

Transport and Works Act 1992

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

**CROXLEY RAIL LINK
ORDER**

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Volume 2

Proof of Evidence

Town Planning

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1 INTRODUCTION

1.1 Personal details

1.1.1 My name is Mike Adams. I am the town planning witness for the Croxley Rail Link (CRL). I have a BA Honours Degree in Geography, a Diploma in Town Planning and a Diploma in Building Conservation. I have been a Member of the Royal Town Planning Institute since 1980.

1.1.2 I am a director of Adams Infrastructure Planning Ltd. 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 including the East London Line Extensions for London Underground Limited (LUL), Stratford Station Upgrade for Transport for London (TfL), Thames Gateway Bridge for TfL and Capacity Enhancement Works at West Ham Station for 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 the application. The application is made as prescribed in Rule 10(6) of the TWA (Applications and Objections Procedure) (England and Wales) Rules 2006 and is submitted as document 10a of the draft TWAO. The application

proposes that planning permission be granted subject to planning conditions as set out in Schedule 2 to the Rule 10(6) request for deemed planning permission.

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 his decision on the proposals. The ES presents the findings of the environmental assessment of the potential impacts that may arise from the construction and operation of the railway extensions. To avoid repetition I make reference to relevant sections of the ES and Mr Reid's proof of evidence in amplification of the evidence presented in this document.

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.

2.2 Structure of the proof of evidence

2.2.1 Firstly, in Section 3, I describe the works for which planning permission is sought. I then deal with the form of approval which the Applicants seek, identify those matters that are reserved for determination by the local planning authorities and consider how planning conditions could be applied.

2.2.2 Secondly, in Section 4, I review the planning policy context for CRL.

2.2.3 Thirdly, in Section 5, I describe how the design for the planning application scheme has been developed to take account of responses to consultation, environmental assessment and engineering design development. This deals with some of the site specific aspects of the scheme in terms of planning policy and statutory provisions.

2.2.4 Finally, in Section 6, I conclude with the case for the approval of the application to the Secretary of State for deemed planning permission.

2.3 Statement of Matters

2.3.1 On the 6th 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 where the planning and environmental aspects of these matters are addressed:

Extracts from Statement of Matters

“2. *The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration, environmental and socio-economic benefits of the scheme.*”

See paragraphs 4.5.20 – 4.5.21

“4. *The extent to which the scheme would be consistent with the National Planning Policy Framework and local planning, transport and environmental policies.*”

See Section 4

“6 *The likely impact on residents, schools, businesses and the environment of constructing and operating the scheme. including:*

(g) *impacts on the Grand Union Canal and its users, including boat residents and waterway-related businesses;*

(h) *the temporary and permanent effects of the scheme on open space and the promoters’ proposals for providing replacement open space (see Note 2) and ...*”

See Section 5

“10. *The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of DoE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.*”

See Section 3.4 and Section 5

“13 *In relation to the proposed disapplication of the provisions of the provisions of the Allotments Act 1925 (in Article 16(2) of the draft Order), for the compulsory acquisition of plot 73a, designated as ‘allotment land’, whether the land in question is used, or could in future (in the absence of the scheme) reasonably be used, as part of an allotment plot; and if so, whether it is the case that:-*

- *the allotment in question is not necessary and surplus to requirement;*
- *adequate alternative provision will be made for displaced plot holders, or that such provision is not necessary or is impracticable;*
- *the number of people on the waiting list has been taken into account;*
- *the authority have actively promoted and publicised the availability of sites and have consulted the National Society of Allotment and Leisure Gardeners; and*
- *the implications of disposal for other relevant policies, in particular development plan policies, have been taken into account.*

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.

3.1.2 In summary the works for which the promoters seek deemed planning permission are:

- a railway viaduct approximately 400 metres long between the LUL Metropolitan Line, west of Baldwins Lane and the earth embankment of the disused Croxley Branch Line at a point west of the Ascot Road dual carriageway;
- modification of existing disused railway embankment west of Ascot Road by construction of a reinforced earth wall;
- reconstruction and extension of the culvert between Beggars Bush Lane and Ascot Road;
- construction of a three span bridge across the Ascot Road dual carriageway and the old Ascot Road with the proposed Ascot Road station buildings located within the central span;
- reconstruction of existing railway embankment east of the Old Ascot Road to provide for a two track railway;
- widening of railway cuttings between Ascot Road and Stripling Way to

provide for a two track railway;

- construction of proposed Watford Hospital Station west of the existing Vicarage Road overbridge;
- modifications to seven existing bridges and culverts along the disused Croxley Branch Line to accommodate two new tracks; and,
- a railway 120 metres in length, comprising the reinstatement of the junction of the Croxley Green Branch Line Railway with the Euston to Watford Junction Line railway.

3.1.3 In addition the Rule 10(6) request seeks deemed planning permission for ancillary development in connection with works Nos. 1, 1A and 2, as follows:

“Demolition of the bridge carrying the existing railway over Ascot Road, construction of an electricity substation with a maximum height of 10.65 metres and a maximum footprint of 20.5 by 40 metres located on land to the south of the railway adjacent to Tolpits Lane, embankments, aprons, abutments, retaining walls, wing walls, culverts; electrical, telecommunications, signalling, and mechanical equipment and other works necessary or expedient for the construction of Works Nos 1, 1A, and 2, provision of temporary working sites, diversion of statutory undertakers apparatus, including mains, sewers, drains and cables; noise attenuation measures and landscaping, reconfiguration of Watford Road playground and other works to mitigate any adverse effects of the construction, maintenance or operation of the proposed works.”

3.2 Provision for ancillary development within the operational railway between the end of the disused Croxley Rail Link and Watford Junction station

3.2.1 The Rule 10(6) request for planning permission includes ancillary development on the operational railway, as follows:

“Alteration of existing railways, extension of platforms 1 and 2 at Watford High Street station and platforms 3 and 4 at Watford Junction station, the provision of rail systems and facilities for operational purposes, installation of fourth rail power supply and reconfiguration of permanent way and signalling.”

3.3 Reserved Matters

- 3.3.1 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, as local planning authorities for the TWAO application. 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 request for deemed planning permission, as quoted below:

“Detailed design approval

12. No development for the stations, viaduct, Ascot Road bridge works, Cardiff Road bridge works, parapet works or substation shall commence in each case until written details of the layout, scale and external appearance, including facing materials in each case have been submitted to and approved in writing by the local planning authority. The development shall be built in accordance with the approved details unless subsequently otherwise approved by the local planning authority in writing.

(Reason: to protect the amenities of adjacent properties and ensure satisfactory external appearance for the development).”

3.4 Planning Conditions

- 3.4.1 The Rule 10(6) request for planning permission includes in Schedule 2 a number of draft planning conditions that have been developed by the Applicants in consultation with the local planning authorities. These include conditions reserving for subsequent approval of the local planning authority matters relating to

construction, archaeology, contamination, means of access, landscaping, massing, height and external appearance of structures, environmental mitigation, drainage, and flood compensation. The wording of the planning conditions may change following the review of the planning conditions at the public inquiry.

- 3.4.2 The Applicants have set out draft planning conditions as Schedule 2 to the Rule 10(6) request for deemed planning permission. I have reviewed the Applicants' draft planning conditions against the development plans of the local planning authorities and the 6 tests of DoE Circular 11/95. The Applicants have consulted the local planning authorities on the drafting of the conditions. I note that all of the main planning conditions are 'pre-commencement conditions' that will give considerable powers of enforcement to the local planning authorities.
- 3.4.3 I consider that the proposed draft planning conditions are necessary. In particular they will ensure that mitigation measures proposed in the Environmental Statement are carried out. The draft conditions do not include a provision concerning measures to mitigate operational railway noise. This is because the noise assessments carried out for the environmental impact assessment indicate that noise levels during railway operation will not exceed the thresholds set out in the Noise Insulation (Railway etc.) Regulations 1996 (see Chapter 13 Noise and Vibration of the Environmental Statement). The Applicants have reviewed their position on this matter 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 are dealt with in more detail in the proof of evidence of Mr. Paul Reid, the environment witness.
- 3.4.4 The Applicants therefore propose an additional planning condition concerning measures to mitigate operational railway noise, as follows:

Draft noise condition

“Unless otherwise agreed in writing with the local planning authority, noise barriers or other mitigation measures shall be provided, and thereafter maintained, in the locations shown on Mouchel drawing no. 1044118-NB1 in a form designed 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 5dBL_{Aeq,T}. The noise barriers or other mitigation measures shall be installed before the commencement of the operation of services on that railway.

(Reason: to protect residential amenities). “

- 3.4.5 I reproduce a copy of the Mouchel drawing no. 1044118-NB1, that shows the locations of the proposed environmental barriers, as Figure 14 of Volume 3 Town Planning Appendices.

4. PLANNING POLICY CONTEXT

4.1 Introduction

4.1.1 The project history of the CRL is set out in Section 4 of the Statement of Case.

Initiatives to promote the CRL started well before the cessation of train services on the Croxley Branch Line in 1998 and the formal closure of the line in 2001. Three Rivers District Council expressed support for the CRL in Policy T3 of the Three Rivers Local Plan 1996 – 2011, adopted 10th July 2001 and showed the proposed route on the Proposals Map (see, Figure 1, Volume 3 Town Planning Appendices). Watford Borough Council expressed support for the CRL in Policies T 16 and T 20 of the Watford District Plan 2000, adopted 3rd December 2003 and showed the proposed route on the Proposals Map (see Figure 7, Volume 3 Town Planning Appendices).

4.1.2 The Planning and Compulsory Purchase Act 2004 introduced local development frameworks as the spatial planning strategies for district councils in England. Both the retained policies of the adopted local plans and the emerging local development frameworks are relevant in providing the policy context for the CRL.

4.1.3 The Coalition Government made significant changes to national planning guidance by replacing the Planning Policy Guidance Notes and Planning Policy Statements with the National Planning Policy Framework (NPPF) on 27th March 2012. In addition it is in the process of withdrawing all Regional Spatial Strategies apart from the Mayor of London's London Plan. The NPPF gives up to date guidance on a number of matters that are relevant to the application for deemed planning permission for CRL.

4.1.4 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. I deal with these under the following headings:

1. The presumption in favour of sustainable development
2. Promoting sustainable transport
3. Open space and recreation land
4. Protecting the Green Belt

1. The presumption in favour of sustainable development

4.2.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development as the basis for both plan making and decision taking.

*“14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.”*

4.2.3 The application of this presumption to decision taking is set out as follows:

*“For **decision-taking** this means:¹*

- *approving development proposals that accord with the development plan without delay;”*

4.2.4 The CRL embodies the principles of sustainable development in the NPPF and accords with the development plans of Three Rivers District Council and Watford

¹ Unless material considerations indicate otherwise.

Borough Council (as described below in sections 4.4 and 4.5). A key feature of CRL is that by constructing a viaduct of 400 metres in length it is possible to make sustainable use of the disused Croxley Branch Line and make better use of the existing Metropolitan Line to Aldgate and also the Network Rail line between Watford High Street and Watford Junction stations.

2. Promoting sustainable transport

4.2.5 The NPPF sets out the important role of transport in facilitating sustainable development in paragraphs 29 and 30, as follows.

“29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”

4.2.6 The CRL is a sustainable transport mode that conforms to the policy objective of a balance in favour of sustainable transport. The route supports a pattern of development proposed in the submission draft Watford Core Strategy that is located around stations on the CRL to encourage the use of sustainable modes of transport. These modes include frequent rail services on the extended Metropolitan

line, integrated bus services to Ascot Road station and cycle parking facilities at Ascot Road and Watford General Hospital stations.

3. Open Space and Recreation Land

4.2.7 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.

“74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

4.2.8 Proposals for a railway viaduct at Croxley require development on parts of an open space and children’s play area that is owned and managed by Three Rivers District Council. An assessment of the impact and the mitigation measures proposed by the Applicants is made in paragraphs 5.3.14 – 5.3.21 and Figures 10 and 11 in Volume 3 Town Planning Appendices.

4.2.9 In my opinion these arrangements meet the policy requirements of paragraph 74 of the NPPF.

4. Protecting Green Belt land

4.2.10 A key aspect of the NPPF is the Government’s commitment to protect the Green Belt as set out in paragraph 79.

“79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

4.2.11 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.

“90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

....

- local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

.....”

4.2.12 I assess the impact of the CRL proposals on the policy objective of protecting the Metropolitan Green Belt in paragraphs 5.3.2 – 5.3.13 below.

4.2.13 In summary I consider that the CRL conforms to the NPPF by improving public transport access to interchanges at Watford High Street and Watford Junction and supporting opportunities to locate development close to these stations and also proposed stations at Ascot Road and Watford General Hospital, (Vicarage Road).

4.3 Regional Planning Policy

4.3.1 On 6 July 2010 the Secretary of State announced the revocation of Regional Spatial Strategies outside London with 'immediate effect'. However, there was a legal challenge to this revocation that was upheld by the court. Therefore, the Regional

Spatial Strategies remain in effect but the Government's intention to withdraw them is a material consideration. Consultation by the Department of Communities and Local Government (DCLG) on the environmental report on the revocation of the East of England Plan ended on 20th January 2012 and the decision is awaited.

East of England Plan May 2008

- 4.3.2 The East of England Plan, published in May 2008, is the Regional Spatial Strategy for the CRL. 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. The East of England Plan also set a target of 260 homes per annum to be delivered in the Borough. Although the East of England Plan is in the process of being revoked Watford Borough Council has used the East of England Plan to provide strategic guidance in the preparation of its Core Strategy.

The London Plan 2011

- 4.3.3 The London Plan 2011 remains in place as regional spatial strategy. The CRL is located wholly in the County of Hertfordshire but the Mayor of London promotes extensions to the London Underground network in the Mayor's Transport Strategy 2010, including the CRL, in support of social and economic opportunities that it will provide (see section 3.9.2 of the Applicants' Statement of Case). Policy 2.7(d) of the London Plan 2011 seeks to address constraints and opportunities in the economic growth of outer London so that it can rise above its long term economic trends by providing strategic and local co-ordination within development corridors, including across the London boundary into adjoining counties.

4.4 The Development Plan of Three Rivers District Council

4.4.1 Three Rivers District extends around the northern, western and southern boundaries of Watford Borough. Three Rivers District is served by Metropolitan Line stations at Moor Park; Croxley; Chorleywood, and Rickmansworth. In addition it is served by Carpenders Park station on the London Overground line from Euston to Watford junction. The Council supports the CRL as it will provide improved access by public transport for its residents to regional facilities at Watford town centre and the Watford Health Campus. I note that additionally that CRL will connect all five stations in the District by means of the proposed interchange at Watford High Street station.

4.4.2 The development plan comprises:

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

4.4.3 In addition the District Council consulted on a Site Allocations Development Plan Document (DPD) and Development Management Policies (DPD) during a period up to 5th March 2012 that, when adopted, will form part of the Local Development Framework.

Three Rivers District Council Core Strategy adopted 17th October 2011

4.4.4 The Core Strategy DPD, adopted by Three Rivers District Council on 17th October 2011 provides the overarching strategy and policies and the long-term vision for Three Rivers. I set out in Appendix 1 (in Volume 3 Town Planning Appendices) those Core Strategy policies that I consider are relevant to the Applicants' request for deemed planning permission.

4.4.5 The first policy of the Core Strategy is:

“To ensure that development in Three Rivers recognises the District’s distinctive countryside and Green Belt, through sustainable patterns of development.” (S1)

The Applicants have planned the route of the viaduct from the Metropolitan line to the disused Croxley Branch Line on an alignment that avoids open countryside and seeks to minimise its impact on the Green Belt. I deal with Green Belt policy in Section 5.1.

4.4.6 Policy S7 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.”

4.4.7 The CRL is shown as ‘New Railway Line’ on Figure 5: Key Diagram of the Core Strategy. (This is reproduced as Figure 2 in Volume 3 Town Planning Appendices).

Site Allocations Development Plan Document Pre-Submission (Preferred Options) Consultation January 2012

4.4.8 The following sites that are relevant to the CRL proposals have been subject to pre-submission consultation and are likely to be allocated as part of the Local Development Framework in early 2013..

H14 33 Baldwins Lane, dwelling capacity 15

The CRL viaduct is located on the northern part of this site but it will still be possible to use the remainder of the site for housing development.

(See Plot 7 in the Book of Reference and Sheet 1 of the Deposited Plans.

The Site Allocation DPD plan is shown as Figure 3 of Volume 3 Town Planning Appendices.)

S(d) Proposed secondary school allocation north east of Baldwins Lane (12.3 ha)

The southern boundary of the site adjoins the existing Metropolitan line. The Proposed CRL diverges from the Metropolitan line west of Baldwins Lane. The proposed school site is within the 800 metre catchment zone of the proposed Ascot Road station. (The Site Allocation DPD plan is shown as Figure 4 of Volume 3 Town Planning Appendices.)

OS(g) Proposed Public Open Space at Croxleyhall Wood, Croxley Green

This proposed public open space that is partly in the ownership of London Underground Limited is located to the north of replacement open space that is proposed by the Applicants at Lavrock Lane as part of the CRL scheme. (The Site Allocation DPD plan is shown as Figure 5a of Volume 3 Town Planning Appendices.)

OS(h) Proposed Public Open Space at Buddleia Walk, Croxley Green

This land includes disused Metropolitan Railway sidings and is largely in the ownership of London Underground Limited. It is located south and east of replacement public open space that is proposed by the Applicants at Lavrock Lane. (The Site Allocation DPD plan is shown as Figure 5b of Volume 3 Town Planning Appendices.)

Development Management Policies Development Plan Document Pre-Submission (Preferred Options) Consultation January 2012

- 4.4.9 This DPD, when adopted, will be used to provide a consistent approach to the assessment of planning applications within Three Rivers District. 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.

Retained policies of the Three Rivers Local Plan 1996 – 2011

4.4.10 I set out in Appendix 1 (see Volume 3 Town Planning Appendices) the retained policies of the Three Rivers Local Plan 1996 – 2011 that I consider are relevant to the Secretary of State's consideration of the application for deemed planning permission for CRL and the future application to Three Rivers District Council for the discharge of the planning conditions. Policy L9 is relevant to the effect of the proposed works on the Watford Road Recreation Ground because it concerns the protection of existing amenity and children's play space. Policy H17 is also relevant because it provides the policy context for residential moorings on the Grand Union Canal.

POLICY L9 PROTECTION OF EXISTING AMENITY AND CHILDREN'S PLAY SPACE:

- (1) *Proposals for development which would lead to the loss, or prejudice the use or appearance of all or any part of an existing area of amenity space, will only be permitted in the following circumstances:*
 - (i) *Where a carefully quantified and documented assessment of current and future needs demonstrates that there is an excess of the particular type of amenity space in the local catchment;*
 - (ii) *Where the proposed development is ancillary to the principal use of the site and does not affect the quality, quantity, use or availability of the amenity space;*
 - (iii) *Where the amenity space which would be lost would be replaced by a facility of equivalent or better usefulness and quantity, and subject to equivalent or better management arrangements, prior to the commencement of the development.*
- (2) *The Council may impose conditions or seek to enter into a planning obligation with developers when granting consent, to ensure replacement provision.*
- (3) *Development which would lead to the loss, or prejudice the use of any existing children's play space will be refused.*

4.4.11 Policy H17 provides the policy context for new residential moorings and this is supported by the reasoned justification in paragraph 6.63 that sets out the Council's policy position on new residential moorings in the Green Belt.

"POLICY H 17 RESIDENTIAL MOORINGS:

- (1) *Proposals for new residential moorings (whether in a basin or along the canal) should:*
 - (i) *Be located with good access to local services and public transport, and where there is suitable infrastructure for water supply and proper disposal of waste water.*
 - (ii) *Be accessible by bicycle wherever possible, and have satisfactory arrangements for parking, access and servicing.*
 - (iii) *Not be located in or adjacent to areas of importance for nature conservation unless satisfactory measures to mitigate their effects on the species and habitats affected are included.*
 - (iv) *Not result in a net increase in the number of boats using the residential moorings in the District.*
- (2) *The effect of residential moorings on the canal side environment through the erection of temporary structures, loss of trees, rubbish dumping, etc will be carefully monitored and where possible, controlled".*

"6.63 Despite the problems associated with long term moorings, houseboats do provide low-cost accommodation and are counted for the purposes of housing land supply. The Council will work with British Waterways to find a long term solution to the issues, which may involve the provision of residential moorings in a basin or other suitable location. Such a proposal will require planning permission, and the Council is concerned to ensure that any such facility makes provision strictly in accordance with existing need in the District. Residential moorings are not included as appropriate development in the Green Belt by PPG2 (Green Belts), therefore applications for moorings on any part of the canal outside the urban areas will have to be supported by 'very special circumstances' "

4.5 The Development Plan of Watford Borough Council

Introduction

4.5.1 The development plan of Watford Borough Council comprises the retained policies of the Watford District Plan 2000, adopted December 2003. Watford is an important regional employment centre but it has experienced a significant loss of jobs between 2001 and 2009, mainly in manufacturing industries. The Borough Council submitted its draft Core Strategy to the Secretary of State for Communities and Local Government on 28th February 2012. The hearing into the Core Strategy took place from 12th – 19th June 2012. I consider the draft Core Strategy first because this provides the most up to date policies to enable the Council's objectives for economic development and regeneration to be achieved. The Core Strategy demonstrates also the relationship of the CRL to development proposals in Watford. At the hearing into the Core Strategy the inspector asked for more specific numbers for the homes and jobs that the Council proposes to be provided in the Special Policy Areas. The Council published Schedule D Main Post Hearing Changes on 30th July for a six week period of public consultation. I attach pages 1 – 6 of these changes as Appendix 2 in Volume 3 Town Planning Appendices. The land use planning proposals that I set out for the SPAs along the route of the CRL are taken from the Schedule D Post hearing changes. Having set out the key policies of the draft core strategy I then consider the policy context provided by the Watford District Plan 2000.

Draft Core Strategy February 2012

4.5.2 Paragraph 9.0.2 of the draft Core Strategy summarises the economic challenges in Watford as follows:

“9.0.2 The evidence shows that whilst Watford remains a key economic centre, providing employment and leisure both for local residents and for people living

within the sub-region, and continues to attract interest from businesses, 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 as follows:

“Strategic Objective 3:

Enhance Watford's regional economic and transportation role

3.2.3 To develop Watford's role as a centre of regional economic significance and a major transport interchange in a manner which enhances Watford's local identity, promotes sustainable development and regeneration and creates new sustainable transport solutions. This includes a number of major town centre and edge of centre regeneration proposals, improved and enhanced transport links and intelligent transport systems. Employment opportunities will be enhanced by improving the quality and diversity of employment space across the Borough.”

- 4.5.4 Policy EMP 1 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.

- 4.5.5 The Croxley Rail Link is proposed in Policy T1 as a scheme that seeks to develop Watford's role as a regional transport node:

“Policy T 1

(a) Regional Transport Node

Watford is a significant local and regional transport node. The Borough Council in conjunction with the County Council and other partner bodies will promote and implement the necessary transportation infrastructure and interchange improvements to support and enhance Watford's current transport role. These are the:

- *Croxley Rail Link;*
- *Watford Junction Interchange;*
- *Conversion of Abbey Flyer from Heavy Rail to Light Rail."*

4.5.6 Paragraphs 10.1.5 and 10.1.6 of the supporting text for the Croxley Rail Link show the importance of the scheme to the Borough Council in improving public transport access to Watford town centre, London and intermediate stations.

Croxley Rail Link

"10.1.5 The Croxley Rail Link is a key scheme which will contribute to the future prosperity of Watford and South-West Hertfordshire by improving the accessibility of the town and key facilities. In particular, it will provide improved access to Watford General Hospital and the Vicarage Road stadium.

10.1.6 Other benefits include reduction in crowding on the national rail and underground network, and improving links to and from London including links to Wembley Stadium."

Special Policy Areas (SPAs)

4.5.7 Watford Borough Council proposes new development and improvements to the physical environment in the vicinity of the four railway stations on the Croxley Rail Link in a number of Special Policy Areas (SPAs). These are shown on Figure 3, the Key Diagram, that is reproduced as Figure 8 in Volume 3 Town Planning

Appendices.

- Ascot Road Station

Policy SPA 6 Western Gateway “ - an area focused on Watford Business Park, an underperforming employment area in need of upgrading. Additional employment will be provided, with a wider mix of uses including a supermarket, a pr*imary school and 300 homes in sustainable locations close to the proposed new Croxley Rail Link station and the road interchange at Ascot Road. The council expects this SPA to provide in the order of 700 to 2,000 additional jobs in the business park with an additional 150 retail jobs at Ascot Road.”*1

- Watford Hospital Station

(Note called Vicarage Road station in the Core Strategy) Policy SPA 3 Health Campus –“ a mixed use scheme including a new hospital, at least 500 new homes, employment space, and local shops and a primary school on a site including the current Watford General Hospital. The council expects the Health Campus to provide in the order of 1,000 to 1,900 new jobs”.¹

- Watford High Street Station

The Croxley Rail Link will bring London Underground services to Watford High Street. This existing station is located between policy areas SPA 1 Town Centre where major development including the redevelopment of Charter Place is proposed and SPA 4 Lower High Street where the

*

*1 Schedule D Main Proposed Changes (Post Hearings) July 2012

intention is to encourage the enhancement of the area by focusing on proposals which present opportunities to achieve improvements to the public realm, and the heritage and green infrastructure assets of this area.

- Watford Junction Station

Policy SPA 2 Watford Junction - *“a high density mixed use scheme including a major transport interchange, 1,500 new homes, employment, retail, and leisure and social and community infrastructure including a primary school in the area. The council expects this SPA to provide in the order of 1,350 to 2,350 jobs.”^{*1}*

Infrastructure Projects Policy

- 4.5.8 Policy IP1 sets out the approach of Watford Borough Council to working with other agencies to deliver the Croxley Rail Link.

“Policy IP 1

Croxley Rail Link

- *The council will work alongside Hertfordshire County Council, DfT and other major stakeholders involved in this infrastructure project in order to maximise the chances of the project's delivery at the earliest possible date.*
- *The council will seek to maximise the benefits to the community by actively engaging in discussions regarding detailed design and operational issues, and seeking to influence outcomes for the benefit of the community.”*

- 4.5.9 In summary the Croxley Rail Link provides a west to east public transport service in Watford Borough and an impetus for new development to come forward in Watford that will enable the delivery of a more sustainable form of urban

^{*1} Schedule D Main Proposed Changes (Post Hearings) July 2012

development as set out in Policy T1 and the various SPA policies of the Core Strategy.

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

4.5.10 I set out in paragraph 4.5.1 the reasons I consider that the submission draft Core Strategy sets out a more up to date planning context in terms of social and economic objectives during the period to 2031. 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,
- the development control policies that are material to the Applicants' request for deemed planning permission and the future application to Watford Borough Council for the discharge of the planning conditions.

The Policy T16 and T20 proposals for the CRL

4.5.11 Policy T20 sets out the transport proposals of Hertfordshire County Council as follows:

"T20 Transport Proposals

Hertfordshire County Council proposes the following transport schemes:

- a) *Croxley Rail Link*
- b) *Cardiff Road Link*
- c) *Watford Junction Interchange Improvement*
- d) *HGV and Bus only link between Tolpits Lane and Cardiff Way.*

The anticipated land take of these schemes is shown on the Proposals Map as safeguarded areas."

- 4.5.12 Policy T16 sets out a number of proposals that seek to encourage rail use through assisting in the implementation of the CRL and identifying a site (shown hatched black on the Proposals Map) for a new station at Ascot Road.

“T16 Rail Use

The Council, through consultations with the County Council, Shadow Strategic Rail Authority, Network Rail, the Train Operating Companies, Transport for London and all other relevant agencies will seek to encourage, maintain and improve a rail network which is responsive to the local and long distance travel needs of everyone by:

- (a) assisting in the implementation of the Croxley Rail Link (as identified on the Proposals Map and extending out of the plan area to link with the Metropolitan underground line at Croxley Green) and, where appropriate, securing developer contributions towards the scheme;*
- (b) encouraging the improvement and introduction of transport interchange points at all rail stations in the Borough, particularly at Watford Junction, and at a new station at Ascot Road as part of the Croxley Rail Link (shown on the Proposals Map);*
- (c) encouraging in principle development proposals which seek to make full use of rail services and which through developer contributions enable service improvements;*
- (d) encouraging in principle the use of rail for heavy goods transport;*
- (e) encouraging the provision of international rail services at Watford Junction Station.”*

The land use designations for the land needed for the CRL

- 4.5.13 Almost all of the land needed for the CRL in Watford Borough is safeguarded on the Proposals Map by policies T16 and T20 but small additional areas of land are

needed for the proposed transformer building in Tolpits Lane and the proposed Watford General Hospital station in Vicarage Road.

- 4.5.14 The site for the transformer station in Tolpits Lane is allocated for a community facility on the Proposals Map with reference to paragraph 10.34 of Policy CS11 that said:

“10.34 Proposals for an Islamic Community centre in Tolpits Lane for social, community and recreation purposes as identified on the Proposals Map.”

- 4.5.15 Policy CS11 is not one of the policies saved following the direction of the Secretary of State dated 14th September 2007. Watford Borough Council is, however, still committed to using the site for community facilities and therefore wishes to minimise the footprint of the transformer building so that the remainder of the site can be used by the local community.

- 4.5.16 Proposals for Watford General Hospital station at Vicarage Road require parcels of land owned by Watford Borough Council on opposite sides of the railway at Harwood Recreation Ground and the Holywell Allotments. Loss of public open space land at Harwood Recreation Ground is subject to Policy L4, as follows:

“L4 Open Space Protection

Other than in exceptional circumstances, permission will not be granted for a change of use from private or public open space to any other use.”

- 4.5.17 Loss of land at Holywell Allotments is subject to Policy L12, as follows:

“L12 Allotments

The Council will protect existing public and private allotments (those within open areas of 0.8 hectares or more in size and not within the Green Belt are identified

on the Proposals Map) and will ensure equivalent replacement where affected by development proposals.

Where allotments become surplus to demand, other forms of public open space or facilities for the wider community which maintain the openness of the site, will be preferred before other land uses are considered.”

- 4.5.18 I deal with the significance of the use of these parcels of land for the CRL against the planning policy context in Section 5 below.

Development control policies

- 4.5.19 I list in Appendix 3 of Volume 3 Town Planning Appendices the retained policies of the Watford Borough Plan 2000 that, in my opinion, are potentially material to the Applicants’ request to the Secretary of State for deemed planning permission and the future application to Watford Borough Council for the discharge of the planning conditions.

Justification for the proposed Croxley Rail Link

- 4.5.20 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. However, I do not consider that the transport benefits alone would be sufficient to justify the scheme.
- 4.5.21 Watford has experienced significant job losses since 2001 in part due to structural change, including the loss of manufacturing jobs, and also due to the poor quality of some of the stock of factory and office buildings. The Borough Council proposes Special Policy Areas along the route of the CRL where development

proposals and regeneration initiatives will be focused. As a significant investment in new public transport infrastructure I take the view that CRL will provide an important role in encouraging private investors to support regeneration initiatives in the railway corridor. I base this on the experience that I have of proposals to extend the East London Line from Shoreditch to Dalston in the 1990s. The Secretary of State made a TWAO in 1997 but construction did not start until 2005 due to lack of funding. I worked closely, representing LUL, with the town planners of the Dalston and Bethnal Green Single Regeneration Budget teams to co-ordinate development proposals with the proposed extension of the East London Line. Large amounts of public money were committed to regeneration projects from the mid 1990s but significant private investment in regeneration did not take place until the commitment to build the East London Line Extension (now operated as part of the London Overground network) was made in 2005.

4.6 The extent to which the scheme would be consistent with the National Planning Policy Framework and local planning, transport and environmental policies.

4.6.1 The Coalition Government published the NPPF in March 2012. The NPPF sets out a presumption in favour of sustainable development as the basis for both plan making and decision taking. I demonstrate in section 4.2 above that the CRL is fully consistent with the NPPF. The NPPF places particular emphasis on protecting Green Belt land. I demonstrate in Section 5 of this document and Figure 9 in Volume 3 Town Planning Appendices how the alignment of CRL has been planned to minimise its impact on the Green Belt and how the proposed structure will preserve the openness of the Green Belt.

4.6.2 Notwithstanding the long gestation period for the CRL both local planning authorities have been consistent in making clear land use proposals for the CRL in

their development plans. These allocations have been confirmed in the Three Rivers District Council Core Strategy adopted 17th October 2011 and the Watford Draft Core Strategy that the Borough Council submitted to the Secretary of State for Communities and Local Government on 28th February 2012.

4.6.3 This firm support is consistent with the local authorities' objectives to encourage sustainable modes of transport that include rail and cycle and walking facilities that will be associated with the proposed railway stations. I therefore consider that the scheme, as a whole, is consistent with local planning policies.

4.6.4 I deal in Section 5 with the planning issues that arise from the need to use parcels of land for the Croxley viaduct and proposed railway stations outside the corridor of the disused Croxley Branch Line and the operational Network Rail line to Watford Junction. Some of these land parcels are subject to planning policies and statutory procedures to provide protection in response to development proposals.

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.

5.1.2 There has been a long gestation period for CRL with extensive engagement with the local planning authorities, statutory consultees and local communities during the development of the rail link proposals. Proposals for the CRL have been developed to maximise the transport benefits of the railway and to minimise the environmental impact of the construction works and the operation of the railway.

5.2 Environmental Impact Assessment

5.2.1 The application for deemed planning permission is accompanied by an environmental statement. It identifies potentially significant environmental impacts that it is anticipated would result from the construction and future use of the proposed scheme. It also describes design and mitigation measures that have been incorporated as part of the proposed scheme in light of the potentially significant impacts and reports the likely effects of the scheme on the environment with these measures in place. Matters concerning the environmental impact assessment are dealt with in the proof of evidence of Mr. Paul Reid.

5.3 Town Planning Related Issues

5.3.1 There are a number of issues that have arisen along the route of CRL that raise matters of town planning policy and in some cases statutory procedures made to

provide protection in response to development proposals. In my view the key issues are as follows:

1. Are the proposals for a railway viaduct at Croxley Green consistent with NPPF policy for the protection of the Green Belt?
2. 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 6(h)
3. Impacts on the Grand Union Canal and its users, including boat residents and waterway related businesses; - SoS's Matter 6(g)
4. The use of land in Tolpits Lane for a transformer station;
5. the temporary and permanent effects of the scheme on open space and the promoters' proposals for providing replacement open space at the Harwood Adventure Playground, Vicarage Road;- SoS's Matter 6(h)
6. The loss of land at the Holywell Allotments due to proposals for the Watford General Hospital Station in Vicarage Road.- SoS's Matter 13

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

5.3.2 Railways are an established feature of the Metropolitan Green Belt that circles London. The mass transport that these railways provide protects the Green Belt from urban sprawl by enabling workers to commute into London from towns that are located beyond the Green Belt.

5.3.3 Paragraph 90 of the NPPF recognises the importance of local transport infrastructure by introducing 'local transport infrastructure that can demonstrate a requirement for a Green Belt location' as a form of development that is not inappropriate to the Green Belt. (See paragraphs 4.2.10 – 4.2.11 above for the policy reference). This is a new policy provision as local transport infrastructure

was not specifically identified in the superseded PPG 2 (Revised) Green Belts, January 1995. Proposals for local transport infrastructure must preserve the openness of the Green Belt and not conflict with the purposes of the Green Belt.

- 5.3.4 *Demonstrating a requirement for a location in the Green Belt*
 The Applicants have evaluated a wide range of options for extending transport links from the Metropolitan line to Watford Junction. These are reviewed in Section 10, Strategic Alternatives, in the Statement of Case. The Croxley viaduct is the only practical means of connecting the Metropolitan line to the disused Croxley Branch Line that enables the link to Watford Junction. The viaduct requires a Green Belt location because the Green Belt forms a continuous designation along the valley of the River Gade between Croxley Green and Watford (see Figure 9 in Volume 3 Town Planning Appendices).

Measures to preserve the openness of the Green Belt and not to conflict with the purposes of the Green Belt

- 5.3.5 Having established that there is a requirement to locate the CRL in the Green Belt the Applicants have carefully planned the link with regard to:
- siting;
 - the form of the railway structure; and,
 - land uses beneath the structure.

I explain below how maintaining the aims of the Green Belt have been central to design development describing each section of the link starting at the point the line diverges from the existing Metropolitan line west of Baldwins Lane and the point where it joins the former Croxley Branch Line alignment west of Ascot Road.

Siting in Three Rivers District

- 5.3.6 The Applicants have carefully considered the alignment of the CRL from the point where it diverges from the Metropolitan line to the connection with the disused

Croxley Branch line. One option was to locate the railway junction east of Baldwins Lane and to route the railway through the field between Cinnamond House and the dwellings known as Cassiobridge Terrace in Watford Road. Three Rivers District Council expressed support for this 'northern route' in (the now superseded) Policy T3 (2) of the Three Rivers Local Plan 1996 – 2011 adopted 2002:

T3 (2) "The Council supports the northern alignment of the Croxley Rail Link as shown on the Proposals Map."

5.3.7 I attach as Figure 9 in Volume 3 Town Planning Appendices an extract from the proposals map that shows the northern route for CRL. Since 2002 further design work has led to a different alignment that diverges from the existing Metropolitan line at a point west of Baldwins Lane. This alignment passes through part of the sales area of Croxley Motors and through the yard of Cinnamond Engineering. It has advantages in terms of railway track alignment but it also significantly reduces the impact on the Green Belt north of Watford Road by keeping close to the urban area of Croxley Green. In my opinion this protects the openness of the Green Belt better than the alignment for T3(2) shown on the Local Plan Proposals Map. Note that Local Plan Policy T3(2) is superseded by Policy CP10 of the Core Strategy.

5.3.8 South of Cinnamond Engineering the proposed alignment keeps broadly within the existing transport corridor of the Watford Road and the disused Croxley branch line. It does, however pass through the Watford Road Recreation Ground an open space that is located to the south of Watford Road. It is not possible to avoid the acquisition of part of this public open space due to the horizontal alignment that is needed to connect to the Croxley Branch Line as shown on Figure 9. Continuing eastwards the CRL passes across the Grand Union Canal, Cassio Wharf and the River Gade that are located within the Green Belt. None of the land on the alignment of the Croxley viaduct comprises open countryside.

Siting in Watford Borough

- 5.3.9 The River Gade marks the boundary with Watford Borough Council. The alignment for the CRL east of the River Gade is the same as shown 'Croxley Rail Link' on the Proposals Map of the Watford District Plan 2000, adopted December 2003. The CRL is largely outside and to the south of the small area of Green Belt that is bounded by the River Gade, Watford Road, Whippendell Road, Ascot Road and the proposed railway alignment.

The form of the railway structure in Three Rivers District and Watford Borough

- 5.3.10 The entire length of the CRL that is proposed to be located in the Green Belt takes the form of a railway viaduct comprising nine spans. The proposed structure will vary in height, as measured from ground level to the top of the viaduct parapet, from some 11.5m where it ties into the Metropolitan line to 8.5m where it crosses Beggar's Bush Road. The Applicants have submitted two photomontages of the proposed structure as Photomontage Viewpoint 1 – from Grand Union Canal, page 89, and Photomontage Viewpoint 2 – from A412, page 91, of their Statement of Case. The photomontages demonstrate that views under and over the viaduct will help to maintain the openness of the Green Belt where it is crossed by the proposed viaduct.

Land uses beneath the viaduct

- 5.3.11 I anticipate that the existing land uses in the Green Belt beneath the proposed viaduct will remain much as they are except for those small parcels of land that will be occupied by the viaduct piers. The uses are:
- storage yard and vehicle park (Cinnamond);
 - dual carriageway (Watford Road)

- children's play area and public open space at Watford Road Recreation Ground;
- Grand Union Canal and towpath;
- Cassio Wharf; and,
- River Gade.

5.3.12 In these circumstances I do not consider that the CRL will lead to a change in land uses under the viaduct that would lead to urban sprawl.

Conclusion on Green Belt matters

5.3.13 I have demonstrated that 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

5.3.14 Land south of Watford Road (also known as Cassiobridge Recreation Ground) is designated as public open space in the Three Rivers Local Plan 1996 – 2011 (see land shown striped yellow in Figure 1 in Volume 3 Town Planning Appendices). It is not possible to avoid the acquisition of part of this public open space due to the horizontal alignment that is needed to connect the Metropolitan line from a point

west of Baldwins Lane (Plot 3) to the disused embankment of the Croxley Branch Line at a point immediately south of the River Gade (Plot 42) as shown on Sheet 1 of the Deposited Plans. The policy context for the acquisition of public open space for the proposed works is provided by paragraph 74 of the NPPF (see paragraph 4.2.7 above) and Policy L9 of the Three Rivers Local Plan 1996 – 2011 (see paragraph 4.4.11 above).

Temporary effects

- 5.3.15 It will be necessary to occupy the entire public open space during construction of the proposed railway viaduct across the site. The Applicants propose to use the open space temporarily for the construction of the railway viaduct across the site. The proposed construction of the viaduct will take approximately 52 weeks after which the site will be reinstated and the play equipment and parking area will be relocated. The Applicants do not propose to provide a temporary replacement recreation ground during the works but they will maintain access to Training Ship Renown during the construction works. The nearest alternative children's play facilities during construction will be other existing recreation grounds in Croxley Green at Baldwins Lane and Barton Way.

Permanent effects

- 5.3.16 Table 5.1 sets out the proposed uses of land plots within Watford Road Recreation Ground following completion of the works.

Table 5.1		
Existing and Proposed Land Use at Watford Road Recreation Ground		
1	Total Area of existing public open space at Watford Road Recreation Ground	Area m ²
	Book of Reference plot numbers 21, 21a, 21b, 22, 22a,	4,808.6

	22b, 23	
2	Proposed Land available for use as open space at Watford Recreation Ground after completion of CRL	
Plot	Proposed use	Area m ²
21	Reconfiguration of children's play area – land to be returned to TRDC as public open space	1063.3
21a	Reconfiguration of children's play area– land to be returned to TRDC as public open space	689.5
21b	Access to maintain the railway viaduct– land to be returned to TRDC as public open space	251.6
22	Construction of the railway viaduct with a lease to TRDC for use as open space after the completion of the works (except for the areas occupied by the two viaduct piers i.e $1485.4\text{m}^2 - 20\text{ m}^2 = 1465.4\text{ m}^2$).	1465.4
22a	Access to construct the railway viaduct– land to be returned to TRDC as public open space	261.4
22b	Access to maintain the railway viaduct– land to be returned to TRDC as public open space	140.4
23	Land to be returned to TRDC as public open space	917.0
POS extension	Part of disused Croxley Green station site to be used as extension to Watford Road Recreation Ground.	500
	Total Area to be available to the public as open space	5,288.6
3	Proposed Public Open Space at Watford Recreation Ground after completion of CRL	Area m²
	This is the total area to be available as open space of 5,288.6 m ² minus the area of Plot 22 that will be retained in LUL ownership 1465.4m ² and Plot 21b 251.6m ² and	

	Plot 22b 140.4m ² over which LUL will retain access rights.	3,431.2
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- 5.3.17 The public open space land to be permanently acquired comprises 1485.4 square metres within Plot 22 as shown on Sheet 1 of the Deposited Plans. The Applicants will return all of the other public open space land to Three Rivers District Council once construction works are completed. The Applicants seek an easement over Plots 21b and 22b to enable access to the viaduct for maintenance works.
- 5.3.18 The Applicants propose to retain the freehold ownership of Plot 22 but to lease it back to Three Rivers District Council with the exception of the two small parcels of land, amounting to approximately 20 square metres in total, on which the Applicants propose to locate two piers for the railway viaduct. The Applicants propose to lease back to Three Rivers District Council approximately 1,465.4 square metres of the total area of 1485.4 square metres of Plot 22 with the retained land to be used for the two viaduct piers. In legal terms this leased land will not have the status of public open space because of the proposed freehold ownership by LUL but in practical terms it will be available for public use as part of the Watford Road Recreation Ground. Unrestricted access will be possible from the relocated children's play area through to the grassland that adjoins the Grand Union Canal.
- 5.3.19 The main recreational activity is the use of play equipment by young children. There will be a temporary loss of these facilities during construction of the viaduct but the Applicants propose to reinstate the children's play area within Plot 21, Plot 21a and on a strip of 500 square metres of land located to the south of the recreation ground that currently forms part of the site of the disused Croxley Green Station (see Figure 10 in Volume 3 Town Planning Appendices) following completion of the railway works.

5.3.20 The arrangements proposed for the relocated children's play area will fully replace the facilities that are lost due to the construction of the viaduct. Table 5.1 demonstrates that, taking account of the land to be available as open space under the proposed viaduct and the additional land proposed on disused railway land to the south, there will be an increase of approximately 480m² that will be normally available to the public at Watford Road Recreation Ground. There will however be a reduction in the area of public open space at Watford Road Recreation Ground, as defined by the Acquisition of Land Act 1981, of 1,377.4m². This is because the 1465.4 m² of land that LUL proposes to provide for public recreation in Plot 22 will not have the status of public open space as LUL proposes to retain ownership for the maintenance of the proposed CRL viaduct. In addition the Applicants will retain rights of access to maintain the viaduct over Plot 21b (251.6 m²) and Plot 22b (140.4 m²). For the purposes of Section 19 of the Acquisition of Land Act 1981 Plots 22, 21b and 22b must be discounted for the purposes of public open space because LUL is retaining an interest in the land. The loss of public open space is therefore calculated by subtracting the proposed public open space of 3431.3 m² from the existing area of public open space that is 4808.6 m² to give a net loss of 1,377.4 m². In addition there will be some loss of amenity due to the over sailing of the viaduct structure that occupies some of the airspace over Plot 22. Policy L9 of the Three Rivers Local Plan 1996 – 2011 seeks to protect the quality and quantity of amenity space. The Applicants propose to compensate for this impact by offering 2794.4m² exchange land that is owned by LUL at Lavrock Lane (Plot 131) to be transferred into the ownership of Three Rivers District Council as replacement public open space land. This is located between two large areas of land, mainly in the ownership of LUL, that Three Rivers District Council proposes to designate as public open space at Croxley Hall Woods (see Figure 5(a)) and Buddleia Walk (see Figure 5(b)) in the

Site Allocations Development Plan Document Pre-submission (Preferred Options) Consultation, January 2012. Figure 6 shows the location of the proposed replacement land at Lavrock Lane in the context of other existing and proposed open space in Croxley Green. The exchange land is located some distance from the Watford Road Recreation Ground but given the measures proposed by the Applicants to mitigate the effects of the proposed viaduct at Watford Road I consider that the proposed exchange land does comply with the requirements of Section 19 of the Acquisition of Land Act 1981 as it is larger in area than the land to be taken and will be equally advantageous to the public of Croxley Green as it will link two large areas of public open space that Three Rivers District Council is proposing to allocate at Croxley Hall Woods and Buddleia Walk. Three Rivers District Council advertised the proposal to dispose of land at Watford Road Recreation Ground to LUL to enable construction of the railway viaduct across the site in the Watford Observer on 4th and 11th May 2012. On 4th July 2012 the Council advised the Applicants that it had received no objections to the proposed land disposal.

- 5.3.21 Given the restricted options for siting the viaduct to provide a link between the Metropolitan line and the disused Croxley branch line, the proposed arrangements for the relocation of the children's play area at Watford Road Recreation Ground is an effective measure to maintain the use of the play activities following completion of the works. 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)

5.3.22 British Waterways (BW) ceased to exist on 12th July 2012 and the Canal and River Trust now cares for the waterways that were the responsibility of BW. In 2003 BW published Waterways and Development Plans to provide guidance to local planning authorities on its policy objectives for waterways. This guidance is retained by the Canal and River Trust. Paragraph 6.8.2 sets out the Planning Policy Objective to resist the loss of any boatyard or wharf.

“6.8.2 Planning Policy Objectives

Any policy needs to protect the economic basis for commercial and recreational boat operations and resist the loss of any boatyard or wharf unless a clear case exists which justifies its loss.

Policies need to:

- *Protect existing boatyards, slipways and wharves for water based recreation, leisure and sport, including access.*
- *Protect against the loss of and access to strategically important wharf sites and for transport related development.*
- *Promote the development of new boatyards and wharves, where demand exists.*
- *Protect existing and potential sites and routes, which could be critical in developing infrastructure to widen choices for both waterborne freight and passengers.*

Development plans need to indicate on the proposals map operational sites, facilities and infrastructure that facilitates the use of the waterway.”

5.3.23 There are no specific policies to protect boatyards and wharves in the development plan of Three Rivers District Council but Policy H17 of the Three Rivers Local Plan 1996 – 2011 sets out the policy context for residential moorings (see paragraph 4.4.11 above).

Impacts on navigation and use of the towpath on the Grand Union Canal

- 5.3.24 The proposed piers for the viaduct are set well back from the Grand Union Canal enabling uninterrupted navigation and access for towpath users as shown in Photomontage 1 of the Statement of Case. The viaduct span will be bolted and braced on the ground prior to being craned into position, over the Canal, onto the pier cap bearings. This will require the use of a lorry mounted telescopic crane. Provision has been made in the TWAO for temporary closure of the Canal and towpath to enable the placement of the fabricated viaduct span. It is anticipated that this closure will be no longer than 48 hours. BW requested an undertaking in its objection letter dated 14th February 2012 (Obj/33) that the Applicants give an undertaking to restrict closures to the period outside the cruising season that extends from mid-March to the end of October. The Applicants have given an undertaking to the Canal and River Trust to do so. The impact of the temporary closure will be reduced by giving advanced notice to canal users through the communication channels established by the Canal and River Trust for “stoppages”. I do not consider that the short period of temporary closure outside the cruising season will have a significant impact on canal users.

Impacts on waterway related businesses

- 5.3.25 The main boatyard at Croxley Green is at Bridgewater Basin that is located north of Watford Road. It provides a full range of facilities including moorings, diesel and pump out facilities. The impact of the proposed works will be limited to the temporary closure of the Grand Union Canal to enable the placement of the viaduct span. This will restrict access to and from Bridgewater Basin from the south for no more than 48 hours. Given advanced notice I do not consider that the impact on the business will be significant.

5.3.26 MacDonald Marine offers boat safety inspections and related services from Cassio Wharf. The Applicants propose to occupy a large part of Cassio Wharf for construction of the proposed railway viaduct but the road access and offices for Macdonald Marine are not included in the land to be temporarily occupied. It will still be possible to moor a narrowboat at the northern end of the site for a safety inspection or repair during the construction works. On completion of the works the boatyard will be oversailed by the proposed viaduct but there will be no significant loss of function of the wharf and moorings. It will still be possible to crane material to and from boats using the moorings at the northern end of the site. In his objection letter of 6th January 2012 (Obj 7) Mr Macdonald says that *“In previous decades the wharf was operated by me as a wharf for the repair of visiting craft but for the last twenty seven years there have always been about ten boats in permanent residence.”* Mr Macdonald objects on the grounds that *“whilst I may be able to let the moorings to unoccupied boats, it is unlikely that anyone will want to live there. This will mean a considerable reduction in my income”*. These grounds for objection indicate that income from residential moorings at Cassio Wharf now provides a significant proportion of Mr. Macdonalds waterway related business. Nonetheless, it is important that the site can still operate as an active boatyard in the future to meet the policy objective of the former BW as set out 5.3.22 above. It is clear to me that it would be possible to operate a commercial boatyard at Cassio Wharf, following completion of the works, as the proposed viaduct will not obstruct moorings or the adjoining wharf.

Impact on boat residents on the Grand Union Canal

5.3.27 Mr. Macdonald’s objection letter says that *“there have always been about ten boats in permanent residence”*. In addition to Mr. Macdonald there are three objections concerning the impacts of CRL on Cassio Wharf.

Mrs Macdonald (obj. 20) says:

- 5.3.28 *“,,,The Wharf is home to 10 residential boats all of whom have lived here 10 years or more, a large part of the wharf will be compulsorily purchased and even after the work has finished will be no place for anyone to want to live....”*
- 5.3.29 Mrs.L. Beeching of NB Amberley (Obj 18) objects to the effects of the CRL on her mooring at Cassio Wharf. She also raises detailed matters concerning the loss of access to storage sheds, to disposal of chemical toilet waste and car parking due to construction works. My understanding of her objection is that she wishes arrangements to be made to be able to stay at her residential mooring.
- 5.3.30 Mr. Evans of NB Asterope (Obj. 26) is concerned about interruptions in water and electricity utilities during the construction works to boats moored south of Plot 39. He is also concerned about interruptions to pedestrian and vehicular access to the moorings south of Plot 39. He concludes:
“I have moored my boat at Cassio Wharf for over 18 years and contribute to the local economy by supporting businesses in Croxley and also in Watford. I shall be very sad if the project, either during construction or following commission, reduces the quality of the environment in the area to the point where I decide to move my boat elsewhere.”
- 5.3.31 The Applicants held a meeting with the objectors, together with other residential boat owners, at Cassio Wharf on 23rd July 2012. The meeting provided an opportunity to exchange information on the concerns of boat owners and the potential means of mitigating the impacts of the CRL, particularly during the construction period. The boat owners gave the following information about their use of Cassio Wharf to provide a context for their objections:

- There are generally ten vessels moored at Cassio Wharf in the locations shown on Figure 12 in Volume 3 Town Planning Appendices;
- Most of the boats are in residential use;
- All of the boats are in operational use and some of the boat owners take their vessels on extended cruises during the summer months resulting in temporary vacant moorings (see Figure 12);
- Two of the boats have holding tanks for sewage that are pumped out off-site and the rest of the boat owners dispose of sewage waste into a cess pit that is located within Plot 38 that is shown by the green tone on Figure 12;
- The boat owners make use of land at Cassio Wharf for car parking, the storage of fuel and equipment, gardens and the exercise of dogs.

Temporary effects

5.3.32 The Applicants estimate that it will be necessary to occupy Plot 37, Plot 38 and Plot 39 for a period of 52 weeks to enable construction of a viaduct pier, to place viaduct sections and to complete the railway works. The TWAO application would require the re-location of three boats during the construction period. At the meeting with boat owners on 23rd July four options for the re-location of boats were discussed and are these shown diagrammatically on Figure 13. as follows:

Option 1 Temporary relocation to Bridgewater Basin

Although the Bridgewater Basin is close by, this option was not favourably received because of the lack of residential amenity and the lack of storage facilities and external space. There was some indication that one boat owner may consider this as being acceptable on a short-term basis.

Option 2 Temporary relocation to Packet Boat Marina

This is a large, purpose-built marina in the Green Belt some 21 miles (34 km) to the south of Cassio Wharf. The boat owners indicated that this was not an acceptable option due to its distance from Croxley Green and the lack of amenities for residential use.

Option 3 Establish temporary moorings south of Cassio Wharf

This site is shown in Figure 13. It is located in the Green Belt. The site is currently covered in dense woodland that would need to be partially cleared to provide access to the temporary moorings from Beggars Bush Lane. It may be necessary to dredge the canal and undertake works to the bank. It would be necessary to secure planning permission from Three Rivers District Council for temporary residential moorings. A planning application would need to comply with the Council's local plan Policy H17 Residential Moorings (see paragraph 4.4.11 above) that concludes:

“Such a proposal will require planning permission, and the Council is concerned to ensure that any such facility makes provision strictly in accordance with existing need in the District. Residential moorings are not included as appropriate development in the Green Belt by PPG2 (Green Belts), therefore applications for moorings on any part of the canal outside the urban areas will have to be supported by ‘very special circumstances’ “

The NPPF does not change the Green Belt guidance in relation to residential moorings.

Option 4 Management measures at Cassio Wharf

The residents advised that, if it is not possible to establish temporary moorings south of Cassio Wharf, their preference would be for management measures at Cassio Wharf that could include:

- occupation of the three berths within the Order limits by arrangement with the contractors – except for periods when it would be hazardous to do so;
- temporary occupation of the site to the north of Cassio Wharf for a mooring, car parking and storage; and,
- arrangements to maintain access along Beggars Bush Lane to the moorings south of the proposed worksite (except when construction operations would make this hazardous).

5.3.33 In addition it would be necessary to maintain services of electricity, water, telephone and a disposal point for sewage during the construction period.

5.3.34 Given the preference expressed by the boat owners to remain at Cassio Wharf during and after construction it is not possible for the Applicants to be specific about how this will be achieved. It will depend in part on the construction method of the appointed contractor, the contractor's worksite requirements at Cassio Wharf and the construction programme. The Applicants propose to explore with Three Rivers District Council and land owners the potential for three temporary moorings south of Cassio Wharf and to liaise with the contractor about the retention of moorings in Plots 37, 38 and 39 for as long a period as possible during the construction period

Permanent effects

5.3.35 The contractors will reinstate Cassio Wharf as part of the construction works in terms of the soft landscaping that adjoins the moorings. Once the re-instatement is complete there will be two impacts on the amenity of Cassio Wharf. These are the physical impact of the viaduct and the potential impact of railway noise.

5.3.36 The viaduct will be approximately 12.7 metres wide where it oversails Cassio Wharf and this will provide a shading effect that will extend to approximately half the length of a full length narrow boat (21.9 metres). The proposed viaduct will be similar in height and scale to the existing disused Croxley Branch Line railway bridge on the site.



Croxley Branch Line railway bridge, Cassio Wharf, 16th June 2012

5.3.37 The other effect will be the potential impact of railway noise. 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.

5.3.38 I accept that noise impacts on narrow boats may be different to residential dwellings but I note from Mr. Macdonald's objection that he established his residential moorings in 1985 when the railway bridge over Cassio Wharf was still in operational use. Until 1989 there were 15 train services in each direction (total 30) in the morning and evening peak. Then with the conversion to Pay Train services there were 26 trains in each direction (total 52) that operated throughout the day. Therefore railway operation has not been incompatible with residential occupation of boats at Cassio Wharf in the past. I accept that LUL is proposing a significantly greater increase in train frequency but I am also aware that modern track and S stock trains may bring benefits in terms of reducing noise impacts.

5.3.39 The Applicants are committed to monitoring noise impacts after CRL opens. If these are greater than predicted some residential boat owners may decide to move elsewhere and if it is not practical to mitigate noise levels Mr Macdonald may make a compensation claim for the difference in rental income between the value of a residential moorings and a leisure mooring for any of the moorings that are adversely affected.

5.3.40 My understanding is that, apart from the Objections by Mr. and Mrs. Macdonald, both Mrs. Beeching and Mr. Evans wish to stay in residence in their boats both during construction and operation of CRL. On the basis of the environmental evidence I consider that it will be possible for the majority of moorings at Cassio Wharf to be used for residential purposes after construction and also during

construction, subject to the need to temporarily relocate boats moored alongside Plots 37, 38 and 39, as necessary, to protect the safety of boats and their owners.

Representation 3 The status of footpaths adjoining the proposed Croxley Rail Link

5.3.41 Mr. Colin Knight made a representation on 8th February 2012 (REP 3) on behalf of the Ramblers' Association stating that he has no objection to the Croxley Rail Link. He did, however, state that there are two paths closely affected by the proposed scheme that are not shown on the Definitive Map. These are:

1. That length of footpath parallel with and to the immediate north of the railway between the Gateway and Ascot Road; and,
2. The southwest end of Cardiff Road and its associated connection with path to Willow Lane.

5.3.42 Mr. Knight says that he would like to see both paths added to the Definitive Map. He also expresses concern that the TWAO application makes provision to close the path to Willow Lane for up to two years. Mr. Duckmanton of the Croxley Rail Link project wrote to Mr. Knight on the 20th April 2012 to explain that there is no intention to dedicate the two paths of concern to Mr. Knight as part of the Croxley Rail Link project. Hertfordshire County Council has not had any requests to include these paths on the Definitive map. Mr. Duckmanton advised that if the Ramblers' Association seeks dedication of these paths then it should follow the normal processes. It seems to me that this is the appropriate course of action in these circumstances.

5.3.43 As regards Mr. Knight's concerns about the powers to temporarily stop up of 'the southwest end of Cardiff Road and its associated connection with path to Willow Lane' for a period of up to two years, these powers are requested in Schedule 4 of

the draft order to protect the public while construction works are being carried out on railway structures. Mr. Duckmanton explained that the construction period for the CRL will take approximately two years. The detailed construction programme will be developed when a contractor has been appointed. At this stage it is anticipated that the works will be phased and that the routes identified may not need to be closed for the entire duration. However, this cannot be confirmed until the contractor's plans for the construction have been agreed. An alternative route will be signed. I consider that given the scale and nature of the railway works to be undertaken in the vicinity of the former Cardiff Road the powers to temporarily stop up this possible right of way between points T9 and T10 are reasonable and justified.

- 5.3.44 The Open Spaces Society made a representation on 12th February 2012 (Rep 5) that supports the representations made by the Rambler's Association. The Applicants' response to these matters is the same as the response given to Mr Colin Knight of the Ramblers' Association (see paragraphs 5.3.41 – 5.3.43 above). Additionally the Open Spaces Society requests that if the short link to Watford Metropolitan station is closed then the alignment should be dedicated as a public way for horse, foot, cycle traffic, preferably to Greenway standard. LUL is currently proposing to keep this section of railway in operation so that it can continue to be used for the overnight stabling of trains. Good access to Cassiobury Park for walkers and cyclists will be available from the proposed Ascot Road Station both by means of Gade Avenue and the towpath of the Grand Union Canal.

The use of land in Tolpits Lane for a transformer station

- 5.3.45 I set out in paragraph 4.5.14 the Borough Council's commitment to use this site for community uses. The Applicants have commissioned more detailed design work

for the transformer station and the associated access road to seek to minimise the land take on this site so that the balance can be used for community facilities.

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)

5.3.46 There are three plots of land required in the Harwoods Recreation Ground / Harwoods Adventure Playground for the construction of Watford General Hospital station in Vicarage Road, as follows:

Plot 73 242.7 square metres permanent acquisition for station structure

Plot 74 50.9 square metres permanent acquisition for station structure

Plot 77 2278.7 square metres temporary use during construction period.

The temporary and permanent land take is shown on Sheet 3 of the Deposited Plans.

5.3.47 Almost all of the land is located within Harwoods Adventure Playground. This is a fenced area between Vicarage Road and the Harwoods Recreation Ground that is used to provide supervised play activities for children aged between 5 and 15. Harwoods Adventure Playground is managed by Watford Borough Council Play Rangers and is open between April and October during the following hours during school term time:

Harwoods Adventure Playground Opening Hours	
Monday	3.30 p.m. to 6.00 p.m.
Tuesday	3.30 p.m. to 6.00 p.m.
Wednesday	Closed
Thursday	3.30 p.m. to 6.00 p.m.
Friday	3.30 p.m. to 6.00 p.m.

Saturday	11 a.m. to 5 p.m.
Sunday	11 a.m. to 5 p.m.

A more intensive programme operates Monday to Friday during school holidays.

5.3.48 I visited the site on 14th June 2012 and spoke to Lol Birchall who was one of a number of Watford Borough Council Play Rangers undertaking maintenance work. Lol Birchall said that the main play activities are carried out at the northern end of the site where there are adventure playground structures and also buildings used for indoor play activities. She said that the spending priorities are on keeping the play structures safe and there are insufficient resources to manage the vegetation at the southern end of the site, including the land to be permanently acquired (Plot 73 and Plot 74) and the land that the Applicants propose to use temporarily as a construction worksite (Plot 77). This area is not used currently for children's play and the permanent loss of a strip of land adjoining the railway would not affect the children's play activities. Lol Birchall said that she would like the land to be used as a worksite (Plot 77) to be levelled as part of the construction works as this would make it easier to maintain the vegetation after it is returned for use as part of the adventure playground.

5.3.49 Andrew Gibson of Watford Borough Council advised me on 24th May that Watford Borough Council does not object to the permanent loss of the narrow strip of public open space adjoining the railway (Plot 73 and Plot 74) or the temporary use of public open space as a construction worksite (Plot 77). He said that the Council advertised these proposals in the Watford Observer on Friday, 3rd February 2012 and there had been no objections. The advertisement gives notice of the Applicants' proposal to provide approximately 241.1 square metres of land that currently comprises part of Plot 69 as replacement public open space that will be

added to the southern boundary of the Harwoods Recreation Ground, The land offered by the Applicants is disused railway land that is not needed for the construction of Watford Hospital Station. The offer of this replacement land will reduce the net loss of public open space at Harwoods Recreation Ground to approximately 52.5 square metres.

- 5.3.50 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.

- 5.3.51 I made enquiries of John Priestley, Parks Development Officer, Watford Borough Council on 15th June 2012 about the demand for and availability of vacant allotment plots at Holywell Allotments. The information provided in response to the Secretary of State's questions is therefore based on Watford Borough Council records for June 2012.
- 5.3.52 There are three plots of land required in Holywell Allotments for the construction of Watford General Hospital station in Vicarage Road, as follows:
- | | | |
|----------|--------------------|---|
| Plot 73a | 28.6 square metres | permanent acquisition for station structure |
| Plot 73b | 93.4 square metres | easement to provide emergency escape route |
| Plot 73c | 73.5 square metres | temporary use during construction period. |

The temporary and permanent land take is shown on Figure 16.1C of the Environmental Statement.

- 5.3.53 Watford Borough Council offers allotment plots at Holywell in a variety of sizes up to a full sized 10 rod plot that is 253 square metres in area. Plot 73a (28.6 square metres) is therefore only 11% of the area of a full sized plot. The area of Plot 73a together with Plot 73b, where an easement is needed for an emergency escape route, is 122 square metres in total. Thus the total area of potential allotment land lost as a result of the Scheme amounts to less than half a full sized 10 rod plot.

SoS's Matter 13

In relation to the proposed disapplication of the provisions of the provisions of the Allotments Act 1925 (in Article 16(2) of the draft Order), for the compulsory acquisition of plot 73a, designated as 'allotment land', whether the land in question is used, or could in future (in the absence of the scheme) reasonably be used, as part of an allotment plot; and if so, whether it is the case that:-

- *the allotment in question is not necessary and surplus to requirement;*

- 5.3.54 Plots 73a and 73b form part of a landscape strip that runs along the boundary of Holywell Allotments and the disused Croxley Branch Line that was created because there was a surplus of vacant allotment plots. Since then, vacant plots nos. 142,143,145 and 146 have been set aside to protect slow worms.

- *adequate alternative provision will be made for displaced plot holders, or that such provision is not necessary or is impracticable;*

- 5.3.55 No plot holders will be displaced as a result of the acquisition of Plot 73a so it is not necessary to make alternative provision.

- *the number of people on the waiting list has been taken into account;*

5.3.56 There were no people on the waiting list for a plot at Holywell Allotments in June 2012. There were five vacant plots immediately available for let. In addition there were more plots that could be made available following the clearance of brambles etc. to bring them back into a suitable condition for use.

- *the authority have actively promoted and publicised the availability of sites and have consulted the National Society of Allotment and Leisure Gardeners;*

5.3.57 The availability of plots at Holywell Allotments is publicised on the Watford Borough Council website and the contact telephone number for enquiries about allotments is displayed on the gates to the Holywell Allotments. Watford Council adopted an Allotments Strategy in 2002. A report on the proposed review of the Strategy to the Watford Borough Council Cabinet on 18th June 2012 says that: *“Occupancy rates are now at their highest and waiting lists have been considerably reduced.”*

- *the implications of disposal for other relevant policies, in particular development plan policies, have been taken into account.*

5.3.58 Policy L12 of the Watford District Plan 2000 sets out the Council's development plan policy to safeguard allotments, as follows.

“L12 Allotments

The Council will protect existing public and private allotments (those within open areas of 0.8 hectares or more in size and not within the Green Belt are identified on the Proposals Map) and will ensure equivalent replacement where affected by development proposals.

Where allotments become surplus to demand, other forms of public open space or facilities for the wider community which maintain the openness of the site, will be preferred before other land uses are considered.”

5.3.59 Paragraph 9.42 of the Watford District Plan 2000 notes that “*Although there are 13 statutory allotments serving the Watford population their distribution is poor with a particular shortage in the high density residential areas of North and Central Watford.*” Holywell Allotments is located in the south of the Borough.

5.3.60 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, the Applicants do not propose 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 (information from Andrew Gibson, Watford Borough Council, 24th May 2012).

Objectors to CRL concerning Holywell Allotments

5.3.61 There are two objections concerning the impacts of the CRL proposals on the Holywell Allotments. Objection 19 is by Mr. Gerry Barker, Chairman of the West Watford and Oxhey Garden and Allotment Society who says that:

“While the permanent proposed loss of land on the allotment site and the recreation/adventure playground is not great, it is undesirable given the shortage of greenspace and the density of the population in the area. We think some form of compensation should be considered and take the view that it would be reprehensible if the scale of land loss escalated in the future.”

- 5.3.62 Mr. Barker also objects on the grounds of the effects of railway noise on ploholders and the potential obstruction of access to the allotments by cars setting down passengers for the station.
- 5.3.63 Objection 42 is by Mary Reid, a former chair of the West Watford and Oxhey Garden and Allotment Society. Her objection mainly concerns current access problems for allotment holders needing to park on Vicarage Road to unlock the gates to the allotment and the potential conflicts with car drivers setting down train passengers. She seeks a lay-by in Vicarage Road and a repositioning of the gates to the allotment. She also seeks the re-instatement of planting in the conservation area after railway works are completed.
- 5.3.64 I note that neither of the objections are made on the grounds that the narrow strip that the Applicants propose to acquire should be safeguarded for possible future use as part of an allotment plot.

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., 6th September 2012