

Report to Watford Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Watford Local Plan 2018-2036

The Plan was submitted for examination on 6 August 2021

The examination hearings were held between 18 January 2022 and 9 February 2022

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Abbreviations used in this report

The 2004 Act	The Planning & Compulsory Purchase Act 2004 (as amended)
The 2012 Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
The Council	Watford Borough Council
NPPF	National Planning Policy Framework (July 2021)
The Plan	The Watford Local Plan 2018-2036
PPG	Planning Practice Guidance
sqm	Square metres

Evidence and Examination Documents

All of the Council's supporting evidence submitted with the Plan along with documents that I issued, requested or accepted during the examination were published on the examination website. Each document has its own individual reference number such as SUB1, ENV4, EMP5, etc. Where appropriate, I refer to documents by their reference numbers in this report.

Non-Technical Summary

This report concludes that the Watford Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. Watford Borough Council has specifically requested that I recommend any main modifications necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The main modifications were subject to public consultation over a six week period in June and July 2022. In some cases I have amended the detailed wording of the modification to take account of consultation responses and ensure soundness. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The main modifications can be summarised as follows:

- Amend the plan period from 2018-2036 to 2021-2038.
- Change the minimum housing requirement from 793 homes per year to 784 homes per year (13,328 between 2021 and 2038).
- Clarification that at least 158 homes per year will be required on unallocated sites, in addition to a total of 11,112 on commitments and allocations, if the minimum housing requirement is to be met.
- Changes to policy CDA2.1 and relevant allocation requirements to achieve sustainable development and transformation of the Watford Gateway Strategic Development Area.
- Amendments to policies CDA2.2, VT5.1 and VT5.2 and relevant allocation requirements to achieve sustainable development and promote the vitality and viability of Watford town centre.
- Changes to policy CDA2.3 and relevant allocation requirements to achieve sustainable development and transformation of the Colne Valley Strategic Development Area including through the preparation of a masterplan supplementary planning document for Lower High Street.
- Amendments to policies HO3.5 and HO3.10 to meet the housing needs of the elderly and those with special needs.
- Changes to policy HO3.11 to secure the provision of shared private outdoor amenity space in new apartment blocks.
- Removal of Reach Printing Services Limited from a designated industrial area.
- Amendments to various policies to set out a positive strategy for the conservation and enjoyment of the Borough's historic environment.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Watford Local Plan 2018-2036 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework ("the NPPF") makes clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that Watford Borough Council ("the Council"), the local planning authority, has submitted what it considers to be a sound plan. The Final Draft Watford Local Plan 2018-2036 Consultation Version ("the Plan"), submitted in August 2021¹, is the basis for my examination. It is the same document as was published in January 2021 for consultation under regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations").

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. The main modifications are referenced in bold in this report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal of them. The main modifications schedule was subject to public consultation for six weeks in June and July 2022. I have taken account of the consultation responses in coming to my conclusions in this report and have made some amendments to the detailed wording of some of the main modifications. None of the amendments significantly alters the content of the modifications as published for

¹ SUB1.

consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the relevant document is the Final Draft Policies Map A0 Consultation Version that was submitted in August 2021².
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the main modifications: Policies Map: Suggested Modifications to Support the Schedule A Proposed Main Modifications (Fourth iteration)³.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Final Draft Policies Map A0 Consultation Version and the further changes published alongside the main modifications.

Context

The Borough and its surroundings

9. The Borough is in the south west part of Hertfordshire around 20 miles from central London. The Hertfordshire districts of Three Riv-

² SUB2.

³ ED54A.

ers, St Albans and Hertsmere lie to the west, north east, and east respectively. It is geographically the smallest district in England outside London, and largely built up. However, there are a number of community parks along with other areas of public open space, and the Metropolitan Green Belt covers around 19% of the Borough's land area. Over 90% of development in the last ten years or so has been on previously developed land.

10. The Borough has good accessibility by road and rail. There are four railway stations serving the mainline, London Overground and London Underground. The M1 motorway lies a short distance to the east of the town, and the M25 to the north of the Borough. The economy is diverse, with significant employment in professional services, retail, health care, manufacturing, construction and wholesale, although high numbers of residents commute into London. Watford town centre performs a sub-regional role, attracting trips from outside the Borough both to work and to access shops and other facilities. Existing industrial land has been redeveloped for other uses in recent years, and the built up nature of the Borough means that there is very limited land available for new industrial and warehouse development.

The statutory development plan

11. When adopted, the Plan will supersede all of the saved policies in the Watford District Plan 2000 and the Core Strategy 2006-2031. The Plan will then form the statutory development plan for the Borough along with the Hertfordshire Minerals Local Plan, Hertfordshire Waste Local Plan and any neighbourhood plans made in the Borough.

Public Sector Equality Duty

12. The Council carried out an Equalities Impact Analysis to inform the preparation of the Plan⁴.
13. I have had due regard to the three aims expressed in section 149(1) of the Equality Act 2010 and in particular considered how the Plan's policies and proposals are likely to affect people from groups with "protected characteristics"⁵. This has involved my consideration of several matters during the examination including those relating to different types of housing need, including for people with disabilities, the elderly, and travellers; achieving sustainable design; improving accessibility and infrastructure for public transport, walking and cycling; and protecting and providing education, health and other

⁴ SUB11.

⁵ *The Equality Act 2010* defines "protected characteristics" as: age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

community and social infrastructure. My findings in relation to those matters are set out in subsequent sections of this report.

Assessment of the Duty to Cooperate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. The Council's Duty to Cooperate Statement of Compliance and statements of common ground⁶ set out the cross boundary strategic matters that the Council considered during the preparation of the Plan and how it addressed them through working with other local authorities and relevant prescribed bodies. The strategic matters included housing, employment, transport, education, health, waste, minerals, and waste water infrastructure. The activities undertaken aimed at achieving effective cooperation included joint studies, working groups, ongoing liaison with statutory consultation bodies, and specific duty to cooperate meetings.
16. The policies and proposals in the Plan reflect the outcome of the joint-working on the strategic matters, and none of the prescribed bodies or other relevant organisations have indicated that they are dissatisfied with their liaison with the Council. Thus, whilst there are a number of soundness issues related to some strategic matters that I consider in subsequent parts of this report, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and complied with the duty to cooperate.

Assessment of Other Aspects of Legal Compliance

17. The Plan has been prepared in accordance with the Council's Local Development Scheme⁷.
18. The Council published a Statement of Community Involvement in July 2017 and updates in November 2019 and October 2020⁸. The Council's Regulation 22(1)(C) Statement and Consultation Summary⁹ set out how it has involved residents and other stakeholders in preparing the Plan, including through three consultation exercises

⁶ ED3 to ED8.

⁷ SUB13.

⁸ SUP2, SUP4 and SUP5.

⁹ SUB12 and SUB14.

relating to issues and options, first draft plan, and final draft plan. I am satisfied that the consultation carried out during preparation of the Plan and on the main modifications was legally compliant.

19. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19¹⁰. The appraisal used a systematic framework and proportionate available data to assess emerging policies and potential allocations, along with reasonable alternatives, throughout the preparation of the Plan. Potential impacts, including cumulative impacts, on defined sustainability objectives and, where necessary, mitigation measures were identified. The findings of the appraisal were used by the Council to inform decisions about the content of the Plan. The appraisal was updated to assess the main modifications and a report was published for consultation¹¹.
20. The Council's Habitat Regulations Assessment Screening Reports¹² demonstrate that the Plan would not result in an adverse impact on the integrity of any relevant protected sites (the nearest of which is at least 19.5 km from the Borough) and therefore an appropriate assessment is not necessary.
21. The development plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Borough. Those priorities are meeting housing needs within the Borough; retaining the town's pre-eminent economic role in the sub-region, both in terms of providing employment and main town centre uses; and delivering infrastructure to support high levels of household and employment growth.
22. The Plan's overall spatial strategy (policy SS1.1) and various specific requirements, including in policies CC8.1 to CC8.5, NE9.1 to NE9.8 and ST11.1 to ST11.6, ensure that the development plan, as a whole, includes policies designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change.
23. Appendix H in the Plan identifies the policies in the Watford District Plan 2000 and the Core Strategy 2006-2031 that will be superseded

¹⁰ SUB3 to SUB9.

¹¹ ED58, ED58/1 and ED58A to ED58F.

¹² SUB10 and ED59.

by policies in the Plan when it is adopted as required by regulation 8(5).

24. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

25. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 15 main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Are the amounts of housing and economic development that the Plan aims to accommodate clearly expressed, justified and consistent with national policy?

Plan period

26. The submitted Plan covers the period 2018 to 2036. However, the start date needs to be modified to 2021 so that it is as up-to-date as possible on adoption and consistent with national policy and guidance relating to the standard method for establishing local housing need. Furthermore, to ensure that strategic policies look ahead over a minimum of 15 years from adoption as required by national policy, the end date needs to be modified to 2038 [**MM2 to MM11, MM14, MM38, MM59, MM60, MM77, MM88, MM156, MM248 and MM257**]. I deal with the implications of this for various aspects of the Plan, including housing and employment land needs and supply, below.

Household growth and housing requirement

27. Policy HO3.1 and paragraph 3.1 refer to 14,274 homes (793 per year) in the period 2018 to 2036 to meet local housing need as determined using the government's standard method. However, the standard method indicates that, when the Plan was submitted for examination in 2021, the annual need figure was 784 homes per year. National guidance expects housing need to be updated until the Plan is submitted. Policy HO3.1, and other parts of the Plan as

appropriate, therefore need to be modified to refer to a minimum housing requirement of 784 net additional homes per year which represents a total of 13,328 in the modified plan period of 2021 to 2038 [**MM13, MM56, MM62, MM172** and **MM246**].

28. Furthermore, to be justified and effective, policy HO3.1 also needs to be modified to delete reference to a buffer of 5% or 714 homes. This is because those figures are ambiguous in terms of their purpose and they do not reflect the latest evidence about housing land supply, an issue I return to later in this report [**MM56** and **MM62**].

Additional industrial, warehouse and office floorspace

29. Proportionate and up-to-date evidence¹³ indicates a need for a total of 188,000 sqm of additional office floorspace and 481,500 sqm of additional industrial and warehouse floorspace in South West Hertfordshire. Of that need, 37,600 sqm of office floorspace and 98,400 sqm of industrial and warehouse floorspace are required in Watford. In order to ensure that the Plan is justified, the reasoned justification to policy EM4.1 needs to be modified to refer to the floorspace requirements in Watford [**MM83**].
30. The Plan refers to the creation of 11,500 new jobs. However, the basis for that figure, the time period to which it relates, and its relationship with the identified need for additional office, industrial and warehouse floorspace are not clear. Furthermore, specifying a potential number of new jobs does not make clear how a decision maker should react to a development proposal. Policies SS1.1 and EM4.1 and Appendix A therefore need to be modified to delete reference to 11,500 jobs to ensure the Plan is effective and justified [**MM13, MM85** and **MM245**].

Conclusion

31. The modifications I have described above are necessary to ensure that the amounts of housing and economic development that the Plan aims to accommodate are clearly expressed, justified and consistent with national policy.

¹³ South West Hertfordshire Economic Study 2016 and Update 2019 [EMP3 and EMP4] and Employment Topic Paper [ED14].

Issue 2: Is the Plan informed by a proportionate and up-to-date assessment of viability and will the policy requirements not undermine deliverability?

32. The Council's Local Plan Viability Assessment 2021¹⁴ provides up-to-date and proportionate evidence about the economic viability of development that is consistent with national policy and guidance. The types of development tested reflect the allocations in the Plan and windfall proposals that are likely to come forward. Reasonable assumptions are made about development values and costs, including those associated with policy requirements in the Plan. Whilst an additional cost for providing electric vehicle charging points in residential developments was not factored in, this would not make a significant difference to the overall findings of the assessment that I describe below¹⁵.
33. The evidence shows that the majority of housing and mixed use allocations are likely to be viable assuming that all relevant policy requirements are met¹⁶. However, despite that, nearly 4,000 of the new homes proposed in the Plan are on allocations that the evidence indicates may not be viable unless fewer affordable homes are provided than required by policy HO3.3. I consider whether that policy is sound later in this report, but in summary I conclude that subject to a main modification it will be effective in securing the maximum amount of affordable housing whilst being flexible enough to avoid preventing schemes coming forward due to poor viability.

Conclusion

34. I therefore conclude that the Plan is informed by a proportionate and up to date assessment of viability and that the policy requirements will not undermine deliverability.

¹⁴ VIA1.

¹⁵ Oral evidence by the Council at the hearing session on 9 February 2022.

¹⁶ 42 out of a total of 55 housing and mixed use allocations [ED38].

Issue 3 – Is the spatial strategy set out in the Plan justified having regard to reasonable alternatives, and is the approach to Green Belt consistent with national policy?

The spatial strategy

35. The identified need for 784 additional homes per year compares with an historic average completion rate of under 380 homes per year. A number of spatial options to accommodate these homes, and economic development, were considered and assessed during the preparation of the Plan. However, the built-up nature of the Borough means that realistic opportunities for accommodating such a scale of development are extremely limited. This is exemplified by the fact that every site that was identified as being available and suitable is allocated in the Plan following a thorough process that involved consideration of all undeveloped land, including Green Belt, as well as opportunities on currently and previously developed land.
36. The spatial strategy is described as transformational in policy SS1.1 and illustrated on the Key Diagram (Figure 1.2). It aims to make efficient use of the limited sites that are available and maximise opportunities to use sustainable forms of transport by focussing 80% of development in the Core Development Area based on and around the town centre. Detailed proposals for the implementation of the strategy in the Watford Gateway, Town Centre, and Colne Valley Strategic Development Areas, that collectively make up the Core Development Area, are set out in policies CDA2.1 to CDA2.3 and the development requirements for allocated sites.
37. All of the allocated sites in the Core Development Area are brownfield, most being in active use comprising buildings of varying quality and/or surface car parks. The strategy requires high density development, including through new buildings that will be significantly taller than existing prevailing heights. Heritage Impact Assessments¹⁷ conclude that development of this nature can be designed such that there would be no, or less than substantial, harm to heritage assets. However, a number of modifications are needed to the policies relating to the three Strategic Development Areas and the development requirements for the relevant allocations so that the

¹⁷ ED32A to ED32K.

Plan is effective in that regard. I identify those modifications in subsequent sections of this report.

38. Outside the Core Development Area, identified development opportunities are more limited although there are 29 housing or mixed use allocations, most being for up to 50 homes. The density of new development is expected to be optimised, but significantly lower than in the Core Development Area.
39. In principle this is a sound spatial strategy for the Borough. However, whether it is effective in enabling the delivery of the amount and type of new homes and other development that is needed, creating well-designed places, protecting heritage assets, and achieving sustainable development in other respects are matters that I consider in subsequent sections of this report, including those relating to the three Strategic Development Areas.
40. Strategic policy SS1.1 provides a high level description of the spatial strategy and sets out some principles that are followed through in more detailed policies throughout the Plan. In most respects, the policy is sound. However, the requirement for all development to take place on brownfield land is not justified or consistent with national policy. Furthermore, it would not be effective in helping to facilitate sufficient development to meet identified needs as it would unnecessarily rule out opportunities that may become available on suitable greenfield sites. That part of the policy should therefore be deleted [**MM15**].

Green Belt

41. The detailed wording of policy SS1.1 needs to be modified so that it is consistent with national policy relating to inappropriate development in the Green Belt only being approved in very special circumstances [**MM15**].
42. The Council carried out a systematic two-stage Green Belt assessment during the preparation of the Plan to inform decisions about whether changes needed to be made to help meet development needs or for other reasons¹⁸. Based on that, and other site specific information, the Plan removes a limited amount of land from the Green Belt in five locations.

¹⁸ ENV4 and ENV5.

43. In three of those cases, the physical character of the land has changed significantly due to development that has taken place such that it no longer serves any Green Belt purpose. Furthermore, retaining the designation would not provide an effective policy approach for considering any proposals for further development that may come forward in those locations during the plan period.
44. Land at Tolpits Lane is now an established gypsy and traveller site. An adjoining area will form an extension to that site to ensure that the identified need for an additional two pitches can be met in a suitable location. National policy allows for limited alterations to the Green Belt to meet specific identified needs for traveller accommodation¹⁹.
45. Land to the north of the A41 on the Borough boundary now forms part of a large film studio complex. It no longer serves any Green Belt purpose. To the south of this is a small field that is essentially contained by the A41, Hempstead Road, and the existing urban area. It is available now and suitable for the development of around 90 dwellings and included in the Plan as housing allocation HS06 Russell Lane. Significantly, the site provides a rare opportunity for the development of new family homes with gardens, rather than high density flats. The proposal would be likely to have an overall low to moderate effect on Green Belt purposes. Subject to a modification, the development requirements for the site in chapter 13 would be effective and consistent with national policy with regard to securing compensatory improvements to the environmental quality and accessibility of remaining Green Belt [**MM180**]. The harm that the development would cause would clearly be outweighed by the significant benefits that the proposal would bring in helping to meet housing needs. That is particularly so in light of my findings later in this report about the difficulties in fully meeting those needs due to land constraints.
46. To the south and south east of housing allocation HS06 Russell Lane is a school, woodland and recreation ground that are enclosed by the existing urban area and that allocation. None of that land would continue to serve a Green Belt purpose once the allocation is developed.

¹⁹ Planning Policy for Traveller Sites (2015) policy E.

47. The revised Green Belt boundaries in all of the locations are based on physical features that are readily recognisable and likely to be permanent.
48. For the above reasons, I am satisfied that there are exceptional circumstances to justify the changes to the Green Belt in five locations that are made in the Plan.
49. All of the other land in the Green Belt serves Green Belt purposes and much of it is also well-used public open space, has significant value for biodiversity, or is separated from the town by the M1 motorway. Other than allocation HS06, no sites that are available and suitable for housing or industrial development have been identified in the Green Belt.

Conclusion

50. Subject to the modifications that I have referred to above and elsewhere in this report, the spatial strategy set out in the Plan is justified having regard to reasonable alternatives, and the approach to Green Belt is consistent with national policy.

Issue 4 – Are the policies relating to, and the allocated sites in, the Watford Gateway Strategic Development Area justified and will they be effective in achieving sustainable development?

51. The Watford Gateway Strategic Development Area covers 31 hectares of land a short distance to the north of the town centre. It comprises Clarendon Road, which is defined as the Primary Office Location in the Borough, along with Watford Junction railway and bus stations, associated areas of car parking, a rail aggregates depot and concrete batching plant, and a variety of industrial and commercial uses.
52. Policy CDA2.1 aims to transform the Area over the plan period to create a mixed-use urban quarter of high quality design and place making with excellent connectivity and a mix of housing, employment and other subsidiary land uses and community orientated facilities. Seven sites are allocated on the basis that they are suitable and are, or will be, available for development. Collectively these are expected to provide around 2,500 homes, a primary school, a hotel, a significant amount of office floorspace, a multi-storey car park, and

new and replacement industrial floorspace. Connectivity within and to the area would be improved including through the provision of two new pedestrian and cycle bridges over the two railway lines that cross the Area.

53. Development of allocation MU05 St Albans Road, in the north west corner of the Area, is now underway following the granting of planning permission for 1,214 dwellings, a primary school, and nearly 2,500 sqm of commercial and office floorspace. Allocations MU08 Station Road and EM01 Cassiobury House also now have planning permission, and a scheme is being progressed for allocation MU09 Watford Police Station on Clarendon Road which is likely to be redeveloped in the next few years.
54. Allocations MU07 Astral House and EM05 Colonial Way/Clive Way, which are to the east of the two railway lines, are expected to remain in industrial use for the much of the plan period. Indeed, both sites are likely to be redeveloped with new industrial units in the short term. Whilst there is a possibility of these sites becoming available for mixed use redevelopment towards the end of the plan period, this would be dependent on various factors, not least the development of allocation MU06 Watford Junction immediately to the west.
55. Allocation MU06 Watford Junction comprises the railway station, a multi-storey car park, extensive surface level car parks, and the rail aggregates depot and concrete batching plant. The aggregates depot and concrete plant is an important facility of at least sub-regional significance which is safeguarded in the Hertfordshire Minerals Local Plan and expected to remain in situ throughout the plan period and beyond. Residential and commercial development nearby would be required to provide suitable mitigation through the agent of change principle in accordance with policy CC8.5 and national policy²⁰.
56. There are currently no specific proposals for developing allocation MU06 but it is supported by the landowners and they, the Council, and other relevant parties are working to deliver a scheme in the medium to longer term. Key will be the provision of a new multi-storey car park as part of a new "mobility hub" to the east of the railway lines with road access from the east and a new pedestrian and cycle bridge over the railways. This would allow high density residential and commercial development on the existing surface car

²⁰ NPPF 187.

parks between the railway lines and the development that is now underway on allocation MU05.

57. In light of the above, whilst it is clear that some of the allocations will deliver development in the next few years, the transformation of the whole Area into a mixed-use urban quarter of high quality design with excellent connectivity is likely to continue throughout the plan period and beyond. That said, such a transformation in this part of the Borough centred on the main railway and bus interchange close to the town centre would represent sustainable development and bring many benefits. The strategic policies and specific allocations in the Plan set out, in principle, a positive approach that will help to facilitate that transformation over the coming years and decades.
58. However, to be effective in that regard significant changes are required to policy CDA2.1, the reasoned justification, Appendix C, and the development requirements for the relevant allocations set out in chapter 13 of the Plan. Those modifications relate to various matters including the expected timing and nature of development in different parts of the Area; the protection of heritage assets; the provision of transport and other necessary infrastructure; and the relationship with the aggregates depot and concrete batching plant [**MM18 to MM35, MM199 to MM208, MM235, MM236, MM240, MM241, MM250 and MM251**]. There is no need to modify policy CDA2.1 to repeat national policy requirements relating to sequential tests and retail impact assessments.
59. Parts of the Area are not designated as allocations in the Plan. However, policy CDA2.1 and other policies provide a positive approach to consider any proposals that may come forward on unallocated sites in the Area, such as Apex House at Bridle Way. It is not, therefore, necessary to modify the Plan to allocate such a site that had not been identified as available and suitable during the preparation of the Plan.

Conclusion

60. The modifications that I have described above are necessary to ensure that the strategy for, and the allocated sites in, the Watford Gateway Strategic Development Area are justified and will be effective in achieving sustainable development.

Issue 5 – Are the policies relating to, and the allocated sites in, the Town Centre Strategic Development Area justified and will they be effective in achieving sustainable development and ensuring the vitality of the town centre?

61. The Town Centre Strategic Development Area covers 52 hectares focused on High Street running from the Town Hall in the north to High Street station in the south. It acts as a sub-regional centre for shopping, leisure, and service sector jobs. It includes two conservation areas and numerous nationally and locally listed buildings. Access to the centre for pedestrians and cyclists from the surrounding parts of the town is hindered by the surrounding ring road and other busy roads.
62. Policy CDA2.2 aims to intensify town centre uses, increase the number of residents, improve the public realm, and provide active frontages to the ring road to reduce vehicle dominance. Eight sites are allocated on the basis that they are suitable and are, or will be, available for development. Collectively these are expected to provide around 500 homes and new or replacement floorspace for a variety of main town centre uses. Most are likely to be developed in the first few years of the plan period, with the most notable exception being MU13 Sainsbury's which is expected to become available in the late 2020s for development of around 220 homes and new commercial floorspace. Given the nature of the area, it is likely that further opportunities for redevelopment will come forward on unallocated sites in the Area during the plan period.
63. Generally, policy CDA2.2 and the development requirements for the relevant allocations in chapter 13, provide a positive and effective approach. However, a number of modifications are required relating to the protection of heritage assets, improvements to transport infrastructure, and the use of supplementary planning documents and other guidance to ensure that development, including on windfall sites, is coordinated and helps to achieve the objectives for the Area [**MM36 to MM46, MM182, MM183 and MM209 to MM218**]. This will ensure the policy is effective and consistent with national policy.
64. Policies VT5.1 and VT5.2 aim to ensure the vitality and viability of the town centre by setting out a positive and flexible approach towards the full range of main town centre uses and ensuring that such uses

are controlled elsewhere. In most respects these policies are sound, although a number of changes are required to ensure effectiveness and consistency with national policy relating to main town centre uses [**MM97** to **MM101** and **MM256**].

Conclusion

65. Subject to the modifications that I have described above, the policies relating to, and the allocated sites in, the Town Centre Strategic Development Area are justified and will be effective in achieving sustainable development and ensuring the vitality of the town centre.

Issue 6 – Are the policies relating to, and the allocated sites in, the Colne Valley Strategic Development Area justified and will they be effective in achieving sustainable development?

66. The Colne Valley Strategic Development Area comprises 83 hectares to the south of the town centre and includes three distinct parts around Lower High Street in the east; the hospital, football ground, and Riverwell in the west; and the River Colne and Thomas Sawyer Way corridor running between them.

67. Policy CDA2.3 aims to transform the Area through co-ordinated change to produce a sustainable and mixed use urban quarter of high quality design and place making, excellent connectivity and a diverse range of uses. A number of sites are allocated for housing or mixed use development which collectively are expected to accommodate around 4,400 new homes in the plan period thereby making a significant contribution to meeting the Plan's housing requirement. Much of the land in the Area is not specifically allocated for development, although policy CDA2.3 allows for sites that become available to be developed for residential and other uses subject to the requirements of other relevant policies.

68. Development on allocation MU21 Riverwell in the western part of the Area is underway, and will continue in a number of phases which are expected to deliver nearly 1,400 homes along with a new primary school. However, to ensure effectiveness, a number of modifications are required to policy CDA2.3 and the development requirements set out in chapter 13 relating to MU21 Riverwell. These reflect the latest evidence, including that relating to the proposed redevelopment of

the hospital and provision of a new multi-storey car park, and address a number of other issues relating to transport infrastructure and the protection of heritage assets [**MM50, MM54** and **MM228** to **MM230**].

69. A total of around 2,400 of the new homes in the Area would be on a number of allocated sites in the eastern part of the area around Lower High Street, including HS21 Waterfields Retail Park (414 dwellings), MU16 Tesco (1,338 dwellings, a primary school and commercial and community floorspace), and MU18 Colne Valley Retail Park (466 dwellings and commercial and community floorspace).
70. Those allocations, and land and buildings around them, are in active use for mainly large-scale retail and commercial purposes along with extensive areas of surface level parking and access roads. Whilst the owners of the allocations have expressed support for the Plan's objectives for the Area and confirmed that the sites will be available, the indications are that they are likely to be brought forward for development at different times, and some not until the late 2020s or early 2030s.
71. As with the strategy for Watford Gateway, the transformation of the Colne Valley into a mixed use urban quarter of high quality design and place making with excellent connectivity and a diverse range of uses would represent sustainable development and bring many benefits. However, policy CDA2.3 does not include a mechanism to effectively plan and co-ordinate the delivery of the transformative change aspired for in the Area, in particular the allocated sites and other land around Lower High Street.
72. The development requirements for the allocations set out in chapter 13 of the Plan include references to supporting the wider objectives for the Area and, in some cases, engaging with the owners of another site. However, it is not clear how this would be effective if different sites (allocations, but also potentially windfalls) around Lower High Street are brought forward at different times, particularly in the absence of a clearer articulation of when and how that area is expected to change, the overall pattern of development in the long term, and the changes to the road network and public realm that would be required to achieve the transformation.

73. The Council carried out initial work in 2021 as a first step in the preparation of a masterplan for the Lower High Street area²¹. In order for policy CDA2.3 to be effective in helping to deliver the transformation of that area over the plan period and beyond, a modification is needed to refer to the Council preparing a Masterplan Supplementary Planning Document for the Lower High Street area. Proposals would be required to have regard to the masterplan and demonstrate how they contribute to the coordinated delivery of development, do not inhibit the delivery of other sites, and do not compromise future development opportunities that could make a positive contribution towards the objectives set out in policy CDA2.3 [**MM49, MM51 and MM53**]. The weight to be attached to the Masterplan Supplementary Planning Document would depend on its status in accordance with national policy; this does not need to be repeated in the Plan.
74. The Council advised during the examination that the preparation of a masterplan is a priority, and that it is likely to be adopted within two years. Given that the large allocations around Lower High Street, and potentially windfall sites, are expected to come forward in the medium and longer term the masterplan should be in place to effectively coordinate development along with the significant improvements to the built environment, public realm and connectivity for pedestrians, cyclists and public transport that will be required.
75. A number of other changes to policy CDA2.3, the reasoned justification, and the development requirements for the relevant allocations are needed. Those modifications relate to various matters including the protection of heritage assets and improvements to transport infrastructure [**MM47, MM48, MM52, MM55, MM185 to MM188, MM190, MM219 to MM221, MM223 to MM225, MM231, MM232 and MM237**]. This will ensure those policies are effective and justified.
76. Whilst, for commercial reasons, there may be no intention to redevelop the Tesco building in the foreseeable future, it is not necessary to amend the policies map to exclude that part of the site from allocation MU16. This is because circumstances may change in the medium or longer term and, irrespective of whether the building remains or is redeveloped, it would need to be taken into account in the design and layout of any schemes on other parts of the allocation and in the wider area. Nor does the indicative yield for the site need

²¹ A Vision for the Lower High Street Watford (draft June 2021) [ED49A].

to be modified as it is based on a consistent approach used for all of the allocations in the Plan.

77. There is no identified quantitative need for significant additional retail floorspace in the Borough. In that context, the requirements in policies CDA2.3, MU16 and MU18 for no additional retail floorspace in the Colne Valley (which is outside the town centre) are justified as they will help to ensure the Plan is effective in promoting the vitality and viability of the town centre in line with national policy. There is no need to modify those policies to repeat national policy requirements relating to sequential tests and retail impact assessments.

Conclusion

78. The modifications that I have described above are necessary to ensure that policy CDA2.3 and the allocated sites in the Colne Valley Strategic Development Area are justified and will be effective in achieving sustainable development.

Issue 7 – Does the Plan identify a sufficient supply and mix of sites to ensure that the identified need for additional homes in the Borough can be met?

79. Policy HO3.1 states that provision will be made for 14,988 new homes in the Borough between 2018 and 2036. Figure 3.1 indicates that this is expected to be delivered through 8,748 homes on allocated sites; 4,145 on completions 2018 to 2021 and commitments on 1 April 2021; and 2,095 on windfalls. Appendix B sets out a housing trajectory for the period 2018 to 2036.
80. I have already concluded that the Plan should be modified to set out a minimum housing requirement of 13,328 net additional dwellings for a modified plan period of 2021 to 2038 (784 per year). In order to be justified and effective, the housing supply figures in the Plan need to be updated to reflect the modified plan period and the latest evidence about the amount and timing of development expected on each site. The detailed implications of this are considered below.
81. The requirement for 784 net additional homes per year compares with an historic average completion rate of under 380 homes per year. Achieving this substantial increase in delivery will be

challenging, particularly given the highly built up nature of the Borough. In this context, I turn now to consider the supply assumed in the Plan from allocations, commitments, and windfalls.

Housing and mixed use allocations

82. As previously noted under main issue 3, every site that was identified as being available and suitable during the preparation of the Plan following a thorough site identification process over a number of years is allocated. The submitted Plan assumes that a total of 8,748 dwellings will be provided on the housing and mixed use allocations based on the indicative yields set out in chapter 13.
83. The indicative yield for each allocation is based on the site size and a density assumption that varies depending on its location. The assumed densities range from 220 dwellings per hectare for allocations in the Core Development Area to 55 dwellings per hectare for allocations in the less accessible parts of the Borough. These assumptions are reasonable, having regard to the types of developments brought forward in recent years, and consistent with national policy which aims to make effective use of land. However, paragraphs 3.2 and 13.4 of the Plan need to be modified to justify the indicative yields and ensure that relevant policies can be effectively implemented to optimise densities based on a design-led approach that achieves high quality development and protects heritage assets [**MM57** and **MM174**].
84. The latest evidence shows the total indicative capacity of the allocations to be 8,604 dwellings. This reflects the modification relating to MU07 Astral House in the Watford Junction Strategic Development Area which is no longer assumed to deliver 131 dwellings in the plan period, along with some minor changes to the capacities of a limited number of other sites. To ensure effectiveness, chapter 13, Figure 3.1 and the housing trajectory need to be modified accordingly [**MM58, MM172, MM189, MM204** and **MM247** to **MM249**].
85. I have concluded under previous main issues that the allocations in the three Strategic Development Areas are sound subject to a number of main modifications. The indicative yields for those allocations, based on high density development, are justified for the reasons already set out. Based on those yields, the Strategic

Development Areas are collectively expected to accommodate around 80% of the new homes needed.

86. There are 31 housing and mixed use allocations outside the Strategic Development Areas. Many of these are small to medium sized sites, although MU23 Asda and HS27 Croxley View are expected to deliver 422 and 240 dwellings respectively. The indicative yields for all of the allocations are based on density assumptions appropriate to their locations. All are suitably located with a reasonable prospect of being available at the point envisaged, subject to a limited number of modifications to reflect the latest evidence from prospective developers. Modifications are also needed to the development requirements for some of the allocations to ensure that the Plan is effective in achieving sustainable development with regard to various factors including relationship with a waste transfer station (HS01), and potential impacts on heritage assets (HS18 and HS19) and the road network (MU23) [**MM179, MM181, MM184, MM184A, MM191 to MM193, MM226, MM227, MM233 and MM234**].

Commitments

87. The Plan assumes that 2,507 additional homes will be built on sites with planning permission on 1 April 2021. This assumes that all of those permissions will be fully implemented. However, historically around 15% of dwellings with permission have not been built. If such a lapse rate were applied to the permissions at 1 April 2021 it would reduce the supply from that source by 376 dwellings to 2,131. In order to ensure that the Plan is justified and effective, this needs to be explained in the reasoned justification [**MM61**].

Windfalls

88. Paragraph 3.3 refers to an historic average windfall rate of 70 homes per year on sites of fewer than 5 units, and states that it is expected that windfalls will contribute 116 homes per year in future. However, the housing trajectory in Appendix B includes a windfall allowance of 139 homes per year from 2021. This ambiguity and inconsistency needs to be rectified by way of modifications which I describe below.
89. Subject to the main modification I have already recommended to policy SS1.1 to remove the restriction on greenfield development, the Plan allows residential development on non-allocated sites in all parts of the Borough subject to compliance with other policies such as

those protecting Green Belt, open space and biodiversity. On that basis, there is no reason that the historic average of 70 dwellings per year on sites of fewer than 5 dwellings will not continue.

90. Furthermore, whilst all available and suitable sites with capacity for 5 or more dwellings that were identified during the preparation of the Plan are allocated, the relatively strong market and high value of residential development mean that further brownfield sites will come forward during the plan period. This is particularly the case in the three Strategic Development Areas where policies CDA2.1 to CDA2.3 (as modified) set out a positive approach to encouraging development not just on specific allocations. As transformation of those Areas takes place, further opportunities for windfall developments will no doubt materialise.
91. Finally, there is compelling evidence that some of the allocations that do not have planning permission are likely to deliver a greater number of dwellings than assumed by the indicative yields. For example, allocation MU05 St Albans Road has planning permission for 1,214 dwellings whereas its indicative capacity, based on its size and the standard assumptions about density, would be around 550 units. Policies in the Plan require densities to be optimised and specify indicative minimum figures for different parts of the Borough. It is unlikely, therefore, that proposals will come forward for lower densities than assumed by the indicative yields.
92. I am, therefore, satisfied that there is compelling evidence that windfalls will provide a reliable source of supply and make a significant contribution to meeting housing needs. In the absence of any reliable data to quantify windfalls on brownfield sites of 5 or more dwellings and additional units on allocations, the submitted Plan includes a total windfall figure of 2,095 dwellings to increase the assumed supply from commitments and allocations to match the minimum requirement set out in policy HO3.1. In the particular circumstances of the Borough which I have described, this is a reasonable approach in principle, and such an assumption is not overly optimistic. I deal below with the detailed modifications that are required with regard to windfalls to ensure consistency with my other findings relating to the plan period, allocations and commitments.

Overall housing land supply for the plan period

93. I have already found that policy HO3.1 needs to be modified to set a minimum housing requirement of 13,328 additional dwellings between 2021 and 2038. Allocations are likely to deliver at least 8,604 dwellings, and commitments up to 2,507 dwellings. This leaves a shortfall of at least 2,217 homes against the minimum requirement for 13,328. The Plan needs to be modified to refer to these figures, and explain that a minimum of 158 dwellings per year will need to be provided on windfall sites from 2024/5 onward if the minimum housing requirement is to be met. This can then be monitored annually by the Council, along with the supply that materialises from allocations and commitments, in order to keep this element of the Plan under review [**MM58** and **MM59**]. These modifications ensure the Plan is effective and justified.
94. National policy requires local plans to identify specific, deliverable sites for years 1-5; and specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. I deal with the five year supply for years 1-5 (2021 to 2026) below. However, it is clear from the housing trajectory (as modified) that the Plan identifies more than sufficient specific, developable sites (allocations) for years 6-10. Plan policies, as modified, identify most of the Borough as being a broad location for growth, with a particular focus on the Core Development Area. For the reasons set out earlier, it is reasonable to assume that a total of at least 2,217 homes (additional to those assumed on commitments and allocations) will be provided on windfall sites in the period to 2038. It is not possible to identify further specific developable sites for years 11-15.
95. I am, therefore, satisfied that, subject to the modifications that I have described, the Plan identifies a sufficient supply of housing land to meet the minimum housing requirement consistent with national policy.

Five year housing land supply

96. The Council's latest evidence, as discussed above, indicates that the number of additional homes that are expected to be completed between 1 April 2021 and 31 March 2026 is as follows:

• Commitments (development commenced)	1,247
• Commitments (full permission, not commenced)	1,260
• Allocations with full planning permission	1,218
• Allocations without planning permission	1,236
• Windfalls (158 x 2)	316
• Total	5,237

97. There is no clear evidence to suggest that the numbers of dwellings in the first three categories are unlikely to be delivered in the timescales expected meaning that they should be considered deliverable in accordance with national policy. For the reasons set out earlier, a windfall allowance of 158 per year is justified, and applying that from 2024 onward avoids any significant double counting with commitments.
98. There is evidence to support the assumptions about completions on the 22 allocations without planning permission that collectively are expected to deliver 1,236 additional homes by 2026. That evidence clearly shows that there is a reasonable prospect of the number of homes assumed being delivered on each of those allocations, with a limited number of exceptions where development may start later than assumed by the Council. However, if that slippage did occur it would be unlikely to reduce the number of completions in the five year period by more than 200-300 dwellings. I am, therefore, satisfied that the Plan identifies a supply of deliverable housing land on 1 April 2021 that was more than sufficient to meet the five year requirement of 4,704 dwellings on that date²².
99. The housing trajectory, which is based on reasonable evidence and assumptions, shows that a five year supply of land is also likely to be available on adoption and in subsequent years.

Conclusion

100. Subject to the main modifications that I have described, the Plan identifies a sufficient supply and mix of sites to ensure that the need for additional homes in the Borough can be met in accordance with national policy.

Issue 8 – Are the policy requirements relating to residential development justified and consistent with national policy, and will the Plan be effective in meeting the housing needs of different groups in the community?

Affordable housing

101. Policy HO3.3 requires all residential development of ten or more homes to provide at least 35% affordable housing. Whilst this is expected to deliver over 4,000 new affordable homes, that would be

²² $784 \times 5 = 3,920 + 20\% = 4,704$.

significantly below the identified need for additional affordable housing. The viability evidence indicates that the 35% requirement can be met on most types of site in the central part of the Borough where around 80% of new homes will be provided. Some developments, particularly in the lower value areas, may not be able to meet the 35% requirement in full. That is reflected in policy IN10.3 relating to development contributions, and policy HO3.3 which sets out a late stage review mechanism aimed at securing the maximum number of affordable homes that can be viably delivered. However, to be effective, policy HO3.3 needs to be modified to clarify the circumstances in which that mechanism will be applied [**MM69**].

102. Policy HO3.3 expresses the 35% affordable housing requirement in terms of the number of habitable rooms. This provides flexibility and has the potential to increase the supply of affordable homes with three or more bedrooms to address the growing need amongst families with dependent children. However, for effectiveness, a modification is required to the reasoned justification to explain this element of the policy [**MM65**].
103. The requirement in policy HO3.3 for 60% of affordable homes to be for social rent reflects the identified need for that tenure of affordable housing whilst ensuring consistency with national policy relating to affordable home ownership²³. However, a main modification is required to the reasoned justification to clarify the approach [**MM66**]. Whilst the Plan was prepared prior to the introduction of national policy relating to First Homes, the tenure split in policy HO3.3 would allow such products to be brought forward along with other forms of affordable home ownership as appropriate.
104. Subject to the main modifications I have described, the Plan should be effective in securing the maximum amount of affordable housing to help meet identified needs in a way that is consistent with national policy whilst maintaining the viability of development.

Dwelling size

105. Around one third of households in the Borough have one or more dependent children and that proportion is expected to increase over the plan period²⁴. National policy expects the needs of families with children to be reflected in local plans, and the Plan should seek to achieve balanced communities in all parts of the Borough. There is

²³ NPPF 65.

²⁴ Council response to PQ21.

no overriding reason why, with good design, high density developments in and around the town centre cannot be suitable for families. The requirement in policy HO3.2 for at least 20% of new homes to have at least 3 bedrooms is, therefore, justified. However, to ensure effectiveness, the policy needs to be modified to clarify that it applies to sites of 5 or more dwellings [**MM64**]. Excluding development in the Strategic Development Areas from the requirement is not necessary and would significantly reduce the number of new family-sized homes.

106. Policy HO3.10 requires all new homes to meet or exceed the nationally described space standards. This carries forward a requirement previously set out in a supplementary planning document²⁵ that has been implemented successfully for a number of years. Given the Plan's reliance on high density development, much of which is expected to be in the form of apartment blocks with less outside space than detached and semi-detached houses, it is particularly important for the minimum internal space standards to be achieved to ensure satisfactory living conditions.

Private and shared outdoor amenity space, and publicly accessible open space

107. Policy HO3.11 requires the provision of private outdoor amenity space for all dwellings, ranging from a minimum of 5 sqm for one bedroom apartments to 25-40 sqm for four bedroom houses. The detailed wording and structure of this part of the policy need to be modified to ensure clarity and therefore effectiveness [**MM81**].

108. The last part of policy HO3.11 supports the provision of communal outdoor amenity space, including roof and terrace space. Such spaces provide important opportunities for socialising and recreation, including children's play, that private balconies do not. As the vast majority of residential development is expected to be in the form of apartment blocks, it is important that the Plan is effective in securing private shared outdoor amenity space that is high quality and accessible to all residents. To ensure this, policy HO3.11 and the reasoned justification need to be modified to set out a clear requirement in this regard [**MM80** and **MM81**].

109. Policy NE9.7 requires development to contribute to the provision, enhancement and maintenance of publicly accessible open space. In

²⁵ Residential Design Guide 2016 [LDD10].

areas where there is an identified deficiency, provision is required on site. Most allocations are not in areas where there is a deficiency. A modification is required to clarify that the policy relates to major residential development and to refer to planning obligations [MM150]. A modification is also required to the reasoned justification to clarify the different types of open space that may be required as identified in the Watford Green Spaces Strategy [MM149]. These modifications ensure that the policy is effective and justified.

Build to rent

110. Policy HO3.4 is supportive of build to rent homes provided that a number of criteria are met. In most respects the approach is consistent with national policy and associated guidance²⁶, although a number of changes need to be made to the policy and reasoned justification to ensure this is so. Those changes relate to the provision of affordable housing, including through discounted rents that are at least 20% below market rents having regard to the latest relevant evidence, and the use of site specific viability assessments in particular circumstances [MM70 to MM72]. The references to break clauses and covenants in the reasoned justification are not policy requirements and do not need to be modified to ensure soundness.

Custom and self build housing

111. Policy HO3.7 requires 10% of homes on sites of 50 or more dwellings (excluding affordable homes) to be provided as self-build plots. If the plots are not taken up within 12 months, they would be returned to the developer.

112. To be effective and justified, the policy needs to be modified to clarify that the requirement relates only to non-flatted developments. As the vast majority of new homes are expected to be in apartment blocks, the requirement will only apply to a limited number of developments meaning that the total number of self build plots that would be made available would not be disproportionate to the potential level of demand. However, to be effective, the policy needs to refer to plots being offered on the open market as well as to people on the self-build register, and specify that the 12 month period applies from the commencement of development [MM76]. The

²⁶ www.gov.uk/guidance/build-to-rent

reasoned justification needs to be modified accordingly [**MM68**, **MM74** and **MM75**].

Housing for the elderly and those with special needs

113. The evidence indicates that there will be a large rise in the number of households that include people with health issues including impaired mobility and dementia. The Council received over 300 applications to adapt existing homes in the last year or so. It is likely that there will be a significant increase over the plan period in the number of households that would benefit from having accessible and adaptable homes that meet the building regulation standard M4(2). The cost of meeting that standard was included in the viability assessment. The requirement in policy HO3.10 for all new homes to be designed and built to comply with the M4(2) standard unless they are built to comply with M4(3) (wheelchair user) is, therefore, justified by evidence relating to need and viability.
114. Policy HO3.10 requires developments of 10 or more homes to provide at least 10% to M4(3) standard. However, the evidence indicates a need for around 500 additional wheelchair user homes. This represents around 4% of the housing requirement. Policy HO3.10 needs to be modified accordingly so that it is justified by proportionate evidence [**MM78**].
115. The last part of policy HO3.10 requires 2% of homes on developments of 50 or dwellings to be designed to support someone living with dementia. In order to be effective and justified, the policy and reasoned justification need to refer to the design principles set out in Figure 3.3 and to clarify that wheelchair user homes can contribute to the requirement if appropriately designed [**MM79**].
116. Policy HO3.5 relates to specialist housing and care homes, and includes requirements relating to the protection of existing facilities and the provision of new facilities. Various changes need to be made to the policy and reasoned justification to ensure the policy is sound in all four respects.
117. Firstly, clarification is needed of the types of development that it applies to, consistent with national policy²⁷, including age-restricted market housing, retirement living or sheltered housing, housing with

²⁷ PPG ID:63-010-20190626.

care or extra care, residential care homes, and nursing homes. Secondly, it needs to clarify the criteria relating to proposals that would result in the loss of existing residential accommodation that provides specialist care and supported living. Thirdly, it needs to set out a positive approach towards development proposals that provide specialist housing and delete reference to all such development being within 400 metres of district or local centres and public transport. Finally, the requirement for the provision of affordable housing needs to be clarified so that it only applies to specialist care and supported living accommodation that fall within use class C3 (and not residential institutions such as care homes and nursing homes) [**MM67, MM73** and **MM255**].

Gypsy and traveller accommodation

118. Paragraph 3.35 in the Plan refers to a need for two additional pitches for gypsies and travellers up to 2036. This is based on an up-to-date and proportionate assessment²⁸. Paragraph 3.37 refers to a site being allocated adjacent to the existing site at Tolpits Lane to meet this need.

119. However, that allocation is not included in the lists of sites in Chapter 13 under policy SA13.1, nor is it defined on the policies map. Modifications are therefore required to refer explicitly to the allocation [**MM173, MM177** and **MM194**], and the policies map needs to be amended accordingly. Subject to this, the Plan will be effective in ensuring that the identified need for additional gypsy and traveller accommodation can be met. The evidence shows there is no identified need for accommodation for travelling showpeople in the Borough.

Conclusion

120. Subject to the main modifications that I have described, the various policy requirements relating to residential development are justified and consistent with national policy, and the Plan will be effective in meeting the housing needs of different groups in the community.

²⁸ Gypsy and Traveller Accommodation Assessment 2019 (ORS) [HOU5].

Issue 9 – Are the policies relating to industrial, warehouse and office developments justified and will they be effective in achieving sustainable development?

121. I have already found that there is an identified need for a total of 37,600 sqm of additional office floorspace and 98,400 sqm of additional industrial and warehouse floorspace in Watford. However, the evidence clearly shows that, whilst there are opportunities for a significant amount of additional office floorspace in and close to the town centre, the amount of land in the Borough suitable and available for industrial and warehouse development is extremely limited²⁹. The Plan aims to build on its sub-regional role in office provision, whilst protecting existing industrial areas and supporting the limited opportunities to provide new industrial and warehouse floorspace.

Designated industrial areas

122. The five main existing industrial areas in the Borough are indicated on Figure 4.1 and designated on the policies map. Policy EM4.2 aims to prevent the net loss of industrial floorspace in those areas unless there is up-to-date evidence to demonstrate that the site is no longer required for industrial use, or the property has been vacant for at least 12 months and there is clear marketing evidence that it cannot be reused or redeveloped for industrial uses in the medium term. In order to ensure the policy is effective in that regard, the detailed wording needs to be modified [**MM91**]. Subject to that, the approach to protecting existing industrial areas is justified with one exception.

123. Reach Printing Services Limited occupies a site alongside the A41 in the northern part of the Borough. It is physically separate from, and has no direct access to, other industrial and warehouse uses due to the presence of a large supermarket and associated car parks to the south and railway line to the east. Policy EM4.4, relating to existing employment uses outside designated industrial areas, provides an appropriate policy for considering any proposals that may come forward to redevelop the site in the plan period. Its inclusion as part of a designated industrial area subject to policy EM4.2 is not,

²⁹ EMP1 to EMP5.

therefore, justified and the policies map should be amended accordingly.

Additional industrial and warehouse floorspace

124. Table 4.1 summarises the amount of additional industrial floorspace that the Plan proposes be provided between 2018 and 2036 on sites with planning permission and three allocations. To be justified and effective, the figures need to be modified to reflect the modified plan period and the latest evidence about the availability and capacity of sites [**MM88** and **MM89**].

125. The modified total of 25,206 sqm of additional industrial and warehouse floorspace on commitments (12,407 sqm) and allocations (12,799 sqm) between 2021 and 2038 is significantly less than required in the Borough (97,400 sqm), but there are no further available and suitable sites. To ensure the Plan is justified, modifications are required to refer to the amount of floorspace proposed, acknowledge that this is insufficient to meet identified needs in the Borough, and state that the Council will continue to work with neighbouring authorities in South West Hertfordshire to address the shortfall. Reference to the latter point in policy EM4.1 needs to be deleted as it is not relevant to development proposals in the Borough [**MM84** to **MM86**].

Office development and allocations

126. Table 4.2 summarises the amount of additional office floorspace that the Plan proposes between 2018 and 2036 on sites with planning permission and allocations. To be justified and effective, the figures need to be modified to reflect the modified plan period and the latest evidence about the availability and capacity of sites [**MM90**]. The modified total of 85,488 sqm of additional office floorspace on commitments (66,060 sqm) and allocations (19,428 sqm) between 2021 and 2038 is significantly more than required in the Borough (37,600 sqm). This reflects the availability of suitable sites, the sub-regional role that the town performs, and recent evidence of strong demand for high quality office floorspace.

127. Most of the additional office floorspace is proposed at Clarendon Road which is close to the town centre and Watford Junction railway station, and defined in policy EM4.3 as the Primary Office Location in the Borough reflecting its existing role. This is justified by the

availability of suitable sites in a highly accessible location that is attractive to the local and sub-regional market. However, the requirement in policy EM4.3 for impact assessments for office developments outside the Clarendon Road Primary Office Location, including in the town centre, is not justified or consistent with national policy. To address this, the office development hierarchy defined in the Plan needs to be modified to give the town centre equal status to Clarendon Road, and the requirement for impact assessments for offices should be deleted [**MM92, MM93** and **MM96**].

128. In order to be effective, the detailed wording of policy EM4.3 needs to be modified to prevent the net loss of office floorspace at Clarendon Road unless the proposal would safeguard the commercial role and character of the Primary Office Location and meet a number of other defined criteria [**MM94** and **MM95**].

Conclusion

129. Subject to the main modifications that I have described, the policies relating to industrial, warehouse and office developments are justified and will be effective in achieving sustainable development.

Issue 10 – Will the Plan be effective in encouraging the use of sustainable modes of transport, ensuring safe and suitable access to development for all users, and mitigating the impacts of development on the transport network?

130. Managing transport in the Borough is a key challenge, not least because of the high levels of greenhouse gas emissions from the sector, poor health associated with air pollution, and the social and economic impacts of congested roads. The spatial strategy concentrates the majority of future development in the most accessible parts of the town³⁰ in order to minimise the need to travel and maximise opportunities to walk, cycle and use public transport. Chapter 11 in the Plan includes a number of policies and proposals aimed at creating a “sustainable travel town” and ensuring that development mitigates the impacts on the transport network. In most respects those policies and proposals are sound, although a

³⁰ As illustrated in Figure 1.1 in the Plan.

number of modifications are required to the detailed wording. I describe these below.

Development and improvements to transport infrastructure

131. Policy ST11.1 expects all development to contribute towards sustainable and active travel behaviour and sets out a number of specific requirements for contributions towards improving public transport and traffic demand management. To ensure effectiveness and consistency with other parts of the Plan, modifications are required to the policy and reasoned justification to refer to links to High Street Station and include an additional requirement for developments to enhance pedestrian and cycling facilities at key junctions with the ring road around the town centre [**MM158** and **MM159**].
132. Policy ST11.2 seeks to protect various existing and potential routes for public transport, walking and cycling, and sets out measures to protect and improve Watford Junction as a multi-modal transport hub. Modifications are required to the policy and reasoned justification to ensure that appropriate weight is given to protecting the relevant routes, proportionate to their status, when considering development proposals, and to ensure consistency with other parts of the Plan including policies relating to the Watford Gateway Strategic Development Area [**MM157**, **MM160** and **MM161**]. Modifications are also required to the reasoned justification, Figure 11.3, and development considerations for allocation EM02 Wiggshall Industrial Estate to ensure that it is effective in facilitating access to the safeguarded disused Croxley rail line [**MM163** to **MM165** and **MM237**]. Changes are required to the policies map to ensure that the routes are accurately and appropriately defined. This will ensure the Plan is justified and effective.
133. Policy ST11.3 requires major developments to observe a number of defined principles and to support specific infrastructure schemes listed in Appendix C (where locationally relevant). For effectiveness, a modification is required to ensure consistency with other parts of the Plan and to make clear that relevant routes and areas are defined on the policies map [**MM162** and **MM166**].

Cycle and car parking

134. Policy ST11.4 requires all development to provide secure on-site cycle parking facilities in line with the standards set out in Appendix D of the Plan. Modifications are required to the policy, and the cycle standards for larger dwellings, to ensure that they are justified and effective [**MM167**, **MM168** and **MM252**].
135. Policy ST11.5 sets out requirements for car parking provision including maximum standards for different types of development in the Core Development Area and other parts of the Borough (Appendix E); the provision of spaces for disabled persons, car club use, and powered two wheelers; and the installation of active and passive charging infrastructure for electric vehicles. A modification is required to the car parking standards for industrial and warehouse developments in Appendix E to ensure that they are justified and effective [**MM253** and **MM254**].
136. The Council's viability assessment did not include an additional cost for meeting the requirement in policy ST11.5 to provide 20% of parking spaces with active charging infrastructure and for all other spaces to have passive provision. However, an additional cost of £3,600 per dwelling would not make a significant difference to the findings of the viability assessment³¹. Furthermore, incorporating such infrastructure into development at the outset will be cost effective and is necessary to encourage the shift to more sustainable forms of transport.

Strategic road network

137. The Council's transport evidence shows that, subject to the Plan's policies and mitigation measures, the development proposed will not have significant impacts (in terms of capacity, congestion and safety) on the strategic road network, including the M1 motorway. The County Council and National Highways are satisfied in that regard.

Conclusion

138. Subject to the main modifications that I have described, the Plan will be effective in encouraging the use of sustainable modes of transport, ensuring safe and suitable access to development for all

³¹ Council oral evidence to the hearing session on 9 February 2022.

users, and mitigating the impacts of development on the transport network.

Issue 11 – Will policies IN10.1 to IN10.3 be effective in helping to ensure the timely provision of new or improved infrastructure needed to support development proposed in the Plan?

139. Policy IN10.1 seeks to achieve an integrated approach to the delivery of development and infrastructure. A modification is required to give appropriate weight to the Watford Infrastructure Delivery Plan and achieve consistency with other parts of the Plan [**MM152**]. This will ensure the policy is justified and effective.
140. Policy IN10.2 requires developments to ensure there is, or will be, sufficient infrastructure capacity to meet the additional needs generated. Modifications are required to refer to the use of planning conditions and clarify the requirements for non-householder developments including relating to the provision of high speed internet facilities [**MM153** and **MM154**]. This will ensure the policy is justified and effective.
141. Policy IN10.3 seeks to balance the priorities for infrastructure delivery with those for affordable housing, other non-infrastructure related planning obligations and sustainability standards. A modification is required to ensure consistency with national policy relating to planning obligations and to clarify the requirement relating to off-site highway works thereby ensuring effectiveness [**MM155**]

Conclusion

142. Subject to the main modifications described above, policies IN10.1 to IN10.3 will be effective in helping to ensure the timely provision of new or improved infrastructure needed to support development proposed in the Plan in ways that are justified and consistent with national policy.

Issue 12 – Will policies QD6.1 to QD6.5 be effective, when applied with other relevant policies in the Plan, in helping to create high quality, beautiful and sustainable buildings and places?

143. Policy QD6.1 sets out different approaches to the design of development in the Core Development Area, Established Areas, and Protected Areas. These reflect the different characters of those areas, and the type and amount of development proposed in them. To ensure effectiveness, a modification is required to clarify that the three areas are defined on the policies map [**MM105**].
144. Policy QD6.2 requires all development to demonstrate how it responds to a number of design principles relating to character and identity, built form, active and passive frontages, movement and connectivity, and views. Modifications are required to refer to the Council's Skyline Supplementary Planning Document and to include an additional principle relating to sustainability [**MM106** to **MM108**]. This will ensure consistency with national policy and effectiveness.
145. Policy QD6.4 sets out detailed design requirements for new buildings. Modifications are required to clarify those relating to primary access for ground floor units and internal cores, and to include an additional requirement for buildings to promote the use of stairs and provide secure cycle parking in easily accessible locations [**MM109** to **MM111**]. These changes are necessary to ensure effectiveness given the number of new homes that will be provided in apartment blocks.
146. Policy QD6.5 sets out additional design requirements for buildings that exceed the base building heights defined in Figure 6.3. Those base heights range from four storeys outside the Core Development Area to ten storeys in parts of the Watford Gateway Strategic Development Area. The approach is justified by the Watford Tall Buildings Study³² and is, in most respects, sound. However, to ensure effectiveness and consistency with national policy, modifications are required relating to design quality and the types of significant public benefits that such development is expected to deliver, and to include reference to the Skyline Supplementary Planning Document [**MM112** to **MM117**].

³² HER19 [2021]

Conclusion

147. Subject to the main modifications I have referred to above, policies QD6.1 to QD6.5 will be effective, when applied with other relevant policies in the Plan, in helping to create high quality, beautiful and sustainable buildings and places.

Issue 13 – Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, and are policies HE7.1 to HE7.4 consistent with national policy?

148. I have already recommended modifications to the development requirements and considerations set out in chapter 13 of the Plan for various allocations, and to policies CDA2.1 to CDA2.3, to ensure that the development proposed in the Plan takes appropriate account of the historic environment. Policies HE7.1 to HE7.4 set out various requirements for development in relation to particular types of heritage assets. A number of modifications are required to ensure consistency with national policy, effectiveness, and that the policies are adequately justified.

149. Policy HE7.1 seeks to ensure that development embraces opportunities to use the historic environment to support good design and enhance the setting and understanding of the historic environment and improve Watford's historic character. Modifications are required to the reasoned justification [**MM118** and **MM119**].

150. Policy HE7.2 sets out detailed requirements for development that would affect designated heritage assets or their settings, including conservation areas, listed buildings, scheduled monuments, and registered parks and gardens. A modification is required to the first paragraph to ensure consistency with national policy relating to the weight to be given to conservation and the need for clear and convincing justification for any harm to, or loss of, significance [**MM121**].

151. A modification is required to policy HE7.3 and the reasoned justification to clarify that the policy applies to all non-designated heritage assets including those identified during the preparation of a neighbourhood plan, conservation area appraisal, or the assessment of a planning application, not only those that are on "Watford's local

list". The modification also needs to refer to monuments, sites, places and landscapes with heritage value [**MM120** and **MM122**]. This will ensure the policy is effective in relation to all types of non designated heritage asset.

152. Policy HE7.4 requires all development to protect remains of archaeological importance, and sets out a number of requirements aimed at achieving this. A modification is required to the reasoned justification [**MM123**].

Conclusion

153. Subject to the modifications I have described above and elsewhere in this report, the Plan sets out a positive strategy for the conservation and enjoyment of the historic environment, and policies HE7.1 to HE7.4 are consistent with national policy.

Issue 14 – Will policies NE9.1 to NE9.8 be effective in protecting and enhancing the Borough's natural environment and ensuring access to a network of high quality open spaces and opportunities for sport and physical activity?

154. Strategic policy NE9.1 requires development to have a positive impact on Watford's natural environment and sets out factors to be considered to demonstrate that this will be achieved. Various changes are required to the detailed wording to ensure effectiveness and consistency with national policy [**MM139**].
155. Policy NE9.2 requires development proposals to demonstrate how they will appropriately conserve, restore, expand or enhance the green infrastructure network. A modification is required to clarify that green infrastructure is defined on the policies map, and to amend the requirements relating to the protection and replacement of trees, woodlands and hedgerows [**MM140** and **MM141**]. This will ensure effectiveness and consistency with national policy.
156. Modifications are required to the detailed wording of policies NE9.3, NE9.4 and NE9.5 to ensure that they are effective and consistent with national policy relating to protecting the water environment and reducing flood risk [**MM142** to **MM147**].

157. Policy NE9.6 states that open space and ancillary facilities will be protected, unless an up to date assessment demonstrates they are surplus. A modification is required to clarify that the open space and ancillary facilities to be protected are defined on the policies map, and to refer to adverse impacts on the community and environment being taken into account in the needs assessment [**MM148**]. To ensure the policy is justified and can be effectively implemented, changes are required to the open space and green infrastructure designations on the policies map relating to land at Blackwell Drive; Kytes Drive; Alban Wood school; and Callowland allotments.
158. I have considered policy NE9.7, relating to the provision of public open space in residential development, under main issue 8.
159. A modification is required to policy NE9.8 to ensure consistency with national policy and to clarify the approach to achieving an overall net gain in biodiversity including through additional requirements relating to long term monitoring and maintenance plans, and ecological surveys and assessment reports [**MM151**]. The approach to biodiversity net gain provides an interim policy, consistent with national policy, until the relevant parts of the Environment Act 2021 come into effect.

Conclusion

160. The modifications I have referred to above will ensure that policies NE9.1 to NE9.8 are effective in protecting and enhancing the Borough's natural environment and ensuring access to a network of high quality open spaces and opportunities for sport and physical activity.

Issue 15 – Are policies HC12.1 to HC12.3 justified and consistent with national policy, and will they be effective in helping to achieve healthy, inclusive and safe places and access to community facilities and services?

161. Policy HC12.1 encourages development to contribute towards an inclusive and healthier community through delivering a number of objectives relating to physical activity, healthy eating, pollution, poverty, and community facilities. For effectiveness, a modification is required to the third paragraph to clarify the requirement to promote

active design having regard to relevant guidance including from Sport England [**MM169**].

162. Policy H12.2 requires health impact assessments to be submitted in support of planning applications for developments of 100 or more homes; major transport improvements; and other locally or nationally significant infrastructure projects. For effectiveness, a modification is required to the reasoned justification so that it reflects up to date guidance about health impact assessments, including from Hertfordshire County Council [**MM170**].
163. Policy HC12.3 supports the provision of new, extended or improved cultural and community uses in accessible locations and seeks to prevent the loss of existing community and cultural venues unless it can be demonstrated that they are no longer needed or they can be re-provided of a higher quality in an equally accessible location. A modification is required to refer to the marketing requirements in Appendix F and to delete reference to proposals for new facilities being refused in isolated locations [**MM171**]. This will ensure the policy is effective and justified.
164. Modifications are required to the development requirements in Table 13.4 relating to playing field provision on allocation ED01 Former Meriden School [**MM243** and **MM244**]. A change is also proposed to the policies map to reduce the site area of allocation ED01. The modification and change to the policies will ensure the policy is effective and justified.

Conclusion

165. Subject to the modifications I have described, policies HC12.1 to HC12.3 are justified and consistent with national policy, and they will be effective in helping to achieve healthy, inclusive and safe places and access to community facilities and services.

Other soundness matters

166. In addition to the main issues that I have considered above, there are a number of other soundness matters that I need to address through main modifications.

Types and amounts of development proposed in Plan policies and on allocated sites

167. Policy SA13.1 states that the sites listed in Tables 13.1 to 13.4 as shown on the policies map are allocated for residential, mixed use development, employment uses, education use and any other uses specified, and that planning permission will be granted if the stated requirements are met. Tables 13.1 to 13.4 set out for each allocation: site size; timescale; indicative yield (numbers of dwellings and/or non-residential floorspace); and development requirements and considerations. To be effective, policy SA13.1 needs to be modified to clarify how the information in Tables 13.1 to 13.4 is to be taken into account in development proposals [**MM175** and **MM177**].
168. To ensure effectiveness, modifications are required to Tables 13.1 to 13.4 and the thematic chapters to clarify the uses proposed in certain policies and on allocated sites with reference to the Use Classes Order [**MM195** to **MM198**, **MM238** and **MM239**]. A modification is also required to the reasoned justification for policy SA13.1 to clarify the process for determining, and the purpose of specifying, the indicative yields for each allocation [**MM174**].

Documents referred to in Plan policies

169. Legislation and national guidance³³ set out information requirements for planning applications. National policy states that local planning authorities should publish a list of their local information requirements, that these should be kept to a minimum and be reviewed at least every two years. The requirements for "sustainability statements", "air quality assessments" and "BREEAM pre-assessments" in policies CC8.1, CC8.2, CC8.3, CC8.4 and IN9.5 are not consistent with national policy or justified and should therefore be deleted [**MM126**, **MM130**, **MM133** and **MM146**].
170. Various policies in the Plan refer to supplementary planning documents and other local guidance. Modifications are required to ensure that these are given appropriate weight in decision making [**MM39**, **MM42**, **MM49**, **MM107**, **MM155** and **MM177**].

Sites and areas referred to in Plan policies

³³ PPG ID:14.

171. To ensure effectiveness and consistency with national policy, modifications are required to various policies to clarify that they relate to specific sites or areas in the Borough as defined on the policies map [**MM35, MM46, MM55, MM87, MM97, MM104, MM105, MM173** and **MM176**].
172. Changes are required to the titles of various maps in the Plan and the reasoned justification to ensure that their purpose and relationship with policies and the policies map is clear [**MM17, MM18, MM20, MM36, MM37, MM47, MM48, MM56, MM82, MM97, MM102, MM104, MM118, MM138** and **MM162**]. Figure 8.1 "energy opportunity areas" and associated reasoned justification need to be deleted to avoid ambiguity with national policy³⁴ and because it does not provide reasoned justification for the Plan [**MM124** and **MM125**].

Other issues

173. The requirement in policy VT5.3 for hot food takeaways in district and local centres to be located more than 400 metres walking distance from the entrance of an existing or permitted primary school is not justified. Nor is it effective as it could encourage such uses to locate outside designated town centres. It should therefore be deleted [**MM103**].
174. Policy CC8.3 needs to be modified to ensure that it is justified and consistent with national policy relating to energy efficiency and transition to a low carbon future [**MM131**].
175. Policies CC8.4 and CC8.5 need to be modified to ensure that they are effective and consistent with national policy relating to air quality, pollution and contamination, including through reference to the agent of change principle [**MM134** to **MM137**].

Overall Conclusion and Recommendation

176. The Plan has a number of deficiencies in respect of soundness for the reasons set out above. This means that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.

³⁴ NPPF 155(b), 158(b) and footnote 54.

177. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant, and therefore capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the appendix the Watford Local Plan 2018 to 2036 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.



Inspector

This report is accompanied by an appendix containing the
main modifications
