

PLANNING COMMITTEE – 19 OCTOBER 2023

23/1139/FUL – Replacement of existing pedestrian bridge over the River Colne with a new pedestrian and cycle bridge, including upgraded footpaths, fencing and seating areas, at RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE, RICKMANSWORTH

Parish: Batchworth Community Council
Expiry of Statutory Period: 25.10.2023

Ward: Rickmansworth Town
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been brought to committee as the applicant is Three Rivers District Council.

To view all documents forming part of this application please go to the following website:
[23/1139/FUL | Replacement of existing pedestrian bridge over the river colne with a new pedestrian and cycle bridge including upgraded footpaths, fencing, seating areas. | Rickmansworth Aquadrome Bridge Uxbridge Road Rickmansworth WD3 7DH \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1139/FUL)

1 Relevant Planning

- 1.1 Extensive planning history for the site, however, nothing specific to this application.

2 Description of Application Site

- 2.1 Rickmansworth Aquadrome is an allocated area of public open space centred around two lakes, known as Batchworth Lake and Bury Lake and located within the Metropolitan Green Belt. It is a designated Local Wildlife Site, and Local Nature Reserve supporting a variety of habitats. The Aquadrome provides surfaced walks and nature trails, children's play areas, outdoor gym, café and sporting facilities such as Bury Lake Young Mariners Club. The Aquadrome is served by one vehicular access point from Frogmore Lane which provides access to a large car park. There are also varying pedestrian entrances including from Riverside Drive which leads to the existing play area and to the existing footbridge over the River Colne.
- 2.2 The application site is of an irregular shape and relates to a small area of the Aquadrome, located to the north of Batchworth Lake and to the east of both the existing children's play area and boat house which currently facilitates the Waterskiing Club. The site is located immediately adjacent to the existing children's play area. The site extends to the boundary with Riverside Drive, with this boundary consisting of open metal railings. Within the site is an existing footpath which provides access from Riverside Drive into the Aquadrome. To the east of the existing footpath and opposite the children's play area is an existing area of grassland; which contains a number of existing trees, with some seating present.
- 2.3 The footpath provides access to the existing pedestrian footbridge over the River Colne, which is classed as a main river. The existing footbridge has a tarmac surface; with the flank elevations of the bridge consisting of metal railings of varied height, with additional mesh fencing located at low level extending across the bridge. The design of the bridge also includes individual metal bars extending over the width of the bridge, with spacing in between each individual bar. The footbridge is part of National Cycle Network 6. The site extends over the footbridge and includes an area of grassland to the east of the boat house which currently contains a flat roofed container which is separated from the existing bridge and footpath by green palisade fencing. The site extends across the main pedestrian footpath and up to Batchworth Lake.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the replacement of the existing footbridge over the River Colne and associated works including upgraded footpaths, fencing and seating areas.
- 3.2 The Design and Access Statement sets out that a bridge condition survey was commissioned in July 2021 and the findings confirmed that the existing bridge is in 'very poor condition'. Following this, an indicative cost of repairs were sought, however, it was ascertained that the repair costs could significantly increase. Furthermore, it was not possible to give a guarantee on the life expectancy of the repair works. As such, it was concluded that the only appropriate solution is to replace the existing bridge in its entirety.
- 3.3 The plans illustrate that the new bridge would be sited in the same location as the existing bridge. It would have an increased width of approximately 4m from the existing width of approximately 1.6m and would have a length of approximately 41.7m extending from north to south across the River Colne. It will provide a combined cycle lane and pedestrian footpath, with no physical barrier between the paths. The plans indicate that the surface of the bridge would be located approximately 1.5m above the water level. The bridge shall be of steel construction with the surface of the bridge proposed as porous asphalt. The sides of the bridge would angle out over the water to give the perception of a greater width.
- 3.4 The footpaths located at either end of the bridge would be widened to the same width as the proposed bridge and these would also be finished in porous asphalt. The pedestrian access from Riverside Drive into the Aquadrome would also be widened. The plans also indicate the provision of gates to the east of the play area across the path. These would be set back from the Riverside Drive boundary by approximately 6.1m. They would have a width of approximately 4.1m and a height of approximately 2.4m.
- 3.5 The existing area to the east of the play area and bridge which currently consists of grassland will be replaced with compacted wood chippings over a geotextile membrane. New seating would be provided in this location.
- 3.6 To the south, the existing container adjacent to the boat house would be removed. The existing palisade fencing adjacent to the waterski club would be removed and replaced with new composite fencing of approximately 2.4m in height. To the south of the bridge, immediately adjacent to Batchworth Lake, a new area of decking is proposed with this area provide further seating for users of the Aquadrome. This deck is proposed to be enclosed by a low level timber rail.

4 Consultation

4.1 Statutory Consultation

4.1.1 Environment Agency: [Initial objections raised, subsequently withdrawn].

4.1.1.1 Initial comments [objection]

Environment Agency Position

Based on a review of the submitted information, we object to the proposed development for the following reasons:

1. Insufficient Information (Flood Risk)
2. Proximity to River Colne (Biodiversity)

Objection 1: Insufficient Information (Flood Risk)

The applicant has failed to clearly demonstrate the following:

- how far the foundations of the bridge are to the watercourse. In some plans, it appears that the foundations of the bridge are closer than 1 metre distance from the watercourse.

It is also unclear if the bridge is to utilise the existing abutments, or if these are to be replaced. Justification should be provided for any works within 8m of the top of the bank.

- It is unclear how far the inverts/ abutment footings of the bridge are set below the existing bed level as the applicant has failed to provide the specific dimensions.
- The applicant has failed to demonstrate clearly the extent of the 1 in 100 + climate change flood level.

This objection is in line with Paragraph 164 of the National Planning Policy Framework and Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) which requires development does not increase flood risk elsewhere. Furthermore, Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) requires development to be set back from a main river with a minimum 8m wide buffer zone and from any other watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding.

Overcoming Objection 1

The applicant must demonstrate:

- The distance of the foundations of the bridge to the watercourse. They should further provide detail if the foundations are to be from the existing bridge, or if these are to be replaced. The bridge should be securely attached to foundations which are no closer than a distance of 1 metre from the watercourse.
- The applicant must specify the dimensions of the bridge invert. We require that the invert must be set at least 600 mm below the existing bed level.
- The applicant needs to demonstrate the length of the proposed bridge
- The applicant must demonstrate the 1 in 100 + climate change flood level/ extent on their plans. This should be clearly demonstrated on both the existing and proposed aerial plan view and their cross-section designs.

Objection 1 Advice

In July 2021 we updated our national guidance 'Flood risk assessments climate change allowances'. This document should be used together with the National Planning Policy Framework to inform any FRA.

Please be aware that any increase in built development or raising of ground levels within the floodplain (1% annual probability plus an allowance for climate change extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the preferred method of mitigation. However, for this to be achievable it requires land on the edge of the floodplain and above the 1% annual probability flood level, with an appropriate allowance for climate change, to be available.

If it is not possible to provide level-for-level and volume-for-volume compensation, then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). However, the FRA must demonstrate that level-for-level and volume-for-volume compensation has been considered and explain why it was not possible to provide and detail how any associated risks from the chosen form of mitigation can be minimised.

If the LPA are not satisfied that alternative mitigation measures are appropriate, then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

In order to ensure site users will not be exposed to flood hazards, we require finished floor levels to be set a minimum of 300mm above the 1% plus an allowance for climate change flood level.

Objection 2: Proximity to River Colne (Biodiversity)

The submitted planning application may have a negative impact on the semi-natural habitat within the riparian zone of the River Colne. The river Colne is a chalk stream, classified as Priority Habitat (also known as Habitats of Principal Importance) under the UK Biodiversity Action Plan due to their globally rare species rich habitat.

In addition to the above, the Thames River Basin Management Plan (TRBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Development that encroaches on watercourses can have a potentially severe impacts on their ecological value. They prevent achievement of good ecological status through the removal of a natural buffer zone which acts as a filter for water run-off and provides the habitat for many species that rely on this area adjacent to the river (e.g., Macrophytes and Invertebrates such as mayflies, dragonflies). Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state. This view has been ascertained for the following reasons:

- It appears the proposed hard landscaping surface encroaches into the 8-metre buffer zone of the River Colne. We require a minimum 8-metre natural buffer zone from the top of the bank of the River Colne main river to the edge of the built development.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This is also supported by Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) which requires development to be set back from a main river with a minimum 8m wide buffer zone and from any other watercourse.

Overcoming Objection 2

It may be possible to overcome our objection by submitting a revised scheme which:

- demonstrates how the hard landscape surface development can take place without encroaching into the 8m buffer zone along the river channel.

If an 8-metre buffer zone is not deemed possible, then thorough justification should be provided for this. In line with the mitigation hierarchy, if avoidance of impacts is not possible, mitigation and/or compensation options must then be explored for this stretch of the river. This could include exploring the removal of any physical modifications to the river such as weir(s), or natural enhancements to the river channel. We recommend use of the TRBMP and the catchment data explorer to inform such work. It should be noted that the TRBMP requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Therefore, the development proposals should not cause the deterioration of water quality nor undermine the quality of a priority habitat. It should seek to restore and enhance the naturalness of the watercourse, aiming to maintain this quality and, where possible, to increase the naturalness of other parts of the river system.

Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Asset liability

The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party.

Riparian responsibilities

As River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

Sequential Test

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - o the proposed development is consistent with the use for which the site was allocated; and
 - o there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Insurance eligibility

New homes built in flood risk areas after 1 January 2009 are not covered by the Flood Re-insurance scheme and may not be eligible for home insurance. We advise contacting an insurance provider to discuss whether your development would qualify for insurance.

Flood Risk Management Scheme Funding eligibility

New properties and buildings converted to housings within areas of flood risk after 1 January 2012 will not be counted towards the outcome measures of any proposed future flood alleviation scheme. This is to avoid inappropriate development in flood risk areas.

Further information can be found at

<https://www.gov.uk/government/publications/calculate-grant-in-aid-funding-floodrisk-management-authorities>

Advice to applicant

Pre Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us, we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL.SustainablePlaces@environment-agency.gov.uk

Further information on our charged planning advice service is available at <http://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and, in accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Officer comment: The applicant has submitted amendments during the course of the application. The Environment Agency have been re-consulted and the following comments received:

4.1.1.2 Further comments [No objection]

Thank you for re-consulting us with the additional information for the above application on 4 September 2023. As part of the consultation, we have reviewed the following documents entitled:

- 'Applicant Response to EA Objections', uploaded to the planning portal 24 August 2023.

- 'Flow Rate V Flood Level', uploaded to the planning portal 24 August 2023.
- 'Flow Rate Data', uploaded to the planning portal 24 August 2023.
- 'Proposed Site Plan', prepared by AHR Building Consultancy Ltd., dated 5 December 2022 (Project number 2022.00796.000, Drawing number SK03, Rev P07)
- 'Materials Plan', prepared by AHR Building Consultancy Ltd., dated 5 December 2022 (Project number 2022.00796.000, Drawing number SK06, Rev P03)

Environment Agency Position

The additional information submitted sufficiently addresses our earlier concerns, we therefore **withdraw** our previous objection.

The applicant has demonstrated that the 1 in 100 + Climate change (21%) flood level is 44.99mAOD which is below ground level, in comparison to the existing topography of both sides of the banks which sit at 45.23mAOD and 45.22mAOD. This means that the existing banks are higher than the 1 in 100yr + CC flood level, confirming that the bridge and its approach ramps will not be located within this extent.

Additionally, the applicant has confirmed that new bridge will rest on the existing abutments, and therefore no closer to the watercourse.

The amended SK03 drawing also addresses our previous concern regarding the provision of an 8-metre undeveloped buffer zone from the top of the bank.

Informative

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- on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA and Applicant

Asset liability

The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party.

Riparian responsibilities

As the River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank.

Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

Fencing

We recommend that all fencing should be permeable to flood water, as to not obstruct and affect flood water flows and potentially increase the flood risk to nearby areas. We recommend no fencing in proximity to the watercourse, have open fencing, or set the fencing back 8m from top of bank. The least disruptive fence design is considered to be a post and rail or a post and wire fence. If privacy is required, hit and miss fencing or hedging are preferred.

Use of Sustainable Materials

We recommend the consideration of alternative sustainable materials for use than the geotextile membrane as it breaks down to release microplastics. Whilst microplastics is an area of extensive ongoing research and the evidence base is still being built, there is sufficient evidence to suggest that they have a negative effect on marine and freshwater environment. Consequently, they affect biodiversity and possibly human health since their small size facilitates uptake and bioaccumulation by organisms.

Sequential Test

We have withdrawn our objection to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Details and calculations relating to the structural stability of buildings during a flood
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Pre Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated. Should you have any queries regarding this response, please contact me.

4.1.2 Batchworth Community Council: [No objection, queries raised].

Batchworth Community Council welcomes the proposal to replace the bridge into the Aquadrome from Riverside Drive. However, we do have the following questions and comments:

1) There is no reference or diagram that shows the structure and composition of the bridge side barriers and infill. Looking at Diagram SK07 it would appear to be horizontal cabling. Is this correct? If so is there any additional safety netting on the angled stations.

2) Why do we need bollards across the path of Riverside Drive end of that approach path as these will only serve to cause congestion where ease of access and the mingling of pedestrians and cycles is required?

3) What is the timeframe from start to completion?.

4) The proposed decking in the lake side viewing area will become very slippery with time and a combination of water, leaves and goose and duck poo. We would suggest the application of a permeable membrane and a filling appropriate to wheelchairs as well as pedestrians.

5) What colour is the bridge and can the tables by the lake be more in keeping with the surroundings rather than blue?

Officer comment: In response to query 2, the bollards have been removed from the plans. In response to query 4, the applicant has made the following comments:

The proposed decking by the waterside is not timber. It is designed to be a composite nonslip viewing platform which will provide level access rather than the current step down so improving accessibility. Any surface would have to endure bird droppings and leaves, but it is considered a flat surface will be easier to maintain and keep clear.

In response to query 2, the applicant has advised; *'that the project would commence in the new financial year, once we have had approval of funding from the Department of Transport. Ideally, we would be undertaking the majority of the work during the Autumn/winter period when the site is not as busy'*.

In response to query 5, the provision of tables and seatings do not require planning permission in their own right and therefore the issue relating to colour of tables would not be a material planning consideration.

4.1.3 Three Rivers District Council Tree and Landscape Officer: [No objection]

Recommend: Approval, subject to conditions

The submitted plans indicate that nine trees, two tree groups and approx. six metres of Privet hedge would need to be removed to facilitate the development. The most significant removal would be T2 Ash at the southern end of the existing bridge. This early mature tree has previously had a substantial crown reduction due to signs of Ash Die Back. The main stem divides at approx. 1 metre from ground level, with a tight union that is likely to be a future weak point leading to failure. It will also outgrow its position and likely need to be removed in the relatively near future. Given that the remaining trees are all relatively low quality, their removal will not be detrimental to the landscape, providing sufficient replacement planting is required.

The proposed soft landscaping shows areas of shrub and hedge planting, however no standard trees appear to be specified. The use of *Fatsia japonica* is proposed in a number of locations, these could be substituted for smaller growing or multi-stemmed trees, such as Crab Apple, Dogwood, Birch or Cherry. There is also space for additional tree planting in the neighbouring play area, which would, in time provide sufficient compensation for those removed.

The soft landscaping plan appears to show metal fencing on a line with several retained trees, that would need to be either heavily pruned or felled to implement. Amendments to the plan will be needed if these trees are to be retained. The planting proposed in the soft landscaped areas should ideally draw on the use of more native species, and those associated with wetland and woodland edge environments, to create a more 'naturalistic feel' that connects with the wider riverside environment. The use of large pieces of timber or tree trunks rather than boulders would be more in keeping with the surrounding environment. In addition, rather than a linear hedge along the boundary with the river, a wider margin of native shrubs to screen the riverbank may be preferable. Further needs to be given to the design and layout of the landscape opposite the play area.

A condition should be applied that requires an amended landscape plan with further details of soft landscaping and replacement tree planting. The tree protection method statement provides sufficient protection for retained trees, a compliance condition requiring the method statement to be followed during construction should be applied, as follows.

Protection of trees

During construction of the development hereby permitted, the trees present within the property of [Insert Address] shall be protected by the measures outlined in the submitted Tree Protection Method Statement (ref: DS26012301). The measures in the method statement shall be implemented prior to commencement of construction and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: This is a compliance condition to ensure appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Officer comment: In response to the above comments, amended plans and an updated landscaping scheme has been received. The following comments have been received from the Landscape Officer:

No objection to the amended plans. Compliance conditions should be applied requiring the tree protection method statement to be followed, prior to, and during the development, and that the landscaping is implemented as per the submitted plans.

4.1.4 National Grid: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding your plans to carry out works. Based on the information you provided:

Although there are Cadent gas pipes in the area you're planning to work, you can proceed with your planned work with caution and in line with the guidance. This outcome is based on the information you gave us. If your plans change, or you are unable to work to the guidance please let us know as soon as possible so we can work with you to find a solution.

If your works are being carried out in an easement, please ensure that you contact us to obtain formal, signed written consent which will only be provided following consultation with our plant protection team.

Please find enclosed a copy of our plans for the area and ensure you follow our key guidance document Specification for Safe Working in the Vicinity of Cadent Assets.

What you need to do

BEFORE carrying out any work you must:

Carefully read the guidance documents and maps showing the location of our gas apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe on Cadent's legal rights (i.e. easements or other rights). If the works are in the road or footpath, the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding danger from underground services'. This guidance can be downloaded free of charge at www.hse.gov.uk

In line with the guidance, verify and establish the actual position of gas mains, pipes, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

Comply with all guidance and any further guidance from our specialist team.

Ensure that access to Cadent apparatus is maintained at all times.

Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over Cadent apparatus unless specifically agreed with us in advance

Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting Cadent apparatus.

Maintain appropriate clearances between gas apparatus and the position of other buried plant.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 2 objections (including one received from The Chiltern Society).

4.2.3 Site Notice: Expiry: 13 August 2023

4.2.4 Summary of responses:

- Important that cyclists are separated from pedestrians. It is not sufficient for cyclists to ring their bells as they approach pedestrians;
- New bridge will be 4m wide but will be constrained at both ends by bottle necks of much reduced width.
- Need to open up the entrance to the Aquadrome with an attractive, welcoming entrance. This must include a resolved entrance to the street, designed safely to resolve the present unsatisfactory arrangement. Where pedestrians stand and are hit by cyclists at a restricted pavement between two sets of railings. Please enhance the safe entrance to the public highway, or new bridge is a waste of money.
- The existing bridge has only been recently overhauled.
- The scheme requires a proper design review in conjunction with the highway, the pedestrian crossing connecting to the town and in relation to the lake at the other end. All routes should be direct, straight forward and without obstructions.
- Looking for sympathetic design flare which would be an asset to the town.

5 Reason for Delay

5.1 To address objections raised by the Environment Agency.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM8, DM11, DM13 and Appendix 5.

6.4 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on the Green Belt.

7.1.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.1.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 149 sets out six exceptions to inappropriate development which include:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and;*
- g) *limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would;*
 - *not have a greater impact on the openness of the Green Belt than the existing development or*
 - *not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

7.1.4 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of Green Belt in the District and 'will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it'. Development Management Policy DM2 notes that 'Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance'. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.

- 7.1.5 The proposed bridge would be considered as a replacement building and would therefore fall under exception (d) of the paragraph 149 of the NPPF. The plans indicate that the proposed bridge would be no higher than existing at the central point of the bridge. It is acknowledged that the bridge would be wider than existing with an increased width of approximately 4m, compared to the current surface area width of approximately 1.6m. It would also be perceived as wider due to the angled nature of the sides of the bridge. In addition, its length would also slightly increase from approximately 39.7m to 41.7m. Whilst it is acknowledged that the bridge would be perceived as wider due to its design, given the bridge would be sited in the same location, would be no higher, and with a modest increase in length, it is not considered that the proposed bridge would be materially larger. As such, the replacement bridge is considered to be an appropriate form of development, and for the reasons outlined above, it is not considered that there would be significant harm to the openness of the Green Belt.
- 7.1.6 To the east of the existing boat house is a flat roofed container. The applicant has confirmed that this would be removed from the land as part of the development. It is considered that this would result in an increase in openness in this location which is welcomed. At present, this land is separated from the footpath with green steel palisade fencing with a height of approximately 1.8m. The applicant is proposing to replace this fencing with new composite fencing with a height of approximately 2.4m. The provision of new fencing would be assessed under criteria (d) as a replacement building. It is acknowledged that the proposed fence would be approximately 0.6m higher than existing, however, given its limited length, that it would be located in a similar location and viewed against the backdrop of the existing boathouse, it is not viewed that it would appear as materially larger or unduly urbanising. As noted above there would be a general improvement to openness in this area following the removal of the container unit. In addition, there would be a low level knee rail adjoining the new deck. This would replace a low level structure in a similar location and as such this would also not affect the openness of the Green Belt.
- 7.1.7 The applicant is proposing to erect new gates which would be located towards the northern boundary of the site with Riverside Drive. Given that new gates would be considered as a new building, this aspect of the proposal would not fall within any of the identified exceptions listed within paragraph 149 of the NPPF. The provision of new gates would therefore constitute inappropriate development within the Green Belt which would be by definition harmful. As such, as set out in National Policy, very special circumstances (VSC) would be required for this element of the development.
- 7.1.8 The proposed development also includes installation of a proposed deck immediately adjacent to Batchworth Lake, upgraded footpaths, and landscaping alterations to the existing grass area to the east of the play area. Paragraph 150 of the NPPF states the following:
- Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- b) engineering operations.*
- 7.1.9 The proposed deck immediately adjacent to Batchworth Lake would replace an existing hard surface. It would not be of significantly increased size and therefore would not have an impact on the openness of the Green Belt. Likewise, the footpaths would be sited in the same location as the existing footpaths and would result in only a marginal increase in width. Again, this would not be detrimental to the openness of the Green Belt. The landscaping alterations include the replacement of the existing grass area to the east of the play area with wood chippings. This would retain a rural appearance and would not result in any spread of urbanising development. Furthermore, this aspect of the proposal is not viewed to constitute development and consequently would not require planning permission in its own right.

7.1.10 In summary, it is considered that the proposed replacement bridge, landscaping alterations and fencing would constitute an appropriate form of development which would not impact on the openness of the Green Belt. As such, these elements are considered acceptable and in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD. However, the proposal would also include the provision of new gates. These would be classified as a new building which would therefore be an inappropriate form of development which would be by definition harmful. Very special circumstances which would outweigh this harm would be required and these shall be considered at the end of this report.

7.2 Impact on the character of the area

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM11 of the Development Management Policies LDD relates to open space, sport and recreation facilities and children's play spaces and is therefore also considered relevant to the assessment of this application. This sets out the following:

Proposals for new or existing open space should be designed to a high standard and should not consist of large areas of open grass. The design of open space should have regard to the relationship between the open space and its surroundings, the level and kind of use likely given the nature of nearby uses and occupants, the need to maintain a variety and balance of different forms of open space and the need to maintain and enhance existing nature and conservation interests and the benefits of creating new habitats.

7.2.2 The new bridge would be located in the same location as existing, and therefore there would be some views of the structure from Riverside Drive as well as from within the Aquadrome. Given it would be of similar scale to the existing bridge, it is unlikely that it would appear as unduly prominent. The applicant has indicated that the bridge is likely to be green in colour, however, full details of this has not been provided. Consequently, it is considered appropriate to reserve this detail as a condition with full detail to be provided. Bacthworth Community Council have also queried aspects of the design, noting that the plans appear to show horizontal cabling to the side barriers of the bridge, but query whether any additional safety netting would be required. , The applicant has advised that appropriate guarding will be provided in full accordance with Approved Document K- Protection from falling, collision and impact. Full details will be secured via a condition.

7.2.3 The upgrading of the footpaths to either side of the bridge would not result in a significant increase in hardstanding and thus these changes would not impact on the visual amenities of the landscape or the wider landscape setting of the site. It is noted that the proposals also include changes to existing landscaping including the resurfacing of the grass area to the east of the play area with wood chippings. This would not result in significant visual harm and furthermore, this alteration in itself would not require planning permission.

7.2.4 New gates are proposed and would be located approximately 6.1m from the boundary with Riverside Drive. It is acknowledged that these would be relatively high and would appear as an enclosure of the site. However, the applicant has advised that the gates are required for security purposes in the rare event that the site would need to be closed, for example in the case of an outbreak of Avian Flu. However, the gates will generally be left open and are therefore only required for contingency purposes. Given that they would be set back from the frontage, and would generally be kept open, it is not considered that these would result in significant harm to justify refusal and thus no objections are raised in this regard. In addition, it is noted that the existing front gate at Riverside Drive would be removed in order to create a wider pedestrian access into the Aquadrome. The new gates being set back

further into the side would therefore create a greater sense of openness and would result in a visual enhancement to the wider streetscene and landscape.

- 7.2.5 Adjacent to the boat house, the existing container would be removed which would visually improve the appearance of this location by removing built form. New composite fencing is proposed which would replace the existing palisade fencing which is sited in a similar location. No objection is raised in principle as it is not considered that it would result in increased harm relative to the existing situation. Full details of the colour of the fencing can be reserved via a condition.
- 7.2.6 Located opposite the existing bridge and to the south east of the boat house is an existing unsurfaced area which provides some seating overlooking Batchworth Lake. The applicant is proposing to provide decking in this location with further seating provided. The provision of a deck would be a sympathetic addition which would not result in visual harm. The plans indicate that this would be separated from the footpath by a timber knee-rail fence which would be similar to the existing situation and thus no objection is raised.
- 7.2.7 It is considered that the changes proposed would enhance the existing use of this area of the site, through the provision of a new decked area, and an enhanced area with new seating adjacent to the play area. It is considered that the proposal is therefore in accordance with Policy DM11 of the Development Management Policies LDD.
- 7.2.8 In summary, it is not considered that the proposals would result in harm to the visual amenities of the streetscene or to the Aquadrome itself. Subject to conditions to include full details of the colour of the bridge, fencing and gate to be submitted to the Local Planning Authority, the development is considered acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

7.3 Flood Risk.

- 7.3.1 The application site is located in flood risk zones 2, 3A and 3B and therefore flood risk is a material planning consideration. Paragraph 159 of the NPPF sets out that 'inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (whether existing or future'. In addition, paragraph 167 states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a specific flood risk assessment'. Paragraph DM8 of the Development Management Policies LDD reflects national guidance, stating that 'Development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced'.
- 7.3.2 The Environment Agency initially raised objections to the development on the grounds of insufficient information relating to flood risk and with regard to the proximity to the River Colne. The Environment Agency, considered that the plans were unclear as to whether the bridge was to utilise existing abutments, and that justification should be provided for any works within 8m of the main river. In addition, the Environment Agency considered that it was unclear how far the inverts/abutment footings of the bridge were to be set below the existing bed level. The applicant had also failed to demonstrate clearly the extent of the 1 in 100 + climate change flood level. In addition, the Environment Agency raised concerns that the development may have a negative impact on the semi natural habitat within the riparian zone of the River Colne. The River Colne is a chalk stream classified as a Priority Habitat (also known as Habitats of Principal Importance) under the UK Biodiversity Action Plan due to their globally rare species rich habitat. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The Environment Agency raised concerns that the proposed hard standing works would encroach into the 8m buffer zone of the River Colne.

7.3.3 In response, the applicant provided amended drawings and information and as a result the Environment Agency has withdrawn their objections. It is considered that the applicant has demonstrated that the 1 in 100 + Climate change (21%) flood level is 44.9m AOD which is below ground level, in comparison to the existing topography of both sides of the banks which sit at 45.23 AOD and 45.22 AOD. As a result, the existing banks are higher than the 1 in 100yr + CC flood level, confirming that the bridge and its approach ramps will not be located in this extent. The applicant has also confirmed that the new bridge will rest on existing abutments and therefore will be no closer to the water course. The amended plans also demonstrate the provision of an 8m undeveloped buffer zone from the top of the bank. Consequently, the objections raised with regard to flood risk and the impact on the River Colne have been resolved.

7.3.4 Notwithstanding the above, the Environment Agency state that whilst their objections have been overcome, the LPA must apply the sequential test and consider whether this has been satisfied. The sequential test is one which compares the development site with other available sites to find out which has the lowest flood risk. In this case, the submitted Flood Risk Assessment sets out that the proposal is for a replacement bridge; and that there is no alternative location for the development to be sited. As such, it is considered that the proposal would satisfy the sequential test. It is also noted that the proposal would be classified as water compatible development as defined by Annex 3 of the NPPF.

7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.4.2 Due to the location of the application site, the proposed development would have no impact on the residential amenity of neighbouring dwellings and thus no objections are raised in this regard.

7.5 Highways & Parking

7.5.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD relates to off street car parking provision for developments.

7.5.2 In this case, the proposals do not include any alterations to vehicular access and thus no objections are raised in this regard. It is noted that the proposals do include a widened pedestrian access from Riverside Drive, however, this would not have any impact on the operation of the adjoining highway. The proposals relating to the bridge and landscaping improvements would also have no impact on the highway.

7.5.3 During the course of the application, representations received have raised concern regarding the operation of the bridge given it would provide a combined pedestrian footpath and cycle path. In response to these concerns, the applicant has advised that the design has been developed in partnership with Sustrans and the LTN 1/20 standard for bridge widths which states:

10.8.12 The overall desirable minimum widths between walls/parapets for over- and underbridges are therefore:

- *5.5m separate provision (2m footway, 3m cycle track, 0.5m clearance on one side)*
- *4m shared use (3m useable width, 0.5m clearance on both sides)*

7.5.4 The applicant has advised that a segregated bridge with a width of 5.5m would not be considered in keeping with this site as a Local Nature Reserve and consequently the bridge

has been designed as shared usage and does not include a separate cycle lane. Given the above justification, no objections are raised.

7.5.5 The proposed development would have no impact on off street car parking and therefore no objections are raised in this regard.

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It advises the following: Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.6.2 The Landscape Officer has been consulted, and notes that the plans indicate the removal of a number of trees and 6m of privet hedge in order to facilitate the development. The most significant removal would be T2 Ash at the southern end of the existing bridge. This early mature tree has previously had a substantial crown reduction due to signs of Ash Die Back. The main stem divides at approx. 1 metre from ground level, with a tight union that is likely to be a future weak point leading to failure. It will also outgrow its position and likely need to be removed in the relatively near future and thus no objection is raised to its removal. Furthermore, given that the remaining trees are all relatively low quality, their removal will not be detrimental to the landscape, providing sufficient replacement planting is required.

7.6.3 The Landscape Officer's initial comments raised some concern with regard to landscaping. During the course of the application, an amended soft landscaping scheme has been submitted and the Landscape Officer considers that this would be acceptable. A condition shall be attached to the consent requiring that the landscaping is undertaken in accordance with the approved plans. Likewise a compliance condition shall be attached requiring the development is undertaken in accordance with the approved arboricultural method statement.

7.6.4 Therefore, in summary, subject to conditions, the proposed development is considered acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.7 Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.7.3 As noted, the site is a designated Local Wildlife Site and therefore the application is accompanied by a Preliminary Ecological Appraisal (PEA). This notes that the site was assessed as having a potential to be used by common amphibian species, roosting bats, commuting and foraging bats, birds, fish, widespread reptiles, commuting otter, and hedgehog. The report therefore makes a number of recommendations including mitigation measures. A condition shall be attached to any consent requiring that the development is

undertaken in accordance with the suggested mitigation measures set out in paragraph 5.4.1 of the submitted PEA. Paragraph 5.3.1 of the submitted PEA sets out that due to the presence of suitable breeding habitats within 200m of the site, a further survey for otters would be required. In addition, the production of a Construction Environmental Management Plan has been recommended; and both of the above can be secured via a condition.

- 7.7.4 Paragraph 5.4.2 of the PEA notes the removal of small areas of vegetation in order to facilitate the new bridge and path widening works. This would include the removal of a small section of hedgerow. The submitted PEA sets out that enhancement or creation of a habitat elsewhere is recommended to compensate for this loss. The application therefore proposes replacement planting to mitigate the loss.
- 7.7.5 It is also recommended that informatives are added to any consent reminding the applicant of the bird nesting season, and to undertake works in accordance with best practice guidance as issued by DEFRA, 2022.
- 7.7.6 In summary, subject to the suggested conditions and informatives, the development is considered acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.8 Very special circumstances.

- 7.8.1 The NPPF sets out the following with regard to inappropriate development in the Green Belt:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

- 7.8.2 As set out above, the provision of new gates would constitute inappropriate development. However, the applicant has set out that there is an operational requirement for the provision of gates. The applicant has stated that that the gates are required for security purposes in the rare event that the site would need to be closed, for example in the case of an outbreak of Avian Flu. However, the gates would generally be left open and are therefore only required for contingency purposes. In addition, it is noted that given that there is an existing gate located along the front boundary which would be removed; siting the proposed gates further back into the site would actually result in some increase in openness and would enhance the setting of the site. It is therefore considered that given the existing site circumstances, and that that there may be circumstances where the Aquadrome would need to be closed, that this would constitute very special circumstances which would outweigh the limited harm to the Green Belt. Furthermore, no other material harm has been identified as a result of the development. The proposal is therefore considered acceptable and in accordance with the provisions of the NPPF, Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

8 **That PLANNING PERMISSION BE GRANTED subject to the following conditions.**

- C1 The parts of the development not yet begun, shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

SK00 P02, SK01 P01, SK02 P01, SK03 P09, SK06 P05, SK07 P03, 21514-LD-01 C, 21515-LD-02 C,

Reason: For the avoidance of doubt and in the proper interests of planning and to protect the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM8, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of development, a survey for the presence of otters shall be carried out by a suitably qualified and experienced ecologist, to ensure that otters have not developed habitats within the immediate vicinity of the proposed development area such that impacts are likely and a License is required. A report of findings and any appropriate mitigation measures should be submitted to the Local Planning Authority for written approval. All works shall then proceed in accordance with the approved scheme of mitigation.

Reason: This is a pre-commencement condition in the interest of safeguarding otters and to meet the requirements of Policies CP1 and CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to above ground works, full details of the colour of the proposed bridge, fencing and gates, and details of the design and colour of the guarding shall be submitted to and approved in writing by the Local Planning Authority. Those elements shall

thereafter be installed only in accordance with the details approved by this condition and maintained as such thereafter.

Reason: This condition is required to ensure that the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C6 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (Agricultural Impact Assessment and Agricultural Method Statement, Patrick Stileman, 5th September 2023, DS26012301) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 All hard landscaping works required by the approved scheme (Drawing no. , 21514-LD-01 C and 21515-LD-02 C) shall be carried out and completed prior to the use of the development hereby permitted.

All soft landscaping works required by the approved scheme (Drawing no. , 21514-LD-01 C and 21515-LD-02 C) shall be carried out before the end of the first planting and seeding season following first use of any part of the development or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.1 Informatives

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or

other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant engaged in the pre-application process and

amendments were made in response to previous objections raised. In addition, the Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 14 Flood Risk Activity Permit: The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 15 Riparian responsibilities: The applicant is reminded that as the River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

Fencing: We recommend that all fencing should be permeable to flood water, as to not obstruct and affect flood water flows and potentially increase the flood risk to nearby areas. We recommend no fencing in proximity to the watercourse, have open fencing, or set the fencing back 8m from top of bank. The least disruptive fence design is considered to be a post and rail or a post and wire fence. If privacy is required, hit and miss fencing or hedging are preferred.

Use of Sustainable Materials: We recommend the consideration of alternative sustainable materials for use than the geotextile membrane as it breaks down to release microplastics. Whilst microplastics is an area of extensive ongoing research and the evidence base is still

being built, there is sufficient evidence to suggest that they have a negative effect on marine and freshwater environment. Consequently, they affect biodiversity and possibly human health since their small size facilitates uptake and bioaccumulation by organisms.

- 16 The applicant is reminded that the woodland and hedgerow are likely to support common nesting bird species. An vegetation clearance required should be undertaken outside of the bird nesting season. If this is not possible, then a nesting bird check should be undertaken by an ecologist no more than 48 hours prior to clearance. In the event that active nests are found, a suitable buffer zone should be created and maintained until the chicks have fledged and are no longer dependent on the nest.
- 17 The applicant is advised that in order to avoid impacts to the River Colne and its fish, that works should be undertaken in accordance with industry good practice guidance by ensuring anti pollution measures are put in place. For example the storage of all machinery, fuels, oil and chemicals and refuelling should occur within a designated area over 10m from any watercourses (DEFRA, 2022).
- 18 We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding your plans to carry out works. Based on the information you provided:

Although there are Cadent gas pipes in the area you're planning to work, you can proceed with your planned work with caution and in line with the guidance. This outcome is based on the information you gave us. If your plans change, or you are unable to work to the guidance please let us know as soon as possible so we can work with you to find a solution.

If your works are being carried out in an easement, please ensure that you contact us to obtain formal, signed written consent which will only be provided following consultation with our plant protection team.

Please find enclosed a copy of our plans for the area and ensure you follow our key guidance document Specification for Safe Working in the Vicinity of Cadent Assets.

What you need to do

BEFORE carrying out any work you must:

Carefully read the guidance documents and maps showing the location of our gas apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe on Cadent's legal rights (i.e. easements or other rights). If the works are in the road or footpath, the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding danger from underground services'. This guidance can be downloaded free of charge at www.hse.gov.uk In line with the guidance, verify and establish the actual position of gas mains, pipes, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

Comply with all guidance and any further guidance from our specialist team.

Ensure that access to Cadent apparatus is maintained at all times.

Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over Cadent apparatus unless specifically agreed with us in advance

Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting Cadent apparatus.

Maintain appropriate clearances between gas apparatus and the position of other buried plant.