. The employment allocation at Maple Cross is necessary for soundness and should not be constrained by a contradictory Green Belt designation (or confused by inclusion in a secondary school allocation) but soundness does not depend upon accession to the aspirations for more substantial commercial development at Maple Cross. The Leavesden Studios sites and expansion land (sites 1 and 3 on plans TOR 2 and TOR 3) on the other hand should not only be removed from the Green belt but positively allocated for their purpose and the open space (site 4) that is logically also removed from the Green Belt should, for soundness, be protected by policy SA5 and allocated accordingly, and it would be consistent to treat significant open space in the recent major housing development at Leavesden in a similar fashion. No changes are required in respect of shopping. For these reasons the relevant changes set out in **MM41** and **MM44** are all necessary for soundness.

Issue 4: Whether the SALDD provides satisfactorily for the provision of new schools over the plan period.

Overview

43. Planning for new schools provision is acknowledged to be a particularly difficult exercise, beset by the shifting sands of demographic change, new housing development, diverse control of premises, and parental choice. The process is further complicated by the fact that Hertfordshire County Council's role is purely that of commissioner of school places in its area of jurisdiction, rather than as direct provider. There are now no community secondary schools for which HCC is the admissions authority in South West Herts, a collective term for the EPAs of Watford, Rickmansworth and Bushey.²⁵ HCC possesses powers of compulsory purchase not enjoyed by individual providers, so as to enable the construction of the right premises at the right time in the right places by the relevant institutions. In this context, and in support of this role, it has adopted²⁶ Building Bulletin 98 (BB98) site guidelines, notwithstanding that individual

²⁴ Site 4 on TOR2 & TOR3

²⁵ South West Herts includes the towns of Radlett, Bushey, Watford, Abbots Langley, Rickmansworth, Croxley Green, Maple Cross and the surrounding rural areas.

²⁶ Footnote 2 to (para. 1.12)

providers, such as free schools, do not currently have to conform to those. The local planning framework is of the utmost importance to the effective discharge of the HCC's enabling role and it has participated vigorously in the preparation of the SALDD. Despite the Council's co-operation, full agreement had not been reached by the time of the Hearing sessions.

44. HCC's participation is informed by an extensive evidence base, notably the work it has commissioned from Vincent & Goring. Moreover, Statements of Common Ground between HCC and the Council on primary and secondary school provision²⁷ have been produced, supplemented by a HCC statement regarding educational need in respect of the proposed allocation of two new sites for secondary education.
45. TfL are the owners of the site agreed for secondary school provision at Baldwin's Lane, Croxley Green, and Taylor Wimpey are the owners of land at Woodside Road, Abbots Langley. Taylor Wimpey has indicated its willingness to enable the development of a primary school at this site in conjunction with some housing development on adjacent land. TfL takes a similar but more complex stance in respect of its land at Croxley Green, for which it considers there to be a number of options, one of which would be for housing development without secondary school development. Others involve a more compact form of secondary school development than that anticipated in the SALDD, combined with housing.
46. For its part the HCC firmly intends to promote the compulsory purchase of the TfL site at *Croxley Green – land north east of Baldwins Lane* (Ref S(d), 'Baldwins Lane') for secondary school development. It has latterly crystallised its view in respect of the primary school site it considers to be needed in Abbots Langley, namely land at Woodside Road, and would, if necessary, seek to acquire that by compulsion.
47. HCC effectively reserved its position regarding the acquisition of its favoured site at *Mill End/Maple Cross – Land east of A405/north of A412* (Ref S(a), 'Mill End') pending resolution of its ongoing disagreement with the Council as to whether that site or the alternative site proposed at *Mill End/Maple Cross – Froghall Farm and adjoining land* (Ref S(b), 'Froghall Farm') should be allocated. It had not firmly identified a preferred site for a primary school to serve the Rickmansworth area but indicated in the course of the relevant Hearing session that the Mill End site was appropriately located and that, in principle, an "all-through school" site, albeit with the primary element standing a little apart, would be acceptable. A building zone of around 5 hectares, as opposed to the circa 4.1 hectares currently indicated in the SALDD would be required for this.
48. The essential driver of future school place needs is the birth rate, which is known to be high at present, and this is overlain by factors such as additional pupils from new housing developments and variable pupil movement patterns according to parental choice. The EPAs are not sealed systems. Secondary school forecasts can only be based on actual children, both in schools and registered with general practitioners.

²⁷ SOCG1 & SOG2 respectively

Beyond 2024/25, pupil projections inevitably are less certain as those children who will require a secondary place are yet to be born. HCC opt for a 5% surplus of places for planning purposes so as to allow for some fluctuation in numbers and a degree of parental choice, somewhat less than the 10% maximum margin previously advocated by the Audit Commission.²⁸ Taking into account the likely potential for expansion of existing schools, which is limited and cannot in any event be imposed by HCC on individual schools, it has been calculated that beyond 2017/18, given the unprecedented rise in need for primary school places coming through in South West Herts and the required allocation of two sites in Three Rivers capable of providing for 6 forms of entry (f.e.), it would be “prudent” from a spatial planning perspective to plan for secondary school sites that have the capacity to provide up to 8 f.e., albeit institutions larger than that would not be favoured from an educational perspective.

49. As of now the anticipated deficit towards the end of the plan period (assuming in the shorter term that the recently opened Reach Free School fills to capacity) will peak at 12 f.e. by 2022/23, according to HCC. Its methodology in developing this scenario is transparent and impressively systematic. Although there were nuances of view expressed at the Hearing around the potential for existing secondary schools to extend and the desirability of concentrating on one large site rather than two sites for 6 f.e. with some margin for expansion if required, there was no serious challenge to the underlying growing need or the urgency with which it must be addressed. The need for two additional primary schools is clearly also pressing and the potential necessity to contemplate an “all-through” solution in the Rickmansworth area, in default of a suitable and deliverable free-standing site being identified, adds further weight to the two site solution advocated by the County Council, i.e. one site in the west of the district and one in the east, where pressures from Watford are a significant factor. Quite apart from purely educational considerations, the desirability of lessening the need to travel is also a powerful sustainability argument in favour of the two site solution, as a single site could be relatively inaccessible to significant numbers of pupils.
50. I have considered the arguments and submissions carefully but all things considered find the HCC case to be compelling. The SALDD should, to be sound in the context of the Framework, i.e. positive and effective, not only provide for two secondary schools but also provide for two primary schools. Failure to effectively plan and physically provide for school places seems to me to be intensely damaging to communities, individual pupils and their families, contrary to several of the core planning principles set out in the Framework. Certainty, in the sense intended by paragraph 154 of the Framework is a pre-requisite of physical provision given the lead time required to design and deliver new school premises and lack of such certainty in a plan such as the SALDD would therefore render it ineffective and therefore unsound.
51. Insofar as it fails to choose between “competing” secondary school sites

²⁸ HCC1 para. 4.6

in the west of the district and fails altogether to identify the two primary school sites required, the SALDD is demonstrably unsound in respect of education provision. The outstanding questions in that context are: Should the western secondary site be Mill End or Froghall Farm and where should allocations be made for primary provision? The pertinent questions at Baldwins Lane, given my acceptance of the case for two secondary school sites rather than one, concern the configuration of the building zone and the extent of the wider allocation. Both are inextricably linked with the suggestion that some of the site should be used for housing, albeit the suggestion that all the western part of the site should be so developed falls with my acceptance that two secondary sites are needed.

52. It is virtually inevitable, given the nature and geography of Three Rivers, and the tight encirclement of its main settlements by the Metropolitan Green Belt that the sites that have emerged as suitable potential candidates for new secondary school development are within the Green Belt at present. Consistent with the action that is necessary to render the SALDD sound by removing the contradiction of allocating sites for housing and commercial development whilst retaining them in the Green Belt, it is necessary for soundness to make the same changes in respect of the building zones for the school areas, albeit these can only be indicative 'envelopes' at this stage of sufficient size to accommodate the relevant building footprints, hardstanding and the like, as distinct from the playing field zones which, being intended as open areas with appropriate facilities for outdoor sport²⁹, would not be incompatible with the designation. All three of the presently allocated building zones for secondary schools are indicated as remaining within the Green Belt. To require the developers of such allocated school sites to demonstrate very special circumstances is not a sound approach.
53. I place no weight on the Council's suggestion³⁰ that its approach has a role in ensuring that land value is kept low to aid compulsory purchase. Equally, I place no weight on the complaint levelled against the Council on that score by participants in the hearing, because it is not a relevant consideration. It is inevitable that the value of land is in large measure determined by its planning potential and if decisive site allocation confers one value rather than another, then that simply clarifies the position for all concerned. I note in any event that HCC seeks removal of the building zones from the Green belt and firm allocation.
54. While I acknowledge the Council's concern that sites thus removed from the Green Belt could be susceptible to pressure for other forms of development, notably housing, in the event that schools did not materialise on the chosen sites, it seems to me that the powerful need case which gives rise to the exceptional circumstances required to alter the established Green Belt boundary through the local planning process³¹ renders such a scenario largely hypothetical. In any event the justification for removing the sites from the Green Belt for school

²⁹ NPPF para. 89

³⁰ Council's letter to Inspector of 31st July 2013

³¹ NPPF para. 83

development is based on the lack of suitable alternatives, whereas the accommodation of housing need is inherently more flexible. Should the occasion demand it, there is no reason in principle why a site's contribution to Green Belt purposes should not outweigh the need for other forms of development in any particular case. The advantages of planning decisively by removing the building zones from the Green Belt for the specified purpose intended outweigh the disadvantages of the contradictory approach of leaving them within it, and by a very clear margin.

55. For the above reasons, neither the two secondary school site building zones that must be clearly and firmly chosen, nor the building zones for the primary school sites that need to be allocated (assuming these are presently within it) should remain within the Green Belt if the SALDD is to be considered sound. Although the site requirements for primary schools are considerably less, the pressures on land within the built up area and the need to provide for adequate space around including playing fields mean that, in practice, suitable sites for primary schools are very likely in the Green Belt also. This is borne out by the considerable work so far undertaken to identify and review the options.
56. The Council expressed the view³² that provision of primary schools can be secured through the planning application process. However, given the circumstances I have described, this effectively renders the process hostage to fortune given the high probability that very special circumstances would need to be demonstrated in respect of any particular site chosen. It is hard to overstate the importance of adequate provision of primary school places locally to communities and, by the very nature of educational need, if it overtakes provision it is already too late and children and families suffer the consequences. Failure to clearly provide for primary education needs is not the characteristic of a sound LDD concerned with site allocation. The core principles of the Framework include the intention that plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.
57. For the SALDD to be considered sound, it needs to be effective in terms of provision for education. It should therefore address the matter of allocating land for secondary and primary schools with clarity and without equivocation between potentially competing sites. Moreover, building zones for the chosen sites, sufficient to accommodate the anticipated building footprints and associated hardstandings (in effect building 'envelopes') should be excluded from the Green Belt to avoid the contradictory necessity of demonstrating very special circumstances.

Secondary School Sites

58. The indecision within the SALDD as between Mill End and Froghall Farm is not characteristic of a sound LDD concerned with site allocation. One or the other must be chosen. In terms of impact on the Green Belt, the distinction between the two sites is in my view limited but discernible.

³² SOCG1

Mill End is of course a very visible site at present but the proposed building zone would represent a well defined and relatively compact extension of the existing built up area to the north east. The building zone proposed at Froghall Farm, on the other hand would, via the adjacent ribbon of development on the south side of Uxbridge Road, extend the built up area beyond the A405/A412 roundabout in a straggling formation that would threaten coalescence with the existing and consented development at Hertford Place and hence the built up area of Maple Cross to the south west. The perception of coalescence, with only the Thames Water depot and the tipped area intervening, would be particularly strong given the scale of the commercial buildings at Hertford Place and the likely scale of the secondary school buildings.

59. At circa 5.05 hectares, the building zone would be theoretically capable of accommodating an "all through" school but that theoretical advantage is illusory because it would be negated by the irregular shape of the zone, whereas a the requisite increase in the building zone of the Mill End site could readily be accommodated by simple adjustment and its regular shape in any event makes for efficient site planning.
60. Froghall Farm has numerous practical disadvantages that would add hugely to the expense of development, as HCC demonstrates, and is in multiple ownerships with a critical owner known to be actively opposed to its development. The wider area anticipated is partly taken up by the proposed employment allocation at Maple Cross. The site could take many years to bring into educational use even supposing it were to be fundable, which on the face of the evidence is very doubtful. Such delay would, in the circumstances, lead to intolerable consequences for the community denied the availability of needed school places.
61. In virtually every respect, as HCC amply demonstrates, the Mill End alternative stands head and shoulders above Froghall Farm as a practical proposition and, while the Framework states that Local Plans should be aspirational, it also states that they should be realistic. I do not, in all the circumstances I have been made aware of, consider Froghall Farm to be a realistic proposition. To allocate it for secondary school development would be unsound.
62. Mill End does have some disadvantages, including traffic noise, which I consider could be 'designed out', for example by careful layout and appropriate boundary treatment, but in general seems to me to be eminently suitable for secondary school development, with the possibility of an "all through" approach being catered for. Some irreversible loss of good quality farmland (but not BMV) would be inevitable but I have no evidence to suggest that the resultant pressure on the wider holding would be insurmountable. All things considered, Mill End represents the sound planning choice in the west of the district.
63. Moreover, the site is large and flexible enough to accommodate a primary element within a building zone that could readily be enlarged without fundamentally altering the necessary incursion into the Green Belt. Bearing in mind that it is the only site considered at this stage to be

definitely a viable option for a new primary school in Rickmansworth by HCC at this juncture³³ and that it is part of the same agricultural holding and in the Green Belt, dual use of the Mill End site could reduce pressure on the farming operation and conserve land resources by making most efficient use of land currently in agricultural use. This would have advantages in sustainability terms and would tend to minimise incursion into the current Green Belt as only the one incursion would be necessary.

64. In principle, the Baldwins Lane site is a more straightforward proposition. The Council proposes "reluctantly" to allocate the site for secondary education quite simply because, on review of the reasonable alternatives, it emerges as the "least unacceptable" site in the east of the district, being considered less harmful to the Green Belt than land north of Little Green Lane. It is, moreover, highly accessible by public transport and well related to local facilities. Although "not supported by the local community", as the SALDD comments, there is full agreement between HCC and the Council that the allocation is the correct, albeit hard, choice. I have no reason to take a different view.
65. In practice, the manner in which the choice is to be exercised and the site developed is complicated by the extensively researched and comprehensively documented proposition by TfL that, in the event that the site is actually needed to deliver a two site solution to secondary needs, then part of the allocated site should be given up to housing development in its north west quadrant whilst confining the building zone for the school to the south west quadrant.
66. I have considered all the evidence put forward very carefully but, for reasons previously indicated, I agree with HCC and the Council that a two site solution is the right approach. My conclusion on this is given added force by, but does not depend upon, my view that the authorities should seriously consider an "all through" approach at the Mill End site in order to make the SALDD sound by meeting the need for additional primary places in the Rickmansworth area. I have no reason, therefore, to consider that the allocation of the Baldwins Lane site for secondary education, in principle, contributes to unsoundness.
67. Having concluded that in principle the allocation is sound, I turn now to the detailed configuration of the allocation and the proposition that it should in part give way to housing. Having walked over the full extent of the site and viewed it from external vantage points I can see the need for a careful approach to locating not only the building zone but also the layout and configuration of the playing fields. I acknowledge that, ultimately, the provider may not be constrained by the BB98 standards favoured by HCC but consider that, for development planning purposes, it is prudent and therefore sound to deploy them, so as to incorporate a degree of flexibility within the relevant allocations, bearing in mind that (as yet unknown) providers will have different approaches and preferences in delivering effective premises.
68. The undulating site is broadly characterised by a partially wooded central

³³ Site 4 in HCC Appendix 5b "Mill End agricultural land"

elevated area dividing its north east and North West quadrants, the latter being quite prominent in views from the residential streets roads to the west. The southern part of the allocated site is relatively flat in the area immediately to the north of the railway embankment that forms its southern boundary and this area extends across to the disused watercress beds and which form its eastern boundary, with the Grand Union Canal and associated buildings more generally forming the eastern boundary to the site as a whole.

69. This southern part of the site is relatively well contained visually and contains some specimen trees and an avenue of limes, creating a parkland ambience. It is not difficult to visualise a carefully designed school complex on this part of the site that retains and capitalises on these characteristics and features, but retaining maximum scope for doing so is in my view a necessity. I therefore consider the building zone presently shown in the SALDD to be the correct and prudent choice from a physical planning viewpoint. To confine it to and concentrate it within the south western quadrant of the site would tend to force building upslope into the area of scrub woodland that currently separates the building zone from the north west quadrant of the site that TfL advocates for housing development in the context of a more compact school site, thereby reducing the scope for laying out the site with that possibility in mind, should the principle ever be contemplated by the Council as a means of satisfying housing need, for example in the context of a future plan review. Both the Council and TfL accepted that leaving the option physically available in the event that the anticipated secondary school were to occupy less space overall than currently anticipated would represent sound planning, albeit I consider that to be essentially a detailed site planning matter that does not, of itself, go to the soundness of the SALDD as a whole.
70. As it is, the HCC and the Council recognise that the topography of the site limits the scope for laying out formal sports pitches and that some detached provision of such facilities might have to be made locally. Although not ideal, such arrangements are not unusual and, given the constraints of the area, do not count significantly against the allocation. However, it is clear to me that a site allocation approximating the 12 hectares sought by HCC, for maximum flexibility at this early stage, is prudent and sound. To constrain possibilities at this stage by committing, or even safeguarding, a good portion of this key site for housing development would be incautious in the extreme, in my view. The flexibility inherent in the Council's current approach is necessary for effectiveness and hence soundness, both flexibility and effectiveness being advocated by the Framework.
71. The Baldwin's Lane site partially occupies an area of Green Belt which projects southwards from the extensive swathe of Green Belt to the north and links the latter to a narrow corridor of Green Belt south of the railway which barely separates the built up areas of Croxley Green and Watford. It is therefore sensitive in terms of the second function of Green Belt set out in the Framework, which is to prevent neighbouring towns from merging into one another. Both the Council's proposal to confine the building zone to the southern portion of the site and TfL's suggested alternative of housing and school development (or simply housing) in the

western part of the site therefore have significant implications in this respect. Whilst the more easterly extension of the building zone in the Council's proposed allocation, as far as the disused watercress beds, would bring built development closer to Watford at this juncture, the permanent physical features and topography of the site and its immediate environs are such that the perception of impending coalescence would be less than if more extensive development were to be concentrated within the western portion of the site including its more elevated parts. On balance, the wider Green Belt, which is largely perceived by people from ground level, would be harmed less by the Council's proposed building zone than the suggested alternatives.

72. I appreciate the very considerable efforts made by TfL in presenting its alternative approaches but, for the above reasons, consider the Council's definition of the building zone to be the prudent and correct one. Save for the proposed retention of the building zone within the Green Belt designation, there is nothing in the Council's approach to defining it that would lead me to a conclusion of unsoundness.
73. For all the above reasons the Baldwins Lane site and Mill End sites should remain allocated for education, the Froghall Lane site should not, and **MM44** and **MM57**, insofar as they relate to secondary education, are necessary for soundness.

Primary School Sites

74. As previously indicated, I am of the clear view that, for soundness, the two primary school sites anticipated as required in the plan period should be allocated in the SALDD. The options for Rickmansworth are plainly limited and in view of the HCC's willingness to contemplate an "all through" approach, and my equally clear view that the Mill End site is overwhelmingly to be preferred to the Froghall Farm site for secondary school development in any event, this is the option that the Council should support at Mill End, thereby keeping potential harm to the Green Belt to the minimum necessary. There may be another option that would not ultimately undermine soundness, but it does seem to me to have distinct advantages and a failure to allocate any site for Rickmansworth would compromise soundness. Sufficient work has already been undertaken, in my view, by the HCC to inform the necessary decision for development planning purposes.
75. I am also clear in my view that a suitable site has and should be identified from amongst the reasonable alternatives at Abbots Langley. Again, it is inevitable that there would be some loss of Green Belt land but I consider the HCC's favoured site at Woodside Road to be both suitable in physical terms and potentially deliverable, whether by agreement in the context of a certain amount of housing development (see below) or, as a freestanding proposal, by compulsion as the HCC now contemplates. The absence of a primary school allocation in this area compromises the certainty that the SALDD should engender and therefore its effectiveness and soundness. If the site were to be developed in a manner that limited the impact on the extensive open area to the north and east, as visualised by Taylor Wimpey, the harm to the wider Green Belt would be relatively limited. There would of course

be some encroachment on the countryside, but potential coalescence of neighbouring towns would not be a concern and careful planning of the type advocated by the current landowner would tend to restrict the potential for urban sprawl.

76. Lack of a primary school site for the Abbots Langley area compromises soundness and I consider the Council should opt for the HCC choice at Woodside Road (with appropriate exclusion of the building zone from the Green Belt). Therefore, for all the above reasons the relevant changes set out in **MM44** and **MM57**, insofar as they relate to primary education, are necessary for soundness.

Issue 5: Whether the approach anticipated for Langleybury and the Grove (Policy SA7) is appropriate in the context of relevant policy

77. Langleybury and the Grove are neighbouring areas of largely rural land in the Green Belt originally comprising estates centred on Grade II* listed mansions dating from the early part of the eighteenth century. There are other listed buildings in the vicinity of both mansions. The Grove has been comprehensively renovated and extended and utilitarian buildings associated with former uses have been replaced by accommodation in the context of the high quality hotel and leisure complex that it now comprises. Langleybury House, on the other hand, languishes vacant and in disrepair, having been formerly used for purposes allied to the use of the site for education. It is on the English Heritage Buildings at Risk Register. Both it and the redundant school buildings nearby are subject to occasional temporary use as a means of producing some income. Despite having been constructed in the 1960s, after the mansion was first listed in 1953, the redundant school buildings are remarkable for their insensitivity to the setting of Langleybury House and for their prominence in the wider landscape. The core of the Langleybury estate, including both the mansion and the former school buildings are now in the same ownership as the Grove, namely the Ralph Trustees.
78. Policy SA7 of the SALDD straightforwardly indicates that the Grove should continue to be used for hotel and leisure purposes whilst the Langleybury site should be used for not only hotel and leisure purposes but also residential. Further detailed guidance is set out in a brief previously adopted by the Council, of which English Heritage is supportive, and which contains an indicative development concept. Policy SA7 refers to a development brief for the site. If such a brief remains consistent with policy SA7 and does not seek to effectively alter it or introduce elements which conflict with it, I see no reason why the guidance in the brief could not be reviewed, updated and refined as necessary, in line with the broad intentions of the policy, as thinking by the relevant parties develops and the economics of the proposals become clearer. As things stand at the moment, there is no fundamental inconsistency between the SALDD and the brief and in any event any planning permission would have to accord with the essential requirements of policy SA7 regarding uses and other relevant development plan policies unless material considerations were to indicate otherwise.

79. In this context it is important to note that the development plan will comprise, amongst other elements, not only the SALDD, but also the previously adopted CS and DMPLDD. Moreover, the site is within the Green Belt and subject to the full force of relevant policy as set out in the Framework and the statutory duty imposed on the local planning authority or the Secretary of State (as the case may be) by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possess. It is also pertinent that neither the Council nor English Heritage consider the anticipated housing (up to 20 units) and other development anticipated to be "enabling development" which is by definition harmful but is essentially the price to be paid for securing a viable future for a listed building.
80. English Heritage proposes a more prescriptive policy in place of SA7 which contains a number of absolutes, but these are unnecessary in view of the layers of policy protection the sites are subject to in any event and a major purpose of the brief as presently conceived is to see a way forward to the renovation and conservation of Langleybury House. Some flexibility in approach within the broad parameters of policy SA7 may be necessary given the detailed feasibility work that will have to go into bringing forward a viable package and in my view it is therefore sensible to let the brief itself add further detail in the form of guidance rather than attempting to devise an overly detailed policy for the SALDD.
81. While I acknowledge that preferences regarding approach may vary according to perspectives on the issue, I do not consider that the Council's present approach is fundamentally at odds with the intentions of the Framework in respect of heritage assets. The listed buildings and their settings enjoy their own level of statutory protection and the quantum of development is controlled by the rigours of relevant policy concerning development in the Green Belt. The Council was clear in its response to my initial concerns regarding the mechanics of allocating Green Belt land for housing that the dwellings proposed in its allocation H(10) would fall within the Framework definition of development that is not inappropriate within a Green Belt.³⁴ I consider there would be no realistic prospect of housing development being successful on the site and producing value for its owners in the absence of a viable use for the Langleybury Mansion, as the existence of this building in its present unused and dilapidated state would exert a substantial and negative influence on any new housing on the adjacent site where the housing is proposed. Equally, the creation of such value is likely to be the key to repairing and refurbishing the mansion in a manner consistent with its conservation and hence the two objectives are likely to be mutually reinforcing.
82. Paragraph 157 of the Framework advocates a clear strategy in local plans for enhancing the historic environment and insofar as policy SA7, through the associated brief for Langleybury and the Grove, presents a clear but flexible vision for these particular heritage assets, it promotes the

³⁴ NPPF para. 89

enhancement that is much needed in the case of the Langleybury estate. Paragraph 126 similarly promotes a positive approach, including for heritage assets such as Langleybury House which are most at risk. There is agreement that the anticipated development would not be classified as “enabling development” in the accepted sense of the term. It therefore follows that less than substantial harm to its significance is implicit in the policy and the brief, a situation which, if it were to occur, could legitimately be weighed against public benefits. Policy SA7 broadly reflects the balanced approach of the Framework to heritage assets.

83. Taking all the relevant factors into consideration, including the complementary layers of policy and statutory protection to which the site is subject, I find no reason to consider the policy SA7 unsound or to suppose that it would lead to substantial harm to the significance of the relevant assets. Nor do I find that it is likely to give rise to development that could be regarded as unsustainable, bearing in mind that, although located away from the main settlements, a modicum of housing and other forms of value-creating development would in this instance very likely facilitate a solution which conserves heritage assets, an outcome that itself contributes to sustainability objectives as set out in the Framework.
84. In my letter of 28 November 2013 I indicated that no main modifications pertinent to soundness were required in respect of Langleybury and the Grove. Notwithstanding the Council’s subsequent consultation on what it has referred to as a Main Modification (Ref 39), I do not therefore consider it necessary or appropriate to recommend its progression as such; and for this reason I have deleted it from the appended Schedule of Main modifications. It is entirely a matter for the Council if it wishes to add appropriate explanatory text to that which is already associated with the policy, in the form of an Additional Modification.
85. To summarise; it is a core principle of the Framework that heritage assets should be conserved in a manner appropriate to their significance and this principle is, in all the circumstances, adequately reflected in practice by policy SA7, the development plan as a whole, and relevant statutory protections. Any revision of the 2012 brief would be statutorily required not to conflict with the development plan, including the intentions of policy SA7 regarding uses for the site.³⁵

Issues 6 and 7: Whether the SALDD provides satisfactorily for the amount and type of housing proposed by the Core Strategy and in the broad locations in which the latter intends it should be developed; and

Whether the SALDD creates an adequate framework for the regeneration of South Oxhey.

Overview

86. Because the proposed redevelopment of South Oxhey town centre is so important to the Council’s housing land supply, I address the seventh

³⁵ By virtue of Regulation 8(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012

issue in the context of the proposed housing sites for the purposes of this report.

87. As noted in my preamble, the Council in this instance chooses to address the requirement to prepare a local plan by continuing with the preparation of a series of complementary LDDs intended to give form and substance to the broad intentions of its CS, which was made sound and adopted prior to the introduction of the Framework at national level. While the SALDD is no longer wholly bound by the CS, the coherence of the Local Plan as a whole depends on taking forward the principles embodied therein whilst, in the interests of soundness, ensuring no fundamental conflict with the intentions of the Framework as a whole. These include the importance placed by the latter on boosting significantly the supply of housing whilst protecting as far as possible the Green Belt.
88. In the interests of soundness, I consider it necessary to take on board all these principles in a balanced fashion, an exercise that is especially difficult in the pressured circumstances of the Metropolitan fringe, where the need for a secure Green Belt and demand for housing are both particularly strong. There is no current strategic basis for a major review of the Green Belt and, it would be impractical and counter-productive to set back the development planning process by several years in circumstances where the Council has made steady progress towards the adoption of its suite of LDDs. Lack of a complete adopted local planning framework, in the circumstances of Three Rivers, would not serve the local community or the wider public interest well.
89. It is important in the meantime to avoid uncoordinated and poorly located development that could follow any abandonment of the CS approach of prioritising development in the urban areas to minimise and delay the use of land currently protected by the Green Belt, and to ensure the orderly release of housing land so as to avoid unfortunate consequences not only for the environment but also for the timely provision of infrastructure such as schools. However, it is equally important, bearing in mind Framework priorities, to ensure that the year on year planned supply of new housing sites is not constrained or disrupted at any point during the plan period to 2026, or delayed unnecessarily thereafter for want of a comprehensively revised and adopted local planning framework. A degree of contingency, partly in anticipation of the early part of the next plan period and partly to mitigate unforeseen delays in bringing forward allocated housing sites would in my view be both prudent and sound and would, moreover, potentially contribute to the Framework intention that altered Green Belt boundaries should generally be enduring. In my letter to the Council of 28 November 2013, I expressed the view that 4-5% of the total plan requirement, but at least the equivalent of one year's supply (180 units) was the minimum headroom required to ensure delivery of the CS requirements (a matter to which I return in paragraphs 131 and 144.)
90. Against that background, I am seriously concerned that attempting to match the CS housing target too precisely to the total amount of housing land allocated for release over the plan period in accordance with the phasing mechanism embodied therein fails to incorporate sufficient

flexibility to accommodate unforeseen delays with particular releases of land, performance less than expectation in terms of density, or windfall releases at a lower rate than past performance indicates. Equally, it could be argued that release of sites fully in accordance with timing expectations, higher than anticipated densities and windfalls in excess of expectations could actually lead to greater capacity for housing provision than currently anticipated.

91. However, there are important differences in the consequences of the two contrasting scenarios. Greater potential over the plan period than anticipated would have no untoward consequences in the sense that the phasing strategy of the CS as proposed to be reflected in the SALDD would simply ensure a continuous planned supply of land for housing during the plan period with deferment of some releases to a later date beyond 2026, with no substantial harm arising, bearing in mind the CS intention to alter the Green Belt boundary to accommodate development needs. Realising less potential than anticipated, on the other hand, in the context of an overly tight fit between the overall planned supply and the sites to service it, could well result in disruption to the supply of deliverable sites, including a failure to maintain a five year supply of housing land. This would be harmful, and whilst the Council's performance to date has generally been good in that respect, it would be sound and prudent to minimise the risk.
92. For this reason, I have sought to examine in as much detail as is warranted the allocated housing sites in terms not only of their sustainability credentials but also in terms of reasonable expectations of delivery. For the same reason, I have sought to similarly examine the so-called 'omission sites' suggested by various parties.
93. The tightness of the Green Belt and the justified avoidance of major review, means the Council's room for manoeuvre is in reality very limited. The SALDD as submitted allocates land for 1658 units³⁶ and assumes 190 windfalls to give a total of 1848 units, corresponding exactly with the residual target of 1848 projected by the end of March 2014.³⁷ The submitted SALDD does indeed allocate "just enough" land, with nothing in reserve, even assuming the anticipated windfalls materialise in accordance with expectations. Therefore the loss of any planned capacity from the SALDD as submitted undermines soundness and I have no evidence that significant unplanned compensatory provision would be likely to materialise during the plan period. It could not be considered positive, effective or justified in such circumstances and I have concluded that a number of sites should, for soundness, be deleted or reduced in capacity. The increased capacity now postulated at South Oxhey Town Centre would not make good the shortfall.
94. The CS relies to some degree on windfalls towards the end of the plan period and this is reflected in the SALDD. This is deemed acceptable by the Planning Practice Guidance (PPG). The CS embodies the use of a

³⁶ This figure takes on board 425 units at Leavesden and 280 units at South Oxhey Town Centre

³⁷ TRDC 5

windfall element at the very end of the plan period, i.e. years 2021-2026, and the SALDD as proposed to be modified would be able to respond to circumstances where the windfall expectation (primarily within the existing built-up area of Three Rivers) did not materialise. This would be by dint of bringing forward contingency land effectively safeguarded by indicative phasing for release post-2026 if the monitored five year supply appeared likely to be disrupted.

95. Moreover, the phasing/safeguarding approach now suggested by the Council would achieve a degree of flexibility if windfall delivery exceeded expectations. I am conscious that past performance indicates that the windfall allowance of 38 dwellings per annum assumed by the CS for the last five years of the plan period is considered reasonable. I am also conscious that the proposed phasing policy to serve the intentions of the CS could result in de facto safeguarding beyond the plan period of land removed from the Green Belt and allocated for housing. However, that would in effect contribute to the small contingency reserve of safeguarded land which I consider to be necessary pending future resolution of housing land supply through the development planning process.
96. My starting point in considering specific sites is that any deleted or potential loss of capacity in the interests of soundness must be compensated for by the allocation or contingency identification of land sufficient to make up the loss. This is the inevitable consequence of pursuing a strategy which aims to more or less precisely match provision to the relevant planning target over the plan period.

The Sites

97. Parties to the Examination expressed a range of views on individual sites, many of which were supported by careful analysis, all of which I have taken into account in formulating my own assessment. There was general agreement that the Council's site selection criteria, including the weighting mechanism therein, as set out in Appendix 2 to the CS, was a useful starting point, but simply that. The CS itself puts it as follows:

"It should be noted that whilst the criteria and score of how well a site performs in relation to the range of planning and sustainability criteria will inform the Council's decision on the site, in coming to a final decision the Council will consider each site on its merits and take into account site specific circumstances. It may not be the case that higher scoring sites will automatically be taken forward and that lower scoring sites will not be taken forward."

Thus it is clear that judgement and planning rationale come into play in the selection of any particular site and that the precise ranking is ultimately less important than a common-sense view, having regard to the relevant criteria, as to whether or not the release of any particular site represents good planning. This seems to me a sound approach, especially as any scoring/ranking system is imperfect and can be prone to distortion by the undue weighting of factors that are potentially important in principle but in reality of minor significance in any particular case, dependent on its circumstances, as a number of parties remarked.

On the other hand, a scoring system such as that deployed is useful for broad assessment of sites and suggested sites and can serve to highlight apparently anomalous allocations that may be questionable in planning terms.

98. My assessment of the individual housing sites is therefore in the round, taking account not only of the original scoring, but also comments, analysis and information from all parties, my impressions on visiting them, my judgement on suitable densities and forms of development, factors affecting or potentially affecting availability, viability (and hence deliverability over the plan period) and, ultimately, my professional judgement on the site's attributes vis-à-vis a range of planning criteria including the intentions of the CS and the Framework, leading to a view as to whether or not they should be included, if the SALDD is to be considered sound.

99. I place the allocated housing sites³⁸ into the following categories (the position in the Settlement Hierarchy is indicated in brackets) and comment as necessary:

Those that are suitable, likely to become available, are very probably deliverable during the plan period and which require no further comment.

These are H(19), H(21), H(23), H(24) (in Rickmansworth, the principal town), H(4), H(5), H(7), H(9), H(12), H(14), H(15), H(16), H(18), H(31), H(32), H(34), H(37), H(38) (in Key Centres), H(29), H(30) (in Secondary Centres), H(11) (in a Village) and H(10) (classified as 'elsewhere').

Sites likely to be available/deliverable but which merit some comment

These are H(20), H(22), H(25), H(27) (in Rickmansworth, the principal town) and H(8) (in Key Centres).

100. Sites **H(20)** Long Island Exchange, **H(22)** Royal British Legion, **H(25)** Bridge Motors each represent, in their own way, facilities or services in Rickmansworth Town Centre which currently add to its diversity and I have some sympathy with the viewpoint expressed by a number of parties that the emphasis on urban concentration and minimisation of incursion into the Green Belt could lead to Rickmansworth Town Centre becoming overly dominated by residential use, particularly attractive to commuters. Equally, housing in and around town centres can enhance their vitality and viability and commuters tend to have time to enjoy their local facilities at weekends. There is no specific evidence base to draw on concerning this matter and ultimately I am unable to conclude that the soundness of the SALDD would be diminished by the allocation of these particular sites, including the hotel at The Long Island Exchange site. Nevertheless, this is a matter which I consider it would be important to address at plan review. Town centres, by their very nature, constantly evolve, but if there is an emerging problem regarding the balance of uses in Rickmansworth, appropriate policy to address it would be a positive

³⁸ For the purposes of this paragraph, for ease of reading, I have omitted the brackets from the site references.

outcome of that review.

101. Site **H(27)**, the Depot at Stockers Farm Road, attracted comment concerning its westward extent onto an area of greenfield land said to be more properly associated with the open landscape to the west. However, given the configuration of the drainage pattern relative to the road, the development that already exists to the south of the road and the need for some flexibility within the site to address identified constraints, I do not consider the boundary to be so illogical as to diminish soundness. It is essentially a matter of local choice.
102. Leaving aside Oxhey Town Centre, Site **H(8)** Leavesden Aerodrome, is far and away the largest housing allocation in the SALDD (and is now proposed for removal from the Green Belt through **MM44**, planning permission having in any event been granted for 428 dwellings on the basis of very special circumstances.) As it is, development proceeds apace. However, although arguably academic, I see no harm, given the timing and timescale of the SALDD, in the Council retaining it as a formal allocation, complementary to the changes now proposed in respect of the Leavesden studios, other parts of the Green belt boundary in the vicinity and the proposed allocation of open spaces. Retention of the allocation as such is essentially a matter for the Council, as a matter of preference. It does not affect soundness.

Sites about which I have significant doubts

These are H(26) (in Rickmansworth, the principal town), H(33), H(35), H(36) (in Key Centres) and H(3) (in Secondary Centres). For soundness (with the exception of H(35)³⁹) I consider that, for soundness, a compensatory contingency equivalent to the capacity which appears uncertain should be provided for.

103. Site **H(26)**, the Harefield Road Depot, is controlled by the Council and appears to be intensively used for operational purposes. No site has been identified for its replacement and bearing in mind that the Furtherfield Depot in Abbots Langley is also allocated for housing, the Council's ability to rationalise operations to release this site may be constrained. I note⁴⁰ that it was allocated in the previous Local Plan 1996-2011 and, while a planning brief was prepared, it remains in its established use. I note, moreover, that the previously regular shape of the allocation (site H048 in SD42) has been altered, notwithstanding that the assumed capacity remains unaltered at 25 units. I conclude that the allocation would be ineffective and should therefore be deleted for soundness (as now proposed by the Council in **MM49**). A compensatory contingency of 25 units is required for soundness.
104. Site **H(33)**, the former Little Furze School, South Oxhey, occupies a sloping site projecting into a wooded area of Green Belt including a local nature reserve. It requires sensitive development, both visually and in relation to the natural assets surrounding it, albeit the site itself has been maintained since the closure of the school. Taking all the matters

³⁹ South Oxhey Town Centre – see below

⁴⁰ TRDC 4

discussed into account and in the absence of a definitive scheme, I consider the Council's assumption of 100 units to be unduly optimistic. While I do not think it would be an economic use of land or good use of the opportunity presented by this relatively 'high scoring' site to cut the number by two thirds as has been suggested by some participants at the Hearing, I nevertheless consider it prudent and sound to assume for development planning purposes a maximum yield of 75 units, representing a density of around 21 dwellings per hectare. **MM52**, as now proposed by the Council, addresses this and a compensatory contingency of 25 units is therefore required for soundness.

105. Site **H(35)**, South Oxhey Town Centre, being the subject of my seventh issue, merits detailed consideration at this juncture. Whilst I have no reason to doubt the Council's commitment to delivering the scheme now anticipated through **MM43** to deliver a net total of 360 (as opposed to the 280 units indicated in the submitted SALDD) by the end of the plan period in this highly sustainable location, the likely need for compulsory purchase, by definition, introduces an element of doubt concerning deliverability, notwithstanding that the need for regeneration makes for a powerful case in principle. However, the Council's willingness to procure relevant expertise in pursuit of its aims makes for confidence notwithstanding an apparent initial setback with the loss of the preferred development partner. The timescale anticipated also allows for slippage towards the end of the plan period and it is in the nature of such schemes that once committed they tend to proceed at a known rate towards a known outcome. Nonetheless, uncertainties inevitably precede that commitment until the contractual point of no return and can take many years to resolve.
106. The SALDD itself contains an area plan under the auspices of policy SA6 which clearly indicates that the Town Centre and a series of housing sites in the surrounding suburb are integral to the Council's priority to environmentally, socially and economically regenerate the area. In land use planning terms the intentions are clear, and complementary to other initiatives in progress. In that sense the framework is adequate.
107. At the time of submission H(35), the Town Centre housing allocation, provided for 280 new dwellings net of clearance, but the Council's most recent thinking, apparently design-led, suggests that this assumed capacity should be raised to 360 units at least. However, no firm evidence yet supports this and it remains to be seen whether or not planning permission and, thereafter, funding, will be forthcoming for the revised concept.
108. It is clear that the initiative has encountered some early difficulties insofar as the Council's preferred development partner has withdrawn, but this is early days and apparently unrealistic expectations regarding the proportion of affordable housing were at least partially to blame.
109. However, the scale of town centre regeneration called for maximises the importance of delivery, not just for the sake of the community in need of regeneration, but in terms of the housing land supply for the district in the present plan period. In a sense this is a leap of faith on the part of the Council insofar as the land supply cannot be adequate without the

delivery, within the plan period, of between perhaps 280 and 360 residential units (net) in the redeveloped town centre.

110. Such schemes are of course possible and it is very evident that this is a major priority for the Council, which is hiring relevant specialist expertise, testimony to its determination to make it happen. Assuming outline permission and firm financial backing it is almost inevitable that compulsory purchase of various interests will be necessary and whilst regeneration imperatives are powerful justification, the process can never be certain. Assuming successful land assembly, the contracting process could be time consuming and until such time as funds are committed to the relevant works, delivery of housing on the scale anticipated remains theoretical. Once that point is reached, however, delivery over a known timescale would be as certain as it could be and the 2016-2026 phasing reflects the complexity of the initiative and the scale of the physical works involved. The Council says that it expects a successful and timely outcome, on the basis of what I was told at the relevant Hearing session, I have no reason to doubt that, the recent setback notwithstanding.
111. Although I consider it necessary to build in a small margin to the land supply over the plan period, I do not consider it necessary, in the light of the above, for this contingency to reflect the entire quantum of development embodied in the South Oxhey Town Centre specifically as it would be for general contingency purposes across the full spectrum of planned land supply. However, should the Council's programme to redevelop the town centre falter or fail, or experience substantial delay, an early review of the SALDD might be necessary to compensate for the negative impact on the overall housing land supply. That is a matter for the Council to monitor appropriately and decide upon if it is necessary to do so. I do not consider that significant reliance on the allocation H(35) per se undermines the soundness of the SALDD at this juncture. It is simply a matter the Council should realistically keep under close review.
112. Whilst the Council's ability to deliver sufficient housing is highly contingent upon this one scheme, a contingency for 360 units could, in combination with other alterations to the Green Belt implicit in the CS, effectively cross the line into a major review of the Green Belt, which I accept is impractical and undesirable in the context of the SALDD. Compensatory provision or safeguarding of land previously in the Green Belt specifically to cover the possibility of the South Oxhey allocation failing to deliver would not at this stage be appropriate. Suffice it to say, however, that if significant and certain progress towards delivery of the South Oxhey regeneration scheme has not been made by 2016⁴¹, failure to reach the appropriate milestone should trigger an earlier review of the Council's local planning framework than is otherwise anticipated (around 2020). On balance, I do not consider it necessary for soundness to formalise this in the current SALDD as it is largely a matter, if necessary, for local judgement at the time but, given the tightness of the land supply, it is incumbent on the Council to keep a close watch on this if it is to continue to maintain a five year planned supply of deliverable housing sites.

⁴¹ The phasing period is indicated to be 2016 - 2026

113. Site **H(36)**, the Grapevine Public House, is a small site proposed for high density development (around 56 dwellings per hectare) notwithstanding that it projects into an adjacent area of woodland which is a local nature reserve. I share the reservations of those parties who consider this to be an overly ambitious aspiration in the circumstances and, in similar fashion to the Little Furze School site, consider the assumed capacity should be lowered for development planning purposes, in this case to 15 dwellings, equating to a density of around 33 dwellings per hectare. **MM53**, as now proposed by the Council, addresses this and a compensatory contingency of 10 units is therefore required for soundness.
114. Site **H(3)**, the Kings Langley employment Area, is designated for mixed use, partly inspired, as I understand it, by the success of the Ovaltine site, although that in my estimation was something of a special case. I do not think there is anything unsound in principle with the Council's aspiration to promote mixed use, albeit I agree with those who suggest that a firm masterplan is ultimately required to strike the right balance between housing and employment. However, I am not persuaded, on the basis of evidence (including EB04 the SW Hertfordshire Employment Land Update) and what I observed, that the 150 units assumed will necessarily materialise in this essentially workaday environment. The Gade Investments site to the south of the lake is said to have the potential for 30-40 units and land to the north of it may be capable of a broadly equivalent capacity, but in general the environmental constraints and established uses are likely to hinder progress. A more cautious approach (as now proposed by the Council in **MM51**) which assumes 100 units would be prudent and sound. In the circumstances, a compensatory contingency of 50 units is required for soundness and the Alpine Press site alone does not measure up to that requirement. A more significant extension of the mixed use allocation might (but is not proposed by the Council.)

Sites which should be deleted for soundness

These are H28 (classified as being in Rickmansworth, the principal town), H6, H13, (in Key Centres), H1, H2 (in Secondary Centres) and H17 (classified as 'elsewhere'). For soundness, provision to replace the lost capacity elsewhere in the plan should be made.

115. **Site H(28)**, Land South of Tolpits Lane, is unusually 'low scoring' amongst the allocations and is not in reality attached or close to anything that might be termed a settlement in CS hierarchy terms. Although the latter does contemplate around 1% of the housing supply away from these, I note that the Council's spreadsheet analysis⁴² places the site in the Principal Town, Rickmansworth. It does follow the southern boundary of an extensive industrial area to the north of Tolpits Lane, but there is no evidence to suggest that there would be any particular interaction with that in terms of journeys to work. The lack of footpaths, bus routes or ready access to a railway station (the nearest being over 1km away) would effectively require most journeys to be by car. It is a core

⁴² Requested by Inspector prior to Hearing sessions

principle of the Framework that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The CS Spatial Strategy and its overarching policy CP1 concerning sustainable development embody parallel objectives. Although 50 houses is a significant development it would be insufficient to engender or support the infrastructure required to make the location sustainable.

116. The linear nature of the allocation, conceived of as two low density estates accessed from either end and joined by a pedestrian link through woodland, is somewhat but not wholly reminiscent of unplanned 'ribbon' development in areas subsequently washed over by the Green Belt, introduced amongst other reasons to prevent urban sprawl. It is almost entirely greenfield and Tolpits House itself is a listed building. Although inclusion of the industrial estate to the north within the Green Belt would serve no useful purpose, Tolpits Lane itself forms a clear and logical boundary for the cohesive block of Green Belt to the south containing the Merchant Taylors' School and the land within the allocation on the wooded rim of a broad valley containing lakes and a river serves to filter and screen the prospect of the industrial estate on the skyline. Although the River Colne and the associated lakes arguably have potential as a clear Green Belt Boundary, Tolpits Lane is much superior in that respect. Paragraph 84 of the Framework articulates the principle of using Green Belt boundaries to promote sustainable patterns of development and the allocation of this land for housing breaches that principle.
117. In short, there is no discernible planning rationale for the allocation of this site for housing that can be traced back to the CS or which has been convincingly developed in the context of the Framework. Neither does the development of the site facilitate anything that might be regarded as a planning advantage against which its clear disadvantages could be weighed. The allocation compromises the soundness of the SALDD and should be removed from it (as now proposed by the Council in **MM50**). A compensatory provision for 50 units is therefore required for soundness.
118. Site **H(6)** Leavesden Pumping Station, Abbots Langley, is relatively 'high scoring' and contains a redundant brick built pumping station within a site that now appears to be used in connection with arboricultural services. Vehicular access is via a narrow lane unsuitable for the passage of more than the minimum number of vehicles necessary to access the few properties currently served. It is located at a small distance from the main built-up area as the crow flies but in practical terms is well within the rural area to the east and north of Abbots Langley. It is not, in any meaningful way, on the edge of the settlement as anticipated by the CS Spatial Strategy and is in my view illustrative of the caution that needs to be exercised in using scoring systems. Development for 15 houses would effectively result in a small isolated housing estate in countryside generally protected by Green Belt and would diminish its openness, contrary to the fundamental intentions of the policy. In that sense it would represent a harmful incursion into established Green Belt rather than an alteration to its boundary. On balance, I concur with those parties who have expressed scepticism regarding its sustainability

credentials when considered in a practical sense and, in combination with the harm to the Green Belt that is to remain as such in this area, that conclusion leads me to consider that, for soundness, the allocation should be deleted as now proposed by the Council in **MM47**. A compensatory provision for 15 units is therefore required for soundness.

119. The site, clearly, contains some buildings and might potentially be able to accommodate a modicum of residential development deemed not inappropriate in a Green Belt under the terms of paragraph 89 of the Framework, but that pertains in the absence of positive allocation and does not justify allocation of the site as a whole. If approved as not inappropriate, such dwellings would count as windfalls.
120. Site **H(13)** Killingdown Farm Buildings, Croxley Green, is a working farm centred within an area of land which is well contained by housing to the south, playing fields to the east and by Little Green Lane to the west and north. This area of land was previously considered for 200 houses (site H085 in SD42) at around 26 dwellings per hectare and 'scored' reasonably well. Little Green Lane would form a sufficiently robust and logical boundary to the Green Belt at this point and the use of the site in its entirety would facilitate the best layout to address the conservation area, the listed building and vehicular and pedestrian access arrangements. I am not persuaded of the planning logic of the currently proposed allocation, which would in reality create an irregular protrusion of relatively low density development into the Green Belt. Moreover, it is not previously developed land as defined by the Framework, as the buildings are agricultural, and it is questionable whether the surrounding land contained by Little Green Lane would continue to be effectively farmed in the context of rationalised holdings in the wider area, once the nucleus of the present farm was removed.
121. Having visited the site and its surrounds and considered the matter in terms of sound planning practice, I am clear in my view that either the whole of the site H085 should be removed from the Green Belt and allocated or safeguarded for housing development (the layout and disposition of which could respond sensitively to the relevant constraints) or matters should be left as they are and the site should remain unallocated. The present, middle, course not only wastes the potential of the larger site, but is likely to lead to an unsatisfactory situation with an island of housing surrounded by deteriorating and poorly managed urban fringe land to the detriment of the conservation area. For this reason, I consider the allocation of the site in isolation from the immediately surrounding fields to be contrary to the interests of sustainable development and therefore unsound. A compensatory provision for 30 units is therefore required for soundness.
122. Following consultation on the Council's **MM54** the matter was discussed in more detail at the supplementary hearing. Having considered the representations received against and for the proposal including an illustrative scheme submitted on behalf of the landowner⁴³, I am more than ever persuaded that the 'middle course' of allocating simply the

⁴³ SUB8

farm buildings embodied in the SALDD as submitted would not represent sound planning. The proposed expansion of the allocation H(13), with a commensurate adjustment of the Green Belt boundary through **MM44**, represents the sound option, potentially delivering significant housing in a sustainable location whilst maximising the scope for sensitivity vis-à-vis the conservation area and listed farmhouse. In drawing that conclusion I am conscious of the disappointment expressed by many in the locality, but for all the above reasons consider the Council should modify the submitted SALDD in the manner it proposes.

123. Sites **H(1)**, Adjacent 65 Toms Lane, and **H(2)**, Land at Three Acres, Toms Lane are both sites that are in the area of Green Belt washed over two areas of ribbon development extending east from the railway line which generally provides a firm and clear boundary to the Green Belt and a strong physical eastern boundary to the settlement of Kings Langley. Although 'attached' to the settlement by means of the southern ribbon of development centred by Toms Lane⁴⁴, both sites are effectively outside the main body of the settlement, being connected to it solely by Toms Lane which descends under the railway line via a narrow stretch with no pavement and an even narrower underpass. Although not too problematic in quiet times of the day for an able bodied single pedestrian, this route becomes difficult at busy times and is inherently unsatisfactory, especially for the less agile and for parents with children. Despite its relative proximity to the Kings Langley employment area and station, Toms Lane is, in an important respect, physically isolated by this difficulty, a feature which significantly detracts from its sustainability credentials. There is no effective or truly safe pedestrian integration with the main body of the settlement.
124. The CS Spatial Strategy gives priority to previously developed sites in the most sustainable locations on the edge of settlements including Secondary Centres such as Kings Langley. Site H(1) is classed as previously developed and relatively 'high scoring' and the same applies to H(2), although the majority of the site is in fact undeveloped paddocks, only the central portion being occupied by buildings. In my estimation the necessity to acquire third party land to create an acceptable vehicular access for 20 dwellings on this site raises questions about deliverability of this site. Both sites in my view are illustrative of the caution that needs to be exercised in using scoring systems and, on balance, I concur with those parties who have expressed scepticism regarding their sustainability credentials when considered in a practical sense. Although technically on the edge of the settlement, they are in practice physically isolated, as those who defined the present Green Belt may well have recognised in washing the area over.
125. In promoting its site to the south of Toms Lane, the Wellcome Trust has suggested that its control of land could open the way to a safer pedestrian route to the station at least via Egg Farm Lane but this would essentially be across intervening countryside (albeit alongside the railway) and the feasibility and desirability of this has not been sufficiently demonstrated to engender confidence that it would

⁴⁴ The northern ribbon is centred on Harthall Lane

satisfactorily address the problem. It does, however, illustrate that an area such as this is better considered holistically and comprehensively when land release is under consideration. For development planning purposes, the approach of the SALDD is in this instance too piecemeal to be effective and to encourage significant housing development on Toms Lane under current circumstances simply serves to exacerbate an inherited but somewhat unsatisfactory situation. It is neither positive nor effective and is therefore unsound. Both sites should be deleted (as now proposed by the Council in **MM45** and **MM46**). A compensatory provision for 30 units is therefore required for soundness.

126. I am conscious that the relevant landowners maintain that, in practice, the sites could be made to work in isolation but, for the above reasons, I consider that such a piecemeal approach to this area would be unsound.
127. I acknowledge that both sites already contain some buildings and might potentially be able to accommodate a modicum of development deemed not inappropriate in a Green Belt under the terms of paragraph 89 of the Framework, but that pertains in the absence of positive allocation and does not justify allocation for a greater quantum of development. If approved as not inappropriate, a lesser number would count as windfalls.
128. Site **H(17)**, Branksome Lodge, Loudwater, is a field within the edge of an extensive area of low density development accessed by narrow lanes and lacking in services and facilities such as local shops. The site is within a conservation area. Loudwater does not feature in the settlement hierarchy of the CS but is excluded from the Green Belt. Although 99% of housing development is to be directed to the Rickmansworth and the Key and Secondary Centres, the strategy allows for a small residue to be accommodated elsewhere and is silent on how this is to be divided between the small villages of Bedmond and Sarratt, which have a limited range of services and facilities and clearly some housing in the open countryside for rural workers may be required from time. However, there is no cogent rationale for the allocation of this site by reference to either the CS or the Framework. It is of course true that Loudwater is an established residential area but that does not justify adding to its extent, given the lack of facilities and transport choices.
129. I note that SD42 (site H095) concedes that whilst it is greenfield in nature, its development could create a defensible boundary to the Green Belt. In the sense that it would reduce the length of the Green Belt boundary by squaring off the built-up area it could perhaps make it more obvious, but the fact remains that the present boundary follows clear features on the ground and the freestanding properties in the vicinity of Walden Lodge are washed over by the Green Belt. This is therefore a weak argument for departing from the general principles of the CS and the Framework to locate, in an anomalous fashion vis-à-vis the adopted CS, 10 houses in an intrinsically unsustainable location. To increase the number, as has been suggested by the landowner, would simply add to the anomaly with no real planning advantage in terms of meeting overall requirements. There is no other planning advantage sufficient to outweigh the locational disadvantages of additional housing at this site. For all these reasons I concur with those parties who have portrayed this site as unsustainable. The allocation compromises the soundness of the

SALDD and should be removed from it (as now proposed by the Council in **MM48**). A compensatory provision for 10 units is therefore required for soundness.

Implications for Housing Land Supply

130. For the above reasons in the interests of soundness 6 sites providing for a total of 135 units should be deleted from the SALDD and the planned capacity of the remaining allocated sites should, overall, be reduced by 110 units, as indicated below.

Sites to be deleted	Lost capacity	Totals
H(1) Adjacent 65 Toms Lane	10	
H(2) Land at Three Acres, Toms Lane	20	
H(6) Leavesden Pumping Station	15	
H(13) Killingdown Farm Buildings	30	
H(17) Branksome Lodge, Loudwater	10	
Site H(28) Land South of Tolpits Lane	50	135
Reduced capacity sites	Reduction in capacity or doubtful delivery	
H(3) the Kings Langley employment Area	50	
H(26) Harefield Road Depot	25 (doubtful delivery)	
H(33) former Little Furze School	25	
H(36) the Grapevine Public House	10	110
Additional/contingency capacity required		245

131. Given the close matching of allocations to requirements, the loss of 245 units of capacity would need to be compensated for directly and a further year's contingency supply is needed for flexibility and responsiveness to unforeseen circumstances, as I have pointed out. Thus, even if it is assumed that South Oxhey Town Centre delivers in full the 360 units now hoped for, land for 345 units needs to be identified over and above the soundly allocated sites inclusive of adjusted capacity. This figure is calculated by subtracting the extra 80 units at South Oxhey Town Centre from the 245 units of lost capacity and adding the extra year's supply of 180 units for flexibility ($245 - 80 + 180 = 345$). If, as I consider prudent, a discount of 50% (40 units) is applied to the extra capacity hoped for at South Oxhey Town Centre, the figure increases to 385 units.

132. While there is little to be gained from excessive fine-tuning in an allocations plan for many years ahead, the essential point is that for

soundness, once the sites which should be deleted are deducted from the supply and an appropriate element for flexibility (i.e. one year's supply) is added, land for between 340 and 380 units needs to be identified in the SALDD through modification for a truly robust and therefore effective land supply. It is important to note that this approach retains the assumed windfall element in the last five years of the plan. If that were to be taken out of the equation, land to accommodate a further 190 units would be needed but, in the circumstances, it should be retained.

133. Moreover, given the indicative approach to phasing/safeguarding derived from policy CP2 of the CS, there seems to me to be no impediment in principle to identifying one or more sites 'post-2026' with a view to bringing them forward if needed or retaining them undeveloped if appropriate to contribute to the next plan period. The letter of the policy does not look beyond the plan period in that sense, but phasing for orderly release over time is very much in the spirit of the adopted policy and the flexibility to respond to changing circumstances accords with the intentions of the Framework in promoting sustainable development. Essentially, however, soundness lies in providing, with a small margin for flexibility, a robust supply overall of sustainably located sites.

Sites suggested by third parties which should be considered for inclusion

These are land at Woodside Road, Abbots Langley and land at Fairways Farm, Garston (in Key Centres) and Land opposite Kings Langley Station (in Secondary Centres). For soundness, these could be substituted for the lost capacity from the previous two categories without compromising soundness.

134. The land at Woodside Road promoted by Taylor Wimpey in conjunction with a primary school site and various open uses has been considered by the Council (site H029 in SD42) and was apparently not, I note, subject to public consultation in that context. The southern part of the site envisaged for housing was also considered in isolation from that possibility (site H037 in SD42) and was consulted upon as a site for 100 dwellings at an appropriately suburban density. Both H029 and H037 were comparatively 'high scoring'. The Taylor Woodrow approach, given my conclusions on primary school provision, merits serious consideration in view of the shortage of soundly allocated sites. The planning advantages of this sustainable, accessible site, are very clear and I do not consider the impact on the wider Green Belt would be severe. The package approach promoted by Taylor Woodrow holds out the prospect of creating an altered Green Belt boundary which, being coincident with defined open uses, would be clearly apparent on the ground and enduring. The Woodside Road site H(39) is appropriately phased 2016-2021 because of its intimate association with the construction of a primary school needed sooner rather than later, whatever the detailed arrangements for delivery resolved between the HCC and the landowners.
135. Allocation of an appropriate part of the land at Woodside Road could reduce the deficit identified above by 100 dwellings or thereabouts. In the light of all the above the Council proposes MM55 to carry this forward as housing site H(39) in combination with MM57 which introduces the necessary primary school allocation as the site referenced S(c). I have

considered the various representations received on these main modifications but none are sufficient to persuade me that for all the reasons above the approach now proposed by the Council is anything other than sound in its own right and important to the soundness of the plan as a whole.

136. The land at Fairways Farm, Garston has been considered by the Council and consulted on as a potential site for 300 dwellings (H062 in SD42) and 'scores' relatively well, albeit not as highly as the land at Woodside Road. A reduced scheme of 100 dwellings at appropriately suburban density (like the Woodside Road housing with primary school suggestion) had apparently not been subject to public consultation, even though it had been considered by the Council (H068 in SD42).⁴⁵ The site is sustainably located on the edge of the Key Centre of Garston and is well contained to the east by the M1. I am satisfied on the evidence that it is deliverable insofar as the owner controls land with the potential for a viable access point onto Bucknalls Lane and that in principle the road should be capable of accommodating development on that scale. Motorway noise is commonly addressed in the area with suitable physical measures to mitigate it. Insofar as a clear boundary between land uses deploying readily recognisable physical features likely to be permanent can be achieved between housing and a golf course (which is a not uncommon distinction between Green Belt and adjacent urban land) an amended Green Belt boundary here would not be illogical. The site now promoted by its owner would be clearly defined.

137. Allocation of an appropriate part of the land at Fairways Farm could reduce the deficit identified above by 100 dwellings or thereabouts. MM56, which introduces the site into the SALDD as H(40) has now been consulted on through the main modification process. On the basis of the information adduced at the supplementary hearing, including landowner control of potential access, I am satisfied that practical difficulties concerning flood risk and the proximity of a waste processing plant can be adequately addressed at the detailed design stage.

138. Land opposite Kings Langley Station including the Alpine Press car park site could potentially increase the capacity of the Kings Langley Mixed Use Area for housing and other appropriate forms of development if a suitable amendment to the Green Belt were to be made. However, the potential contribution to the overall soundness of the plan through the satisfaction of housing and other identified needs is limited and certainly not critical.

Sites suggested by third parties which should not be considered for inclusion

These are Ebury Road (Rickmansworth), Baldwin's Lane (Croxley Green), land at East Lane (Bedmond Village) land north of Little Green Lane (Croxley Green) and the Wellcome Trust site (Kings Langley). Including these sites would compromise soundness.

⁴⁵ It should be noted that, at the Hearing session, the erroneous site area and indicative capacity information was corrected to read 100 dwellings on 3.3 hectares.

139. Land behind Nos. 59 - 99 Ebury Road (Rickmansworth) is located close in to the principal town centre but there is no evidence to demonstrate that access difficulties can be resolved and it is, moreover, situated in a floodplain.
140. Land at Baldwin's Lane, Croxley Green has been promoted in a variety of permutations for housing and secondary school development, or simply housing development. However, in view of my conclusions that a secondary school site is needed in the east of the District, that there are no reasonable alternatives to this land and that the disposition of the school building zone is in fact appropriate to the site and fully needed at this juncture for flexibility, it would be imprudent and unsound to undermine the effectiveness of the SALDD by attempting to combine the allocation with housing. Were events subsequently to demonstrate that the building zone could acceptably be combined with an element of housing at some point in the future, it would be good planning practice to ensure that site design did not rule the possibility out, but the Council would have to carefully consider the implications for, amongst other things the Green Belt boundary.
141. Land at East Lane, Bedmond Village, if developed as suggested, would effectively be a major expansion of the settlement, which the CS⁴⁶ seeks to constrain by a comprehensive set of criteria. Several of these would be breached and in particular the suggestion would not represent limited small-scale development in the context of the village as it currently exists. The suggestion would not be consistent with the CS and is not otherwise justified.
142. Land north of Little Green Lane, Croxley Green, would represent an incursion into an area of established Green Belt which currently has a clearly defined southern boundary in the form of Little Green Lane and it is not clear how access constraints could be overcome.
143. Land to the south of Toms Lane, Kings Langley has been promoted partly on the basis that adjacent land in the same ownership could contribute to resolving access problems for pedestrians in this area. However, the concept is insufficiently developed to be persuasive and without such resolution the site has very similar shortcomings to the other Toms Lane sites. It should not be considered other than in the context of a more comprehensive approach to the inherited pattern of development east of the railway.

Conclusions on housing sites

144. The Council indicated at the time of the supplementary hearing that the publication of the PPG had prompted it to add 112 specialist housing units for the elderly to its current land supply to create a buffer of around 6% of the plan period target. However, I had indicated in my November 2013 letter that the sort of margin of flexibility needed for soundness, say 4-5%, would be the minimum headroom required for soundness at the end of the plan period. Therefore, whilst this realistic addition to the

⁴⁶ Policy PSP4

land supply is of course helpful, it has limited impact on the overall thrust of my conclusions regarding the plan as a whole and I am also conscious that there is no tangible progress capable of being reported at this juncture regarding South Oxhey, the complexities of which serve to underline the importance of that headroom. In view of what the PPG now says regarding windfalls I do not consider a change of approach by the Council on that score is currently warranted as suggested by third party comment.

145. In extremis, the Council always has the option of early review of the plan if monitoring indicates, contrary to reasonable expectation, an unusually serious problem with housing delivery. However, with the main modifications proposed, I am satisfied, taking a practical approach, that the SALDD may be considered positive and effective vis-à-vis the CS and the NPPF in respect of the location and supply of housing for the entire plan period.

HS2

146. Three Rivers is to accommodate part of the route of HS2 Phase One. No allocations in the SALDD are affected but it is necessary for soundness that the safeguarded route is shown on the Policies Map. **MM38** puts this into effect.

Policies Map

147. Provided that the policies map is changed to reflect the recommended modifications the plan will be sound and the **MM41a** and **MM44a** put this into effect.

Assessment of Legal Compliance

148. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. With the exception of full compliance with the LDS, I conclude that the Plan meets them all. The December 2012 LDS provides for submission of the SALDD to the Secretary of State in March 2013 with adoption having been anticipated in December 2013. Clearly that timetable has not been met, owing to unavoidable slippage. However, it would plainly not be in the public interest for me to reject the plan on that basis. Rather it is best served by adoption of the modified plan as soon as practicable.

LEGAL REQUIREMENTS	
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out, including SA of the Council's proposed changes, and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report of November 2007 sets out why AA is not necessary.

National Policy	The SALDD complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The SALDD complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The SALDD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 1. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 2. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Three Rivers SALDD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

Keith Manning

Inspector

This report is accompanied by the Appendix containing the recommended Main Modifications.

For convenience, consistency and clarity this uses the format, order and numbering system adopted by the Council when it consulted on the main modifications as distinct from all proposed changes including minor modifications.