

**Transport and Works Act 1992  
Transport and Works  
(Inquiries Procedure) Rules 2004**

**CROXLEY RAIL LINK  
ORDER**

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**Volume 1  
Proof of Evidence Summary  
Town Planning**

**6<sup>th</sup> September 2012**

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## **1 INTRODUCTION**

### **1.1 Personal details**

1.1.1 My name is Mike Adams. I have been a Member of the Royal Town Planning Institute since 1980. As a planning consultant, I have been engaged in making planning applications for a number of transport projects in London during the past twenty years for organisations including London Underground Limited (LUL), Transport for London (TfL), and the Olympic Delivery Authority (ODA).

1.1.3 Hertfordshire County Council (HCC) and LUL (the “Applicants”) appointed me in April 2012 to be the town planning witness at the public inquiry into their requests for powers under the Transport and Works Act 1992 (TWA) for the CRL.

### **1.2 The application for deemed planning permission**

1.2.1 The Applicants seek powers to construct, maintain and operate the CRL in the form of an Order made under the TWA (TWAO). The TWAO application additionally requests a direction from the Secretary of State for Transport under section 90(2A) of the Town and Country Planning Act 1990 that planning permission shall be deemed to be granted for the works comprising the project as specified in document 10a of the draft TWAO.

### **1.3 The Environmental Statement**

1.3.1 The Applicants submitted an Environmental Statement (ES) as part of the TWAO application to assist the Secretary of State in reaching her decision on the proposals.

## 2 SCOPE OF EVIDENCE

### 2.1 Scope of Evidence

- 2.1.1 My evidence deals with the nature and scope of the application for deemed planning permission and gives the reasons why I consider the Secretary of State should approve the application. I refer to the planning policy context for the proposals, the responses obtained from consultation and the relationship of environmental considerations to railway engineering and operational requirements. I conclude with the case for the approval of the application to the Secretary of State for deemed planning permission.
- 2.1.2 On the 6<sup>th</sup> June 2012 the TWA Orders Unit issued a statement of matters on which the Secretary of State for Transport wishes to be informed through the public inquiry process. I identify below the references to those parts of my proof of evidence (Volume 2 ref. CRL/7/2) where the planning and environmental aspects of these matters are addressed.

No.	Matters	See Paragraph nos. for response
2	Justification for CRL inc. transport regeneration, environmental and soci-econ. benefits	4.5.20 – 4.5.21
4	Extent to which scheme would be consistent with NPPF	See Section 4
6g	Impacts on Grand Union Canal and its users, inc. boat residents and businesses	See Section 5
6h	Impacts on open space	See Section 5
10	Do planning conditions meet 11/95 tests?	See Sections 3.4 and 5
13	Qs re disapplication. of Allotments Act 1925	See Section 5

### **3 FORM OF APPROVAL BEING SOUGHT**

#### **3.1 The application for deemed planning permission**

3.1.1 The Applicants have made a request that, planning permission shall be deemed to be granted for the construction and use of:-

- (a) the works specified in Schedule 1 to the draft Croxley Rail Link Order; and
- (b) the other development which is proposed to be authorised by the Order including the ancillary development specified in Schedule 1 to the Rule 10(6) request.

#### **3.2 Reserved Matters**

3.2.1 The application for deemed planning permission is made in outline. Detailed design matters are reserved for later approval by Three Rivers District Council and Watford Borough Council. The scope of the design details to be submitted by the promoters is set out in draft planning condition 12 of Schedule 2 to the Rule 10(6) Statement.

#### **3.3 Planning Conditions (SoS's matter 10)**

3.3.1 I consider that the draft planning conditions proposed by the Applicants are necessary. In particular they will ensure that mitigation measures proposed in the Environmental Statement are carried out. The Applicants have reviewed their position on the provision of measures to mitigate railway noise following the adoption of a new policy on railway noise by LUL. This has led to proposals for noise mitigation along parts of the route that seek to secure that in all reasonably foreseeable circumstances the increase in noise levels at the nearest existing residential dwelling resulting from the operation of trains on the railway authorised by the Order will be less than 5dB<sub>L<sub>Aeq,T</sub></sub>. The Applicants therefore propose an additional planning condition on noise mitigation measures.

## **4. PLANNING POLICY CONTEXT**

### **4.1 Introduction**

4.1.1 I review the application for deemed planning permission for CRL against the NPPF, regional policy, the retained policies of the local plans and the emerging local development frameworks of the local planning authorities.

### **4.2 The National Planning Policy Framework March 2012 (NPPF)**

4.2.1 The NPPF contains four key policies that are important for the determination of the application for deemed planning permission for the CRL, as follows.

*1. The presumption in favour of sustainable development*

The CRL embodies the principles of sustainable development in the NPPF and accords with the development plans of the local planning authorities.

*2. Promoting sustainable transport*

The CRL is a sustainable transport mode that conforms to the policy objective in NPPF paragraphs 39 and 30 of a balance in favour of sustainable transport.

*3. Open Space and Recreation Land*

Paragraph 74 of the NPPF contains policies to protect open space land and to secure suitable replacement provision where it is lost to proposed development.

Proposals for the CRL Croxley require development on parts of Watford Road Recreation Ground and Harwood Recreation Ground. I consider that the mitigation measures proposed by the Applicants meet the policy requirements of paragraph 74 of the NPPF.

*4. Protecting Green Belt land*

Paragraph 90 includes local transport infrastructure as one of a number of forms of development that can be considered 'not inappropriate' in Green Belt subject to the criteria set out in the policy.

### **4.3 Regional Planning Policy – East of England Plan May 2008**

- 4.3.1 The East of England Plan identified Watford as a Key Centre for Development and Change in recognition of its regional role, particularly in terms of its transportation hub, strong retail centre and major employment location. It also set a target of 260 homes per annum to be delivered in the Borough.

### **4.4 The Development Plan of Three Rivers District Council**

- 4.4.1 The development plan comprises:

- Three Rivers District Council Core Strategy adopted 17<sup>th</sup> October 2011
- Retained policies of the Three Rivers Local Plan 1996 – 2011

#### ***Three Rivers District Council Core Strategy adopted 17<sup>th</sup> October 2011***

- 4.4.2 Policy S7 of the Core Strategy DPD seeks:

*“To deliver improved and more integrated transport systems and reduce the need to travel by locating development in accessible locations.”*

The supporting text to this policy describes the role of the CRL as follows:

*“In particular implementation of the Croxley Rail Link is supported, recognising its potential to enable more sustainable transport choices in the area.”*

#### ***Retained policies of the Three Rivers Local Plan 1996 – 2011***

- 4.4.3 The retained policies of the Three Rivers Local Plan 1996 – 2011 provide the development management policies for development control purposes until Three Rivers District Council adopts the Development Management Policies DPD that were published as a pre-submission consultation in January 2012. Policy L9 concerns the protection of existing amenity and children’s play space and Policy H17 provides the policy context for residential moorings on the Grand Union Canal.

#### **4.5 The Development Plan of Watford Borough Council**

4.5.1 The development plan comprises the retained policies of the Watford District Plan 2000, adopted December 2003. The Borough Council submitted its draft Core Strategy to the Secretary of State for Communities and Local Government on 28<sup>th</sup> February 2012. The hearing into the Core Strategy took place from 12<sup>th</sup> – 19<sup>th</sup> June 2012. Although it is not adopted policy it provides an up to date planning context for the CRL.

##### ***Draft Core Strategy February 2012***

4.5.2 Paragraph 9.0.2 of the draft Core Strategy says “*..there is an issue with the quality of the employment stock, as evidenced by high vacancy rates and falling job numbers. This needs to be addressed to prevent continuing job losses.*”

4.5.3 The Borough Council’s response to this situation is set out in Strategic Objective 3 to enhance Watford’s regional economic and transportation role and Policy EMP 1 that says: “*Around 7,000 additional jobs will be encouraged between 2006 and 2031, to maintain Watford’s role as a regional centre. ....*” The Core Strategy proposes that these jobs will mainly be accommodated on existing employment sites and in Special Policy Areas.

4.5.4 The Croxley Rail Link is proposed in Policy T1 as a scheme that seeks to develop Watford’s role as a regional transport node.

##### ***Special Policy Areas (SPAs)***

4.5.5 Watford Borough Council proposes new development and improvements to the physical environment in the vicinity of the four railway stations on the CRL in a number of Special Policy Areas (SPAs) as follows:

- Ascot Road Station / Policy SPA 6 Western Gateway - supermarket,



primary school, 300 homes and 700 – 2000 jobs.

- Watford Hospital Station / Policy SPA 3 Health Campus – a new hospital, 500 new homes, local shops , a primary school and 1,000 to 1,900 new jobs
- Watford High Street Station / Located between policy areas SPA 1 Town Centre and SPA 4 Lower High Street
- Watford Junction Station / Policy SPA 2 Watford Junction - 1,500 new homes, employment, retail, a primary school and 1,350 to 2,350 jobs.

***Retained policies of the Watford District Plan 2000, adopted December 2003***

4.5.6 The retained policies of the District Plan 2000 are the development plan until such time as all of the DPDs for the Local Development Framework are adopted. The retained policies of Watford District Plan 2000 are important in terms of:

- the Policy T16 and T20 proposals for the CRL;
- the land use designations for the land needed for the CRL; and,
- development control policies.

**4.6 Justification for the proposed Croxley Rail Link**

4.6.1 Three Rivers District Council and Watford Borough Council support the CRL for the additional opportunities it will provide for sustainable travel using public transport. In addition the interchange opportunities at Watford Junction will reinforce Watford's role as a railway hub on the West Coast mainline.

4.6.2 Watford has experienced significant job losses since 2001. As a significant investment in new public transport infrastructure I consider that CRL will provide an important role in encouraging private investors to support regeneration initiatives in the railway corridor.

## **5. CONSULTATION, ENVIRONMENTAL ASSESSMENT AND DESIGN DEVELOPMENT – DETAILED MATTERS**

### **5.1 Introduction**

5.1.1 I have demonstrated in Section 4 that specific policy proposals in support of CRL are made in the development plans and emerging strategies of Three Rivers District Council and Watford Borough Council. In Watford this extends to the safeguarding of land needed for the route and the proposed station at Ascot Road.

### **5.2 Town Planning Related Issues**

5.3.1 I set out below my comments on the key issues, including matters raised by the Secretary of State.

*Are the proposals for the Croxley viaduct compliant with NPPF policy on the protection of the Green Belt?*

5.3.2 There is a need for the Croxley viaduct to be located in the Green Belt as the only feasible alignment that links the existing Metropolitan line with the disused Croxley Branch Line. Paragraph 90 of the NPPF advises that 'local transport infrastructure that can demonstrate a requirement for a Green Belt location' is a form of development that is not inappropriate to the Green Belt. I consider that the measures taken by the Applicants in terms of siting, design and proposed land uses beneath the viaduct will preserve the openness of the Green Belt and not conflict with the purposes of the Green Belt.

*The temporary and permanent effects of the scheme on open space and the promoters' proposals for providing replacement open space at the Watford Road Recreation Ground SoS's Matter 6h*

5.3.3 The Applicants propose to relocate the children's play area at Watford Road Recreation Ground away from the alignment of the proposed CRL viaduct on to a

site that includes adjoining disused railway land. I consider this is an effective measure to maintain the use of the play activities following completion of the works. In addition, the proposed replacement public open space at Lavrock Lane will provide a net increase in public open space available to residents of Croxley Green.

*Impacts on the Grand Union Canal and its users, including boat residents and waterway related businesses SoS's Matter 6(g)*

- 5.3.4 Cassio Wharf is used as a boatyard by Macdonald Marine and has moorings for ten boats that are mostly in residential use. Three of these moorings are located in the worksite that is needed to construct the CRL viaduct but would be returned for use by boat owners on completion of the works. The boat owners affected have been offered the opportunity to temporarily relocate to a marina during the construction period but have expressed a preference for staying in or around Cassio Wharf. The Applicants have undertaken various measures to maintain access to the utilities used by boat residents during the construction works and to explore the possibility of establishing temporary moorings to the south of Cassio Wharf. Once a contractor is appointed then the opportunity to reduce the time that the three affected boat owners need to vacate their moorings can be assessed.
- 5.3.5 When CRL is completed one of the reinstated moorings will be partially over-sailed by the CRL viaduct. The Applicants have commissioned Mouchel to undertake noise monitoring at Cassio Wharf. Comparison of the LAeq18hr figures derived from the monitoring with those predicted by the modelling with the CRL in place indicates a change from existing daytime noise levels of the order of 53dBA to between 54-56dBA with the added effects of railway noise. This constitutes a slight increase in terms of the impact ratings described in paragraph 13.3.26 of the Environmental Statement. This noise level should be compatible

with residential occupation of boats at the moorings close to the proposed viaduct.

If boat owners decide to relocate then the moorings would remain available as leisure moorings.

*The status of footpaths adjoining the proposed Croxley Rail Link*

- 5.3.6 Mr. Colin Knight made a representation on 8<sup>th</sup> February 2012 (REP 3) on behalf of the Ramblers' Association stating that he has no objection to the Croxley Rail Link. He did, however, that he would like to see both paths added to the Definitive Map. I do not consider that this is a matter for this TWAO inquiry. If the Ramblers' Association seeks dedication of these paths then it should follow the normal processes. Additionally the Open Spaces Society has made representations (Rep 5) that the disused alignment to Watford Metropolitan station should be used as a Greenway to Cassiobury Park for pedestrians, cyclists and horse riders. LUL proposes to keep this section of line in operational use for the stabling of trains. In addition there are suitable routes for pedestrians and cyclists from the proposed Ascot Road station by means of Gade Avenue and the towpath to the Grand Union Canal.

*The loss of public open space at the Harwood Recreation Ground due to proposals for the Watford General Hospital Station in Vicarage Road; SoS's Matter 6(h)*

- 5.3.7 There are no objections to the proposed loss of public open space that forms part of the Harwoods Adventure Playground and I do not consider that the loss of the strip of land adjoining the railway that is 293.6 square metres in area will have an adverse affect on the use of the play facility. Taking account of the Applicants' proposals to extend the Harwoods Recreation Ground using disused railway land I consider that the net loss of 52.5 square metres of public open space will have a neutral impact on the recreation ground.

*The loss of land at the Holywell Allotments due to proposals for the Watford General Hospital Station in Vicarage Road. SoS's Matter 13*

- 5.3.8 Taking into consideration the small area of land involved; the fact that the Council has set it aside from cultivation and the surplus supply of plots at Holywell Allotments, I consider that it is reasonable for the Applicants not to offer replacement land in compensation for the compulsory acquisition of plot 73a. Watford Council has advertised the loss of allotment land and there has been no objection.

## **6 CONCLUSIONS**

6.1.1 My evidence to the inquiry demonstrates that the CRL will perform a strategic role in enabling the local planning authorities and the Applicants to promote sustainable transport. I have demonstrated that the CRL accords with the development plan and that there are strong grounds to expect that implementation of the local transport infrastructure will encourage investment in the SPAs that are proposed by Watford Borough Council in its submission draft Core Strategy.

6.1.2 The NPPF sets out a presumption in favour of sustainable development. I conclude that CRL provides a good example of how high quality local transport infrastructure performs as sustainable development and can, in turn, support sustainable development and regeneration along its route.

## **7 WITNESS DECLARATION**

7.1.1 I hereby declare as follows:

- This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the inquiry's attention has been drawn to any matter which would affect the validity of that opinion;
- I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct: and,
- I understand my duty to the inquiry to help it with matters within my expertise and I have complied with that duty.

*Mike Adams, Adams Infrastructure Planning Ltd., 6<sup>th</sup> September 2012*