

PLANNING COMMITTEE – 15 DECEMBER 2022

PART I - DELEGATED

6. **22/0491/FUL - The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling at WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP (DCES)**

Parish: Abbots Langley

Ward: Leavesden & Gade Valley<sup>1</sup>

Expiry of Statutory Period: 31.01.23 (Agreed Extension)

Case Officer: Claire Westwood

**Recommendation: The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.**

**Provided the Secretary of State does not call in the application for their own determination, the APPLICATION BE DELEGATED TO THE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES TO GRANT PLANNING PERMISSION 22/0491/FUL following the completion of a S106 Agreement and subject to the conditions set out at section 8 below.**

Reason for consideration by the Committee: Called-in by the Head of Regulatory Services in accordance with Part 3, Section 11.5.1(4) of the Constitution.

**UPDATE**

A preliminary report was brought to the Planning Committee on 26 May 2022 where the application was discussed, and clarification was sought by members on a number of aspects of the proposed development. The report and analysis of the application has, accordingly, been updated; the table below provides a summary of the main points raised at the Planning Committee meeting on 26 May 2022 and a summary response. This is not intended, however, to replace the full analysis of the planning merits of the application which are addressed below in section 7.

<b>POINT RAISED</b>	<b>RESPONSE</b>
Applicant to demonstrate that Very Special Circumstances (VSC) exist.	The application documents present the applicant's case that there are VSC to justify the development. However, following the interim Planning Committee meeting on 26 May the applicant has provided a summary of their VSC position. This can be found at Appendix 1 of the 'Warner Bros. Studios Response to TRDC Interim Committee'.
Clarification regarding Biodiversity Net Gain (BNG) requested. Application should be in	The proposed development will, deliver a BNG of 12.65% (habitat units) and 51.90% hedgerow units. Discussed in full at 7.12 below.

<sup>1</sup> The site address and majority of the application site are within Leavesden ward, however, Backlot 2 and the Lower Field fall within Gade Valley ward.

line with the Environment Act.	
Query if TRDC's climate change strategy is being adhered to?	<p>Energy and sustainability are discussed in full at 7.14 below and the development proposal far exceeds the requirements of the current adopted Policy DM4.</p> <p>Following the declaration of the 'Climate Emergency' Three Rivers District Council agreed a Climate Change and Sustainability Report at its Full Council meeting on 25 February 2021. The TRDC Climate Strategy is not a planning document, but an overarching Council Strategy which is informed by the draft policies in the new Local Plan. Whilst the Climate Change Strategy is not a planning policy against which the application should be assessed, the applicant has set out in their 'Warner Bros. Studios Response to TRDC Interim Committee' how they consider that the proposals accord with the general principles of the Climate Change Strategy.</p>
Lower field should be retained as green space in perpetuity / Recent public consultation on new Local Plan showed whole of Lower Field to be public open space.	<p>WBSL have confirmed that the entire lower field (8.3 hectares) will be protected, and kept, managed and maintained as accessible green space for ecological/environmental benefits. This is to be secured as part of any grant of planning permission.</p>
Island Site – clarification sought as to how current application compares to previously approved parameters.	<p>Planning application 15/1852/FUL granted outline consent for development on the Island Site in the form of 13,200m<sup>2</sup> of support facilities such as workshops, production services and offices. 480 car parking spaces were also proposed. The consent was for a building up to 15m in height.</p> <p>The Studio Parking Deck now proposed on the Island Site follows the above approved parameters in that would be a maximum of 15m in height adjacent to Gadeside, with a lower height of 11m to the east closest to Ashfields. It is also noted that the Parking Deck has been designed to look more like a building (rather than open sided car park), with a greater proportion of solid to open walls and horizontal banding.</p> <p>The impacts of the development on character and appearance and residential amenity are addressed below.</p>
Pedestrian footbridge – could this have sedum roof? Or are there other measures which could be put in place to enhance biodiversity.	<p>The idea of a sedum roof for the pedestrian footbridge connecting to the Island has been considered, however WBSL understand that these are difficult to maintain, particularly given the footbridge's location over a public highway. As a result, it was felt that the additional planting proposed plus the 13,213m<sup>2</sup> of Solar PV installations (an increase of 3,213m<sup>2</sup> since the original application submission) represented a more meaningful solution to help improve the site's sustainability and biodiversity.</p>
Request for further information regarding landscaping, including management and maintenance.	<p>Amended landscape drawings were submitted on 15/04/22 (prior to preliminary committee meeting) in response to concerns raised and to improve screening. Following the preliminary committee meeting on 26/05/22 further improvements to screening and to reduce the visual impact of the development have been proposed:</p> <ul style="list-style-type: none"> <li>• Addition of evergreen species Holly, Privet and Scots Pine to the native structure woodland planting mix.</li> <li>• Of the standard trees within the woodland planting mix, the sizes of the Wild Cherry and the Oak were previously 8-10cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high); the Rowan was previously 6-8cm girth (2.5-3m high) and is now proposed to be 14-16cm girth (4.25-6m high).</li> </ul>

	<ul style="list-style-type: none"> <li>• Of the feathered species within the woodland planting mix, the height of the Field Maple and Silver Birch were previously 1.25-1.5m high and are now proposed to be 1.75-2m high; the Cherry was 1.25-1.5m high and is now proposed to be 2-2.5m high.</li> <li>• Western Red Cedar (evergreen) in addition to the other size and species changes has been added to help further infill the area north of Watford Road roundabout (south western boundary of Backlot 2).</li> </ul>
More detail regarding Backlot 2 screening required. Want to understand time taken for planting to establish.	<p>A new earth mound will be created along the eastern side of Gypsy Lane within the existing security fence.</p> <p>From the initial planting, on average the proposed planting will grow by approximately 1.2m at 5 years, 2.7m at 10 years and 4.2m by 15 years.</p>
Have historical/archaeological artefacts been considered?	Yes. The application is accompanied by a Heritage Statement and heritage and archaeology are discussed at section 7.5 below.
Members to visit the site, including number of viewpoints outside site.	A site visit was arranged for Members of the Planning Committee and Ward Councillors.

## 1 Planning History

### 1.1 Background

1.1.1 The Leavesden Aerodrome site has a complex planning history. The site, which originally included land now developed to the east, has previously been owned by the Ministry of Defence where it was an important centre for the production of Mosquito and Halifax aircraft during World War II; and by Rolls Royce where it was used for manufacture of helicopter engines until 1993. At its peak, the site employed over 3,000 people, but this had been reduced to approximately 1,800 by 1991. The airfield remained open for flying until March 1994, being used by a private flying club; the Leavesden Flight Centre. At its peak in 1990, there were some 60,000 aircraft movements at the site.

1.1.2 In 1995 the site was purchased by Third Millennium Group and part of the site was used as a film production studio. In 1999, the site was purchased by MEPC who leased the studios to Warner Bros. until they in turn acquired the freehold in October 2010.

### 1.2 Planning Brief

1.2.1 A Planning Brief was prepared by Three Rivers District Council and Watford Borough Council and approved for the site in 1993. This set out principles to guide the future development of the overall Leavesden Aerodrome site (totalling 119 hectares). The basic concept was to constrain development to the eastern part of the site and release the remainder of the site to form an attractive and accessible Green Belt wedge between Abbots Langley and Watford.

### 1.3 Relevant Planning History

1.3.1 10/0080/FUL - Continued use of land and buildings for film production and associated activities including retention and refurbishment of existing studios to accommodate stages, backlot, workshops, offices, production facilities, canteen /commissary and ancillary studio facilities and services, replacement and extended workshops, stage and offices. Two new stages (approx. 13,000 sqm floorspace) for the storage and public exhibition of film sets and artefacts (including cafe and gift shop), new accesses from Aerodrome Way, revised

internal road layout and parking, extended backlot, landscaping and associated works. Approved with a S106 Agreement.

- 1.3.2 10/2425/FUL - Erection of an electricity sub-station (in connection with the development of Leavesden Studios under reference 10/0080/FUL). Approved 26 January 2011.
- 1.3.3 11/0376/RSP - Part retrospective: Amendments to planning permission 10/0080/FUL to include: Reduction and modifications to K Stage, modifications to J Stage and revised layout of external display areas; revised layout of security gatehouses, internal road layout (temporary consent sought for internal road link) and cycle storage; minor realignment of spur access from northern roundabout; revised landscaping including re-profiling and realignment of bunds; new paved area for picnic use and security hut; revised materials for car park; and associated works. (No alteration to operation of visitor centre, visitor numbers, no. of parking spaces or traffic generation as per the section 106 agreement dated 15 June 2010). Approved 19 May 2011 with a deed of variation to the Section 106 Agreement.
- 1.3.4 11/0590/RSP – Part retrospective: Revised layout for the northern part of Leavesden Studios (previously approved under application 10/0080/FUL), including demolition and replacement of the Mill building to be built in two phases, the relocation and construction of the approved multi-purpose workshop building, revised parking layout, hard and soft landscaping including omission of bunding and associated ancillary works. Approved 20 June 2011.
- 1.3.5 11/1607/ADV - A total of 9 individual advertisement signs, including directional signage, at Warner Bros. Studios Leavesden and the associated Studio Tour (including externally illuminated entrance signs, fascia signs and poster advertisements). Approved 21 September 2011.
- 1.3.6 12/0344/FUL - Variation of Condition 2 of planning permission 10/0080/FUL to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.7 12/0345/FUL - Variation of Condition 2 of planning permission 11/0376/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.8 12/0346/FUL - Variation of Condition 2 of planning permission 11/0590/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012.
- 1.3.9 12/1150/FUL - Amendments to flight shed at Warner Bros. Studios comprising minor modifications to the existing fabric of the building, replacement cladding to the west elevation and removal of the 'beehive' ventilation units (cross boundary application). Approved 31 July 2012.
- 1.3.10 12/2169/FUL - Construction of a new permanent workshop building with associated parking, demolition of existing workshop/store, relocation of an existing refuse and recycling facility and associated ancillary works. Approved 15 January 2013.
- 1.3.11 12/2324/FUL - Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to allow earlier openings (from 0900 hours) on Saturdays, school holidays and on 15 'floating days' and up to 5,540 visitors on these days. Approved 1 March 2013 for a temporary period of 2 years.
- 1.3.12 13/0110/RSP - Part retrospective: Temporary consent (6 months) for construction/retention of exterior filming tank and associated storage of spoil. Approved 28 March 2013.
- 1.3.13 13/1173/FUL - Variation of Conditions 2 and 3 of planning permission 12/2169/FUL for a new permanent workshop building to allow: Substitution of plans to reflect minor

amendments to building design and improvements to internal Studio roundabout and retention of existing store building for a minimum of two years from first occupation of the workshop due to significant existing production commitments. Approved 23 September 2013.

- 1.3.14 13/1352/RSP - Part Retrospective: Exterior filming tank with associated hard-standing, drainage works and access road and spoil storage. Approved 12 September 2013.
- 1.3.15 13/1924/FUL - Extension of 'J' stage of the Warner Bros. Studio Tour including accommodation for a new feature set, educational support facilities, revised parking layout including the provision of an additional 226 car parking spaces, extension of the internal link road, an external picnic area, a toilet block, revised landscape proposals and resiting of the cycle storage and refuse area. Approved 13 January 2014.
- 1.3.16 13/2066/FUL - Full planning permission for the construction of a new permanent sound stage with associated parking and hard landscape work and temporary (18 months) construction access on to South Way. Approved December 2013.
- 1.3.17 13/2239/FUL - Full planning permission for the construction of a new permanent sound stage (Stage N), studio support space, associated parking and hard landscape works, external lighting, use of temporary construction access on to South Way for a period of 18 months and associated ancillary works. Approved 24 February 2014.
- 1.3.18 14/1232/FUL - Deed of Variation: Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to enable hospitality events to take place and studio tours to commence up to 21:00 hours on such days. Approved 25 September 2014 (for 8 events within limited period of 1 year).
- 1.3.19 14/1752/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to insert additional clauses relating to visitor numbers; to vary clauses to increase daily visitor numbers from 5,000 to 5,728 and from 5,540 to 6,383 on Saturdays, school holidays and floating days; to vary clauses to increase number of floating days from 15 to 20; to vary clauses to permit floating days within 10 days of any school holiday; and updates to definitions. Approved 5 December 2014.
- 1.3.20 14/1831/FUL - Variation of Condition 2 (Plans) of planning permission 12/0344/FUL to amend the existing parking layout to increase staff parking provision by 71 spaces and provide additional landscape planting. Approved 5 December 2014.
- 1.3.21 15/0744/FUL - Application for the operation of Hospitality Events at the Warner Bros. Studio Tour London until 23.00 hours on any given day and until 00.00 hours (midnight) on 24 occasions during a calendar year ('special' Hospitality Events). Approved 16 July 2015.
- 1.3.22 15/1852/FUL - Hybrid Application to include detailed approval of new sound stages, workshops, post production facility and extension to the Studio Tour car park together with outline approval (matters reserved: appearance and landscaping) of extension to the Studio Tour, workshops, production support building, Studio parking deck, Studio cafe extension, Studio support facilities and associated works as well as continued use of land and buildings for film production and associated activities (including use of Stages J & K for the storage and public exhibition of film sets and artefacts (Studio Tour) and hospitality events). Approved 25 January 2016.
- 1.3.23 16/2430/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 15/1852/FUL) at Warner Bros. Studios Leavesden to vary the studio tour hours of opening to allow the first tour to start at 09:00 on Sundays for a temporary period of one year. Approved 7 February 2017.

- 1.3.24 16/2554/FUL - Studio parking deck to provide 2,150 additional parking spaces, bicycle store, security office, post room facilities and rearrangement of internal vehicular circulation. Approved 27 February 2017.
- 1.3.25 16/2611/AOD - Approval of Details: Details pursuant to hybrid planning permission 15/1852/FUL comprising construction of a new permanent workshop building with associated hardstanding, drainage and landscape (Development Area 7). Approved 2 March 2017.
- 1.3.26 17/0286/NMA - Non-Material amendment to planning permission 15/1852/FUL: Alteration to external finish of the rear elevation of P-Stage. Approved 22 February 2017.
- 1.3.27 17/0591/ADV - Advertisement Consent: Three internally illuminated fascia signs and six internally illuminated signs to Studio parking deck. Approved 28 April 2017.
- 1.3.28 17/0683/NMA - Non-Material Amendment to planning permission 15/1852/FUL - Alterations to hardstanding (Development Area 1 - L Stage Workshop). Approved 19 April 2017.
- 1.3.29 17/1790/NMA - Non-Material Amendment to planning permission 16/2554/FUL: Additional ramp to southern elevation; Electrical room provision; and amendments to Warner Drive. Approved 4 September 2017.
- 1.3.30 17/2240/FUL - Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis. Approved 10 January 2018.
- 1.3.31 17/2570/NMA - Non-Material amendment to planning permission 16/2554/FUL: Alterations to external materials and alterations to post room. Approved 3 January 2018.
- 1.3.32 18/0019/ADV - Advertisement Consent: Erection of internally illuminated signage. Approved 2 February 2018.
- 1.3.33 18/2343/NMA - Non-Material Amendment to planning permission 17/2240/FUL: Replacement of hedgerow species and removal of six trees. Approved 10 December 2018.
- 1.3.34 18/2545/ADV - Advertisement Consent: 7 x externally illuminated advertising posters, 1 x externally illuminated Warner Bros. shield and fibre glass lettering. Approved 6 February 2019.
- 1.3.35 19/1445/FUL - Extension to the Studio café and landscape improvements. Approved 20 August 2019.
- 1.3.36 19/1944/FUL - Development of T, U and V stages along with new office building and landscape improvements. Approved 3 April 2020.
- 1.3.37 19/2369/FUL - Extension to the backlot café. Approved 21 January 2020.
- 1.3.38 20/2645/FUL - Erection of a 2.4m high fence, to the south (A41) and west (Gypsy Lane) boundaries including gates to the west (Gypsy Lane) and east (Backlot) boundaries and the erection of 3 no. 6m high CCTV poles adjacent to the northern and eastern boundaries. Approved 20 January 2021.
- 1.3.39 20/2667/FUL - Temporary change of use of land for the purposes of external film production for a period of 2 years. Approved 26 February 2021.
- 1.3.40 21/0852/NMA - Non-Material amendment to planning permission 20/2645/FUL: Amendment to Conditions 2 and 5 to allow alterations to landscaping and planting scheme and environmental management plan. Approved 12 April 2021.

- 1.3.41 22/0509/FUL - Construction of storage building. Approved 9 May 2022.
- 1.3.42 22/1629/FUL - Installation of 9 illuminated wands at the visitor entrance to the Warner Bros. Studio Tour London, The Making of Harry Potter. Approved 4 October 2022.
- 1.3.43 There have been, in addition, numerous applications made and granted to discharge conditions under the above consents.

## **2 Site Description**

### Wider Studio Site - Background

- 2.1 Leavesden Studios has been used for film making since the mid-1990s and from 2000 by Warner Bros. for the creation of the Harry Potter series of films, and more recently The Batman, Wonder Woman 1984, the Fantastic Beasts film series and HBO's Game of Thrones prequel House of the Dragon. The Studio (WBSL) comprises the main part of the original Leavesden Aerodrome dating back to the 1930s and operated from 1967 to 1994 when the site was occupied by Rolls Royce for aero engine manufacture.
- 2.2 The Studio, including the application site, is owned by Warner Bros. and has been redeveloped through the implementation of various planning consents outlined in section 1 of this report. These consents have essentially allowed:
- 1) The continued use of the land and buildings for film production and associated activities including the retention and refurbishment of existing studio buildings.
  - 2) Erection of a replacement 'Mill' building and new workshop building to the northern part of the site.
  - 3) Erection of two new stages (J and K) for the storage and public exhibition of film sets and artefacts, including cafe and gift shop, located between the main studio complex and Aerodrome Way. These new stages house the 'Warner Bros. Studio Tour London: The Making of Harry Potter', and have since been extended.
  - 4) Revised internal road layout and parking, new gatehouses, extended backlot, landscaping including new bunding and associated works.
  - 5) Consent for an external water tank used to film water based scenes.
  - 6) Construction of additional workshops, two new sound stages and production offices (M, N and O).
  - 7) Studio Tour and Studio parking.
  - 8) Studio Tour hospitality events.
- 2.3 Permission was granted under application 15/1852/FUL for further development at the wider Leavesden Studio site (the Studios site) for the following elements:

#### *Detailed elements:*

- 1) L Stage Workshop located adjacent to existing L Stage to the south of the Studios site to replace existing temporary workshop structures at the backlot.
- 2) P Stage located on the northern part of the Studios site, opposite N & O and M Stages to be a new permanent sound stage.
- 3) Q and R Stages and ancillary production offices within a new permanent sound stage with three storey offices attached to the northern elevation to the west of C Stage.
- 4) Post production facility to the south of the main Studio buildings to include re-recording stages, cutting rooms and a preview theatre.

#### *Outline elements:*

- 5) Studio Tour Extension - new stage to extend from the southern elevations of J & K Stages onto part of the existing visitor car park including additional single storey staff accommodation located around K Stage, with a maximum height of 10m.
- 6) Workshop on an existing hardstanding area to the north of the site, known as Car Park 5 (CP5).

- 7) Studio Café Extension to meet enhanced catering needs.
  - 8) Production Support Building adjacent to the backlot and proposed Q & R Stages, to be used for a range of support activities including workshop, wardrobe, make-up and special effects.
  - 9) Island Site development - accommodation for a range of Studio support facilities such as workshops and production services together with supporting office accommodation with access via a new arm on the existing Aerodrome Way/High Road/Ashfields Way signalised junction.
- 2.4 Some Reserved Matters applications pursuant to the outline elements have been approved as detailed in the full planning history above.
  - 2.5 Permission has been given under application 17/2240/FUL for 'Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis'.
  - 2.6 Planning permission 19/1944/FUL granted consent for 'Development of T, U and V stages along with new office building and landscape improvements', with some slight variations to that approved pursuant to the Hybrid Planning Permission.
  - 2.7 Planning permission 20/2667/FUL granted consent for 'Temporary change of use of land for the purposes of external film production for a period of 2 years' in February 2021.

#### Site Location

- 2.8 The 51.78 hectare application site lies to the north of Watford just within the M25 and north of Hunton Bridge M25 spur roundabout. The residential area of Leavesden is to the east, with Abbots Langley to the north and Watford to the south. To the west of the site are open fields with some residential roads and individual properties.
- 2.9 The majority of the site lies within Three Rivers District Council (TRDC) district, however, a proportion (approximately 10%) encompassing part of L Stage and approximately two-thirds of the Island Site fall within Watford Borough Council (WBC) area.

#### Site Accessibility

- 2.10 The site benefits from good rail links with the West Coast Main Line from London Euston, with services departing from London Euston for Watford Junction (approximately 3km from the site) every 10-15 minutes. Kings Langley Station is approximately 2.5km to the north of the site.
- 2.11 Public bus services run past the site frontage along Aerodrome Way providing direct access to and from Watford as well as other neighbouring residential areas. Other services can be accessed via South Way or Leavesden High Road, a short walk from the site. There is also a dedicated bus service between WBSL and Watford Junction.
- 2.12 The site is well located in terms of road connections, with connections to junctions 19 and 20 of the M25 and junctions 5 and 6 of the M1 motorway. The A41 provides access to London and Hemel Hempstead. The A405 provides access to St Albans. The site is accessed by two roundabouts on Aerodrome Way. Warner Drive provides access to the Studio from the northern roundabout and Studio Tour Drive provides access to the Studio Tour from the southern roundabout.
- 2.13 All pedestrian routes to/from the site consist of lit pavements, with signal controlled crossings at the Aerodrome Way junctions with Hercules Way, Ashfields and Hill Farm Avenue. Within the site, approximately 30m west of the back lot, a public footpath runs



south from Hunton Bridge, along Gypsy Lane to the Hunton Bridge interchange. The footpath runs between two fields owned by WBSL.

### Site Designations

- 2.14 Leavesden Studios was identified in the Local Plan 1996-2011 as a Major Developed Site in the Green Belt. However, the Site Allocations document Site Ref: GB(1) adopted in November 2014 removed the Green Belt designation from the then built areas of the Leavesden Studios site. This area of the Studio site (including the Island Site) is allocated specifically for 'Leavesden Studios Operations' and associated uses (Site GB(2)). The wider area to the south-west of the built areas shown as 'Backlot' on GB(2) is referred to at 11.5 of the Site Allocations LDD as being 'retained in the Green Belt as an integral part of the Studio's operation compatible with that ['nationally significant'] status.'
- 2.15 Accordingly, whilst the majority of the existing complex of WBSL buildings, as well as the part of the Island Site within TRDC fall outside of the Green Belt, the existing Backlot, stages Q, S, T, U, V and L and fields including the application site to the west are located in the Green Belt. Whilst the section of the Island Site falling within WBC had its Green Belt designation removed following the adoption of their local plan in October 2022.
- 2.16 Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 (WBC) protect trees within the Lower Field and Island Site respectively.
- 2.17 There are 3 Local Wildlife Sites within the locality, one wholly within the application site. The Grade II\* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.

## **3 Description of Proposed Development**

- 3.1 Full planning permission is sought for the provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling.
- 3.2 As noted previously, a small part of the application site falls within WBC area. As such, duplicate applications have been submitted to TRDC and WBC.
- 3.3 The proposed development on the application site is split between 5 main areas as listed/described below:
- 1) Central Site
  - 2) Island Site
  - 3) Western Site (including Backlot 2 and Lower Field)
  - 4) Triangle Site
  - 5) Northern Access

### **3.4 CENTRAL SITE:**

#### **3.4.1 SOUND STAGES**

- 3.4.1.1 Eleven new permanent sound stages are proposed. The proposed stages are labelled as Stages 2A – 2K on the 'Proposed Site Plan (Overall)' and the 'Proposed Site Plan (Enlarged)' (also referred to as Buildings 58 – 64).' A range of sizes are proposed, from

1,858sqm to 3,437sqm with a total new soundstage floorspace of approximately 28,614sqm.

3.4.1.2 The height of the stages will vary from 18m on the outer edge closest to Gadeside, up to 21.5m within the centre of the site. It is proposed that the stages will reflect the same scale, architectural language, colour and profile of the existing stages.

#### 3.4.2 ANCILLARY PRODUCTION OFFICES

3.4.2.1 Four ancillary production office buildings are proposed, each three-storeys in height (labelled Buildings 29, 30, 52 and 53 on the 'Proposed Site Plan (Overall)'). These would be constructed to the north-western elevation of Stages 2A – 2D (Offices 1 and 2, Buildings 29 and 30), facing the existing backlot, and to the south-eastern elevation of Stages 2H – 2K (Offices 3 and 4, Buildings 52 and 53), providing an active frontage to Gadeside.

3.4.2.2 The buildings will each have a floorspace of approximately 2,260sqm, with a total floorspace of 9,040sqm. They would have a height of 12m and would reflect the appearance of existing office buildings on the site. The offices will provide day-to-day support for the film studio activities.

#### 3.4.3 WORKSHOPS AND L STAGE WORKSHOP CONVERSION

3.4.3.1 Three new workshops are proposed (labelled Buildings 72, 73 and 74 on the 'Proposed Site Plan (Overall)'). In addition it is proposed to add a mezzanine level to the existing L Stage to convert this into workshop space.

3.4.3.2 The new buildings will be 14.5m in height at eaves level and will be sited close to the associated Stages. 'Base Camps' will provide external areas adjacent to the Stages and Workshops for production catering or other temporary support activities.

3.4.3.3 The workshops will support the filming activities, providing space for set construction, costume and prop storage etc. Their external appearance/colour will reflect that of the existing workshops on site.

#### 3.4.4 STUDIO AMENITY SPACE

3.4.4.1 A new amenity building (labelled Building 56 on the 'Proposed Site Plan (Overall)' is proposed to serve the development, comprising of a 660sqm single storey amenity space with an external landscaped terrace. The building will face south-east towards the open woodland and internal green spaces, with the external design/materials palette again reflecting of existing buildings on site.

#### 3.4.5 STUDIO SOUTH GATE ENTRANCE WITH SECURITY FACILITIES

3.4.5.1 A new access will be created to serve the new Studio development to the south of the site, connecting to Gadeside and serving as an entry point to the Studio. This entrance will be served by a dedicated security building (labelled Building 77 on the 'Proposed Site Plan (Overall)', acting as the arrival tower for visitors coming from the Island Site parking structure via the footbridge (described below). It will include a security hub, WC facilities and secure bicycle and golf buggy parking and charging.

### 3.5 ISLAND SITE:

#### 3.5.1 STUDIO PARKING DECK

3.5.1.1 The Studio Parking Deck will comprise a total of 2,500 parking spaces over ground, first, second, third floors and roof deck, providing parking for studio and production staff. The parameters for a building on this site were set by the 2015 planning permission and these

are broadly followed in the proposed scheme and include a lower building height to the eastern side in recognition of the scale of the residential development beyond the site.

- 3.5.1.2 The parking deck will be up to a maximum height of 15m adjacent to Gadeside, with the lower level (11m) towards Ashfields to the east in accordance with the 2015 parameters. Localised pop ups include the staircases and lift core.
- 3.5.1.3 The parking deck has been designed to look more like a building rather than a typical open sided multi-level car park and will be a modular steel structure with concrete floors. The structure will include a greater proportion of solid walls and horizontal banding to add interest whilst also screening cars from view. A detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site, particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.
- 3.5.1.4 The parking deck will be accessed from Gadeside via the proposed South Gate roundabout (described below), with vehicle barriers controlling entry.

### 3.5.2 STUDIO SUPPORT LIGHTING FACILITY (SET LIGHTING)

- 3.5.2.1 The support facility (Building 75 on the Site Plan) on the Island Site will be used for set lighting, with accommodation totalling 4,856sqm provided over two floors. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter.

## 3.6 WESTERN SITE:

### 3.6.1 BACKLOT 2

- 3.6.1.1 Backlot 2 (labelled 'Replacement Backlot and Support Facilities' on the Site Plan) is to the immediate west of the main Studio site and currently benefits from temporary planning permission (ref. 20/2667/FUL) to allow external film production. The current application proposes that the use of Backlot 2 for filming is made permanent. The backlot enables temporary sets to be constructed near to the permanent film production support functions.
- 3.6.1.2 Landscape mitigation measures are proposed and include earth bunds to be constructed behind the existing security fence. These would be a minimum height of 3m and designed so that the existing hedgerows/trees are unaffected. In addition to 1,500 trees previously planted along the boundary with Gypsy Lane, new native woodland will be planted along the outer edge and on top of the earth mound. New woodland planting is also proposed in areas where little or no planting currently exists.
- 3.6.1.3 An Operational Management Plan (OMP) for Backlot 2 has been submitted alongside the application and includes restrictions such as in relation to the height of temporary structures and protocols for night filming to ensure that the impacts of any activity on Backlot 2 are appropriately managed/mitigated.
- 3.6.1.4 In summary, the submitted OMP (March 2022) includes the following measures:
  - Access/egress will be via main WBSL site only.
  - General parking will be on main WBSL site.
  - Dates and times of any night shoots will require notification to TRDC Planning and Environmental Health at least 5 working days in advance.
  - A member of WBSL management team will be present at all night shoots.
  - Lighting will be directed away from off-site public boundaries and the road network.
  - Where possible lighting will be directed away from vegetation.
  - All operational/temporary lighting will be switched off and lowered when not in use.

- Notification and prior approval from TRDC will be required 10 working days in advance of special effects events.
- Neighbour notification will take place in accordance with WBSL's standard procedures.
- Any changes in ground levels on Backlot 2 that exceed +/- 3m will require 10 working days advanced notification and prior approval from TRDC.
- Temporary structures shall not exceed 15m except where advance notification has been given to and prior approval granted by TRDC.
- No structure or storage facility is to be located within 20m of any highway or public right of way.
- Where practicably possible, outer faces of structures will be camouflaged or painted to reduce visual impact.

### 3.6.2 LOWER FIELD

3.6.2.1 It is proposed to create a 12 acre area within the Lower Field that is accessible for public use via Gypsy Lane and Old Mill Road. Planting will include: 40 new trees including an orchard and semi-mature oak trees, 4,857sqm of new woodland planting, 429sqm of coppice planting and 1,565sqm of native scrub planting. A naturalised floodwater basin will also be created enabling a wetland habitat whilst providing for surface water attenuation.

### 3.7 TRIANGLE SITE:

#### 3.7.1 SOUTHERN ACCESS ROUNDABOUT

3.7.1.1 The proposed southern access roundabout would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond.

#### 3.7.2 PEDESTRIAN BRIDGE ACCESS

3.7.2.1 The proposal includes a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.

3.7.2.2 The construction of the bridge will follow a modular steel truss design concept, rectangular in section. It will be supported by two tapered 4-point piers. The bridge will be fully enclosed with glazed sides. Vertical aluminium fins (to match those on the decked car park) will support the fenestration and will be bronze in colour. The roof and floor will be silver-grey.

### 3.8 NORTHERN ACCESS:

3.8.1 The Studio North Gate proposals to Warner Drive/Aerodrome Way roundabout include widening the access road to assist with traffic flow into the site.

### 3.9 LANDSCAPE STRATEGY:

3.9.1 A comprehensive landscape strategy (as described in part above) forms part of the application proposals and seeks to achieve a significant increase in biodiversity net gain across the site. In summary:

- 186 new trees to be planted including an orchard and semi-mature Oak trees;
- 19,519sqm of new woodland planting;
- 487sqm of native hedgerow;
- 429sqm of coppice planting;
- 1,565sqm of native scrub planting;

- 425 linear metres of formal hedgerows;
- 3,458sqm of ornamental shrub planting.

### **3.10 AMENDMENTS:**

- 3.10.1 In response to concerns raised from residents in relation to planting on the Island Site and Backlot 2 (Western Site), amended landscape drawings have been submitted. Additional bunding and planting depth have been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have also been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high).
- 3.10.2 Following the submission of the above amended plans, comments at the Interim Planning Committee meeting raised further concerns regarding planting and screening, particularly in relation to Backlot 2, the Island Site and Gadeside. In response, and in addition to the amendments referenced at 3.10.1, the following amendments are proposed:
- WBSL have confirmed that the entire field (8.3 hectares) will be protected, and kept, managed and maintained as publicly accessible green space for ecological/environmental benefits.
  - Addition of evergreen species Holly, Privet and Scots Pine to the native structure woodland planting mix.
  - Of the standard trees within the woodland planting mix, the sizes of the Wild Cherry and the Oak were previously 8-10cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high); the Rowan was previously 6-8cm girth (2.5-3m high) and is now proposed to be 14-16cm girth (4.25-6m high).
  - Of the feathered species within the woodland planting mix, the height of the Field Maple and Silver Birch were previously 1.25-1.5m high and are now proposed to be 1.75-2m high; the Cherry was 1.25-1.5m high and is now proposed to be 2-2.5m high.
  - Western Red Cedar (evergreen) in addition to the other size and species changes has been added to help further infill the area north of Watford Road roundabout (south western boundary of Backlot 2).
  - From the initial planting, on average the proposed planting will grow by approximately 1.2m at 5 years, 2.7m at 10 years and 4.2m by 15 years.
- 3.10.3 The proposed roof-mounted Solar PV array has been increased from 10,000m<sup>2</sup> to 13,213m<sup>2</sup>.
- 3.10.4 The Ecological Impact Assessment was updated in July 2022; a Biodiversity Net Gain (BNG) report and Biodiversity Metric have also been submitted with the application.
- 3.10.5 The application is also accompanied by an Environmental Statement and an Addendum Environmental Statement prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and in respect of which consultation was undertaken as set out in section 4 below.

## **4 Consultation**

### **4.1 Summary of Consultation Responses**

Abbots Langley Parish Council	9.1.1	Support application but highlight concerns of residents
Affinity Water	9.1.2	No objection
British Film Commission	9.1.3	Support
British Film Institute	9.1.4	Support
British Pipeline Agency	9.1.5	No objection
CPRE Hertfordshire	9.1.6	Objection
Creative England	9.1.7	Support
Environment Agency	9.1.8	No objection
Film London	9.1.9	Support
Gypsy Lane Residents Group	9.1.10	Objection
Hertfordshire Constabulary	9.1.11	No objection
Hertfordshire County Council – Footpath Section	9.1.12	No response received
Hertfordshire County Council – Growth & Infrastructure Unit	9.1.13	No objection
Hertfordshire County Council – Highway Authority	9.1.14	No objection
Hertfordshire County Council – Lead Local Flood Authority	9.1.15	No comment
Hertfordshire County Council – Waste & Minerals Team	9.1.16	No objection
Herts. Archaeology	9.1.17	No response received
Hertfordshire Ecology	9.1.18	No objection
Hertfordshire Fire and Rescue Service	9.1.19	No response received
Hertfordshire Local Enterprise Partnership	9.1.20	Support
London Screen Academy	9.1.21	Support
London Underground Infrastructure Protection	9.1.22	No objection
National Film and Television School	9.1.23	Support
National Grid	9.1.24	No objection
National Highways	9.1.25	No objection
National Planning Casework Unit	9.1.26	No comment
Natural England	9.1.27	No objection
Network Rail	9.1.28	No objection
Screen Skills	9.1.29	Support
Thames Water	9.1.30	No objection
The Chiltern Society	9.1.31	Objection
Three Rivers District Council – Heritage Officer	9.1.32	No objection
Three Rivers District Council – Development Plans	9.1.33	No objection
Three Rivers District Council – Environmental Health (Residential)	9.1.34	No objection
Three Rivers District Council – Environmental Protection	9.1.35	No response received
Three Rivers District Council – Landscape Officer	9.1.36	Concerns
Transport for London	9.1.37	Advisory comments
University of Hertfordshire	9.1.38	Support
Watford Borough Council	9.1.39	No response received
Watford Borough Council – Environmental Health (Commercial)	9.1.40	No objection
West Herts College Group	9.1.41	Support

- 4.1.1 All consultation responses referred to in the above table are provided in full within **Appendix 1** at the end of this report.
- 4.2 Public/Neighbour Consultation
  - 4.2.1 Initial consultation:
  - 4.2.2 Number consulted: 768
  - 4.2.3 Site Notice: 7 x Site Notices displayed around site perimeter on 18/03/22, expired 20/04/22.
  - 4.2.4 Press Notice: Published 25/03/22, expired 27/04/22.
  - 4.2.5 Further consultation:
  - 4.2.6 A re-consultation was undertaken on 02/08/22 following receipt of Environmental Statement Addendum.
  - 4.2.7 Site Notice: 7 x Site Notices displayed around site perimeter on 05/08/200, expired 05/09//22.
  - 4.2.8 Press Notice: Published 05/08/22, expired 26/08/22.
  - 4.2.9 Responses:
  - 4.2.10 No of responses received: 84 (62 objections, 22 support)
  - 4.2.11 Summary of Responses:

Objections:

Overdevelopment; Site has already been overdeveloped; Prominent in landscape; Visual impact on the landscape is significant; Will detrimentally alter rural nature of Gypsy Lane; Gypsy Lane is one of Hertfordshire's last deep cut lanes; the character has changed to industrial wasteland; Gypsy Lane is well used; Concerns cannot be overcome by planting which in itself changes the character of the area; Cumulative impact of development; Creeping strategy; It is not possible to provide effective screening as demonstrated currently; Buildings and structures excessively high; Dominate skyline; LVIA is dismissive of visual impact; No redeeming features to the car park or footbridge which would dominate; Bridge will create industrial appearance; Out of keeping with residential and semi-rural character of the area; No proper analysis of environmental harm; Appearance; Unsightly warehouses; A further unsightly multi-storey car park; Original Island Site proposal was building not car park, the two cannot be compared; Continuous development is turning Studios into an industrial park; What happens to the site when WBSL no longer need it?

Negative impact on Green Belt; Warner Bros. continue to expand into the Green Belt; Permission for backlot was temporary, it should not be permanent; Granting permanent consent contravenes previous decision; Temporary permission was not properly assessed; The proposed backlot is not a justified use of Green Belt land; M25 service station in Green Belt was refused and the same principles apply; No rigorous assessment of alternative sites contrary to NPPF; There is space within existing site which would avoid use of Green Belt; Harm to the environment and openness of the Green Belt; M25 factor not taken into account; Green Belt within the parish has significant role to play in offsetting negative impact of M25; Once Green Belt is lost it is gone forever; Production of entertainment cannot justify loss of Green Belt; Contrary to the purpose of the Green Belt to have no break; Would create urban sprawl; Contrary to initial plans for the site which sought to retain Green Belt; Screening should include mature trees to provide immediate relief.

No very special circumstances have been demonstrated; Covid and backlog of work is not justification for further expansion; Success of expansion is not known so cannot be relied upon, it cannot be guaranteed; Entertainment industry is shrinking; No justifiable evidence; Claims not supported; Is there really a need given all the expansion elsewhere in Hertfordshire and the UK; Need for additional car parking suggests jobs would not be local.

Adverse effect on Trees; Adverse effect on Conservation Area.

Concerns regarding previous land use/contamination; Concern that local water supply cannot support more development; Lead to flooding due to the amount of buildings and hard surfaces; Insufficient water as area is already stressed; What will happen to waste water and sewerage?

TRDC has declared a climate emergency; Contrary to climate change emergency and climate change imperatives.

Impact on ecology needs to be fully considered; No amount of mitigation will ever negate the biodiversity lost; Requirement for 10% biodiversity net gain; The triangle site is a natural habitat for wildlife; Badgers have already been disrupted; Badgers will be evicted; Would result in death of wildlife; Fox hunting area would be destroyed; Would result in loss of part of Wildlife Site with no justification; Ecological impact assessment insufficient and not fit for purpose.

Object to arrangements for Lower Field; No need for further bunds which will obstruct views; WB have destroyed countryside.

Additional Traffic to local infrastructure; Traffic studies during pandemic do not reflect reality; Create a car park on local roads; There are currently queues as cars try to get into the site in the mornings; There will be severe congestion; Addition of 2500 parking spaces will increase traffic, congestion, noise and emissions; Underground car park would avoid need for bridge; Should consider underground parking with an underpass to connect it; Unable to park at shops in Cunningham Way due to Warner Bros. traffic/vehicles; Impact of new roundabout on local roads; Layout of new roundabout and access to car park inappropriate; Highways safety concerns; No provision for waiting taxis/drop off and pick up; Construction traffic will be significant; No green travel plan; Figures regarding local work force are misleading.

No consideration of residents; Needs of residents should be considered; Fully support comments on behalf of Gypsy Lane Residents' Group; Overshadowing by large mustard coloured buildings; Impact on neighbouring amenity; Too close to boundary; Why should community suffer long term for short term gains of commercial entity.

Impact of construction on neighbouring amenity and environment; Construction period will be long; Noise and disturbance from construction and use; Use of backlot would result in noise intrusion; Neighbours have and will continue to endure noise pollution and disruption; Light pollution; Existing green space absorbs noise and helps with air pollution; Air pollution will increase as a result of development and significant additional numbers of cars; Should be looking to reduce carbon dioxide; Green spaces should be used for food growing; WB should be involved with "Plant Britain"; Impact on residents health; Residents don't get compensation.

New Local Plan is draft only; My application for extensions was refused so this proposal cannot be permitted.

Harry Potter Studio Tour runs at over capacity.



View positively the proposals for lower field but this needs to be secured and protected; Commitment to protect entire lower field is positive, however, formal safeguards are required; Lower Field proposals would benefit community; Should be transferred to a conservation charity for management; Covenants would be an alternative option.

Additional information does nothing to address concerns; Significant aspects remain unaddressed; Please ensure all original views are presented; Applicant has not proven case for VSC; The loss of grassland is contrary to policy; 10% BNG is not achieved; Significant views would be affected, however, visuals have not been submitted; Specific reference to Gade Valley view from Langleybury Lane eastwards; Impact on skyline; Concerns from statutory consultees are not addressed; Environmental damage not addressed.

#### Support:

Great opportunity to build on thriving local film industry; UK film industry is thriving and is a growing industry and large contributor to the UK economy; Great British success story; Encouraging to see large employer making use of site; Expansion of site would create benefits; Dismayed by negative comments; Are people aware of the contribution WBSL make in terms of the local economy and employment?; Support of local charities; I live locally and have seen their work; Would create jobs; Visitor attraction; WBSL have funded improvements to local parks and green spaces; Welcome careful expansion; Is a boost for young people wanting to live and work locally; Exciting plans that incorporate responsible improvements such as planting; WBSL support many local schools; Educational outreach programme; Provides a real variety of jobs; WBSL is committed member of community; No great loss of nature; Brownfield development.

Letter of support from director of WonderWorks nursery who support WBSL by providing flexible childcare.

Letter of support from The Watford Pump House (community charitable theatre) recognising benefits such as jobs, economic and support of charities such as theirs.

Letter of support from Watford Palace Theatre recognising economic benefits that the Studios have brought to Hertfordshire.

Letter of support from Watford Workshop (charity founded in 1964 to provide employment, work experience, independence and functional education training to adults with disabilities) and who are supported by WBSL. WBSL have been instrumental in highlighting disability.

Letter of support from Herts Inclusive Theatre a local charity and community partner. Expansion will support both the local and wider community.

## **5 Reason for Delay**

5.1 No delay. Agreed Extension of Time.

## **6 Relevant Planning Policy, Guidance and Legislation**

### 6.1 Legislation

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

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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

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

## 6.2 Policy/Guidance

### National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF promotes a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining an application are out of date permission should be granted unless the application of policies in the Framework that protect areas of particular importance, which include Green Belt policy, provide clear reasons for refusal or any adverse impacts of a development would 'significantly and demonstrably' outweigh its benefits. Relevant chapters of the Framework include: 2 Achieving sustainable development; 6 Building a strong, competitive economy; 9 Promoting sustainable transport; 12 Achieving well designed places; 13 Protecting Green Belt land; 14 Meeting the challenge of climate change, flooding and coastal change; 15 Conserving and enhancing the natural environment; and 16 Conserving and enhancing the historic environment.

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM12, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA8 'Leavesden Studios Operations' is a relevant policy consideration.

## 6.3 Other relevant policy considerations

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

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

National Planning Practice Guidance (2019) including 'Green Belt.'

## **7 Planning Analysis**

### **7.1 Principle of Development**

- 7.1.1 As explained in the Masterplan 2022 Planning Supporting Statement, the proposed development will deliver essential new film making facilities that are intended to complement the existing WBSL film making enterprise at Leavesden to enable the company to respond to the increasing needs of productions including high-end TV and bigger budget 'tent-pole' film productions that can lead to sequels and become franchises. These productions require larger sound stages and sufficient production support facilities such as offices and workshops and the ability to create large sets on an expansive backlot area. In addition, by the application and the added film-making capacity that would be created, WBSL seeks to increase the variety and quantity of productions that could be made at Leavesden and to offer a broader set of supporting services to enable productions to be based long-term at the Studio.
- 7.1.2 Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Leavesden Aerodrome site as including 'the nationally important film studios' and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District including Leavesden Aerodrome.
- 7.1.3 Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people. Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries.
- 7.1.4 In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy both as a local employer and as a centre to contribute to the growth of the District, the Green Belt designation was removed from the built areas and from the land south east of the site (known as the Island Site). The open area of land known as the 'Backlot' was retained in the Green Belt as an integral part of the Studios operation compatible with that nationally important film studios status.' The revised Green Belt boundary is shown in the map site reference 'GB1.' The Site Allocations LDD (SALDD) (adopted November 2014), accordingly, recognises the ability of Leavesden Studios to contribute to the national and regional economy and, as noted, Policy SA8 of the SALDD sets out that the open area of land known as the 'Backlot' in the policy area, including part of the application site, shall be retained in the Green Belt 'as an integral part of the Studio's operation. As also noted, the 'Island Site' (where it falls within Three Rivers) falls within the Studios 'operations' area as identified by Policy SA8 outside the Green Belt. Similarly, the 'Northern Access' is outside of the Green Belt. It is noted that the remainder of the application site and associated development proposals lie within the Green Belt.
- 7.1.5 Subject, accordingly, to the considerations relating to inappropriate development in the Green Belt, the principle of the proposed employment and associated development involving the expansion of the Leavesden Studios is considered to accord with the

generality of Policies PSP2, CP1 and CP6 of the Core Strategy (adopted October 2011) and Policy SA8 of the Site Allocations Local Development Document (adopted November 2014). The impact of the proposed development on the Green Belt, and all other material planning considerations are addressed below.

## 7.2 Green Belt

7.2.1 With the exception of the 'Island Site' and 'Northern Access', the application site is located within the Metropolitan Green Belt.

7.2.2 As recognised by the NPPF chapter 13, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

7.2.3 The NPPF states that the Government attaches great importance to Green Belts. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings constitutes inappropriate development in the Green Belt. The NPPF also states that LPAs should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances for construction of new buildings in the Green Belt will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2.4 The five purposes of the Green Belt are set out at paragraph 138 of the NPPF as follows:

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

7.2.5 Paragraph 149 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate development, subject to the following exceptions:

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

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.6 Paragraph 150 of the NPPF advises that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it. These include the following:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.7 At local level Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt or which would conflict with the purposes of including land within it. It also notes at criterion (d) that; 'The Council will review 'Major Developed Site in the Green Belt' status in relation to Leavesden Aerodrome having regard to the important contribution the site is expected to make to meeting needs for housing and employment. That review was undertaken in the Site Allocations LDD 2014. Whilst Policy CP11 predated the NPPF (2012), it reflects the wording of both the NPPF 2012 and 2021 and thus can be afforded weight as part of the decision making process.

7.2.8 In relation to openness, the National Planning Practice Guidance 001 Ref: ID: 64-001-20190/22 (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:

- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
- *The degree of activity likely to be generated, such as traffic generation.*

### ***New Buildings***

7.2.9 The application proposes a number of substantial buildings to be sited within the Green Belt, including eleven new permanent sound stages; four ancillary production offices; three new workshops; an amenity building; and entrance building. These would be located within the central part of the site which has historically been used as backlot and has permanent planning permission (15/1852/FUL) for such use.

7.2.10 As set out above, paragraph 149 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate development, subject to a limited number of exceptions. The proposed buildings are not considered to fall within any of the exceptions set out in paragraph 149 and are therefore inappropriate development within the Green Belt by definition. This position is acknowledged by the applicant.

- 7.2.11 In addition to harm by virtue of inappropriateness it is considered that there would be harm by way of loss of openness as the buildings would infill the existing essentially open space between the Studio Tour and Studio Tour car park to the north-east and existing buildings to the south-west. The buildings would vary in height with the sound stages would be up to 21.5m at their highest.

### ***Re-Use of Buildings***

- 7.2.12 Paragraph 150 (d) of the NPPF advises that the re-use of buildings provided that they are of permanent and substantial construction, is not inappropriate development in the Green Belt provided that they preserve openness and do not conflict with the purposes of including the land within it.
- 7.2.13 The application includes the conversion of L Stage to convert it to workshop space. As part of the conversion a mezzanine level would be added. L Stage is of permanent and substantial construction. No alterations are proposed to the footprint, height, mass or external bulk of the building such that it is considered that this aspect of the proposal would preserve openness. The conversion would not conflict with the five purposes of the Green Belt set out at paragraph 138 of the NPPF. The conversion of L Stage would therefore be appropriate development within the Green Belt.

### ***Material Change of Use***

- 7.2.14 Paragraph 150 (e) of the NPPF advises that material changes in the use of land in the Green Belt are not inappropriate provided they preserve openness and do not conflict with the purposes of including the land within it.
- 7.2.15 The application proposes ecological enhancements to the Lower Field; no built development is proposed. It is also proposed that the Lower Field be publicly accessible – there is currently a footpath across this field to Old Mill Road. It is considered that the proposed ecological enhancements and public recreational use would maintain openness and would not conflict with the purposes of including land within the Green Belt.
- 7.2.16 Backlot 2 to the west of the main Studios site currently benefits from temporary planning permission to allow external film production for a two year period up to 26 February 2023. The development (20/2667/FUL) was considered to constitute inappropriate development; resulted in harm to openness; conflicted with purposes of including land within the Green Belt; and had a detrimental impact on the character, appearance and visual amenity of the area. However, it was considered that the economic benefits combined with the temporary nature of the development, collectively combined to constitute material considerations of sufficient weight to amount to ‘very special circumstances’ that clearly outweighed the identified harm to the Green Belt enabling planning permission to be granted subject to conditions. Whilst the planning history is a material consideration, the granting of temporary planning permission must not necessarily preclude the grant of full planning permission.
- 7.2.17 The current application proposes to make the current use of Backlot 2 for external film production permanent.
- 7.2.18 The submitted Operational Management Plan (summarised at paragraph 3.6.1.4 above) sets out parameters in accordance with which the permanent use would operate.
- 7.2.19 No permanent buildings are proposed to be constructed on Backlot 2. Temporary structures where required would not exceed 15 metres in height, except with express notification to and prior approval from TRDC and will be removed when no longer required, or within 24 months (whichever is sooner). Temporary structures and storage would be kept away from site boundaries with a minimum separation of 20 metres. No permanent lighting is proposed, however, where lighting is required it would be directed into the site.

- 7.2.20 Whilst there is existing vegetation to the application site boundaries which is proposed to be substantially enhanced as part of the application, the application site and the activities taking place upon it would be visible as would the presence of structures. Views from the immediate adjacent public footpath (Gypsy Lane) would be very restricted due to the deep cut nature of the track and the proposed set back of the filming activities from the boundary. However, it is recognised that Backlot 2 and the construction and activities taking place there would be visible, particularly in longer range views including from Langleybury Lane to the west, albeit that those uses of Backlot 2 would be read against the backdrop of the existing WBSL site beyond it.
- 7.2.21 The extent of the spatial and visual impact of the activities undertaken on Backlot 2 would to a degree vary depending on the number, height and nature of any temporary structures in place at any one time which it is recognised is unknown, albeit restricted in part due to the area available and requirement to maintain minimum 20m spacing to the boundaries. Whilst the absence of temporary structures would reduce the impact on openness, the use of the field for filming by virtue of the activity taking place, would still have some impact on openness. Having regard to the proposed use there would be a clear harmful spatial impact resulting from the presence of temporary structures across a large parcel of land and a noticeable change in the amount of on-site activity compared with the site's previous use which was free of built form development. In addition to the spatial impact, the site is evidently visible from nearby public vantage points and the proposal will alter its rural character from that of an open field (prior to its existing temporary use) to something which would appear more urban in character. There is a degree of landscaping to the south, which is proposed to be enhanced, however, this would not mitigate the harmful visual intrusion that the proposal would have on what is a rural setting within the Green Belt.
- 7.2.22 Access and egress would be via the existing Studio backlot. Parking would be within the existing Studio complex with vehicles accessing the application site limited to those for construction or filming support.
- 7.2.23 With regards to the five purposes of including land within the Green Belt:
1. *To check the unrestricted sprawl of large built up areas;*
  2. *To prevent neighbouring towns from merging into one another;*
  3. *To assist in safeguarding the countryside from encroachment;*
  4. *To preserve the setting and special character of historic towns;*
  5. *To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.*
- 7.2.24 While the site is not within or arguably adjacent to a 'large built up area,' the construction of the proposed large structures on the application site could amount to urban sprawl in conflict with criterion (1). The site does currently provide open space and a rural buffer between areas of built development. The development would result in the use of land up to the A41 boundary (20m set back) and would diminish the existing green/open buffer. There would, therefore, be conflict with criteria (2) and (3). There would be no material impact on the setting or special character of any historic town (criterion 4) and the proposed development comprising the expansion of the existing Leavesden Studios does not relate to urban regeneration or have any potential to prevent urban regeneration (criterion 5).

### ***Green Belt Summary***

- 7.2.25 The re-use of L Stage would be an appropriate form of development within the Green Belt in accordance with Paragraph 150 (d) of the NPPF. The proposed new buildings would not fall within any of the exceptions listed at paragraph 149 of the NPPF and would be inappropriate by definition. There would be additional harm to openness. In relation to the material change of use of the land, the proposed ecological enhancements to the Lower Field would be appropriate within the Green Belt and would not conflict with any of the purposes of including land within the Green Belt. The creation of a permanent Backlot 2

would have an adverse impact on the openness of the Green Belt and would conflict with purposes of including land within the Green Belt.

7.2.26 Overall, therefore, the development would constitute inappropriate development within the Green Belt and would also have a harmful impact on the openness of the Green Belt. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

### 7.3 Any other harm

7.3.1 The following sections will now assess whether there would be any other harm associated with the development in addition to its inappropriateness and impact on the openness of the Green Belt.

### 7.4 Character and Appearance (including impact on the landscape)

7.4.1 Paragraph 126 of the NPPF states that:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..."*

7.4.2 Paragraph 130 of the NPPF states amongst other things that:

*"Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

7.4.3 Paragraph 134 of the NPPF states that:

*"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*



7.4.4 Policy CP1 of the Core Strategy (adopted October 2011) advised amongst other things that:

*“All development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to:*

*n) Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour”*

Whilst this criterion talks about buildings and public spaces it stresses the importance of design quality and local distinctiveness.

7.4.5 In accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) development should amongst other things:

*“a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area.*

*d) Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials”*

### **Character**

7.4.6 In terms of land use, the area including the application site is mixed in character. To the north-east of the main application site is the existing Studios and Studio Tour. To the north-west is the residential area of Abbots Langley. To the west of the site are open fields with some residential roads and individual properties. To the north-east on Aerodrome Way there are existing commercial units at Leavesden Park with residential properties beyond to the east. To the south is the residential area of Watford beyond the A41 North Orbital Road.

7.4.7 Whilst it is acknowledged that part of the site is within the Green Belt, having regard to the mixed character of the area including the existing Studios and Studio Tour, it is considered that the proposed uses of the application site would not be out of character with the generality of existing uses of land in its locality.

7.4.8 The proposed sound stages on the ‘Central Site’ (2A - 2K on submitted plans) would range in height from 18m on the outer edge up to 21m within the centre of the site. Their design would follow the scale, colour and profile of the existing stages. The ancillary offices would be lower, up to 12m in height and would include active frontages. The new workshops would be 14.5m to eaves height.

7.4.9 The Studio Parking Deck would range from 11m – 15m in height, the lower height closest to residential properties in Ashfields to the east. A number of solid walls and horizontal banding are proposed to create the appearance of the building. The Pedestrian Bridge Access will provide access from the Studio Parking Deck to the Studio Site. This would be 100m in length with a road clearance height of 5.5m. Extensive landscaping is proposed around the perimeter of the ‘Island Site’ and across the development site more widely, including the Lower Field.

7.4.10 There are a range of existing building heights within the wider WBSL site and area and it is considered that the proposed building heights, whilst relatively tall, would not be inappropriate for the proposed uses or out of character with existing studio development. It is also noted that the height of the Studio Parking Deck is of a similar order to that previously approved for the Island Site.

7.4.11 In summary it is considered that the proposed uses, the height and scale of the proposed buildings, and the site coverage by buildings and hard surfaced areas would not be

demonstrably harmful to the existing built character of the area and the pattern and form of development in the area.

### ***Layout & Appearance***

- 7.4.12 The positioning of the Studio Deck Car Park and support facility (Building 75) on the Island Site are restricted to an extent by the size of the Island Site. However, their central position within it allows for spacing to be maintained to the boundaries of the Island Site and also for the inclusion of landscaping to the perimeter, including a visual and acoustic bund to the eastern side of the Island Site. Their layout and appearance is considered materially unobjectionable. The structure will include a proportion of solid walls and horizontal banding to add interest whilst also screening cars from view.
- 7.4.13 The proposed sound stages on the 'Central Site' (2A Stage - 2K Stage on submitted plans) have been sited such that the lower height ancillary offices would be located closer to the boundary, albeit set back behind extensive planting, with the higher sound stages more centrally located. This layout would also enable the creation of a more active frontage to the more prominent street facing elevations through the design and details such as windows/openings on the proposed office frontages. The materials and straw colour of the existing sound stages would be carried through to the proposed development ensuring visual continuity and the assimilation of the proposed buildings with the existing studio.
- 7.4.14 The proposed pedestrian access bridge would provide a link for staff and visitors from the Studio Deck car Park to the main Studio site. This entrance will be served by a dedicated security building, acting as the arrival tower for visitors coming from the Island Site parking structure via the footbridge and will include a security hub, WC facilities and secure bicycle and golf buggy parking and charging.
- 7.4.15 Details of the proposed materials are included on the submitted plans and it is considered reasonable and necessary to impose a condition requiring that the development is completed in accordance with these details in order to ensure that the materials are of appropriate quality and appearance and to ensure consistency of approach within the development site and wider WBSL site.
- 7.4.16 In summary, it is considered that the layout and appearance of the buildings is acceptable and would result in a high quality design solution as advocated by the NPPF and Policy CP12 of the Core Strategy (adopted October 2011).

### ***Impact on views and the landscape***

- 7.4.17 In order to assess the visual impact of the development on relevant visual receptors and the character and appearance of the landscape, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) within their Environmental Statement (ES).
- 7.4.18 A 2.5km study area was chosen based on the Zone of Theoretical Visibility (ZTV) as the visibility of the proposed development beyond this distance will become limited. The assessment judges the potential effects of the proposals on the landscape and visual receptors that have been identified. The significance of a landscape and visual effect is determined by consideration of the sensitivity of the landscape and visual receptors and the magnitude of the landscape and visual effect as a result of the proposals. This follows the Guidelines for Landscape and Visual Impact Assessment, (GLVIA) 3<sup>rd</sup> Edition, Landscape Institute (LI) and Institute for Environmental Management and Assessment (IEMA) (2013).
- 7.4.19 Landscape effects arise either as a result of direct changes as a result of development in the physical elements of the receiving landscape, or from indirect effects on the character and quality of the surrounding landscape. Visual effects arise from changes in character and the quality of views resulting from a proposed development. In both cases, effects that

are moderate (including slight to moderate) or above are considered to be significant for the purposes of the Environmental Impact Assessment.

- 7.4.20 A baseline study is undertaken. This is to record the existing landscape conditions against which the effects of the proposed development will be assessed.
- 7.4.21 The LVIA considers the impact on 3 types of receptor, these being residential streets/areas, transport routes and recreational areas. A number of representative viewpoints (14) have been selected within the study area to illustrate how the site is experienced by the identified visual receptors.
- 7.4.22 With regards to Primary Mitigation, key mitigation measures have been incorporated into the proposals which aim to minimise the initial predicted impacts. These include:
- Retention of historic lane (Gypsy Lane) that runs through the site;
  - Retention of PROW no. 40;
  - Retention of TPO trees along Gypsy Lane and within the Western Site;
  - Island Site building heights in accordance with approved parameters;
  - Introduction of low planted earth mounds to north and east of Island Site;
  - Introduction of planted earth mounds around the Western Site's western field (Backlot 2);
  - Ecological enhancements in the Lower Field including hedgerow planting, orchard and woodland planting;
  - Introduction of woodland matrix along western side of Gadeside.
- 7.4.23 The principal sources of change to landscape and resources and visual amenity arise from the introduction of new built form and landscape elements. The changes that could occur to the landscape can be separated into temporary (that occur during construction) and permanent changes that occur at completion (post construction and during the operation of the site). Some of these changes may be beneficial, resulting in an improvement on quality or landscape resources, while others may be adverse. Some changes may initially be adverse, but on establishment and maturity may result in a gradual improvement as new landscape resources replace old or supplement existing.
- 7.4.24 The LVIA states that out of the 11 visual receptors assessed, 6 will have significant adverse visual effects during construction. By completion this is reduced to 5. Over time with the primary mitigation in the form of earth bunds and the detailed planting proposals taken into account the planting will begin to mature. The woodland planting will thicken and will begin to screen the proposed development including Backlot 2. Five to 10 years after completion the woodland planting will reduce the visual effects. After 15 years there are not expected to be any significant adverse effects on the landscape character of the visual amenity of the 11 receptors identified. The degree of visual effects on the residential receptors from The Maltings and Old Mill Road will reduce to slight adverse and therefore not significant as the planting within the Studios matures. The visual receptors using Gypsy Lane and PROW no. 40 will also reduce to slight adverse and therefore not significant. The LVIA concludes therefore that there will be no significant landscape or visual effects after 15 years on any of the receptors.
- 7.4.25 Officers agree with the conclusion of the LVIA with regards to the impact of the proposed development on views and on landscape character.
- 7.4.26 In summary, there will be some significant adverse visual effects during construction, however, over time with the implementation of the primary mitigation proposed, the impact will reduce such that there would likely be no significant harmful landscape or visual effects resulting from the proposed development after 15 years.

***Character & Appearance (including impact on the landscape) – Conclusion***

7.4.27 Overall and on balance, although the buildings would be large and would be significant features, the scale, layout and design of the proposed development would be acceptable and would not have demonstrably harmful impacts on the character and appearance of the street scene(s), the general locality or the wider landscape. The proposed development would represent the quality of design sought by the NPPF and Core Strategy and would be acceptable in this regard. In relation to landscape impact, there will be some significant adverse visual effects during construction, however, over time with the primary mitigation proposed in place, the impact will reduce and there will be no significant landscape or visual effects after 15 years.

## 7.5 Heritage & Archaeology

7.5.1 The Grade II\* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.

7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

7.5.3 Paragraph 195 of the NPPF advises that:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

7.5.4 Paragraphs 199 and 200 of the NPPF state that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

7.5.5 Paragraph 202 of the NPPF advises that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*

7.5.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

- 7.5.7 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District's Listed Buildings and that "Applications will only be supported where they sustain, conserve and, where appropriate, enhance the significance, character and setting of the asset itself and the surrounding historic environment."
- 7.5.8 The application is accompanied by a Heritage Statement (March 2022) prepared by Terence O'Rourke which provides an appraisal of the potential effects of the proposed development on heritage assets. The approach to identifying those heritage assets likely to be affected by a development proposal is given in the setting guidance published by Historic England. Case law has confirmed that the categories of harm recognised in the NPPF are no harm, less than substantial harm and substantial harm.
- 7.5.9 The report concludes that the proposed development is not predicted to result in any changes to the setting of designated or non-designated heritage assets that could harm their significance.
- 7.5.10 The application, including Heritage Statement, has been reviewed by the Heritage Officer. They note that the north-west corner of the application site would be preserved as verdant field ('Lower Field') and would benefit from ecological enhancements. They consider that this would preserve the setting of the adjacent Conservation Area.
- 7.5.11 Taking into consideration the distance of the other assets from the application site, the extent of existing development within the WBSL site, as well as other residential development within the area and the existing landscaping and topography, the Heritage Officer considers that it is unlikely that the proposed development would have an adverse effect on the significance of the surrounding heritage assets. They note that any views of the structures within the application would only be glimpsed so the visual impact (if any) would be low and structures located in the Backlot would not be permanent.
- 7.5.12 The Heritage Officer raises no objection to the proposal which they consider would be compliant with section 16 of the NPPF 'Conserving and enhancing the historic environment' as well as Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is also considered to accord with Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.

#### Archaeology

- 7.5.13 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.
- 7.5.14 There are a number of Areas of Archaeological Significance in the District. Whilst no part of the application site falls within one of these identified areas, the history of the site and its former use are recognised and there have been a number of archaeological investigations across the site over years. Having reviewed the outcomes of previous investigations it was considered appropriate as part of the current proposals, to assess the potential of the below ground archaeological resource in the remaining areas which had not been previously investigated.
- 7.5.15 A magnetometry survey was undertaken on the land to the west/north-west of the existing Studio (Backlot 2) and the Lower Field. The survey did not identify any anomalies of possible or probable archaeological origin. No archaeological finds or features warranting undesignated or non-designated heritage asset recognition will be directly affected by the development. The development is, accordingly, considered to accord with Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.6 Impact on Neighbours

- 7.6.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.6.2 Policy CP6 of the Core Strategy (adopted October 2011) advises that the Council will support development that sustains parts of the District as attractive areas for business.
- 7.6.3 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.6.4 The closest residential properties to the east of the 'Island Site' are those on Ashfields (within Watford Borough Council area). It is acknowledged that planning application 15/1852/FUL (see 1.3.22) granted outline consent for development on the Island Site in the form of 13,200m<sup>2</sup> of support facilities such as workshops, production services and offices. 480 car parking spaces were also proposed. The consent was for a building up to 15m in height. The Studio Parking Deck proposed on the Island Site as part of this current application follows these above approved parameters in that would be a maximum of 15m in height adjacent to Gadeside, with a lower height of 11m to the east closest to Ashfields. It is also noted that the Parking Deck has been designed to look more like a building (rather than open sided car park), with a greater proportion of solid to open walls and horizontal banding. The south-east corner of the Studio Deck Car Park would be over 80 metres from the closest property in Ashfields. It is also noted that a detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site, particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.
- 7.6.5 The support facility (Building 75 on the submitted plans) on the Island Site will be used for set lighting. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter. The eastern flank elevation of Building 75 would be located approximately 90 metres from the closest properties on Ashfields.
- 7.6.6 Whilst it is acknowledged that the Studio Parking Deck and support facility (Building 75) would be large structures that would be visible to properties to the east, it is considered that the separation distances maintained would be sufficient to ensure that there would be no demonstrable harm through either overshadowing, loss of light or overlooking. Additionally and as noted above, a comprehensive landscaping strategy is proposed to soften the development and would serve in part as a visual barrier.
- 7.6.7 The pedestrian access bridge would be substantially screened from properties to the east by the Studio Parking Deck and support facility (Building 75) so would be likely to have no adverse impact on residential amenity. The sound stages and supporting offices/workshops would be separated from residential properties to the south by the North Western Avenue, with a separation distance of over 100m at the closets point. The offices would front Gadeside (with North Western Avenue beyond) with the higher sound stages located more centrally within the site away from the site boundaries. The buildings on this part of the site would be read against the backdrop of existing Sound Stages and supporting buildings within the wider WBSL site and it is not considered, accordingly, that they would result in demonstrable harm through either overshadowing or loss of light or overlooking.
- 7.6.8 To the west of the application site there are individual residential properties and residential roads. The residential part of Gypsy Lane adjoins the site boundary and the Lane itself continues through the site as a public footpath between the proposed Backlot 2 and Lower Field. Properties to the north on Gypsy Lane are located to the opposite side of the railway

from Backlot 2 and the Lower Field. The application site does wrap around the railway, however, the closest proposed building (Building 72) would be sited some distance from Gypsy Lane. There would be views of Backlot 2 (and the wider site beyond) from Gypsy Lane where it continues as a public footpath between the proposed Backlot 2 and Lower Field, however, the nature of the lane as a deep-cut lane would serve to restrict views. In addition a comprehensive landscape strategy is proposed to complement the existing vegetation/planting. The submitted Operational Management Plan (OMP) for Backlot 2 states that no temporary structures will exceed 15m in height without prior approval from the LPA and that no structure or storage will be located within 20m of any highway or public right of way. As such, whilst there would be views, it is not considered that the development or temporary structures would result in demonstrable harm to neighbouring amenity or the amenity of users of the public footpath, through visual intrusion, overshadowing or loss of light.

7.6.9 There are residential properties on The Maltings which adjoin the Lower Field where ecological enhancements are proposed as part of the development. Built development is not proposed on the Lower Field and it is not considered that the ecological enhancements or public access to the Lower Field would result in demonstrable harm to neighbouring amenity.

7.6.10 In conclusion, it is considered that the proposal would not result in levels of visual intrusion, overshadowing, overlooking or loss of light to justify the refusal of planning permission.

## 7.7 Pollution – Air Quality

7.7.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

*(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
- *Introduce new point sources of air pollution e.g. furnaces.*
- *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*

7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
- ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*

7.7.4 The application is accompanied by an Environmental Statement. Chapter 8 of the Environmental Statement specifically deals with air quality. The application is also accompanied by a Construction Environment Management Plan (CEMP).

- 7.7.5 The assessment of construction phase impacts indicates that the proposed development will constitute a medium dust risk for demolition and construction activities and a low risk for earthworks and trackout activities. The consultant states that for the site the general mitigation measures applicable to a medium risk site should be applied.
- 7.7.6 The assessment of operation phase impacts utilised dispersion modelling. Predicted concentrations indicate that emissions from the proposed development will have a negligible impact on annual mean concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at existing and new receptors and no further mitigation is considered necessary.
- 7.7.7 The Environmental and Protection Officer recommends conditions be applied to any permission granted requiring the development to be carried out in accordance with the CEMP, specifically with reference to Section 7: Air Quality & Dust. They also suggest an informative relating to the use of vehicles (that are involved in demolition, earthworks, construction etc.) that meet the most recent European emissions standards and the use of ultra-low emissions vehicles.
- 7.7.8 In summary, in view of the specialist advice received, it is concluded that there would be no adverse impacts with regards to air quality as a result of the development. The proposed development in this respect complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## 7.8 Pollution – Noise & Vibration

- 7.8.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*
- 7.8.2 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.
- 7.8.3 The application is accompanied by a Noise Assessment (ref. 206/0600/R2, March 2022) prepared by RSK Acoustics. The Assessment has considered noise from construction, road traffic noise and noise associated with the soundstages and Backlot 2. It acknowledges that the proposals include elements that have the potential to produce noise with risks of disturbance to nearby residents. It sets out how the design, including landscaping, has sought to minimise noise emissions where practical and that noise from the majority of activity is unlikely to be a material concern. The Assessment concludes that noise impacts would be minor, but if necessary, conditions could be attached to any permission if granted.
- 7.8.4 The Council's Environmental Health Officer (EHO) has reviewed the submitted details. They note that the critical potential noise sources would emanate from: temporary construction noise; use of Backlot 2; multi-storey car park; additional road traffic; equipment hire facility; and mechanical service plant items.
- 7.8.5 In relation to construction noise, it is acknowledged that this would be temporary. In order to minimise the noise impact, the EHO has advised that contractors should comply with the relevant British Standard BS5228. The submitted Construction and Environmental Management Plan (CEMP) includes this requirement and compliance with the CEMP would be a condition of any grant of consent.



- 7.8.6 In relation to Backlot 2, there would be some noise during construction of sets, however, as with construction generally this would be controlled through measures in the CEMP. The EHO does not consider that noise would be excessive. It is recognised that the use of 'special effects' during filming on Backlot 2 could increase noise levels, and as such the EHO recommends that advance notice be given to residents. In this regard it is noted that the application is submitted with an 'Operational Management Plan for Backlot 2 (OMP)', which is similar to the existing OMP in use during the current permitted temporary use as Backlot. The proposed OMP includes a number of measures where advance notification and/or prior approval of the Local Planning Authority is required, for example in relation to lighting, night shoots and special effects. The OMP also details WBSL's standard procedure where neighbour notification letters are distributed to approximately 5,000 homes in the vicinity in advance of filming activity incorporating night shoots and/or special effects. Compliance with the OMP would be a condition of any grant of consent.
- 7.8.7 In relation to the multi-storey car park, the EHO notes that the proposed design seeks to limit noise impact on receptors through its design and also through the construction of a bund and landscaping to provide acoustic shielding for vehicular noise.
- 7.8.8 In relation to additional road traffic, the assessment indicates negligible noise impact, with only one road link assessed with a minor disturbance. The EHO does not dispute these conclusions but recommend that WBSL should carefully enforce speed limit restrictions to control noise pollution.
- 7.8.9 The mechanical ventilation strategy for new proposed stages, buildings, offices, amenity areas and toilets is considered acceptable by the EHO. They note that, understandably, the Air Handling Units incorporate sound attenuators to reduce fan noise. They require that the future cumulative effect of all plant items should conform with values obtained in RSKA's report indicating the representative background noise limits for residents at Greenbank Road/Courtlands Close and Aerodrome Way/Ashfield and Poundfield (using the principles contained in BS 4142:2014+A1:2019).
- 7.8.10 In summary, the EHO considers that RSK Acoustics acoustic survey and assessment provides sufficient and convincing data to minimise noise impact to nearby receptors indicated on the site plan. As such, in view of the specialist advice received, it is considered that subject to conditions (compliance with CEMP, OMP and Mechanical Ventilation Strategy) there would be no material adverse impacts with regards to noise as a result of the development. The proposed development, accordingly, complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.9 Pollution – Light

- 7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

*(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

- 7.9.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states in relation to lighting proposals, that development proposals which include external lighting should ensure that:

- i. Proposed lighting schemes are the minimum required for public safety and security*
- ii. There is no unacceptable adverse impact on neighbouring or nearby properties*
- iii. There is no unacceptable adverse impact on the surrounding countryside*

- iv. *There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians*
- v. *Road and footway lighting meets the County Council's adopted standards*
- vi. *There is no unacceptably adverse impact on wildlife*
- vii. *Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting is sensitively designed to prevent negative impacts on use of these habitat features.*

7.9.3 The application is accompanied by an External Lighting Strategy and Impact Assessment (March 2022) prepared by Ramboll. The purpose of the report is to assess the impact of the site's proposed external lighting design strategy. In order to minimise obtrusive lighting and comply with best practice/guidance, the lighting strategy adopts the following principles:

- No excessive lighting levels, aim for lowest compliant lighting
- Avoid directional or vertical illumination. Mount horizontally with minimal tilting
- Position lighting to avoid sensitive areas
- Maximise uniformity
- Keep Light Column height as low as possible, ideally below 9m
- Minimise light spill, zero upward light (flat cut lanterns required)
- Restrict timing to avoid bat activity, time clock and contractor controlled is recommended
- Locate luminaires in appropriate places to avoid light spilling to unwanted zones.

7.9.4 The lighting strategy proposes general lighting for use during site operation (dusk – 11pm) and safety lighting post curfew (11pm – 6am). General lighting will utilise both building mounted fittings and column mounted fixtures, whereas safety lighting will mainly utilise column mounted fittings. The site is divided into zones, taking into account the nature of the area and to minimise the impact of lighting on the surrounding environment. Light fittings in zone E4 (middle of the site away from site boundaries with sensitive receptors) will be mounted above roller shutter doors at high level to reduce blinding effect on drivers within the site and to increase safety. In zone E3 lighting will mainly consist of column fittings not higher than 8m and some building lighting. In zone E2 (western part of Backlot 2, east of Gypsy Lane) lighting will utilise a combination of bollard fittings and lighting columns as appropriate. In zone E1 (Lower Field) lighting is not proposed.

7.9.5 Having regard to the above lighting design details, it is considered that the external lighting for the proposed development will comply with relevant guidance and will be unobtrusive for adjacent residential properties. Impact on wildlife is considered later in this analysis.

7.9.6 It is considered reasonable and necessary to require that by condition external lighting be erected only in accordance with the External Lighting Strategy.

7.9.7 In summary, it is considered that subject to the imposition or appropriate conditions the lighting of the site would not be likely to give rise to adverse impacts with regards to light as a result of the development. The proposed development, accordingly, complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## 7.10 Highways & Access

7.10.1 Paragraph 110 of the NPPF advises that;

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 7.10.2 Paragraph 111 of the NPPF states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 7.10.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113 of the NPPF).
- 7.10.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.10.5 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
  - j) It is appropriate in scale to the existing infrastructure...*
  - k) It is integrated with the wider network of transport routes...*
  - l) It makes adequate provision for all users...*
  - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
  - n) The impact of the proposal on transport has been fully assessed...*
  - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.10.6 On the ‘Triangle Site’ a new ‘Southern Access Roundabout’ is proposed which would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond. The proposals also include a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.
- 7.10.7 At the ‘Northern Access’ it is proposed to widen the access road to assist with traffic flow into the site.
- 7.10.8 The application was accompanied by a Transport Assessment (TA) (March) 2022 and Travel Plan (March 2022), both prepared by Markides. The submitted details were reviewed by National Highways (NH) and by HCC as Highways Authority (HCCHA). Both consultees requested additional information/clarification during the application and had detailed discussions with the applicant’s instructed consultant, Markides.
- 7.10.9 In summary, both NH and HCCHA have now confirmed that they raise no objection to the proposed development subject to a number of conditions, and in the case of HCCHA, the completion of a S106 Agreement to secure necessary infrastructure contributions. The conclusions of NH and HCCHA are discussed below.

### National Highways (NH) & Strategic Road Network (SRN)

- 7.10.10 NH are the Highway Authority for the strategic road network (SRN), a critical national asset which is managed in the public interest. Having reviewed the submitted details, NH have advised that their interests relate to the operation and safety of the SRN, and in the case of this proposed development, the potential impact upon the M25 J19, J20 and J21a and the M1 J5 and J6. NH advised that they were interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation. NH confirmed that they were aware of the sites history and existing use.
- 7.10.11 Following detailed discussions with the applicants' Transport Consultant (Markides), NH have confirmed that they are satisfied that given the numbers of trips proposed and the travel planning measures secured, no further action is required with regards to M1 J5, M1 J6, M25 J19 and M25 J20.
- 7.10.12 NH have advised that their only outstanding concern remains the impact of the development on M25 Junction 21a, specifically the anticlockwise off slip, which they believe experiences queuing back to the mainline at peak times, and the A405 northbound approach which is also significantly over capacity.
- 7.10.13 NH have not had time to conclude a review of the modelling of J21a and therefore have not agreed a finalised improvement scheme required to offset the impact of the development on the junction. They also note and are aware that the consented Strategic Rail Freight Interchange scheme at Radlett (outside TRDC area), has proposed a larger scale mitigation scheme at J21a, but currently there is no confirmed delivery timescale for that mitigation.
- 7.10.14 NH acknowledges that Warner Bros. are willing to deliver an appropriate scale of mitigation at this junction which should in principle mitigate the impact of the development traffic, specifically on the two affected arms. They have therefore confirmed that the outstanding concern can be addressed through the inclusion of an appropriately worded planning condition which would prevent and new building(s) being occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority. The approved works to M25 Junction 21a would be required to be implemented in full and open to traffic prior to occupation of any new building(s).

### HCC Highway Authority (HCCHA) & Local Road Network

- 7.10.15 The existing Warner Bros Leavesden Studios (incorporating the open to the Harry Potter experience) at circa 100,000sqm+, is located on the border of Three Rivers District Council (TRDC) and Watford Borough Council (WBC) circa 2km east/south of junctions 19 and 20 of the M25. Being bound to the south by the A41 (the border between TRDC and WBC), to the east by Aerodrome Way and the existing residential area of Leavesden, to the west by the studios existing backlot and greenfields which bridge over the West Coast Main Line and to the North by Hunton Park and further residential areas of Leavesden. It is proposed to create 70,559sqm of additional floorspace on the area to the west of the site.
- 7.10.16 Motor vehicle access to the expansion site would be via a new 5 arm roundabout located to the south of the site at the Gadeside (the junction between the one-way A41 off and on slips and the two-way road to the existing studios roundabout. The main site access forms the northwestern arm of this roundabout and the eastern arm will serve a Multi Storey Staff Car Park (MSCP), located on what is known as 'the Island Site'. A pedestrian foot bridge will connect the MSCP to the main site. The proposals also involve the enhancement of the existing north roundabout access to the studios. Pedestrian access is proposed at the new roundabout and from the existing site, however due to security reason these accesses will be restricted to staff.

7.10.17 HCCHA note that the existing bridleway, PROW 40 (Gypsy Lane) traverses through the western side of the site. This is proposed to be retained. The exact nature of the impact on the public footpath PROW 58 is unknown. Whilst HCCHA do not consider PROW 58 strategically important, if affected by the proposal it must either be maintained or stopped up formally.

#### Localised Sustainable Network Improvements

7.10.18 A significant upgrade to the localised foot/cycle ways to upgrade the section of the sustainable transport network bordering the southeast of the site from the A41 near Gypsy Way to the Cunningham Way/Aerodrome Way/Hill Farm Avenue junction and Ashfields to make it compliant with HCCHA policy, with toucan crossings also being installed where appropriate. Whilst not yet designed (a planning condition is requested), a toucan crossing of the A41 in the vicinity of Gypsy Lane is considered vital to connect the studios and the above network to the Hempstead Road pedestrian/cycle underpass which is due to be improved by HCCHA as part of the Hempstead Road upgrade to Watford town centre.

7.10.19 The direct connection from the Ashfields residential area through 'the Island Site' to the studios is restricted to staff only and general members of the public will have to divert north or south of the island. Whilst a more direct route through 'the Island Site' would have been preferred, HCCHA, recognise the sound planning reason for this proposal and do not object to the proposed arrangements.

7.10.20 HCCHA consider the above measures necessary to mitigate the potential impact on road safety.

#### Vehicle Trip Generation & Distribution

7.10.21 Within the supporting Transport Assessment (TA) Markides associates initially utilised car parking swipe card data from January 2020 - August 2021 to gain an understanding of how the existing studios operated, taking cognizance of periods that were affected by the world pandemic. Subsequent to this they undertook a traditional Automatic Traffic Counter (ATC) of the existing car park associated with the existing 106,025sqm and applied that pro rata to the proposed expansion of 70,559sqm to estimate the vehicular traffic it would attract. This approach is considered acceptable by HCCHA.

7.10.22 The ATC data revealed that a significant amount of staff visited the site (6-8am) prior to the traditional network peak hour (8-9am) and similarly in the evening, staff departed the site (6-7pm) after the traditional network peak hour (5-6pm).

7.10.23 Markides Associates also collected Automatic Number Plate Collection Surveys (ANPRS) which gave an indication in the immediate area where existing traffic was originating from. HCCHA consider it reasonable to use the observed patterns as the basis to distribute the predicted vehicular trips across the road network.

#### Committed Development, Growth and Analysis Years

7.10.24 HCCHA note that whilst Markides Associates have included no local growth due to significant committed development, they have utilised the wider growth predicted for TRDC area within the UK Government's TEMPRO database which includes possible economic growth further afield. This approach is considered acceptable by HCCHA.

7.10.25 This growth was utilised to factor the observed 2021 traffic data to a predicted opening year of 2025 which HCCHA considers is appropriate.

7.10.26 It is noted that there are current planning applications at World of Water, Hempstead Road (for Lidl) and Langleybury Film Hub, however, these are pending applications and are not committed developments therefore for this purpose.

### Junction Modelling & Traffic Impact

- 7.10.27 The applicants Transport Consultant, Markides Associates (MA) initially undertook a traditional percentage impact analysis to determine which junctions would be appropriate to analyse in a traffic model and determine during which of the aforementioned periods should be examined. Whilst HCCHA Highways initially considered the 5% screening value inappropriate, after a review of the network and considering Warner Bros. commitment to mitigate their scheme through sustainable transport measures and periods not analysed, HCCHA accept the analysed data.
- 7.10.28 **South Way/ Langley Lane Roundabout:** The analysis by MA of the South Way/ Langley Lane Roundabout predicted that this junction would be operating with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Ratio of Flow to Capacity (RFC) occurring on the Langley Lane North approach of just 0.47 (an operational threshold RFC is 0.85, above which cognisance of queuing should be made, and an absolute threshold RFC is 1.0 depicting failure). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.
- 7.10.29 **Aerodrome Way/ Hill Farm Ave Signals:** Similar to the previous analysis the Aerodrome Way/Hill Farm Avenue Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Aerodrome North approach of just 79% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.
- 7.10.30 **Aerodrome Way/ Hercules Way Signals:** As with the previous analysis of the Aerodrome Way/ Hill Farm Avenue Signals, the Aerodrome Way/Hercules Way Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Hercules Way approach of just 67.6% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.
- 7.10.31 **Aerodrome Way/ Warner Drive Roundabout:** The analysis of the Aerodrome Way/ Warner Drive roundabout however showed that the junction would be operating close to its absolute capacity during the peak of the 0700-0800 development peak with an RFC of 0.983 on the Aerodrome Way southern approach prior to the Warner Bros. expansion. Whilst the development slightly improved this to a RFC of 0.972 (likely due to heavier traffic on other approaches making the Aerodrome Way southern approach onto the roundabout marginally easier), it was clear further investigation into a mitigation package was needed. The further analysis showed that through the implementation of a Travel Plan (conditional requirement) could successfully lower the RFC on the southern Aerodrome Way approach to 0.908 and further physical improvements to the roundabout (Dwg 21134-MA-XX-XX-DR-C-0003 P01) could establish operational capacity for all approaches. Whilst initially HCC did not consider that physical mitigation was required given the predicted success of the Travel Plan that the applicant is committing to it is happy with the recommendation from MA for it to be provided due to effect of the queue backing from the roundabout at an RFC of 0.908 to the Aerodrome Way/ Studio Tour roundabout.
- 7.10.32 **Aerodrome Way/ Studio Tour Roundabout:** Whilst the model of the Aerodrome Way/ Studio Tour roundabout showed that it in isolation operated within capacity in all modelled time periods as discussed the queue backing back from Aerodrome Way/Warner Drive roundabout interferes with its operation highlighting the need for the physical measures identified there.

- 7.10.33 **Proposed Site Access Roundabout:** Whilst the initial analysis of the site access roundabout presented within the MA TA demonstrated that it would perform well in all periods of 2025, HCCHA initially considered that the design was not in line with policy. As a result, the design of the site access roundabout was revisited giving more priority to active travel modes. The subsequent analysis demonstrated the access roundabout design as agreed with HCCHA also operated well within ideal operational capacity with minimal queueing during all peak periods of 2025 with a maximum RFC of 0.74 occurring on the Gadeside North approach during the studios peak of 1800-1900.
- 7.10.34 **Ashfields Signals:** During the analysed AM period (0700-0800) the signalised Ashfields junction is predicted to be operating just within operational capacity with a maximum DOS on the eastern Ashfields approach of 89.5% prior to the development in 2025. However, subsequent to the Warner Bros. expansion both the eastern Ashfields approach and Aerodrome Way approach are predicted with no mitigation to operate beyond their theoretical absolute maximum. 111.6% on the Ashfields approach and 109.2% on the Aerodrome Way approach respectively. Following mitigation through the travel planning process whilst it is predicted that the junction will operate within its theoretical absolute capacity, the junction following the Warners Bros. development will still operate beyond its operational capacity (with a maximum RFC of 93.3%, corresponding with a queue of 29pcu's (passenger car units) on the Ashfields East approach. This highlights the need to mitigate the development through reduction of the background traffic in addition to the aforementioned Travel Plan and hence the need for contributions to schemes encouraging a greater mode shift. If there is any material impact during the other periods not analysed, it is likely, given the results of 0700-0800 period, that they can be addressed via schemes encouraging Mode Shift.
- 7.10.35 **Leavesden Green Interchange:** The analysis carried out by MA at the Leavesden Green Interchange that in the majority of analysed period that the junction both without and with the proposed development would operate significantly below the operational threshold (RFC<0.85). However, it also showed that with the introduction of the development the A41 eastbound approach goes slightly beyond this with an RFC of 0.87 during the peak 15 minutes of the 1800-1900 period. The approach however remains within absolute capacity and queuing at 7pcu's is considered safe, therefore HCCHA consider this impact can be mitigated through mode shift and the travel plan process.
- 7.10.36 **A41 Watford Rd/ Bridge St Signals:** The analysis presented by MA shows that during the hour of 0700-0800 in 2025 that the A41 Watford Rd/ Bridge St Signals will operate significantly within capacity. If there is any impact during the other periods not analysed, it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.
- 7.10.37 **Hunton Bridge Roundabout:** The analysis presented by MA shows that the Hunton Bridge Roundabout prior to the Warner Bros. development during the analysed period of 0700-0800 in 2025 will be operating close to or above operational capacity, with a maximum DOS of 93.8% occurring in the northern Watford Road straight ahead lane. The Warner Bros. development unmitigated however would significantly exasperate the situation with the DOS in the northern Watford Road straight ahead lane rising to above absolute theoretical capacity (101.9%). The straight/right turn lane of the M25 spur also goes beyond operational capacity and close to absolute capacity with a DOS of 98.6% post the unmitigated development. Whilst the analysis shows that mitigation through the travel plan process can have a positive impact reducing the maximum DOSs to 99.1% on the Watford Road approach and 95.7% on the M25 spur, HCCHA still consider this severe and the resultant queues unsafe, therefore it is considered appropriate to mitigate the Warner Bros. proposals further through contribution to wider schemes aimed at encouraging modal shift and back ground traffic. If there is any impact during the other periods not analysed it is likely, given the results of 0700-0800 period, that they would be capable of being satisfactorily addressed via schemes encouraging Mode Shift.

### Travel Plan & Shuttlebus

7.10.38 HCCHA's Travel Plan Team have reviewed the submitted Travel Plan (TP) and whilst they consider its content appropriate at this stage in the planning process they consider a number of aspects will have to be addressed before the final approval is given and hence an appropriately worded condition has been suggested to include:

- *There have been changes to the bus network in Watford including some routes in the vicinity of the site following multiple operators reviewing services post-pandemic. Information on service frequencies is therefore likely to need to be updated shortly and the TP should mention Arriva Click services which operate in Watford (see ArrivaClick Watford | Arriva Bus UK) which act as an alternative to conventional bus services.*
- *Travel Plan Co-Ordinator details will need to be provided along with those of a secondary contact in case of personnel changes. An indication of time allocated to role and frequency on site should be provided.*
- *Measures included are appropriate and cover all modes. It is noted that car parking is currently provided free of charge for both staff and visitors. This is something that could be reviewed in order to further encourage uptake of sustainable modes.*
- *Monitoring is proposed in years 1, 3 and 5 – this should be annual for a site of this scale, with review after each survey and submission of monitoring report to HCC.*

7.10.39 The Travel Plan Team have also advised that an Evaluation and Support Fee of £1200 per year (£6000 total for the 5 year plan) should be sought through a S106 agreement and that the Travel Plan needs to make reference to this.

7.10.40 In addition, and complimenting the Travel Plan document, Warner Bros. intend to operate a staff shuttle bus to their site and MA have identified a number of possibilities which they will develop as staff locations as demand become more certain. It is envisaged that a total of 6 x 16/24-seater minibuses, operating at 30-minute frequencies during the site peak hours could serve three main routes.

### Wider Mitigation Encouraging Modal Shift

7.10.41 HCCHA has costed plans for the aforementioned upgrade of the Hempstead Road corridor into central Watford a £9,525,600 + scheme (Q3 2022 prices). It is considered that it would be appropriate for the applicant to contribute via a S106 Agreement. Section 9E consists of improvements to the aforementioned pedestrian/cycle underpass below the A41/Hempstead Road roundabout and it is estimated that the scheme will cost £600,000. Section 6 integrates the underpass of A411/Hempstead Road scheme into the main Hempstead Road corridor scheme and involves primarily a toucan crossing of the A411 to enable users to safely cross to the parallel old Hempstead Road service road. The service road would also be subject to signage improvements and safely integrated into further section of the overall scheme. Section 6 is currently estimated at £626,400.

7.10.42 HCCHA's Passenger Transport Team have also identified a number of bus improvement schemes in the area which would have the potential to encourage the desired modal shift in the vicinity of the studios. The options for enhanced bus services include, number 9 bus service currently operates an hourly (Monday to Saturday) service from Watford station to the studio site. With investment this could be increased to a half hourly service Monday to Saturday and potentially an hourly Sunday service could also be introduced. It is estimated that as this is a financially viable service a minimum contribution of £175,000 per year for five years would be required (total £875,000).

### Conclusion

7.10.43 HCCHA and NH consider that, subject to conditions, there would not be an unacceptable highway safety reason nor a severe road network reason to justify the recommendation of refusal of the proposals from a highways or transport perspective. Nevertheless the



acceptability of the proposals would be subject to the full technical approval and completion of the necessary off-site highway work and inclusion of recommended conditions, S106 obligations and highway informatives. It is considered that the proposed planning obligations would meet the NPPF 57 tests.

## 7.11 Parking

7.11.1 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the car parking requirements for the District.

7.11.2 There are no parking standards relating specifically to film studio use. The Policy advises that for uses not specifically identified, standards should be considered on a case by case basis. The most closely related standards are considered to be:

- Office and Research Development                      1 space per 30sqm
- Light Industry    1 space per 50sqm
- General Industry    1 space per 75sqm

7.11.3 Applying the above standards to the proposed development would result in a requirement for 2,352; 1,411; and 941 spaces respectively.

7.11.4 Appendix 5 does indicate that the car parking standards may be adjusted according to which zone the proposed development is located in. The site is within Zone 4, equating to 75-100% of the demand based standard.

7.11.5 The proposed multi-storey car park on the 'Island Site' will accommodate 2,500 car parking spaces. It is intended to meet both the demand of the additional studio space being created, and to reintroduce the capacity on site to deal with the 1000 space buffer that the Studio has tried to maintain for extreme peaks.

7.11.6 The existing multi-storey car park on the main Studios site accommodates 2,250 spaces. The uplift in floor area of the proposed development is approximately two-thirds of the existing floor space of the site. Two-thirds of the existing parking provision would equate to approximately 1,500 spaces. A parking accumulation calculation, based on trip rates derived from entry and exit counts at the site has also been undertaken which has identified average daily peak parking demand for the site to be in the order of 1,330 spaces.

7.11.7 The Transport Assessment sets out that the provision of a car park with space for 2,500 vehicles would therefore be sufficient for the typical day to day use associated with the new development and would also accommodate the extreme peak provision (1,000 spaces).

7.11.8 It is considered that the proposed parking provision would be acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.11.9 Parking requirements for disabled motorists are also set out in Appendix 5, with the development requiring 6 spaces plus 2% of the total capacity (56 spaces in total). The application proposes 56 accessible parking spaces which accords with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.11.10 It is noted that TRDC current adopted policy does not require Electric Vehicle Charging Points (EVCP), however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for such a development to be active provision and 30% to be passive. The application proposes 20% of spaces to be active provision from the opening of the car park with the option to passively allow for EVCP to all of the remaining spaces subject to demand.

7.11.11 Cycle parking standards are also set out within Appendix 5 of the Development Management Policies LDD (adopted July 2013). There are no specific standards for film studio use. The application proposes 150 covered/secure cycle parking spaces which is considered appropriate for the development. Amenity facilities for staff would incorporate showers and lockers.

## 7.12 Wildlife and Biodiversity

7.12.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 9 of the Conservation of Habitat and Species Regulations 2017 (as amended) which states that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.12.2 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

7.12.3 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:

*b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

7.12.4 Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

7.12.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.

7.12.6 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.

7.12.7 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.

7.12.8 Policy DM6 advises that;

*(a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:*

*ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*

*(d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*

*i) Protecting habitats and species identified for retention*

*ii) Providing compensation for the loss of any habitats*

*iii) Providing for the management of habitats and species*

*iv) Maintaining the integrity of important networks of natural habitats, and*

*v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.*

*(e) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.*

7.12.9 There are 3 Local Wildlife Sites within the surrounding area, one wholly within the site.

7.12.10 The application is accompanied by an Ecological Impact Assessment (March 2022) prepared by LC Ecological Services which was undertaken to assess the potential ecological effects of the proposed development. Walkover surveys have been completed in 2007, 2015, 2021 and 2022. Phase 2 surveys were undertaken to obtain further information on which protected species were likely to be impacted by the proposed works and include badger activity surveys; bat activity transects; breeding bird surveys; invertebrate surveys and reptile surveys. 28 Important Ecological Features (IEFs) were identified, including 17 designated sites, 3 habitats and 1 fauna of regional importance, and 3 habitats and 4 fauna of local importance. The Assessment concludes that the development scheme and mitigation measures will result in a minor positive impact overall.

7.12.11 Following the receipt of initial comments from Hertfordshire Ecology (HECO), the following updated or additional information was provided as follows, to be read in conjunction with original submitted details:

- Updated Ecological Impact Assessment (July 2022).
- Updated Landscape and Ecological Management Plan (LEMP) (July 2022).
- Masterplan 2022 Biodiversity Net Gain Report (July 2022).
- Response to HECO comments 'Applicant Ecology Response Letter' (18 August 2022).
- A BNG Metric 3.1 (uploaded to Planning Online 1 August 2022).
- Updated Construction and Environmental Management Plan (July 2022).

### ***Local Wildlife Site(s) & Protected Species***

7.12.12 The proposal will result in the loss of an area of a Local Wildlife Site (LWS), however, the design includes areas of translocation for the LWS grassland habitat. Mitigation measures are proposed including habitat translocation, production of a Construction Environment Management Plan to control all potentially damaging operations, protection measures for hedgerows and woodlands and a mitigation strategy for badgers, bats, nesting birds, invertebrates and reptiles.

7.12.13 Whilst HECO note that the loss of part of the Leavesden Aerodrome North and South LWS would be contrary to planning policy, they are satisfied with the review of this and other LWSs in the area, the avoidance measures taken and the justification for the proposed loss. They consider that the mitigation and compensation proposed is adequate to offset this loss and meet the expectations of planning policy. HECO also comment that the LWS has declined in value and in the absence of management, will continue to do so, such that it's prognosis without intervention in the medium and long terms, is poor.

- 7.12.14 HECO consider that the translocation methodology is sound in principle, however, the detailed methodology will be refined subsequently by means of a condition.
- 7.12.15 In terms of badgers, a Natural England licence will be required but adequate information has been provided regarding sett closure and replacement and land management to assure HECO that there are no reasons why one will not be secured in due course. This will allow planning permission to be granted and the licence to be obtained post-consent.
- 7.12.16 In relation to bats, whilst HECO note that the trees around Gypsy Lane provide high potential to support roosting bats, they will be unaffected by the proposals.
- 7.12.17 HECO have therefore concluded that if all mitigation and compensation measures can be secured (these comprise a range of embedded measures e.g. the CEMP and lighting strategy and others requiring conditions or similar), they recommend that planning permission can be granted. This is on the basis that all created/managed habitats will be managed for a period of 50 years. The applicant has confirmed that the LEMP will cover management of the translocated grassland and created habitat for 50 years.

### ***Habitats & Biodiversity Offsetting***

- 7.12.18 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by, among other matters:
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- No % or quantum of 'net gains' is stipulated in the framework.
- 7.12.19 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.12.20 Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:
- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
- 7.12.21 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that (d) *'development must conserve, enhance and, where appropriate, restore biodiversity through: ii) providing compensation for the loss of any habitats'*.
- 7.12.22 The Environment Act (introduced as a Bill in October 2019 and enacted following receipt of Royal Assent on 9 November 2021) proposes to mandate the requirement for BNG in legislation, through changes made to the Town and Country Planning Act 1990. The Bill proposes to achieve a threshold 10% gain in biodiversity. The Bill received Royal Assent on 9 November 2021 meaning that it is now an Act of Parliament. Mandatory BNG as set out in the Environment Act is only to apply in England by amending the Town and Country Planning Act and is likely to become law in 2023. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. As noted above, however, Local Plan Policy DM6 refers to the provision of compensation measures for the loss of any habitats.
- 7.12.23 The proposed enhancement measures, including to the 'Lower Field' where it is proposed that the whole 'Lower Field' (8.3 hectares) will be protected and kept, managed and

maintained as accessible green space for ecological/environmental benefits, with 40 new trees including an orchard and semi-mature Oak trees; 4,857sqm of new woodland planting; 492sqm of coppice planting; 1,565sqm of native scrub planting; and a naturalised floodwater basin creating a wetland habitat whilst providing surface water attenuation, seek to achieve an increase in biodiversity net gain (BNG) across the site.

- 7.12.24 The proposed development will deliver a BNG of 12.65% (habitat units) and 51.90% (hedgerow units) which would be in accordance with Environment Act when it becomes law.
- 7.12.25 A grant of planning permission would need to secure the provision and maintenance of the 'Lower field', including for public access. Legal advice is that this would be most appropriately secured and enforced via an appropriately worded planning condition.
- 7.12.26 In summary and subject to conditions, it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and accords with the guidance in the NPPF (2021).

### 7.13 Trees and Landscaping

- 7.13.1 Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 protect trees within the Lower Field and Island Site respectively.
- 7.13.2 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.13.3 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:
- i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.*
- 7.13.4 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.13.5 The application is accompanied by an Arboricultural Assessment and Method Statement (ref. 21011-AA-PB, 8 March 2022) prepared by Barrell. A detailed planting strategy for the site has also been submitted as summarised at section 3.9 above, including:
- 186 new trees to be planted including an orchard and semi-mature Oak trees;
  - 19,519sqm of new woodland planting;
  - 487sqm of native hedgerow;
  - 429sqm of coppice planting;
  - 1,565sqm of native scrub planting;
  - 425 linear metres of formal hedgerows;
  - 3,458sqm of ornamental shrub planting.
- 7.13.6 As noted at section 3.10 above, amended landscape drawings have been submitted. Additional bund and planting depth has been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now

shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high). Evergreen species such as Holly, Privet and Scots Pine have been added to the native structure woodland planting mix. Of the standard trees within the woodland planting mix, the sizes of the Wild Cherry and the Oak were previously 8-10cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high); the Rowan was previously 6-8cm girth (2.5-3m high) and is now proposed to be 14-16cm girth (4.25-6m high). Of the feathered species within the woodland planting mix, the height of the Field Maple and Silver Birch were previously 1.25-1.5m high and are now proposed to be 1.75-2m high; the Cherry was 1.25-1.5m high and is now proposed to be 2-2.5m high. Western Red Cedar (evergreen) in addition to the other size and species changes has been added to help further infill the area north of Watford Road roundabout (south western boundary of Backlot 2).

- 7.13.7 From the initial planting, on average the proposed planting will grow by approximately 1.2m at 5 years, 2.7m at 10 years and 4.2m by 15 years.
- 7.13.8 The Landscape Officer comments that the plans indicate that there would be a substantial impact on trees with the removal of some secondary woodland, self-seeded specimens and developing scrub. However, as the vast majority of removals are of low quality, the extensive proposals for new and replacement planting would mitigate the impact over the longer term.
- 7.13.9 In summary, the development would result in the loss of some trees, however, this would be mitigated by replacement planting to supplement retained trees and vegetation. The submitted details demonstrate that existing trees to be retained could be adequately protected. Conditions on any grant of consent would require the implementation of the proposed landscaping and its management for the long term. As such the development is considered to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

#### 7.14 Energy & Sustainability

- 7.14.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.14.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.14.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 7.14.4 Three Rivers District Council declared a ‘Climate Emergency’ in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Following the declaration of the ‘Climate Emergency’ Three Rivers District Council agreed a Climate Change and Sustainability Report at its Full Council meeting on 25 February 2021. The

TRDC Climate Strategy is not a planning document, but an overarching Council Strategy which is informed by the draft policies in the new Local Plan. Whilst the declaration of the Climate Emergency and Climate Change Strategy are noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed. However, the applicant has had regard to the Climate Change Strategy, and the application documents set out the ecological and environmental benefits and energy and sustainability measures proposed that are considered to demonstrate that the scheme accords with the general principles of the TRDC Climate Strategy.

- 7.14.5 The application is accompanied by a Design and Access Statement and an Energy Statement Report (March 2022) prepared by Ramboll. The Energy Statement Report sets out that the energy strategy is based on the energy hierarchy of prioritising passive design and a general energy demand reduction before the incorporation of Low and Zero Carbon technologies.
- 7.14.6 Passive Design: It is proposed to improve insulation of the office fabric. In addition, solar control has been added to glazing to reduce cooling demand without excessively impacting beneficial solar gain during winter. Improvements in the air tightness of buildings, particularly when not in use, are also proposed to reduce heat loss.
- 7.14.7 Reduce Energy Demand: Appropriate ventilation and air conditioning systems will be used, alongside low energy LED light fittings and suitable smart lighting controls. Air Source Heat Pump will be utilised for Stages H and I and VRF systems will provide heating and cooling.
- 7.14.8 Low and Zero Carbon Technologies: In order to maximise on-site energy generation, photovoltaic (PV) panels will be provided on the roofs of the proposed Stages. Since the submission of the application, the solar array has increased and will now occupy 13,213m<sup>2</sup> of roof space (an increase of 3,213m<sup>2</sup> since submission). The PV will generate over 1,600,000kWh per year. Whilst the primary purpose is to power the Studios, any surplus can be exported to the wider electricity network for public use. As a result of the extent of PV proposed, all electricity used on site will come from 100% renewable energy.
- 7.14.9 Enhanced fabric combined with efficient heating, ventilation and air conditioning systems and the inclusion of PV will ensure a minimum 20% reduction in regulated carbon emissions. The development is estimated to demonstrate an 86% reduction in overall regulated carbon emissions when compared to current Building Regulations requirements which is significantly above both the current 5% threshold and draft future guidance of 20%. As a result of these measures over 1000 tonnes of regulated CO<sub>2</sub> will be saved across WBSL site every year.
- 7.14.10 A BREEAM 2018 New Construction 'Excellent' rating is being targeted across the site. Through water efficient sanitary ware, the buildings will be targeting a 40% reduction over the typical baseline water consumption. To reduce air pollution, electric vehicle charging points will be provided to encourage more sustainable modes. WBSL are also moving towards electrification of their vehicles on site, including the shuttle bus which transfers visitors to and from Watford Junction station.
- 7.14.11 In summary, the development would significantly exceed the current energy policy requirement and therefore complies with the requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013). The development would also exceed the current draft future guidance and notwithstanding that it is not adopted planning policy, regard has been had to the Council's Climate Change Strategy.

## 7.15 Flood Risk & Drainage

- 7.15.1 The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. However, as the site area is over 1 hectare a Flood Risk Assessment is required.

7.15.2 Paragraph 159 of the NPPF states that;

*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

7.15.3 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

7.15.4 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.

7.15.5 Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

7.15.6 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.15.7 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (March 2022) prepared by Quattro Consult.

### ***Sustainable Drainage***

7.15.8 The Lead Local Flood Authority (LLFA) has advised that they are currently unable to respond to any new planning consultations and as such are not providing comments on this planning application. The LLFA publish guidance on SuDS and they recommend that new development follows these policies.

7.15.9 In the absence of comments from the LLFA, TRDC instructed an external consultant to review the submitted Flood Risk Assessment and Drainage Strategy with reference to the LLFA's published guidance. Their comments are summarised at Appendix 1 below (9.1.15).

7.15.10 During the course of the application the Consultant requested that additional information/clarification be provided in relation to the proposed SuDS scheme. This additional information/clarification was provided and the Consultant has confirmed that the scheme would provide appropriate attenuation.

7.15.11 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the application site, and that the development will not result in flooding of adjacent properties or within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013) in this regard.

### ***Railway Infrastructure***

7.15.12 Network Rail raise no objection in principle but note that the applicant will need to agree 'road vehicle incursion' (RVI) mitigation measures with them to prevent vehicle incursion



onto the railway. Network Rail also sought confirmation that hardstanding drains away from the railway.

7.15.13 In response the applicant has confirmed that there are no proposed works to the west side of the site within 12 metres of the Network Rail fence line and that a Heras style fence will be erected along this exclusion line to ensure no vehicular or pedestrian incursion. They have also confirmed that all drainage will be down to either the River Gade or the pond/wetland area in the Lower Field, 20m lower than the Network Rail fence.

#### 7.16 Contaminated Land/Groundwater

7.16.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

*(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

7.16.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that;

*“The Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.”*

7.16.3 The application is accompanied by the following documents which have been reviewed by the Environmental and Protection Officer:

- Geo-Environmental Site Assessment (March 2022) prepared by Ramboll; and
- Additional Environmental Assessment (28/02/22) prepared by Ramboll.

7.16.4 The Environmental and Protection Officer has advised that the intrusive investigations have not identified any elevated concentrations of contaminants of concern in exceedance of the relevant generic assessment criteria. The presence of asbestos was identified within the made ground on the Central Site Area. The consultant has suggested that appropriate mitigation measures should be considered if areas of soft landscaping are introduced as part of the development i.e. a suitable thickness of clean cover in landscaped areas. They consider that further ground risk assessments may be needed if the current proposals were to change significantly or if earthworks significantly change the ground profile. Subject to approval from Network Rail, additional ground gas wells (or similar investigation method) and follow-on risk appraisal should be completed within the footprint of the proposed building 72 prior to construction; and as proposed building 56 is situated beneath an existing mound of material, it is considered that further ground gas risk assessment will be necessary following removal of the mound and prior to construction.

7.16.5 The Environmental and Protection Officer raises no objection subject to conditions requiring a remediation method statement and verification plan to be submitted and approved, a verification report on completion of the works described in the approved remediation method statement and the reporting of any unexpected contamination identified during the development.

7.16.6 With regards to regards to surface water and foul water sewerage network, Thames Water recognise that the catchment is subject to high infiltration flows during certain groundwater

conditions. However, the scale of the development is not considered to materially affect the sewer network and as such they have no objection.

- 7.16.7 Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

### ***Ground Water***

- 7.16.8 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Pumping Station (THEG) which is for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. Affinity Water note that the site is within an area of historical contamination and therefore whilst they raise no objection, they do require that a number of planning conditions are included in order that the risks to public water supply can be properly considered. Requested conditions include no excavation such as piling unless a piling method statement has first been agreed; the requirement for works to cease if contamination not previously identified is found to be present and a surface water drainage scheme to ensure surface water is not disposed of via direct infiltration in contaminated areas.

- 7.16.9 The Environment Agency (EA) have advised that the provided information provides a degree of confidence that it will be possible to manage the risks posed to controlled waters by this development, however they consider that further detailed information will be required before built development is undertaken. They therefore raise no objection subject to a number of planning conditions. In the absence of such conditions the EA would object to the proposal in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Policy DM9 of the Three Rivers District Council Local Plan, as it cannot be guaranteed that the development will not put groundwater at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### ***Conditions***

- 7.16.10 As set out above, The Environmental and Protection Officer, Thames Water, Affinity Water and the Environment Agency have all reviewed the submitted details and raise no objection. The Environmental and Protection Officer, Affinity Water and the Environment Agency all recommend that the grant of planning permission be subject to appropriate planning conditions and there is a degree of overlap between the conditions suggested by these three consultees.

- 7.16.11 The National Planning Practice Guidance (NPPG) is clear that planning conditions should be kept to a minimum, and only used where they satisfy the relevant tests (1. Necessary; 2. Relevant to planning; 3. Relevant to the development to be permitted; 4. Enforceable; 5. Precise; and 5. Reasonable in all other respects). The NPPG continues that it is good practice to keep the number of conditions to a minimum wherever possible. Unnecessary duplication of conditions should be avoided.

- 7.16.12 As such the requirements of The Environmental and Protection Officer, Affinity Water and the Environment Agency have been reviewed, and where appropriate, combined in the conditions set out at section 8 below. The conditions are considered to meet the requirements of the consultees and the relevant tests.

### **7.17 Refuse & Recycling**

- 7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP) which aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

7.17.3 The application is accompanied by a SWMP and HCC Minerals and Waste Planning Team have reviewed the submitted document and have confirmed that it is considered adequate and sets out sufficient details.

7.17.4 The SWMP will help reduce the amount of waste full stop, whilst also reducing waste that is removed from the site. As existing, waste will be processed on site where possible and will be collected by private contractors.

7.17.5 The development is in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Waste Policy 12.

## 7.18 Safety & Security

7.18.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.18.2 The Police Designing Out Crime Officer has reviewed the submitted details and has raised no objections, noting that they met with relevant personnel to discuss site security. The development is considered compliant with Policy CP12 of the Core Strategy (adopted October 2011) in this regard.

## 7.19 Infrastructure Contributions

7.19.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule sets out that the charge per sqm of non-residential development is £nil.

7.19.2 In order to make the proposals acceptable to maximize sustainable travel options, HCCHA recommends that developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed.

7.19.3 HCCHA also recommend that developer contributions of £2,101,400 (£1,226,400 (cycling improvements) + £875,000 (bus contribution)) towards the above (see section 7.10 and full

HCCHA comments in Appendix 1), aimed at encouraging a wider modal shift. The contribution would be index linked to January 2019.

7.19.4 The applicant raises no objection to these requirements and a NPPF 57 complaint S106 agreement to secure the contribution is being progressed.

#### 7.20 Referral to Secretary of State

7.20.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

#### 7.21 Summary of 'any other harm'

7.21.1 Over and above the inappropriateness of the proposed development and its likely harmful impact on openness in respect of Green Belt policy, it was, in addition, concluded at section 7.4 above that there will be some significant adverse visual effects on the landscape during construction, however, over time with the primary mitigation proposed, the impact will reduce and there will be no significant landscape or visual effects after 15 years.

7.21.2 In the absence of it being demonstrated that very special circumstances apply the proposed development is in conflict with the TRDC development plan as outlined above and with Green Belt policy as set out in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004, accordingly, makes it necessary to now consider whether any material planning considerations relating to the application exist, either individually or collectively, which could amount to 'very special circumstances' which clearly outweigh its inappropriateness, harm to the openness of the Green Belt and other harm it would cause.

#### 7.22 Very Special Circumstances

7.22.1 It was concluded at section 7.2 above that, whilst the re-use of L Stage would be an appropriate form of development within the Green Belt in accordance with Paragraph 150 (d) of the NPPF, the proposed new buildings would not fall within any of the exceptions listed at paragraph 149 of the NPPF and would be inappropriate by definition and cause additional harm to the Green Belt by loss of openness. In relation to the material change of use of the land, it was concluded that the proposed ecological enhancements to the Lower Field would be appropriate within the Green Belt and would not conflict with any of the proposes of including land within the Green Belt. However, as also noted, the creation of a permanent Backlot 2 would have a harmful impact on the openness of the Green Belt and would conflict with purposes of including land within the Green Belt.

7.22.2 Overall therefore the development would constitute inappropriate development within the Green Belt and would also have a harmful impact on the openness of the Green Belt and cause other harm. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF advises that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.22.3 'Very Special Circumstances' are not defined and determining whether very special circumstances exist is a matter of judgement and will depend on the facts and circumstances of the individual application.

#### ***Alternative Sites***

- 7.22.4 Regulation 18(3) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that an Environmental Impact Assessment (EIA) shall include a description of the reasonable alternatives studied by the developer which are relevant to the proposed project and its specific characteristics. These regulations, however, do not expressly require the developer to study alternatives.

- 7.22.5 In the Environmental Statement Non-Technical Summary at NTS42 the applicant has the stated:

*"The application site is entirely within the ownership of the applicant (WBSL) and there is local policy support for studio support use across the application site. Additionally, the key premise of the development is to create a film and TV production cluster and offer benefits from economies of scale and localised specialist skills. Therefore, no alternative site search exercise was undertaken."*

- 7.22.6 The specific characteristics of the proposed development building on the nationally significant film making facilities established at Leavesden and the essentiality that the proposed expansion of the Studios should adjoin the existing extensive investment made by WBSL is further explained in paragraphs 6.20–6.27 'Green Belt' of the Planning Supporting Statement.

- 7.22.7 Whether members should take into consideration the possibility of there being potential alternative sites for the proposed development necessarily depends on the nature of the proposals and the circumstances including the policy circumstances. While it is recognised that the proposed development conflicts with purposes of Green Belt and will cause harm to openness, officers consider that the site specific nature of the development involving further integrated expansion of a nationally significant established film production facility with associated site specific financial and sustainability benefits does not make materially relevant to the determination of the application the consideration of alternative sites.

- 7.22.8 The applicant in their submission 'Warner Bros. Studios Response to Interim Planning Committee' Appendix 1 contends that there are very special circumstances to justify the otherwise inappropriate development, namely the economic, social and associated benefits of the proposed development which they consider to be of national significance. These include:

- the national significance of WBSL to the UK creative and tourism industries;
- the attraction of WBSL's backlot to overseas film makers;
- the economic and social benefits of the proposed development;
- the need to capitalise on the global growth and demand for purpose built film production facilities and services;
- the specific operational need for the proposed development to be located at WBSL;
- the absence of alternative areas within WBSL outside the Green Belt to accommodate the proposed development;
- the retention of the Lower Field (8.3 ha) as accessible open space with associated ecological / environmental benefits of the impact; and
- the proposed minimisation as far as practically possible of effects on the openness and visual amenity of the Green Belt;

- 7.22.9 WBSL is acknowledged as being of national significance to the UK creative and tourism industries. Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Studio as being nationally important and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District including Leavesden Aerodrome. Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people and Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries.
- 7.22.10 In order to not compromise the ability of the Leavesden Studios to continue to contribute to the national and regional economy, both as a local employer and as a centre of substantial economic opportunity to contribute to the growth of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios Operations (adopted November 2014). The Site Allocations LDD (SALDD) (adopted November 2014) recognises the ability of Leavesden Studios to contribute to the national and regional economy and Policy SA8 of the SALDD provides that development on the existing studio site and the northern part of the Island Site outside the Green Belt must be in relation to the Leavesden Studios Operations and associated uses so as not to compromise this ability. In addition, film making has been permitted on the existing Backlot in the Green Belt.
- 7.22.11 WBSL is an integral part of the UK film industry. It is one of the largest and most technological advanced creative facilities currently home to 548,200 square foot of state of the art sound stages; a 125 acre backlot; the largest water tank in Europe; with over 535,000 square feet of workshop, storage and office space. Alongside the Studio facilities, it is home to the Warner Bros. Studio Tour 'The Making of Harry Potter'. In 2019 the Studio Tour hosted over two million visitors, of which almost 600,000 were from overseas and it remains one of the UK's most popular paid tourist attractions.
- 7.22.12 For these reasons and those put forward by the applicant listed above, the national significance to the UK creative and tourism industries of WBSL and the need for the facility to expand at Leavesden should be afforded significant weight in the determination of the application.
- 7.22.13 The Economic and Social Impact Assessment states that following the opening of T, U and V Stages in 2021, the annual level film and TV production at WBSL would reach £405.8 million in 2022, up from £373.8 million in 2021. In terms of employment, entry pass data indicates that on average a total of 3,900 people are on site every day involved in film and TV production, over 50% of which live locally.
- 7.22.14 The implementation of the proposed Masterplan will require in excess of £250 million in infrastructure investment between late 2022 and the end of the 2026. It is estimated that the opening of the additional sound stages would attract an additional £208 million in annual film and TV production at WBSL and raise the total annual level of film and TV production at WBSL to £613.8 million. The full implementation of the Masterplan will add 1,625 FTEs (full time equivalent jobs) of employment and £85.7 million in GVA (gross value added) to the local economy by 2027. As a result, by 2027 WBSL's annual contribution to the local economy will increase to 5,891 FTE and £360.9 million GVA.
- 7.22.15 These economic and social impacts of the proposed development, namely job creation and GVA should also be afforded significant weight.
- 7.22.16 Paragraph 148 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.22.17 The development constitutes inappropriate development and results in harm to openness and conflicts with purposes of including land within the Green Belt. There will be some significant adverse visual effects on the landscape during construction, although over time with the implementation of the primary mitigation proposed, those negative impacts will reduce such that there will be no significant landscape or visual effects after 15 years. Having regard to these considerations it is considered nevertheless that the significant economic and social benefits associated with the nationally significant WBSL and its proposed expansion, collectively combine to constitute material considerations of sufficient weight to amount to 'very special circumstances' that clearly outweigh the identified harm to Green Belt to enable planning permission to be granted subject to conditions.

## 7.23 Planning Balance/Conclusion

7.23.1 The above assessment has found that the development constitutes inappropriate development and results in harm to openness and conflicts with purposes of including land within the Green Belt. In addition, there will be some significant adverse visual effects on the landscape during construction, however, over time with the primary mitigation proposed, the impact will reduce and there will be no significant landscape or visual effects after 15 years.

7.23.2 In its favour, the proposed development would result in multi-million pound investment in the nationally significant WBSL and there would be resulting substantial positive direct and indirect beneficial contributions to the local, regional and national economy year on year.

7.23.3 Additionally, the Lower Field will be maintained in perpetuity as an accessible green space for ecological and environmental benefits and the proposed development will deliver a BNG of 12.65% (habitat units) and 51.90% (hedgerow units) which would be in accordance with Environment Act when it becomes law.

7.23.4 The proposed solar PV will generate over 1,600,000kWh per year. Whilst the primary purpose is to power the Studios, any surplus will be exported to the wider electricity network for public use. This is afforded some weight in the planning balance. As a result of the extent of PV proposed, all electricity used on application site will come from 100% renewable energy. The development is estimated to demonstrate an 86% reduction in overall regulated carbon emissions which is significantly above both the current 5% policy threshold and draft future guidance of 20%. This is also afforded some weight in the planning balance. Over 1000 tonnes of regulated CO<sub>2</sub> will be saved across WBSL site every year.

7.23.5 It has been concluded at section 7.22 that the significant economic and social benefits, collectively combine to constitute material considerations of sufficient weight to provide 'very special circumstances' that clearly outweigh the identified harm to enable planning permission to be granted subject to conditions. The social, economic and environmental benefits (as summarised in section 7.23) are also afforded significant weight in the overall planning balance.

7.23.6 Policy DM2 Green Belt permits the development of new buildings in the Green Belt where it can be shown that very special circumstances existing in relation to the proposed development. Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Studios as being nationally important and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District such as Leavesden Aerodrome. Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and

construction industries. The Site Allocations LDD (SALDD) (adopted November 2014) recognises the ability of Leavesden Studios to contribute to the national and regional economy and Policy SA8 of the SALDD sets out that development on parts of the application site must be in relation to the Leavesden Studios operations and associated uses so as not to compromise this ability.

- 7.23.7 The proposed expansion of the Studios would bring major economic benefits to the District and wider area and would bolster the British creative and film making industry that is clustered in Hertfordshire, in accordance with paragraph 83 of the NPPF (2021) which advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors, and that this includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries.
- 7.23.8 An Employment and Skills Plan will be delivered through the S106 Agreement in order to ensure that local recruitment and training initiatives are carried out both during the construction phase of the development and the long-term operation of the Studios. This would be accompanied by a monitoring fee payable to the Council as per Regulation 122A of the CIL Regulations.
- 7.23.9 The proposed mitigation measures to address potential impacts on the highway network and wildlife and biodiversity are considered appropriate and can be controlled by appropriate planning conditions and a S106 Agreement.
- 7.23.10 Overall, therefore, it is concluded that, having regard to the foregoing material planning considerations including the very special circumstances as put forward within the proposed development and the contents of the Environmental Statement, that the application should be granted planning permission.

## **8 Recommendation**

- 8.1 The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

Provided the Secretary of State does not call in the application for his own determination, the APPLICATION BE DELEGATED TO THE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES TO GRANT PLANNING PERMISSION 22/0491/FUL subject to the completion of a S106 Agreement and the following conditions:

### **C1 Time (TRDC)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

### **C2 Plans (TRDC)**

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

MERLIN-DNA-ZZ-00-DR-A-00001  
MERLIN-DNA-ZZ-00-DR-A-00002 – P6  
MERLIN-DNA-ZZ-00-DR-A-00003 – P5  
MERLIN-DNA-ZZ-SX-DR-A-00005 – P3  
MERLIN-DNA-ZZ-SX-DR-A-00007 – P1  
MERLIN-DNA-ZZ-SX-DR-A-00009 – P1



MERLIN-DNA-ZZ-00-DR-A-10000  
MERLIN-DNA-ZZ-01-DR-A-10001  
MERLIN-DNA-ZZ-02-DR-A-10002  
MERLIN-DNA-ZZ-03-DR-A-10003  
MERLIN-DNA-ZZ-R1-DR-A-10004  
MERLIN-DNA-ZZ-EL-DR-A-20000  
MERLIN-DNA-ZZ-SX-DR-A-30000

MERLIN-DNA-2E-00-DR-A-10100  
MERLIN-DNA-2E-01-DR-A-10101  
MERLIN-DNA-2E-02-DR-A-10102  
MERLIN-DNA-2E-R1-DR-A-10103  
MERLIN-DNA-2E-EL-DR-A-20100  
MERLIN-DNA-2E-SX-DR-A-30100

MERLIN-DNA-2F-00-DR-A-10200  
MERLIN-DNA-2F-01-DR-A-10201  
MERLIN-DNA-2F-02-DR-A-10202  
MERLIN-DNA-2F-R1-DR-A-10203  
MERLIN-DNA-2F-EL-DR-A-20200  
MERLIN-DNA-2F-SX-DR-A-30200

MERLIN-DNA-ZZ-00-DR-A-10300  
MERLIN-DNA-ZZ-01-DR-A-10301  
MERLIN-DNA-ZZ-02-DR-A-10302  
MERLIN-DNA-ZZ-03-DR-A-10303  
MERLIN-DNA-ZZ-R1-DR-A-10304 – P2  
MERLIN-DNA-ZZ-EL-DR-A-20300 – P2  
MERLIN-DNA-ZZ-SX-DR-A-30300 – P2

MERLIN-DNA-73-00-DR-A-10400  
MERLIN-DNA-73-M1-DR-A-10401  
MERLIN-DNA-73-01-DR-A-10402  
MERLIN-DNA-73-R1-DR-A-10403  
MERLIN-DNA-73-EL-DR-A-20400  
MERLIN-DNA-73-SX-DR-A-30400

MERLIN-DNA-72-00-DR-A-10400  
MERLIN-DNA-72-M1-DR-A-10401  
MERLIN-DNA-72-01-DR-A-10402  
MERLIN-DNA-72-R1-DR-A-10403  
MERLIN-DNA-72-EL-DR-A-20400  
MERLIN-DNA-72-SX-DR-A-30400

MERLIN-DNA-18-00-DR-A-01400  
MERLIN-DNA-18-01-DR-A-01401  
MERLIN-DNA-18-R1-DR-A-01402  
MERLIN-DNA-18-EL-DR-A-01403  
MERLIN-DNA-18-SX-DR-A-01404  
MERLIN-DNA-18-00-DR-A-10400  
MERLIN-DNA-18-M1-DR-A-10401  
MERLIN-DNA-18-01-DR-A-10402

MERLIN-DNA-18-R1-DR-A-10403  
MERLIN-DNA-18-EL-DR-A-20400  
MERLIN-DNA-18-SX-DR-A-30400

MERLIN-DNA-56-00-DR-A-10500  
MERLIN-DNA-56-R1-DR-A-10501  
MERLIN-DNA-56-EL-DR-A-20500  
MERLIN-DNA-56-SX-DR-A-30500

MERLIN-DNA-80-00-DR-A-10600  
MERLIN-DNA-80-01-DR-A-10601  
MERLIN-DNA-80-02-DR-A-10602  
MERLIN-DNA-80-03-DR-A-10603  
MERLIN-DNA-80-04-DR-A-10604  
MERLIN-DNA-80-R1-DR-A-10605  
MERLIN-DNA-80-EL-DR-A-20600  
MERLIN-DNA-80-SX-DR-A-30600  
MERLIN-DNA-80-SX-DR-A-30602

MERLIN-DNA-76-00-DR-A-10700  
MERLIN-DNA-76-01-DR-A-10701  
MERLIN-DNA-76-R1-DR-A-10702  
MERLIN-DNA-76-EL-DR-A-20700  
MERLIN-DNA-76-SX-DR-A-30700

MERLIN-DNA-75-00-DR-A-10900  
MERLIN-DNA-75-M1-DR-A-10901  
MERLIN-DNA-75-R1-DR-A-10902  
MERLIN-DNA-75-EL-DR-A-20900  
MERLIN-DNA-75-SX-DR-A-30900

MERLIN-DNA-41-00-DR-A-10800  
MERLIN-DNA-41-01-DR-A-10801  
MERLIN-DNA-41-R1-DR-A-10802  
MERLIN-DNA-41-EL-DR-A-20800

MERLIN-QCL-ZZ-XX-DR-C-0030-P01  
MERLIN-QCL-ZZ-XX-DR-C-0031-P01  
MERLIN-QCL-ZZ-XX-DR-C-0004-P01  
MERLIN-QCL-ZZ-XX-DR-C-0002-P04  
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1366-SC-201-P2  
1366-SC-202-P2  
1366-SC-203-P2

MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev J  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0002 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0003 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0004 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0005 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0006 Rev C  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0007 Rev B

MERLIN-TOR-ZZ-ZZ-DR-L-90-0008 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0009 Rev B  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0010 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0011 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0012 Rev I  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0013 Rev C  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0014 Rev C  
MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0016 Rev A

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21134-MA-XX-XX-DR-C-0002 P03  
21134-MA-XX-XX-DR-C-0003 P01

21134-MA-XX-XX-DR-C-0001 P02  
21134-MA-XX-XX-DR-C-1100 P02  
21134-MA-XX-XX-DR-C-1101 P02  
21134-MA-XX-XX-DR-C-1102 P02  
21134-MA-XX-XX-DR-C-1103 P02  
21134-MA-XX-XX-DR-C-1104 P02  
21134-MA-XX-XX-DR-C-1105 P02  
21134-MA-XX-XX-DR-C-1106 P02  
21134-MA-XX-XX-DR-C-1107 P02  
21134-MA-XX-XX-DR-C-1108 P02

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA8 of the Site Allocations Local Development Document (adopted November 2014), Policies PSP2, CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM12, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

### C3 Highways Details (HCC Highways)

No new built development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

### C4 Vehicular Access Completion (HCC Highways)

No new buildings shall be occupied until the vehicular access for that building has been completed and thereafter retained as shown on drawing number (21134-MA-XX-XX-DR-C-1102 P04) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use

appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C5 Surface Water (HCC Highways)

No new buildings shall be occupied until arrangement has been made for surface water from each phase of the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C6 Electric Vehicle (EV) Charging Points as % of total car parking spaces (HCC Highways)

No new buildings shall be occupied until provision has been made for 20% of the car parking spaces within the new decked car park to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

C7 Cycle Parking – Not shown on plan but achievable (HCC Highways)

No new built development shall commence until a scheme for the parking of cycles including details of the design, level and siting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any new buildings are first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C8 Construction Management Plan (HCC Highways)

No new built development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C9 Source of Illumination – General (HCC Highways)

The new sound stages hereby permitted shall not be occupied until the intensity of illumination has been provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C10 Highway Improvements – Local Cycle Network Improvements (HCC Highways)

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level for the new buildings shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers (21134-MA-XX-XX-DR-C-0001 P02, 21134-MA-XXXX-DR-C-1100 P02, 21134-MA-XX-XX-DR-C-1101 P02, 21134-MA-XX-XX-DR-C-1102 P04, 21134-MA-XX-XX-DR-C-1103 P02, 21134-MA-XX-XX-DR-C-1104 P02, 21134-MA-XX-XX-DR-C-1105 P02, 21134-MA-XX-XX-DR-C-1106 P02, 21134-MA-XX-XX-DR-C-1107 P02 and 21134-MA-XX-XX-DR-C-1108 P01) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

No new building shall be occupied until the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C11 Highway Improvements – A41 Toucan to the Hempstead Road underpass (HCC Highways)

A) Design Approval

No on-site works above slab level for the new buildings shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

No new buildings shall be occupied until the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C12 Travel Plan – Requested Prior to Use (HCC Highways)

At least 3 months prior to the first occupation of the new buildings hereby permitted a detailed Travel Plan for the Studio site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C13 M25 Junction 21a Improvements (National Highways)

No new buildings forming part of the development hereby approved, shall be occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways). The approved works to M25 Junction 21a shall be implemented in full and open to traffic prior to occupation of any new building forming part of this application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the M25 J21a, to ensure that the M25 J21a continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C14 Site Waste Management Plan (SWMP) (HCC Waste & Minerals Team)

Site preparation and construction works shall be carried out in accordance with the approved SWMP (Rev 3, 02/03/22).

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C15 Materials (TRDC)

The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated on the application form and shown on the approved plans; and no external materials shall be used other than those approved.

Reason: To prevent the development being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C16 Energy Saving Measures (TRDC)

The new sound stages hereby permitted shall not be first occupied until the energy saving and renewable energy measures detailed within the approved Energy Statement (March 2022) prepared by Ramboll are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C17 Operational Management Plan – In accordance with (TRDC)

The use of the Replacement Backlot and Support Facilities (Backlot 2) as shown on drawing no: MERLIN-DNA-ZZ-00-DR-A-00002-P6 shall at all times be carried out in accordance with the approved Operational Management Plan (March 2022).

Reason: In the interests of the visual amenity of the Green Belt and area and residential amenity of neighbouring occupiers and ecology and to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Boundary Treatments (TRDC)

All boundary treatments shall be maintained in accordance with the details shown on the approved plans.

Reason: In the interests of visual amenity and security in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

C19 Noise (TRDC Env Health)

All permanent plant, machinery and equipment installed or operated in connection with the development shall be so enclosed and/or attenuated so that noise there from does not exceed a level of 45 dB(A) during the day and 30 dB(A) during the night when measured at a distance of 1 metre away.

Reason: To ensure that the nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C20 Remediation Strategy (Environment Agency Condition 1; and Environmental Protection)

Prior to the commencement of each phase of the built development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the relevant phase in respect of the development hereby permitted, must be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with NPPF paragraph 174 and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C21 Verification Report (Environment Agency Condition 2; and Environmental Protection)

Prior to any part of the built development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C22 Long Term Monitoring (Environment Agency Condition 3; and Environmental Protection)

If identified in respect of condition C20 (Remediation Strategy), the relevant phase of the development hereby permitted shall not commence until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Alternatively if a long-term monitoring and maintenance plan is not deemed necessary for a given phase of the development, a written statement based on prior contamination assessment shall be submitted to, and approved in writing by, the Local Planning Authority, confirming that long-term monitoring and maintenance measures are not required and the reasons why the measures are not required.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C23 Previously Unidentified Contamination (Environment Agency Condition 4; and Affinity Water; and Environmental Protection)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).



C24 Infiltration of Surface Water to Ground (Environment Agency Condition 5)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C25 Intrusive Groundworks (Environment Agency Condition 6; and Affinity Water)

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C26 Decommission of Investigative Boreholes (Environment Agency Condition 7)

Prior to the commencement of any built development, a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of that phase of the permitted development where boreholes are to be located.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C27 Infiltration (Affinity Water)

Prior to the commencement of any built development, details of a Surface Water Drainage Scheme that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition due to the potential presence of contaminated land and the risk for contaminants to remobilise through direct infiltration causing groundwater pollution potentially impacting public water supply in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C28 SuDS – Management and Maintenance Plan (LLFA/TRDC Consultant)

Upon completion of the drainage works for each phase of development including all SuDS drainage features in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance provisions and operational requirements for the installed drainage system.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C29 Lighting (TRDC Env Health & Herts Ecology)

External lighting shall be erected only in accordance with the External Lighting Strategy and Impact Assessment (03/08/2022) prepared by Ramboll unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Construction Environment Management Plan (CEMP) (Environmental Protection, TRDC Environmental Health, Hertfordshire Ecology)

The development shall be carried out in full accordance with the approved Construction Environmental Management Plan Rev 6, dated 30/11/22.

Reason: In the interests of the environment, landscape and ecology and in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C31 Mechanical Ventilation Strategy (Environmental Protection)

The development shall be carried out in full accordance with the approved Ventilation and Extraction Statement prepared by Ramboll March 2022 (Rev 04, dated 08/03/22).

Reason: In the interests of the environment and amenity and in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C32 Decked Car Park – Provision (TRDC)

No new buildings forming part of the development hereby approved, shall be occupied until the decked car park hereby permitted has been constructed and brought into use. The decked car park shall thereafter be retained for parking of staff and visitors to the site.

Reason: To ensure appropriate levels of parking and to meet the requirements of Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C33 Landscaping – Implementation of (TRDC)

Within 3 months of the date of the planning permission hereby permitted, a programme for the implementation and management of the soft landscape details and bunds hereby approved and shown on drawings: MERLIN-TOR-ZZ-ZZ-DR-L-90-0002 Rev E, MERLIN-TOR-ZZ-ZZ-DR-L-90-0003 Rev D, MERLIN-TOR-ZZ-ZZ-DR-L-90-0004 Rev F, MERLIN-TOR-ZZ-ZZ-DR-L-90-0005 Rev D, MERLIN-TOR-ZZ-ZZ-DR-L-90-0006 Rev C, MERLIN-TOR-ZZ-ZZ-DR-L-90-0007 Rev C, MERLIN-TOR-ZZ-ZZ-DR-L-90-0008 Rev D, MERLIN-TOR-ZZ-ZZ-DR-L-90-0009 Rev B, MERLIN-TOR-ZZ-ZZ-DR-L-90-0010 Rev D, MERLIN-TOR-ZZ-ZZ-DR-L-90-0011 Rev F, MERLIN-TOR-ZZ-ZZ-DR-L-90-0012 Rev I, MERLIN-TOR-

ZZ-ZZ-DR-L-90-0013 Rev C, MERLIN-TOR-ZZ-ZZ-DR-L-90-0014 Rev C, MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev D, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings and programme unless otherwise agreed in writing.

Reason: To ensure that the approved landscaping is satisfactorily implemented and maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C34 LEMP (Lower Field) – programme of works (TRDC)

Within 4 months of the date of the planning permission hereby permitted, a Landscape Environmental Management Plan (LEMP) for the proposed ecological enhancement works to the Lower Field in accordance with drawing no: MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev J shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a programme for the implementation and future management of the enhancement works which shall subsequently be undertaken in accordance with the approved LEMP.

Reason: To ensure that the proposed ecological enhancement works to the Lower Field are satisfactorily implemented and maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C35 Landscaping – Backlot 2 (TRDC)

The bund hereby approved and shown on drawing MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev J shall be completed within 12 months of the first permanent use of Backlot 2. The approved planting schedule referenced on drawing MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev D (where it relates to Backlot 2) and shown on drawing MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev J shall be undertaken during the first planting season following completion of the bund.

Reason: To ensure that the approved landscaping is satisfactorily implemented, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C36 Lower Field retention for public access (TRDC)

The Lower Field as indicated on drawing no: MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev J and hereby approved as an area of publicly accessible open space shall be retained as such in perpetuity and shall not be used for any other purpose.

Reason: To ensure that the Lower Field is retained for public access in perpetuity, in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C37 Translocation Strategy Management Plan (TSMP) (Herts. Ecology)

Within 4 months of the date of the planning permission hereby permitted, a Translocation Strategy and Management Plan (TSMP) for the removal and subsequent relocation of soil and scrub from the Local Wildlife Site to the Lower Field shall be submitted to and approved in writing by the Local Planning Authority. The TSMP shall include a programme for the implementation, management and long-term monitoring of the works and shall subsequently be undertaken in accordance with the approved Plan.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives:

### 11 General Advice:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

### 12 Construction Hours:

The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

### 13 Positive & Proactive:

The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

14 Section 106 Agreements:

The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

15 Site Notice Removal:

The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

16 Verification Report (Condition 21, EA Condition 2) – Guidance:

The Verification Report must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

17 Thames Water:

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

18 Environment Agency Flood Risk Activity Permit:

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

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

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

19 Cadent Gas Ltd. Advisory Note:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply

online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

110 Storage of Materials (HCC Highways):

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

111 Obstruction of Highway (HCC Highways):

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 03001234047.

112 Debris and deposits on the highway (HCC Highways):

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

113 Avoidance of surface water discharge onto the highway (HCC Highways):

The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

114 New or amended vehicle crossover access (section 184) (HCC Highways): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the

construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

115 Works within the highway (section 278) (HCC Highways):

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

116 Construction Management Plan (CMP) (HCC Highways):

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx>

117 Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg – commonly applicable to cranes, piling machines etc.) (HCC Highways):

The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-andnotification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-andnotification-forms) or by telephoning 0300 1234047.

118 Travel Plan (TP) (HCC Highways): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per

annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

119 National Highways Advice Note:

At this stage National Highways has only agreed the principle of the need to improve M25 Junction 21a. Any subsequently identified scheme will need to demonstrate that it will be able to mitigate the impacts of the development set out in 22/0491/FUL. This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a Legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.

120 Right of Way:

A Public Right of Way runs through the application site. This Right of Way must be protected to a minimum width of 2m and its current surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

121 Environmental Health Informatives:

Vehicles should meet the most recent European emissions standards and relevant guidance such as IAQM Guidance should be followed. Information for Developers and guidance documents can be found online at:

[https://www.watford.gov.uk/info/20011/business\\_and\\_licensing/349/contaminated\\_land](https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land)



## 9 Appendices

### 9.1 Appendix 1: Consultation Responses

#### 9.1.1 Abbots Langley Parish Council: [Support application but highlight concerns of local residents]

Whilst members support the application, members would like to ensure the planning officer is aware of the concerns of local resident groups by including herein attached residents' comments received by the Council.

#### START OF RESIDENTS' COMMENTS

"Our Group represents 40 households in residential streets close to the proposed "Backlot 2". We presume that others will comment on the impacts of the proposed expansion for the Main Site and Island Site; our primary interest is the proposed permanent expansion into Green Belt land – the entirety of the upper field above the Gypsy Lane path - to create Backlot 2, which we believe is inappropriate, contrary to planning principles and is going to progressively destroy the green belt between Watford and Abbots Langley.

Our residents group will provide comments by the due date of 23rd April, but we have already written to Three Rivers to state our expectations for their review of the application, based upon the lack of challenge provided when temporary use of the field was granted in 2021. We thought the Parish Council should have the benefit of seeing these expectations before you make your own submission to Three Rivers. They are as follows.

The proposed Backlot 2: When WB applied for permission for temporary use of the field that is now proposed to become Backlot 2, the challenge and due diligence by Three Rivers District Council ("TRDC") was inadequate. Aspects that are key when considering the Green Belt under NPPF were not adequately debated. There was a cursory assessment of the material change of use and no challenge that all reasonable options had been explored before seeking to take over Green Belt land. No attempt was made by WB, or demanded by TRDC, to present an assessment of the visual impact of the facilities, despite visual impact being a key consideration under NPPF and ignoring residents' predictions that a backlot area would present an unsightly view in the Green Belt (which it now is).

So, our expectations for the review of the current planning application are that TRDC will demand and properly consider;

- the valid types of material change of use of Green Belt land, which do not include the proposed industrial use;
- that WB prove the very special circumstances required to redesignate Green Belt, as we believe this test is not met;
- business plans from WB that justify that the extra space of backlot 2 is really required in addition to all the other space on the site, under the planning principle that all reasonable alternatives be considered before destroying the Green Belt;
- a full analysis of the visual impact that permanent use will have on local viewpoints in the Gade Valley, from viewpoints including the Hunton Bridge roundabout, the Gypsy Lane path and Langleybury Lane;
- that the local employment gains be described quantitatively - both the gains created to date through temporary use and the gains forecast by permanent use of, specifically, the upper field;
- screening proposals that are designed to provide relief to the public in the near term; that means the planting of significant numbers of mature trees. The references in the application to cosmetic measures of young trees which will take 10-15 years to provide screening of the required height shows that WB are not yet taking seriously the disruptive impacts that they create for residents, walkers and wildlife in the area and the industrial views currently presented from local viewpoints; and

-screening proposals that also address noise and light pollution, which are now frequent issues in the neighbourhood.

Field below Gypsy Lane: We view positively the proposals for the lower field below Gypsy Lane to be protected and enhanced as a natural environment. This would be a welcome change of behaviour as there is a history of broken commitments to preserve grasslands on the studio site, a point made previously by both local residents and by Herts Ecology.

The proposals include that a portion of this field be used to create a nature area, with the remainder (the area towards the Hunton Bridge roundabout) being left as an arable field area. However, we believe from discussions with WB that WB will seek permission at a later date to make commercial use of some of that green space towards the Hunton Bridge roundabout. This would harm wildlife established in that area and would threaten the public amenity, or even the future, of Gypsy Lane itself - an ancient deep cut lane and of historical value as a part of the toll road running North. So, we expect that the entire lower field will be protected as a cohesive green space, and formally covenanted as such for its long term protection. "

#### END OF RESIDENTS' COMMENTS

On the main site, members appreciate the scale of the project and the employment opportunities it will bring to the area. However, members urge the planning officer to take onboard the concerns of local residents with respect to traffic management. Members recommend a more detailed traffic management plan based on traffic survey data be added as a requirement. Members also recommend the scale of the building on the main site could be further softened with planted areas and further enhanced Bio Diversity elements increasing the elements already highlighted.

On the Island Site, members are concerned about biodiversity and feel section 7.9(2) of the Biodiversity Conservation (BC) Act 2016 should be upheld. Members recommend the creation of wildlife tunnels be applied as a requirement to allow the rehoused badgers and other wildlife the opportunity to forage on neighbouring areas without the need to cross roads. Also as this development is in a high bat activity area, members request a full bat mitigation strategy be applied, especially during night time activity and the potential for increased light pollution.

#### 9.1.2 Affinity Water: [No objection, subject to conditions]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (THEG). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The development site is also within an area of historical contamination, therefore great care needs to be taken during planning and construction to ensure contamination isn't exacerbated and mobilised towards public water supply abstractions.

We require that the following conditions are implemented and the requested documents covering our specific concerns are submitted in consultation with Affinity Water, so we are able to review risks to public water supply:

##### 1. Contamination

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

#### Condition

**A)** No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

i) **An Intrusive Ground Investigation** to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A **Risk Assessment** identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A **Method Statement** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation measures** (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

**Reason:** To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

## 2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

#### Condition

**B)** If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a **Remediation Strategy** detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

**Reason:** To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

## 3. Infiltration

Surface water should not be disposed of via direct infiltration into the ground via a soakaway in contaminated areas.

#### Condition

**C)** Prior to the commencement of development, details of a Surface Water Drainage Scheme that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: The potential presence of contaminated land and the risk for contaminants to remobilise through direct infiltration causing groundwater pollution potentially impacting public water supply.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

### **Water efficiency**

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

### **Infrastructure connections and diversions**

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### 9.1.3 British Film Commission: [Support]

The British Film Commission (BFC) is the UK Government's national organisation responsible for supporting inward investment film and TV production in the UK, funded by the Department for Digital, Culture, Media and Sport (DCMS) through the BFI and by the Department for International Trade (DIT). The BFC leads on:

- Maximising and supporting the production of major international feature film and high-end television in the UK;
- Strengthening and promoting the UK's film and television infrastructure;
- Liaising between the Government and the film and television industry to secure and maintain production- friendly policies.

The global demand for audio visual content for theatrical release, broadcast and streaming has never been greater. A combination of factors, including the ongoing success of the UK film and HETV tax reliefs, and our award-winning cast and crew, continue to encourage productions to maximise their production activity throughout the UK. Due to this growing demand for filmed content, the film and TV industry has become increasingly valuable in terms of employment and investment. Film, TV and the wider Creative Industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole.

Despite a global suspension of production due to COVID-19 in March 2020, as a result of Government endorsed production protocols launched by the BFC in June 2020, the UK is supporting more inward investment production than pre-pandemic. The combined total

spend on film and high-end television (HETV) production in the UK in 2021 was £5.6 billion, the highest figure on record.

UK Government recognises that film and TV studios are a unique economic and cultural proposition, highlighting “the impact that creative anchor institutes can have on pride and economic performance in an area”, and citing film and TV studios as an example of how creative businesses and local investment increase employment and share spill-over benefits across the area and the supply chain.

The success of the UK as a production destination has led to extreme stage space capacity issues. To meet the continuing demand for content, the requirement for additional stage space of the right scale and in the right geographical locations, with access to the UK’s world-class skills and infrastructure, has never been greater. In recognition of this need, in 2020, HM Treasury awarded the BFC £4.6 million over three years to work with commercial and public partners to increase the provision of studio space in the UK to accommodate and support additional film and TV content production, which leads to essential inward investment and employment. Warner Bros. Studios Leavesden (WBSL) is a crucial partner of the BFC’s in this endeavour.

WBSL has played a distinct and significant role in supporting film and TV production in the UK since it opened in 2012 (though of course Warner Bros.’ history at Leavesden extends significantly further back). It is a unique proposition in that Warner Media is both a content creator and studio, thus ensuring a pipeline of high-end, high-value productions, with the associated direct economic impact, in addition to the indirect and induced impacts of employment, local business usage and, of course, tourism. Further development of the site such as that proposed, will not only build upon the studio’s established and impressive reputation amongst international clients, and provide a considerable boost to local, regional and national economies, but it will contribute significantly to the combined efforts of the BFC and our public and commercial partners in promoting the studio, the county of Hertfordshire, and the businesses therein, to the global marketplace.

As such, the BFC is fully supportive of the expansion plans proposed by WBSL. If the BFC can provide any further support or evidence of the importance of additional capacity at WBSL, please do not hesitate to contact us.

#### 9.1.4 British Film Institute: [No objection]

The BFI is the UK’s lead organisation for film and the moving image. We are a cultural charity and a National Lottery distributor. We work with Government and industry to ensure the continued growth of the UK’s screen industries and it is in this latter role that we write this letter.

The UK is a global hub for film, TV and screen sector production. We have world-class skills, locations and production facilities that are the envy of the world. And yet, there is a proven lack of studio stage space in the UK with compelling evidence of significant future demand from inward investors in the global feature film and high-end TV drama market to come here to make their content. In short, there are more films and dramas that wish to film in the UK than the existing studio space available can accommodate. In order to enable the UK to capitalise on this opportunity and remain globally competitive, more studio space or expanded existing facilities are needed.

The UK film and high-end TV (HETV) production sector is a global success story that has witnessed extraordinary economic growth in recent years, generating hundreds of thousands of jobs, building skills and creating opportunities for young people from all backgrounds. The latest Screen Business report - UK screen sector economy | BFI - published by the BFI in December 2021 and covering the period 2017-2019, reported spend in 2019 on film production of £2.02 billion and on HETV of £2.08 billion. The latest official

figures published by the BFI's Research and Statistics Unit in February 2022 highlight the growth in the economic recovery of UK film and high-end TV (HETV) production in the wake of the pandemic with record levels of spend contributed to the UK economy. The combined spend by film and high-end television production (HETV) during 2021 reached £5.64 billion, the highest ever reported and £1.27 billion higher than for the pre-pandemic year 2019.

Warner Bros. Studios Leavesden is already a well-established Studio in the UK - home to numerous major film franchises including Fantastic Beasts, Wonder Woman, Fast and Furious, Mission Impossible and Batman – and this represents a solid commitment to the UK by the company, which is set to continue with an increasing number of HETV productions, such as HBO's House of The Dragon. The scale and nature of their facilities includes on-site Virtual Production, expansive backlot and on-site Post Production facilities. This delivers a highly sustainable location that is attractive for productions resulting in time and financial efficiencies.

The studio in Leavesden creates and supports long-term employment opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry to catering. While the majority of jobs created are in the local areas, the benefits of additional investment will also support the wider UK economy through production on-location filming and local spend across the Nations and Regions, as seen in recent productions such as The Batman which filmed in Liverpool and Glasgow, and Wonka which was shot in Bath.

We welcome the expansion plans proposed by Warner Bros. Studios in Leavesden as the resulting capacity in studio infrastructure will create jobs and bring many economic benefits to the community there, to the UK film and screen sector and to the UK as a whole.

#### 9.1.5 British Pipeline Agency: [No objection]

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

#### 9.1.6 Countryside Charity Hertfordshire (CPRE): [Objection]

I write with regard to the above application and would raise a number of concerns due to its location mainly in the Green Belt. We recognise the long-standing nature of the studios and the contribution they undoubtedly make to the local and wider economy, and their identification in the emerging Three Rivers and Watford Local Plans, and the support of their respective Councils.

We also note that this proposal is one of several similar related to the expansion of the film and television production industry in Hertfordshire which are also being positively promoted by the Councils involved. Most of these proposals affect significant areas which are presently designated as Green Belt, and their implementation will result in a considerable reduction in the area of protected open countryside in the County.

In this case, significant resources have clearly been used in the preparation of the application and supporting documents and studies, but it is reasonable to question the strategic issues surrounding the further concentration of such activities in an area with so

many constraints. The Government's levelling-up agenda would also suggest that economic activity should be re-balanced to provide jobs where they are needed more.

Estimates for the provision of the employment to be provided by new development are regularly exaggerated by their promoters. The changing nature of employment, especially in the South and East of England, means that specific location is becoming less of a factor for employment provision.

Ideally therefore, we would seek any expansion of activity at Warner Studios to take place within their existing premises, preventing the need to use Green Belt land. In the event that the Council agrees that very special circumstances have been demonstrated for this inappropriate development, as required by the National Planning Policy Framework, we would urge you to impose wide-ranging and comprehensive conditions.

Recent legislation, including the Environment and Climate Change Acts, will place increasing responsibilities on local planning authorities and agencies to ensure that environmental issues are addressed appropriately, notably towards carbon reduction and biodiversity net gain. Together with recent Ministerial statements regarding the need to maintain the integrity of the Green Belt, these should constrain and guide any development which takes place in this location.

The opportunity should be taken, through this application if permitted, to improve those areas of the Green Belt which are released, to provide an enhanced open space for the surrounding communities. Similarly, the proposals made in the application for biodiversity net gain and carbon reduction are crucial, and Warner Bros should be encouraged to go further to provide an exemplar development, given their high public profile and influence.

#### 9.1.7 Creative England: [Support]

Creative England is the national agency endorsed by the Department for Digital, Culture, Media and Sport (DCMS) and funded by the British Film Institute (BFI) to maximise and support international and domestic film and TV production to shoot in England, outside London. We work to develop a production-supportive environment and support further spread in the levels of feature film and high-end TV production activity taking place across the English regions, ensuring communities across the nation enjoy the profile, job opportunities and economic benefits that the sector generates. Creative England would like to extend their full support to this planning application to expand Warner Bros. Studios Leavesden and grow the world-class facility in Hertfordshire.

The film and TV sector is a major contributor to the UK creative industries economy, with an important role to play in the UK's economic recovery from the Covid-19 pandemic and contributing to the Government's ambitions to grow and develop industries UK-wide. Official 2021 BFI statistics demonstrates the growth and resilience of the sector with record-breaking level of film and TV production spend in the UK reaching £5.64 billion, the highest ever reported and £1.27 billion higher than for the pre-pandemic year 2019. This highlights the confidence international filmmakers have in the UK's creativity, the expertise of our crews, and world-class production facilities combined with the generous UK creative tax reliefs.

Despite the UK's success in attracting the biggest names in film and high-end TV, the supply of studio space has not been in-step with demand. The current unprecedented demand for content has never been on a greater trajectory and this planning application directly responds to the shortage of studio space in the UK that Creative England have seen over the last number of years. The expansion plans at Warner Bros. Studios Leavesden supports the UK remaining internationally competitive by ensuring sufficient infrastructure to support inward investment.

Warner Bros. Studios Leavesden is studio facility of significance for the UK film industry. Warner Bros. became the first Hollywood major to establish its own studio outside of the US and celebrates a long and rich history of hosting commercially successful franchise films such as *Harry Potter*, *Fantastic Beasts*, *Fast & Furious* and *Mission Impossible*, and multi-season TV shows like HBO's *House of The Dragon*, driving growth and stability in the sector. The scale and nature of the studio facilities, including on-site virtual production stage, extensive backlog and post-production facilities, makes it a highly sustainable location of choice for productions. Creative England are proud to support productions based out of Warner Bros. Studios Leavesden to film on location across the English Regions, most recently *The Batman* in Liverpool and *Wonka* in Bath. The economic impact brought by filming both at Warner Bros. Studios Leavesden and on location across the Nations and Regions is clear to see.

On a more local level, Warner Bros. Studios Leavesden is central to establishing long-term employment & training opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry and catering to accountants and electricians. This supports the UK in developing a sustainable and diverse workforce that is world leading and can support the huge quantities of content being produced.

The expansion plans at Warner Bros. Studios Leavesden offers the opportunity to ensure local communities enjoy the profile, job opportunities and economic benefits that the sector generates. If Creative England can provide any further support or evidence in support of this planning application, please do not hesitate to contact us.

9.1.8 Environment Agency: [No objection]

9.1.8.1 Initial comments 29.03.2022: [No objection]

Thank you for consulting us on the above application on 17 March 2022.

Based on a review of the submitted information, **we have no objection** to the proposed development.

We are currently operating with significantly reduced resources in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

The previous land use at this site suggests the potential presence of contamination. As the site is situated in a vulnerable groundwater area within Source Protection Zone 3 these proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.

Where land contamination may be an issue for a prospective development we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.

#### **Advice for LPA/Applicant**

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.



In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
4. Refer to the contaminated land pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
  - BS5930:2015 Code of practice for site investigations;
  - BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
  - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
  - BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
  - BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
  - BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
  - Use MCERTS accredited methods for testing contaminated soils at the site;
  - Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably

qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.
- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.

The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

Please can you also include the below informative for any permission granted.

### **Informative - Flood Risk Activity Permit**

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

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

### **Final comments**

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

Should you have any queries regarding this response, please do not hesitate to contact me.

#### **9.1.8.2 Further comments 27.05.2022: [Objection]**

Thank you for consulting us on the above application on 17 March 2022.

Having reviewed the submitted technical information, we object to this development as it does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. We therefore recommend that planning permission is refused.

### **Reasons**

The previous use of the development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located within groundwater Source Protection Zones 1, 2 and 3, as well as upon a principal aquifer and secondary aquifers. This means that the site lies within the catchment of a groundwater abstraction used for public water supply, and it is therefore vulnerable to pollution as contaminants entering the groundwater at this site may contaminate the protected water supply.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements as set out in paragraphs 174 and 183 of the National Planning Policy Framework or the requirements of Policy DM9 (Contamination and Pollution Control) in the Three Rivers Local Plan 2013.

### **Overcoming our Objection**

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

### **Informative**

#### **Flood Risk Activity Permit**

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

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

For further guidance please visit this site or contact our National Customer Contact Centre on 03702 422549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Final Comments**

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

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why, and to give us the opportunity to make further representations.

#### 9.1.8.3 Further comments 30.06.2022: [No objection]

Thank you for re-consulting us on the above application on 9 June 2022. We have reviewed the further submitted information and would like to make the following comments.

The previous uses of the development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- within source protection zones 1 and 2.
- upon a principal aquifer and secondary aquifers.

The provided information provides a degree of confidence that it will be possible to manage the risks posed to controlled waters by this development, however further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

We are therefore in a position to **withdraw our objection** to this planning application as submitted, **subject to the following planning conditions** being included as set out below. Without these conditions, we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Policy DM8 of the Three Rivers District Council Local Plan, as it cannot be guaranteed that the development will not put groundwater at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Please consult us on the details submitted to your authority to discharge these conditions and on any subsequent amendments/alterations.

#### **Condition 1 - Remediation Strategy**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A Preliminary Risk Assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with NPPF paragraph 174 and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Advice to Applicant re Condition 1**

We have reviewed the following information only:

- Geo-environmental Site Assessment, report ref. 1620012265, rev.03, dated 01 March 2022, prepared by Ramboll.
- Additional Environmental Assessment, letter ref. 1620012265, rev.02, dated 28/02/2022, prepared by Ramboll.
- Response to Environment Agency, Letter dated 08/06/2022, prepared by Ramboll.

The Geo-environmental Site Assessment report does not include the borehole logs (pages are blank) and the Response to Environment Agency letter refers to a 2015 Ramboll contaminated land assessment report which was not provided. We would like to receive these documents.

A Preliminary Risk Assessment has not been submitted as part of this application. A site investigation was recently conducted; however, groundwater samples were not collected, and a detailed controlled waters risk assessment was not provided. We expect a complete site investigation to be undertaken and the above-mentioned documents to be submitted for our review.

#### **Condition 2 - Verification Report**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Condition 3 - Long Term Monitoring**

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Condition 4 - Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Condition 5 - Infiltration of Surface Water to Ground**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Condition 6 - Intrusive Groundworks**

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Condition 7 - Decommission of Investigative Boreholes**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies. This is in line with paragraph 174 of the NPPF and Policy DM8 of the Three Rivers District Council Local Plan.

#### **Informative**

##### **Flood Risk Activity Permit**

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

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

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

## **Advice to Applicant**

### **Model Procedures and Good Practice**

We recommend that developers:

1. Follow the risk management framework provided in LC:RM, Land Contamination: Risk Management when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on Gov.uk for more information.

### **Water Quality**

Our maps indicate that the River Gade, designated a main river (and a sensitive chalk stream), is in close proximity to the proposed development. With any development alongside watercourses, consideration should be given to the requirements of the Water Framework Directive (WFD) which includes causing no overall deterioration in water quality or the ecological status of any waterbody. This is in line with paragraph 174 of the NPPF which aims to promote the conservation, restoration, and enhancement of priority habitats. This is also in line with Policies DM6 and DM8 of your local plan.

You can find out more about the ecological status of the watercourse on our Catchment Data Explorer. We continue to develop a suite of measures which we think will improve these waterbodies, in-line with WFD objectives, which are currently available via Environment Information Regulations/Freedom of Information Request. Your local Catchment Partnership group may be able to help with identifying suitable options and implementation methods.

The Thames River Basin Management Plan states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of waterbodies. Physical works to the riverbank and buffer zone can pose a potential risk to WFD objectives or wider environmental legislation. We will check compliance with the requirements of the WFD and other environmental laws when issuing permits. If the proposed development is likely to have an impact on the waterbody, and/or prevent future improvements to the waterbody under these WFD objectives, we may require a WFD screening/assessment, which will detail plans for any mitigation or compensation required as a result of the works.

Please note that due to the presence of contamination on the wider site, care should be taken with regards to the quality of any surface water discharge to the River Gade.

### **Water Resources**

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills. We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could

help attract investment to the area. Therefore, water efficient technology should be considered as part of new developments.

### **Final Comments**

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

#### 9.1.9 Film London: [Support application]

I write to you in my capacity as the Head of Production Services for Film London. Film London is the capital's screen industries agency, funded by the Mayor of London, the National Lottery through the BFI, with support from Arts Council England and Heritage Lottery Fund.

Inward investment from the production of international feature film and high-end TV (HETV) drama reached record levels in the UK in 2019 and again in 2021 hitting £5.64bn. London attracts over 75% of the film and TV industries UK spend. The screen industries support thousands of jobs and have wider benefits for our city and the South East of England, boosting tourism and raising our international profile. Despite the COVID19 pandemic halting all production in March 2020, our ability to be one of the first industries to re-start in the summer led to only 21% reduction on combined total spend in the UK (at £2.84bn) compared with the previous year. 2022 is already exceedingly busy as the industry continues to make up for lost time. We fully expect that film and TV production will continue to play a key role in the economic recovery of the region over the coming years.

With this success come challenges: London's increased popularity as a filming destination has led to severe capacity issues, most notably for studio space. By nature, our film and HETV tax reliefs encourage productions to maximise their UK-based activity, and are well suited to major high-end projects. These typically require multiple large-scale sets spread over stage space totalling an average of anywhere between 40,000 and 120,000sqft, plus associated workshop, office, back lot, and other auxiliary space. The finite amount of purpose-built, or re-purposed, studio space in the UK has led to the loss of several major multi-million dollar feature film and TV projects to competitor territories, with the resultant loss of investment, employment, and tax revenue for UK plc and the London economy. Even in an industry that utilises alternative stage space resourcefully, the loss of projects and resultant loss of investment is considerable. As Warner Brothers, Disney and Netflix's long-term residence continues, newer major players such as Amazon, Apple and Hulu continue to enlarge the marketplace. Combined with a film-friendly government, a relatively attractive £:\$ exchange rate and the proliferation of major film and HETV projects, the resultant capacity issue is set to continue – if not, more likely, to increase.

In recognition of the importance of the creative industries, which are worth £92 billion, employ two million people, and are growing twice as fast as the rest of the economy, the UK Government sustains Creative Sector Tax Reliefs to attract further business and ensure the UK retains its position at the forefront of global production.

Inward tourism spend is also strongly associated with the production of film and HETV – tourism as a result of British film is estimated to have brought 8,400 FTEs and £400m GVA, while more than £200m of inward tourism spend is associated with HETV.

Due to the large and experienced crew base, diverse and cinematic filming locations, easy access to the world's leading VFX and post-production hub in Soho, and film-friendly local government, London and the South East of England are probably the busiest areas for high-end production in the world. As such, studio/stage space capacity is a key priority for the area. Additional stage capacity would not only allow London and the South East to build



their already established and impressive reputation amongst international clients, and increase the level of stage space in the UK, but would also provide a considerable and essential boost to the combined efforts of Film London, and our public and commercial partners, to market London and the South East globally as a leading destination for major HETV and feature film production.

The contribution that the expansion to Warner Brothers Studios Leavesden would make to increasing London and the South East's studio capacity would be extremely significant both in terms of helping fix our studio space deficit as well as providing increased local employment, both directly and in-directly, through the broad supply chain required for film making. Film London therefore wholeheartedly supports the proposal.

If Film London can provide any further support or evidence of the necessity for a significant increase in stage and auxiliary space capacity in and near London, please do not hesitate to contact me.

#### 9.1.10 Gypsy Lane Residents' Group: [Objection]

Our Group represents 40 households in residential streets close to the proposed "Backlot 2". Whilst we presume others will comment on the impacts of the proposed expansion for the Main Site and Island Site, our primary interest and the subject of local residents' comments by 17th April will be the proposed permanent expansion into Green Belt land - the upper field above Gypsy Lane - to create Backlot 2, which we believe is inappropriate, contrary to planning principles and is going to progressively destroy the green belt between Watford and Abbots Langley.

I would like to make you aware in advance of the concerns of residents about the upper field and the proposed nature area in the lower field below Gypsy Lane, and to set out our expectations of TRDC's due diligence review of this planning application.

#### The proposed Backlot 2

When WB applied for permission for 2 years temporary use of the field that is now proposed to become Backlot 2, the challenge and due diligence by TRDC was inadequate. Aspects that are key when considering the Green Belt under NPPF were not adequately debated in the Officer's Report or the Planning Committee.

There was a cursory assessment of the material change of use and no challenge that all reasonable options had been explored before seeking to take over Green Belt land. We recall that WB sought temporary use of the upper field based on a lack of space even though there was spare space in the existing site; see the WB consultation video for the evidence of this. The clear conclusion is that the temporary use of the upper field above Gypsy Lane to address post-Covid schedule backlogs was simply a ruse to progress towards permanent expansion.

As we had pointed out at the time, it was unacceptable that no attempt was made by WB, or demanded by TRDC, to present an assessment of the visual impact of the facilities, despite visual impact being a key consideration under NPPF and ignoring residents' predictions that a backlot area would present an unsightly view in the Green Belt. The view expressed by councillors at the Planning Committee was generally that WB should "just be allowed to get on with it" and "no one will see it". We can now see though, one year on, what a horrendous blot on the landscape has been created. The views from the A41, the Hunton Bridge roundabout, Langleybury Lane and the Gypsy Lane pathway are unacceptable.

Furthermore the site creates noise and light pollution, about which residents have to regularly complain to WB. WB's attention to screening by vegetation is as limited as they can make it.

Being a good neighbour is about more than corporate responsibility exercises and funding parks. It is about minimising disruption to residents and this is not happening around the proposed Backlot 2. We consider, with the benefit of a year of experience of temporary use, that the proposed commercial use of the upper field by WB (which would cover an even greater portion of the upper field) is inappropriate and not in line with planning principles.

So, our expectations for your review of the current planning application are that you will demand and properly consider;

-screening proposals that are designed to provide relief to neighbours in the near term; that means the planting of significant numbers of mature trees. The references in the consultation documents to cosmetic measures of young trees which will take 10-15 years to provide screening of the required height shows that WB are not yet taking seriously the disruptive impacts that they create for residents, walkers and wildlife in the area and the industrial views currently presented from local viewpoints.

-screening proposals that also address noise and light pollution

#### Field below Gypsy Lane

The proposals include that a portion of this field be used to create a nature area, with the remainder (the area towards the Hunton Bridge roundabout) being left as an arable field area. However, we believe from discussions with WB that WB will seek permission at a later date to make commercial use of some of that green space towards the Hunton Bridge roundabout. This would harm wildlife established in that area and would also threaten the public amenity, or even the future, of Gypsy Lane itself - an ancient deep cut lane and of historical value as a part of the toll road running North.

We presume that the details of the habitats will be defined later through the planning process, but we do expect that the entire lower field will be protected as a cohesive green space, and formally covenanted as such for its long term protection.

In Conclusion, please confirm that you will undertake full due diligence of the above matters when reviewing WB's application, to include our expectations above.

#### 9.1.11 Hertfordshire Constabulary: [No objection]

I have no objection to this application, I recently met with the Director of security, the architects and our counter terrorism advisor to discuss security at the site and this proposal.

#### 9.1.12 HCC Footpath Section: No response received.

#### 9.1.13 Hertfordshire County Council Growth & Infrastructure Unit: [No objection]

I refer to the above mentioned application and am writing in respect of planning obligations sought by Hertfordshire County Council towards early years; primary and secondary education; library and youth services, to minimise the impact of development on HCC's services for the local community.

Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Therefore we will not be seeking financial contributions.

However, you may receive separate comments from the Highways Unit.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

9.1.14 Hertfordshire County Council – Highway Authority: [Holding Response]

9.1.14.1 Initial comments 16.05.2022: [Holding Response]

I am e-mailing to provide an update on progress in relation to our technical assessment of Planning Application Ref. 22/0491/FUL for the provision of new sound stages, workshops, production and post-production offices etc at Warner Bros. Studios Leavesden.

We have met with the applicant's transport consultant and have further meetings arranged. Positive discussions on a package of measures to mitigate the effects of the development proposals on the transport network are taking place. The focus of these is measures to encourage the use of active and sustainable modes of transport to access the site, in line with LTP4 which seeks to encourage a switch from the private car to sustainable transport wherever possible. The package of measures consists, which Warner Bros appear to be supportive of, consists of a mixture of physical improvements to the pedestrian and cycle infrastructure in the area around the site to be delivered under a S278 Agreement, financial contributions towards more strategic improvements and subsidy of public transport and the implementation of measures specific to the Studio including shuttle buses and a bespoke car sharing phone app.

We anticipate that these measures and mode shift targets for the Studio will be secured through either planning conditions or a S106 Agreement that will include requirements for monitoring and further management.

I will keep you updated on progress of these discussions and set them out in a full consultation response in due course.

9.1.14.2 Further comments 04.11.2022: [No objection subject to conditions]

**Recommendation**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

**CONDITIONS**

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (21134-MA-XX-XX-DR-C-1102 P04) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

6) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 7) Source of Illumination – General

Prior to the first use of the development hereby permitted the intensity of illumination shall be provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 8) Highway Improvements – Local Cycle Network Improvements

##### A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers (21134-MA-XX-XX-DR-C-0001 P02, 21134-MA-XXXX-DR-C-1100 P02, 21134-MA-XX-XX-DR-C-1101 P02, 21134-MA-XX-XX-DR-C-1102 P04, 21134-MA-XX-XX-DR-C-1103 P02, 21134-MA-XX-XX-DR-C-1104 P02, 21134-MA-XX-XX-DR-C-1105 P02, 21134-MA-XX-XX-DR-C-1106 P02, 21134-MA-XX-XX-DR-C-1107 P02 and 21134-MA-XX-XX-DR-C-1108 P01) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

##### B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 9) Highway Improvements – A41 Toucan to the Hempstead Road underpass

##### A) Design Approval

No on-site works above slab level shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

##### B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 10) Travel Plan – Requested Prior to Use

At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

#### APPROPRIATE INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 03001234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx>

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg – commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-andnotification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-andnotification-forms) or by telephoning 0300 1234047.

AN9) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing

and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

## COMMENTS

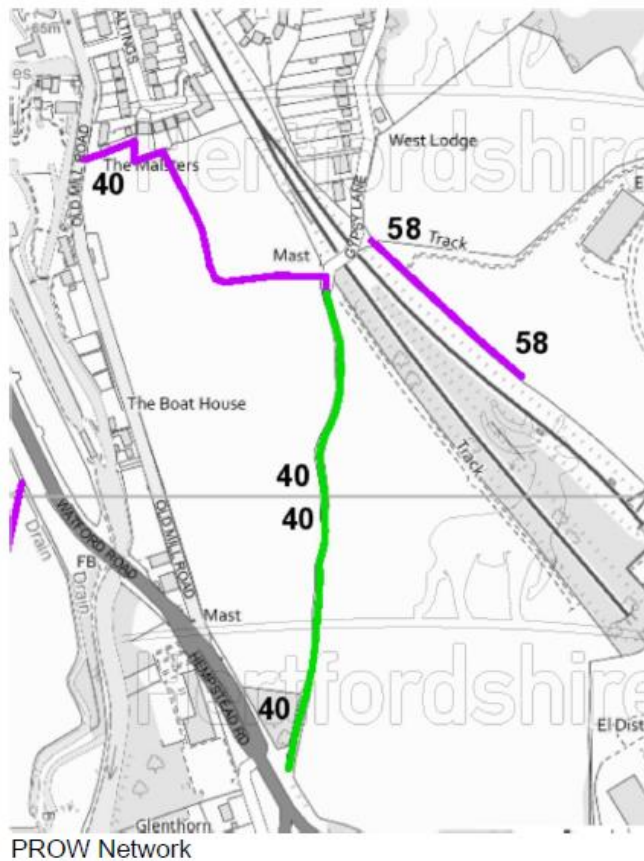
The existing Warner Bros Leavesden Studios (incorporating the open to the public Harry Potter experience), circa 100,000sqm+, is located on the border of Three Rivers District Council (TRDC) and Watford Borough Council (WBC) circa 2km east/south of junctions 19 and 20 of the M25. Being bound to the south by the A41 (the border between TRDC and WBC), to the east by Aerodrome Way and the existing residential area of Leavesden, to the west by the studios existing backlot and greenfields which bridge over the Bedford to Central London Rail line and to the North by Hunton Park and further residential areas of Leavesden, It is proposed to create 70,559sqm of additional floorspace on the area to the west of the site.

Motor vehicle access to the expansion site would be via a new 5 arm roundabout located to the south of the site at the Gadeside (the junction between the oneway A41 off and on slips and the two-way road to the existing studios roundabout. The main site access forms the northwestern arm of this roundabout and the eastern arm will serve a Multi Storey Staff Car Park (MSCP), located on what is known as 'the island site'. A pedestrian foot bridge will connect the MSCP to the main site. The proposals also involve the enhancement of the existing north roundabout access to the studios.

Pedestrian access is proposed at the new roundabout and from the existing site, however due to security reason these accesses will be restricted to staff.

The existing bridleway, PROW 40 (Gypsy Lane) traverses through the western side of the site and this will be retained. The exact nature of the impact on the public footpath PROW 58 is unknown. Whilst HCC do not consider PROW 58 strategically important if affected by the proposal it must either be maintained or stopped up formally.





### Localised Sustainable Network Improvements

In association with the development a significant upgrade to the localised foot/cycle ways to upgrade the section of the sustainable transport network bordering the southeast of the entire Warner Bros from the A41 near Gypsy Way to the Cunningham Way/ Aerodrome Way / Hill Farm Avenue junction and Ashfields to make it LTN1/20 compliant with toucan crossings also being installed where appropriate. The agreed package is shown on the drawings 21134-MA-XX-XX-DR-C-0001 P02, 21134-MA-XX-XX-DR-C-1100 P02, 21134-MA-XX-XX-DR-C-1101 P02, 21134-MA-XX-XX-DR-C-1102 P04, 21134-MA-XX-XX-DR-C-1103 P02, 21134-MA-XX-XX-DR-C-1104 P02, 21134-MA-XX-XX-DR-C-1105 P02, 21134-MA-XX-XX-DR-C-1106 P02, 21134-MA-XX-XX-DR-C-1107 P02 and 21134-MA-XX-XX-DR-C-1108 P01

Not yet designed is a toucan crossing of the A41 in the vicinity of Gypsy Lane which is considered vital to connect the studios and the above network to the Hempstead Road pedestrian/cycle underpass which is due to be improved by HCC as part of the Hempstead Road upgrade to Watford town centre.

Due to security reasons the direct connection from the Ashfields residential area through 'the island site' to the studios is restricted to staff only and general members of the public will have to divert north or south of 'the island'. Whilst a more direct route through 'the island site' would have been preferred but HCC Highways DM accept Warner Bros reasons for not doing so.

### Road Safety (Personal Injury Accident (PIA) Analysis)

Whilst HCC Highways DM would not have accepted the first PIA analysis based upon crashmap which does not contain full details of events and is sometimes not up to date it is noted that Markides Associates (the applicant's Transport consultant) have carried out a

further review using the data from the Police's STATS 19 database which contains more details and this is acceptable to HCC.

The PIA analysis identified that a significant number of accidents (2 of the 6 serious incidents and 5 of the 9 slight accidents; with significant number occurring at the Ashfield signal junction and the Studio Tour roundabout. It is likely that the increased traffic due to the development could have exasperated this situation without the identified upgrades to the local cycle network identified previously. Therefore, HCC Highways considers that the above measures sufficiently mitigate the potential impact on road safety.

### Vehicle Trip Generation

Within the supporting Transport Assessment (TA) Markides associates initially utilised car parking swipe card data from January 2020 - August 2021 to gain an understanding of how the existing studios operated, taking cognizance of periods that were affected by the world pandemic).

Subsequent to this they undertook a traditional Automatic Traffic Counter (ATC) of the existing car park associated with the existing 106,025sqm and applied that pro rata to the proposed expansion of 70,559sqm to estimate the vehicular traffic it would attract. This approach is considered acceptable by HCC Highways Development Management.

The ATC data revealed that a significant amount of staff visited the site (6-8am) prior to the traditional network peak hour (8-9am) and similarly in the evening, staff departed the site (6-7pm) after the traditional network peak hour (5-6pm). It is however, noted that these periods particularly on the Strategic Road Network (SRN) and Markides Associates have collected 2021 traffic for all these periods and appropriately modelled them.

### Vehicle Trip Distribution

Markides Associates also collected Automatic Number Plate Collection Surveys (ANPRS) which gave an indication in the immediate area where existing traffic was originating from. It is considered reasonable by HCC Highway DM to use the observed patterns as the basis to distribute the predicted vehicular trips across the road network.

### Committed Development, Growth and Analysis Years

Whilst Markides Associates have included no local growth due to significant committed development, they have utilised the wider growth predicted for TRDC area within the UK Government's TEMPRO database which includes possible economic growth further afield. After a review of the TRDC and WBC planning web sites this approach is considered acceptable by HCC Highways DM.

This growth was utilised to factor the observed 2021 traffic data to a predicted opening year of 2025. Whilst HCC Highways considers that this is appropriate it is noted that the SRN authority may ask Markides Associate to also look at a date further in the future.

### Junction Modelling

Markides Associates have initially undertaken a traditional percentage impact analysis to determine which junctions would be appropriate to analyse in a traffic model and determine during which of the aforementioned periods should be examined. Whilst HCC Highways initially considers the 'blanket' 5% screening value inappropriate (a 10% impact or greater on a quiet road/junction may not need analysis but a 1% impact on a congested road/junction might). After a review of the network HCC Highways DM and considering Warner Bros commitment to mitigate their scheme through sustainable transport measures

and periods not analysed, HCC will accept the analysed data. MA have modelled the following junction/time periods:

Junction	0700-0800	0800-0900	1700-1800	1800-1900
South Way Langley Lane Rbt	*			
Aerodrome Way/ Hill Farm Ave Signals	*			
Aerodrome Way/ Hercules Way Signals	*			
Aerodrome Way/ Warner Drive Rbt	*			
Aerodrome Way/ Studio Tour Rbt	*	*	*	*
Proposed Site Access Rbt	*	*	*	*
Ashfields Signals	*			*
Leavesden Green Interchange	*	*	*	*
A41 Watford Rd/ Bridge St Signals	*			
Hunton Bridge Rbt	*			

### Traffic Impact

#### **South Way/ Langley Lane Roundabout**

The analysis by MA of the South Way/ Langley Lane Roundabout predicted that this junction would be operating with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros expansion with a maximum Ratio of Flow to Capacity (RFC) occurring on the Langley Lane North approach of just 0.47 (an operational threshold RFC is 0.85, above which cognisance of queuing should be made, and an absolute threshold RFC is 1.0 depicting failure). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

#### **Aerodrome Way/ Hill Farm Ave Signals**

Similar to the previous analysis the Aerodrome Way/ Hill Farm Ave Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Aerodrome North approach of just 79% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the

other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

### **Aerodrome Way/ Hercules Way Signals**

As with the previous analysis of the Aerodrome Way/ Hill Farm Ave Signals, the Aerodrome Way/Hercules Way Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Hercules Way approach of just 67.6% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

### **Aerodrome Way/ Warner Drive Roundabout**

The analysis of the Aerodrome Way/ Warner Drive roundabout however showed that the junction would be operating close to its absolute capacity during the peak of the 0700-0800 development peak with an RFC of 0.983 on the Aerodrome Way southern approach prior to the Warners Bros expansion. Whilst the development slightly improved this to a RFC of 0.972 (likely due to heavier traffic on other approaches making the Aerodrome Way southern approach onto the roundabout marginally easier), it was clear further investigation into a mitigation package was needed. The further analysis showed that through the implementation of a Travel Plan (Condition 10) could successfully lower the RFC on the southern Aerodrome Way approach to 0.908 and further physical improvements to the roundabout (Dwg 21134-MA-XX-XX-DR-C-0003 P01) could establish operational capacity for all approaches. Whilst initially HCC did not consider that physical mitigation was required given the predicted success of the Travel Plan that the applicant is committing to it is happy with the recommendation from MA for it due to affect of the queue from it backing from the roundabout at an RFC of 0.908 to the Aerodrome Way/ Studio Tour roundabout.

### **Aerodrome Way/ Studio Tour Roundabout**

Whilst the model of the Aerodrome Way/ Studio Tour roundabout showed that it in isolation operated within capacity in all modelled time periods as discussed the queue backing back from Aerodrome Way/ Warner Drive roundabout interferes with its operation highlighting the need for the physical measures identified there.

### **Proposed Site Access Roundabout**

Whilst the initial analysis of the site access roundabout presented within the MA TA demonstrated that it would perform well in all periods of 2025, HCC Highways initially considered that the design was not in line with the policies of LTP4. As a result, the design of the site access roundabout was revisited giving more priority to active travel modes. The subsequent analysis demonstrated the access roundabout design as agreed with HC Highways DM also operated well within ideal operational capacity with minimal queueing during all peak periods of 2025 with a maximum RFC of 0.74 occurring on the Gadeside North approach during the studios peak of 1800-1900.

### **Ashfields Signals**

During the analysed AM period (0700-0800) the signalised Ashfields junction is predicted to be operating just within operational capacity with a maximum DOS on the eastern Ashfields approach of 89.5% prior to the development in 2025. However, subsequent to the Warner Bros expansion both the eastern Ashfields approach and Aerodrome Way approach are predicted with no mitigation to operate beyond their theoretical absolute maximum. 111.6% on the Ashfields approach and 109.2% on the Aerodrome Way approach respectively. Following mitigation through the travel planning process whilst it is predicted that the junction will operate within its theoretical absolute capacity, the junction following the Warners Bros development will still operate beyond its operational capacity (with a maximum RFC of 93.3%, corresponding with a queue of 29pcu's (passenger car units) on the Ashfields East approach. This highlights the need to mitigate the development through

reduction of the background traffic in addition to the aforementioned Travel Plan and hence the need for contributions to scheme encouraging a greater mode shift.

If there is any impact during the other periods not analysed, it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

### **Leavesden Green Interchange**

The analysis carried out by MA at the Leavesden Green Interchange that in the majority of analysed period that the junction both without and with the proposed development would operate significantly below the operational threshold ( $RFC < 0.85$ ). However, it also showed that with the introduction of the development the A41 eastbound approach goes slightly beyond this with an RFC of 0.87 during the peak 15 minutes of the 1800-1900 period. The approach however remains within absolute capacity and queuing at 7pcu's is considered safe, therefore HCC Highways DM consider this impact can be mitigated through mode shift and the travel plan process.

### **A41 Watford Rd/ Bridge St Signals**

The analysis presented by MA shows that during the hour of 0700-0800 in 2025 that the A41 Watford Rd/ Bridge St Signals will operate significantly within capacity. If there is any impact during the other periods not analysed, it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

### **Hunton Bridge Roundabout**

The analysis presented by MA shows that the Hunton Bridge Roundabout prior to the Warner Bros development during the analysed period of 0700-0800 in 2025 will be operating close to or above operational capacity, with a maximum DOS of 93.8% occurring in the northern Watford Road straight ahead lane. The Warner Bros development unmitigated however would significantly exasperate the situation with the DOS in the northern Watford Road straight ahead lane rising to above absolute theoretical capacity (101.9%). The straight/right turn lane of the M25 spur also goes beyond operational capacity and close to absolute capacity with a DOS of 98.6% post the unmitigated development. Whilst the analysis shows that mitigation through the travel plan process can have a positive impact reducing the maximum DOSs to 99.1% on the Watford Road approach and 95.7% on the M25 spur, HCC Highways DM still consider this severe and the resultant queues unsafe, therefore it is considered appropriate to mitigate the Warner Bros proposals further through contribution to wider schemes aimed at encouraging modal shift and back ground traffic. If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that there could be they would also be addressed via schemes encouraging Mode Shift.

### Travel Plan

HCC's Travel Plan Team have reviewed the submitted Travel Plan (TP) and whilst they consider it appropriate at this stage in the planning process they consider a number of aspects will have to be addressed before the final approval is given and hence Condition 10.

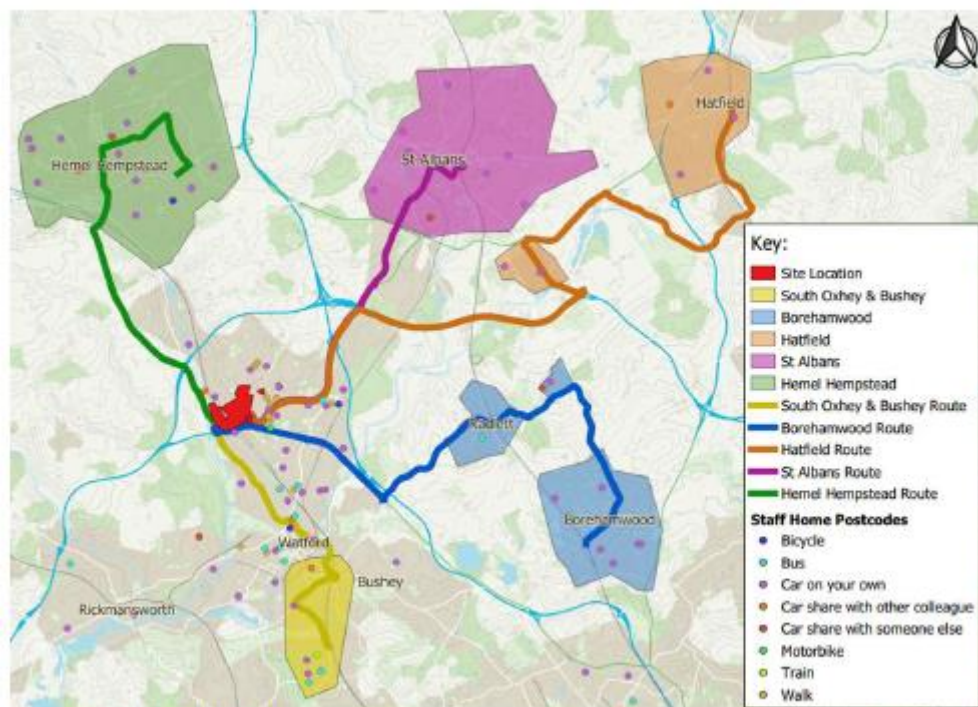
- There have been changes to the bus network in Watford including some routes in the vicinity of the site following multiple operators reviewing services post-pandemic. Information on service frequencies is therefore likely to need to be updated shortly and the TP should mention Arriva Click services which operate in Watford (see ArrivaClick Watford | Arriva Bus UK) which act as an alternative to conventional bus services.
- Travel Plan Co-Ordinator details will need to be provided along with those of a secondary contact in case of personnel changes. An indication of time allocated to role and frequency on site should be provided.

- Measures included are appropriate and cover all modes. It is noted that car parking is currently provided free of charge for both staff and visitors. This is something that could be reviewed in order to further encourage uptake of sustainable modes.
- Monitoring is proposed in years 1, 3 and 5 – this should be annual for a site of this scale, with review after each survey and submission of monitoring report to HCC.

The TP team also indicate that an Evaluation and Support Fee of £1200 per year (£6000 total for the 5 year plan) should be sought through a S106 agreement and the TP needs to make reference to this.

### Shuttlebus

In addition, and complimenting the TP document Warner Bros intend to operate a staff shuttle bus to their site and MA have identified a number of possibilities which they will develop as staff locations and demands become more certain. It is envisaged that a total of 6 x 16/24-seater minibuses, operating at 30-minute frequencies during the site peak hours could serve these three main routes.

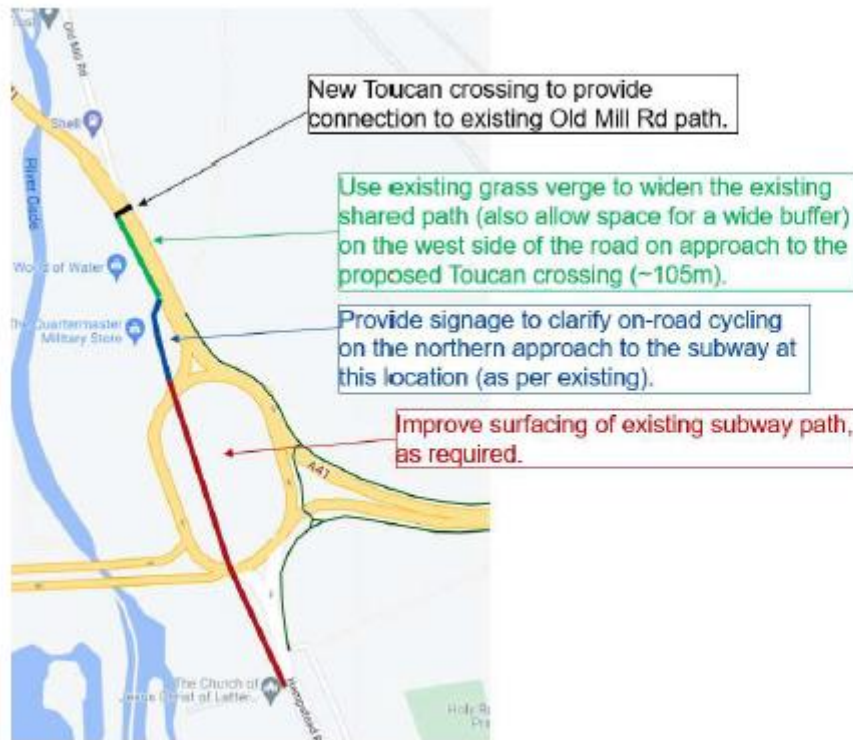


Possible Shuttle Bus Routes

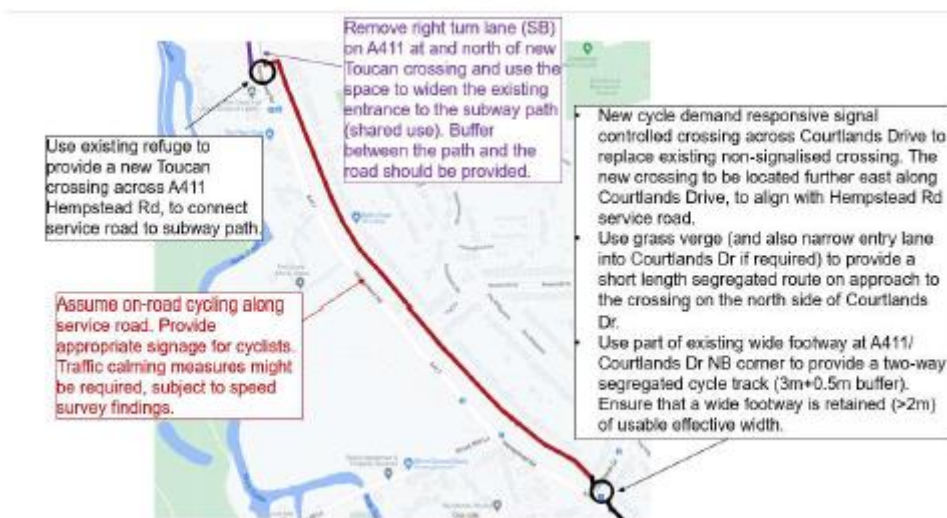
### Wider Mitigation Encouraging Modal Shift

HCC Highways has comprehensive costed plans for the aforementioned up grade of the Hempstead Road corridor into central Watford a £9,525,600 + scheme (Q3 2022 prices). It is considered that it would be appropriate for the applicant to contribute via S106 to section 9E and section 6 of the project given the identified impacts and uncertainty over impacts at the junction/periods not analysed.

S9E consists of improvements to the aforementioned pedestrian/cycle underpass below the A41/ Hempstead Road roundabout and it is estimated that the scheme will cost £600,000.



Section 6 integrates the underpass of A411/ Hempstead Road scheme into the main Hempstead Road corridor scheme and involves primarily a toucan crossing of the A411 to enable users to safely cross to the parallel old Hempstead Road service road. The service road would also be subject to signage improvements and safely integrated into further section of the overall scheme. Section 6 is currently estimated at £626,400.



HCC's Passenger Transport Team have also identified a number of bus improvement schemes in the area which would have the potential to encourage the desire modal shift in the vicinity of the studios. The options for enhanced bus services include, number 9 bus service currently operates an hourly (Monday to Saturday) service from Watford station to the studio site. With investment this could be increased to a half hourly service Monday to Saturday and potentially an hourly Sunday service could also be introduced. It is estimated

that as this is a financially viable service a minimum contribution of £175,000 per year for five years would be required (total £875,000).

### S106/ Developers Contributions

HCC Highways operate two levels of S106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 S106 agreement and those items mitigating the wider cumulative impact of development addressed in a Strand 2 S106 agreement.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 S106 agreement.

With regards to the 2nd instance HCC Highways DM would envisage a strand 2 contribution of £2,101,400 (£1,226,400 (cycling improvements)+£875,000 (bus contribution)) towards the aforementioned Schemes aimed at encouraging a wider modal shift. The contribution would be index linked to January 2019.

9.1.14.3 Updated conditions 07.11.2022: [HCC confirmed that they were in agreement to the triggers on some conditions being updated. All conditions are listed below, including agreed changes to triggers].

1) No new built development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning

Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) No new buildings shall be occupied until the vehicular access has been completed and thereafter retained as shown on drawing number (21134-MA-XX-XX-DR-C-1102 P04) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water

No new buildings shall be occupied until arrangement has been made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).



#### 4) Electric Vehicle (EV) Charging Points as % of total car parking spaces

No new buildings shall be occupied until provision has been made for 20% of the car parking spaces to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 5) Cycle Parking – Not shown on plan but achievable

No new built development shall commence until a scheme for the parking of cycles including details of the design, level and siting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any new buildings are first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

#### 6) Construction Management Plan

No new built development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The

Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 7) Source of Illumination – General

No new buildings shall be occupied until the intensity of illumination has been provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

## 8) Highway Improvements – Local Cycle Network Improvements

### A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers (21134-MA-XX-XX-DR-C-0001 P02, 21134-MA-XXXX-DR-C-1100 P02, 21134-MA-XX-XX-DR-C-1101 P02, 21134-MA-XX-XX-DR-C-1102 P04, 21134-MA-XX-XX-DR-C-1103 P02, 21134-MA-XX-XX-DR-C-1104 P02, 21134-MA-XX-XX-DR-C-1105 P02, 21134-MA-XX-XX-DR-C-1106 P02, 21134-MA-XX-XX-DR-C-1107 P02 and 21134-MA-XX-XX-DR-C-1108 P01) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

### B) Implementation / Construction

No new building shall be occupied until the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

## 9) Highway Improvements – A41 Toucan to the Hempstead Road underpass

### A) Design Approval

No on-site works above slab level shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

### B) Implementation / Construction

No new buildings shall be occupied until the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

## 10) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation of the new buildings hereby permitted a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

9.1.15 HCC Lead Local Flood Authority: [No comments submitted from LLFA, guidance provided via external consultant]

9.1.15.1 Comment from LLFA 07.04.2022 [No comments submitted]

Thank you for your consultation.

The Lead Local Flood Authority (LLFA) is currently unable to respond to any new planning consultations.

LLFA guidance is available under Policies and Guidance on our website: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>. We recommend that any new development site follows the LLFAs policies on SuDS, which are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand requirements. A climate change allowance note for Hertfordshire is also provided on the website. The surface water drainage webpages also contain links to national policy and industry best practice.

If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#>

When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.

#### 9.1.15.2 Initial Comments from External Consultant 11.08.2022:

##### Conclusions/Observations

1. A Blue Green Infrastructure (BGI) strategy needs to be confirmed at full planning. Hertfordshire LLFA Summary Guidance requirements for outline planning applications: "Evidence of ground conditions / underlying geology and permeability including BRE Digest 365 infiltration tests (or Falling Head tests for deepbore infiltration)".
  - i. There are some inconsistencies in the FRA regarding infiltration. Is the design based on confirmed infiltration rates? No infiltration testing has been provided for review.
  - ii. It is noted that the importance of this BGI is increased on this site where partial disposal is directly via infiltration into a primary aquifer.
  - iii. Can you substantiate the Safety Factor of 2 for the tanks as a means of managing runoff for the lifetime of development?
2. A level of pre-treatment is required prior to infiltration.
3. Whilst the drainage proposals do not include for surface SuDS within the development layout, this is consistent with existing development within the wider site. There has been no justification for the use of underground attenuation measures provided for review.
4. 2 l/s/ha proposed discharge rate appears appropriate for the site, however, no greenfield or existing runoff rates have been provided for comparison.
5. Micro Drainage outputs show flooding in all design events, including 1 in 2-year event. Hertfordshire LLFA require "no flooding within the site for up to and including the 1 in 30 chance in any year rainfall event". Please confirm how exceedance flooding is to be managed up to and including the 100 year +40% climate change event.

6. Exceedance Flow Plans have been described in Section 11 of the FRA and appear to be acceptable. However, please provide an Exceedance Flow Plan in accordance with Hertfordshire LLFA requirements.
7. Please provide confirmation that the existing downstream network has capacity to the outfall.
8. Whilst treatment stages have been defined, please confirm that these appropriately manage water quality. Refer to point 2.

9.1.15.3 Officer comment: In response to the above points, the applicant has responded as follows:

1. *Infiltration tests have been undertaken and the results are very low. There are no proposals to infiltrate into the ground on the main masterplan site. We have currently detailed attenuation in sealed tanks on each of the proposed development sites, to accommodate restricted flows. It will then be conveyed through the existing drainage network and further attenuated at the final manhole on the Warner Bros. site. At this point the flows will be further restricted to 2l/s/ha (50l/s in total) for the development site with the remainder (80l/s in a 1 in 100 year +40% climate change) being conveyed by a new pipe to the wetlands in the Eco Park.*

i. *There is no infiltration into the ground on the main masterplanning site. The external car park will have porous paving that will allow the surface water to percolate into a sealed system before being attenuated then conveyed through the existing drainage network. Results were low, please see copy of tests attached.*

ii. *There is no proposal to infiltrate into the ground on the main masterplan site. After treatment there will be limited infiltration in the Wetlands on the Eco Park.*

iii. *The tanks are designed for attenuation only and no infiltration into the ground.*

3. *Each of the plots within the masterplan site will attenuate the flow as not to surcharge the existing network. As stated above there is no infiltration into the ground on any of the main masterplan sites. Drawing 002 P04 details the discharge flows and the tanks are sized to retain a 1 in 100 years + 40% climate change, there is some minor flooding in the manholes, There is no overland flows from each development site.*

4. *We have modelled the whole site in Micro Drainage based on historical figures received and unrestricted flows where we do not have the figures to give a conservative discharge rate.*

5. *We have modelled the whole site as stated above. In a 1 in 2 year storm +40% climate change, areas of the existing site refer to drawing 002 P04 for location display flooding. Although these areas have infiltration and attenuation tanks, which have not been included within our design as we have taken a conservative approach to ensure the downstream network is not surcharged.*


6. *There is no exceedance flows from each individual plot within the main masterplan site. To clarify, the text referred to within Section 11 of the FRA relates to the point that some of the existing local network floods, and it describes what would happen with any flooding from the existing local network on the masterplan site in the case of a storm event.*

8. *Please see response as per Item 2.*

9.1.15.4 Further Comments from External Consultant 09.09.2022:

1. Whilst the drainage proposals do not include for surface SuDS within the development layout, this is consistent with existing development within the wider site. There has been no justification for the use of underground attenuation measures provided for review.

SuDS Hierarchy

	SuDS Features	Flood Reduction	Pollution Reduction	Biodiversity Benefit
<p>Most Sustainable</p>  <p>Least Sustainable</p>	Living roofs and walls	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Basins and ponds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Filter strips and swales	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Infiltration devices	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Permeable surfaces and filter drains	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tanked and piped systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Exceedance Flow Plans have been described in Section 11 of the FRA and appear to be acceptable. However, please provide an Exceedance Flow Plan in accordance with Hertfordshire LLFA requirements: “Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change event” are required at full planning application stage.
3. Whilst treatment stages have been defined, please confirm that these appropriately manage water quality associated with this type of development. (Example: The SuDS Manual Simple Index Approach).

9.1.15.5 Officer comment: In response to the above 3 points, the applicant has responded as follows:

*Point 1 - We confirm that we adopted the following in the design of the Surface Water discharge management:*

- *Basins and Ponds*
- *Filter Strips and swales*
- *Infiltration into the ground*
- *Permeable Surfacing and Filter drains*

*Note the attenuation tanks in the stage and workshop areas are to attenuate the Surface water as not to surcharge the existing drainage network. Before conveying the surface water to the Swales, basin and ponds. (Previously issued drawings attached 002 and 004).*

*Point 2 - We confirm that the design is based on 100 year + 40% Micro drainage calculation, and that there are no overland flows (Exceedance). All surface water in a 100 year +40% is contained within attenuation tanks to prevent surcharging the existing network before being conveyed to the swales basin and pond. Therefore an Exceedance Flow Plan, as requested, is not required in this instance. Previous developments on site that were part of the analysis to determine the capacity of the existing network were part of previous planning application (For information we attach a drawing of previous application drawing ref. C2.00, but not part of this planning application)*

*Point 3 - We confirm that the treatment stages appropriately manage water quality associated with this type of development. Please see Simple Index Approach tool excel sheet attached plus details of Downstream Defender.*

9.1.15.6 Further Comments from External Consultant 13.09.2022:

We have no further comments to add on this application.

On Point 1. Whilst the developer has included elements of surface SuDS as identified in their email response, the drainage strategy is primarily based on tanked attenuation with added SuDS elements. We note that the swale and wetland basin area are almost managing residual risks. Hertfordshire LLFA guidance has an emphasis on above ground SuDS as a primary consideration. However, a lot of work has gone into this strategy. If the LPA is minded to accept the layout, the scheme appears to provide appropriate attenuation.

What does the LPA want to achieve on this site in terms of SuDS and drainage? Based on other sites we have seen, the layout appears to be acceptable.

On Point 2, this is a very minor point. We would expect to see a simple plan showing the whole site with arrows to show where water would flow (following post-development topography) should the drainage system surcharge in events exceeding 100 year plus climate change design event. This is something that can be managed by the LPA officer from here on. We just want to make sure that offsite flood risk is not increased following development.

On Point 3, this is acceptable and we have no further comment.

9.1.15.7 Officer comment: In response to the above point 2, a plan(s) has been provided.

9.1.16 Hertfordshire County Council Minerals & Waste Policy Team: [No objection]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the Borough Council be minded to permit this application, a number of detailed matters should be given careful consideration.

## **Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

*'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

## Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, new housing and other built development should have regard to the overall infrastructure required to support it, including a sufficient number of waste management facilities that should be integrated accordingly and address the principles of sustainability and the proximity principle. This includes providing adequate storage facilities for waste arisings through the arrangement of separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan

(SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

The Minerals and Waste Planning Authority are pleased to see that a SWMP has been submitted as part of the application. The SWMP submitted is considered adequate and sets out sufficient details the Waste Planning Authority would expect to see included.

Section 2 of the SWMP identifies persons responsible for producing and monitoring the SWMP, as well as the means of waste minimisation. Section 3 outlines the methods and options for managing the different expected waste streams as well as providing estimated figures and space for recording actual figures of waste arisings.

As a reminder, the SWMP must be available to any contractor carrying out work described in the plan and should be forwarded to the Waste Planning Authority when completed. There is no need to provide monthly progress; instead, the final figures at the completion of the project would be sufficient. These should be sent to the Spatial Planning and Economy Unit at the above postal address or by email to: [spatialplanning@hertfordshire.gov.uk](mailto:spatialplanning@hertfordshire.gov.uk)

Evidence supplied by the applicant suggests hazardous material may be present at the site. This material may need to be removed during construction, should the application be permitted. Other than treatment and transfer centres, waste facilities in Hertfordshire do not accept hazardous waste and therefore, provisions must be made by the applicant, within the SWMP, in order to dispose of this waste safely and appropriately. With specific regards to the potential for asbestos containing materials (ACMs) on site, proper management and provision of this hazard must be adhered to given the risks presented to the adjacent residential area.

### **Minerals**

It is noted that the application site falls within the adopted Sand and Gravel Belt. Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to

transport primary materials to the site and make sustainable use of these valuable resources.

9.1.17 Herts. Archaeology: No response received.

9.1.18 Herts Ecology: [No objection]

9.1.18.1 Initial comments 06.06.2022: [Objection]

Thank you for your letter of 17 March 2022 which refers, and for consulting Herts Ecology; I apologise for the delay with this response

### Summary

The proposed development will result in the loss of (part of) the Leavesden Aerodrome North and South Local Wildlife Site.

Neither reasons why this could not have been avoided nor mitigation to reduce the impact have been put forward prior to the use of compensation and no evidence provided to justify if the proposed translocation will be successful.

No measures to deliver a biodiversity net gain are presented.

The assessment of the impact on other ecological features appears superficial and mitigation measures poorly defined.

The proposed development therefore fails to meet (where relevant) planning law, national policy, both existing and emerging local policy and best practice guidance.

The ecological assessment is, therefore, not fit for purpose and I cannot recommend that consent is granted.

This outcome is not irretrievable but considerable work is required across all issues before the proposals can be considered acceptable.

### Full Response

The Hertfordshire Environmental Records Centre shows that proposed development occupies land of both limited and considerable ecological value. Regarding the latter, the presence of the Leavesden Aerodrome North and South Local Wildlife Site (LWS) is important – current proposals will result in the loss of part of this site. This is afforded protection in the existing and emerging local plan and its loss would conflict with its policies.

The application is accompanied by an Ecological Impact Assessment (EcIA) by LC Ecological Services (March 2022) which forms part (Chapter 6, Natural Heritage) of the Environmental Impact Assessment (EIA) along with other related documents. Overall, this claims that impacts will be: '*minor positive impact overall*'.

However, there is evidence that the EcIA focuses primarily on a description on the current site (though this remains unclear – assessing impacts on the LWS would have benefited from a bespoke section) resulting in a superficial impact assessment, with little regard to the mitigation hierarchy with avoidance/mitigation/compensation measures inadequately described. Fundamentally, it underplays the importance of, and impacts on the LWS.

Importantly, the 'mitigation hierarchy' seeks to first avoid harmful effects on ecological features before attempting to mitigate and, as a last resort, compensate for unavoidable losses. Cogent reasons must be provided why harmful impacts are unavoidable and, where



compelling, robust mitigation and, as a last resort, compensation measures (supported by clear objectives and remedial measures if progress is less than expected) must be provided.

In terms of the LWS there is no appreciation of how it compares against established site selection criteria or what role it plays in maintaining the distribution of semi-natural habitats in the area and the network of LWS across the county (though the EclA does describe it as being of '*regional importance*') and what's its loss would represent. The application currently lacks all these elements.

In its defence, the EclA states: 'The proposals will result in the loss of all habitats within this area, and since this [LWS] is of regional value, there is a high magnitude of effect, resulting in a major significance'. However, it goes on to suggest that the translocation of these habitats will ensure that any impacts are 'therefore not significant'.

As far as I can make out, no evidence of avoidance or mitigation is proposed to reduce impacts on the LWS with, instead, reliance placed entirely on the translocation of the habitats and seeding elsewhere. Translocation is challenging, to say the least, dependent on many factors such as the soil chemistry, drainage and, fundamentally, long term management. None of these difficulties are described nor how they will be addressed save that they '*will be carefully managed*' (see the 'Ecological Commitments for WBSL Masterplan 2022 ... Interim Update'). For instance, there is no methodology for how the translocation will be carried out. Without this, and other evidence, it is surprising the EclA was able to draw such positive conclusions.

The same appears to be true for the impact assessment, mitigation and compensation for other ecological features with little evidence provided to show that impacts on these, such as arable plants reptiles, bats and badgers (amongst, potentially, others) can be justified or successful. The Landscape Strategy provides little detail with reliance apparently placed on habitat creation informed by seed mixes with little evidence of how these will be managed, and their function and role secured for the long-term. I could neither find measures, such as a lighting plan to accommodate bats, or a description on how impacts on badgers will be managed other than an indication that a replacement sett may be required (in the Construction Environmental Management Plan (CEMP) and the 'Interim Update').

The intention to update the CEMP once a contractor is appointed is not adequate as such important details will be required now before any consent is granted.

Consequently, the mitigation and compensation proposed cannot be described as reasonable, proportionate or adequate to meet established expectations.

Equally fundamentally, there are no proposals to deliver a biodiversity net gain. This is now mandatory, yet no biodiversity metric is provided or any description of the magnitude or significance of the losses that will arise is provided or what measures will be required to deliver it.

I could find only limited references to net gain in the application documents, one in the 'Interim Update' which states '*The BNG calculations will be updated in due course.*' This ambivalent statement is unacceptable. Net gain requirements must be established prior to consent being granted.

In contrast, the Planning Statement refers to net gain several times suggesting this will be met. For instance, it states: '*The proposals seek to achieve a significant increase in biodiversity net gain across the site.*' Given its inclusion in this document, it is assumed the applicant anticipates this will attract considerable weight in any planning decision. At present, this would not be justified.

It appears that ecological matters are far from being finalised with key details absent.

The proposed development therefore fails to meet (where relevant) planning law, national policy, both existing and emerging local policy and best practice guidance.

Consequently, I cannot agree with the conclusions of the EclA/EIA/Planning Statement etc given the shortcomings described above purpose, and I cannot recommend that consent is granted at present.

This outcome is not irretrievable but considerable work is required across all issues before the proposals can be considered acceptable.

#### 9.1.18.2 Further comments 21.09.2022: [No objection]

Thank you for your original letter of 17 March 2022 and subsequent provision of additional documents which refer; I apologise for the delay with this response. A summary of my findings is given below followed by a fuller response. All are based on the new information provided after my original letter.

##### Summary

My original letter of 6 June 2022 highlighted fundamental omissions from the application which would have prevented the Council from granting consent.

New information has been provided which answers my concerns.

Matters of clarification are still required but by securing the embedded and proposed avoidance, mitigation, compensation and net gain measures, ecological constraints will be removed and allow consent to be given.

##### Full response

Further to my letter of 6 June 2022, the application is now accompanied by the following:

- an updated Ecological Impact Assessment (or EclA) (July 2022),
- an updated Landscape and Ecological Management Plan (or LEMP) (July 2022),
- a Masterplan 2022 Biodiversity Net Gain report by LC Ecological Services (July 2022), and
- a response to my original letter entitled 'Further information to support Warner Bros. Studios Leavesden application 22/0491/FUL) Applicant Ecology Response letter' (18 August 2022) (or 'response letter'),
- a 'BNG Metric 3.1' (undated but uploaded on 1 August 2022) all by LC Ecological Services. In addition, there is an:
- updated Construction Environmental Management Plan (or CEMP) (July 2022) by Warner Bros, along with other related documents.

Other (original documents) remain relevant, eg the External Lighting Strategy and Impact Assessment of March 2022 (Warner Bros).

Importantly, the application will still result in the loss of (part of) the Leavesden Aerodrome North and South Local Wildlife Site. This would be contrary to local planning policy. However, I am now satisfied with the review of this and other LWSs in the area, the avoidance measures taken and the justification for the proposed loss.

Furthermore, mitigation and compensation proposed is adequate to offset this loss and meet the expectations of planning policy. As part of this, I am satisfied that the LWS has declined in value and in the absence of management, will continue to do so. It's prognosis without intervention in the medium and long terms, is poor.

The translocation methodology is sound in principle and I have confidence in the skills of the existing ecological consultants to deliver this. However, I note it is proposed that the detailed methodology will be refined subsequently by means of a condition; I am now happy for this to be the case. A key element in ensuring a successful outcome will be the skills of the chosen groundworks contractor. A way should be found to ensure that one with the necessary equipment, skills and proven track-record is appointed.

Whilst I strongly support the adoption of 'adaptive management' to be reviewed at regular intervals, it is imperative such plans are accompanied by robust, quantified objectives that can be easily monitored and that achievable remedial measures are available and feasible.

The proposed development will, in addition, deliver a biodiversity net gain of 12.65% (habitat units) and 51.90% hedgerow units). Whilst a clearer definition (by maps or otherwise) of what 'landscaping' constitutes measures to deliver a biodiversity net gain and what does not would have been helpful. However, I have no reason to doubt the overall analysis.

In agreeing with this, I am satisfied that despite the inability of the proposed development to satisfy 'trading rules' the proposal to create grassland rather than bramble scrub represents a better ecological outcome.

In terms of badgers, a Natural England licence will be required but adequate information has been provided regarding sett closure and replacement and land management) to assure me that there are no reasons why one will not be secured in due course. This will allow planning permission to be granted and the licence to be obtained post-consent.

Regarding bats, I presume that the trees around Gypsy Lane which provide high potential to support roosting bats, will be unaffected by the proposals as no further surveys appear to have been carried out. This should be clarified with the applicant.

Overall, therefore, if all mitigation and compensation measures can be secured (these comprise a range of embedded measures (eg the CEMP and lighting strategy and others requiring conditions or similar), I recommend that planning permission could be granted.

However, the above conclusions are stated on the assumption that all created/managed habitats will be managed for a period of 50 years. This is based on text in the response letter which states:

'WBSL will commit to management of the translocated grassland and created habitats for a period of 50 years to ensure the longevity of these habitats.'

I take this to mean that not only will the translocated habitats be managed for a period of 50 years, but so will all other created habitats. The latter includes those created to secure a biodiversity net gain and other landscaping measures. This should be explicitly secured in any consent; the documents before me appeared to be a little consistent on this matter.

For instance, the LEMP management plan suggests a mix of five- and ten-year interventions with the suggestion, in some, of the review of management plans and activities at the end of each period. These are important elements of the long-term management of the site and should be clarified or secured by condition or otherwise as appropriate.

Furthermore, apparent inconsistencies arise between various documents. For instance, s3 of the Summary (p1) and s4.3.3 (p35) of the LEMP (suggesting aftercare for 30 years) would

appear to contradict the 'response letter' (50 years). Elsewhere, various tables within the LEMP suggest only a five-year management plan for the translocated habitats.

Providing these uncertainties can be clarified that would meet my assumptions above, and non-embedded measures secured, I would be able to agree that in ecological terms there will be a 'minor positive impact overall' as claimed by the applicant.

9.1.18.3 Officer comment: In response to the above the applicant has confirmed that the trees along Gypsy Lane are to be retained and that the LEMP will cover management of the translocated grassland and created habitat for 50 years.

9.1.19 Hertfordshire Fire & Rescue Service: No response received.

9.1.20 Hertfordshire Local Enterprise Partnership: [Support]

I am writing in support of your planning application to Three Rivers District and Watford Borough Council to include 11 new state-of-the-art sound stages, production workshops, dedicated production offices, storage, support and backlot filming space.

This is a really exciting step forward in the development of the film and TV industry, reinforcing the UK's position as a global player and stimulating local job creation, skills development and future inward investment opportunities.

Hertfordshire is already a global leader in the industry and its creative sector has rapidly expanded in the past 12 months, strongly establishing the county as a key location for film and TV production in the UK and a prime destination for on-location filming with screen tourism a key focus for Visit Herts recovery strategy post COVID.

An independent report into the health of the sector commissioned by Hertfordshire LEP, has identified what will be needed to enable the industry to grow sustainably as well as leverage its economic, social, and environmental value both locally and nationally.

One of the key interventions will be to address the acute lack of stage space in the UK and evidence of significant future demand, from inward investors in the global feature film and high-end TV drama market. Hertfordshire is perfectly positioned to respond to this unprecedented demand. Driven in large part by access to Heathrow Airport and central London, the hub of UK Film and TV Production is defined around a 'wedge' that extends from central London (Soho) out through west London across an arc that (loosely) follows the M25 – approximately from the M3 in the west to the A1(m) in the east. Hertfordshire is fully part of this broader footprint.

The future expansion of Warner Bros. Studios Leavesden will be key. It is already a well-established studio in the UK. Due to its scale and nature of its facilities including on-site virtual production, expansive backlot and on-site post production facility, it is a highly sustainable location for productions resulting in time and financial efficiencies.

It is also open to other production studios and has been home to some of the most commercially successful franchises filmed in the UK including Fast & Furious (Universal) and Mission Impossible (Paramount).

Securing planning consent to support its continued expansion will be central to establishing long-term employment opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry to catering. Crucially, the benefits of additional investment to The Studios is not limited to the local area but will also support the wider UK economy through production on-location filming across the Nations and Regions, as seen in recent productions The Batman filming in Liverpool and House of The Dragon filming in Cornwall.

Our Annual Conference broadcast live from Warner Bros. Studios Leavesden last year demonstrated that there is a real appetite to work together to stimulate future investment, drive local job creation and spearhead skills development, putting Hertfordshire at the fulcrum of the film and TV industry's future growth.

We strongly support this planning application which will continue to grow a world-class facility on our doorstep and deliver huge positive benefits to residents and businesses in the supply chain.

9.1.21 London Screen Academy: [Support]

I am writing to express the support of The London Screen Academy for the planning application submitted by Warner Bros. Studios Leavesden.

As background, The London Screen Academy was set up by some of the UK's most successful producers to enable 16-19 year olds to access the screen industries or progress to higher education through high quality learning within a diverse, accepting and supportive community.

It is an incredibly exciting time for our students as the UK screen industry has never been stronger offering young people the opportunity to carve a lasting career in the sector.

For the UK to maintain its position in the international market the high demand for stage space needs to be met. It's vital that studios invest in their facilities to fulfil significant future demand from inward investors in the global feature film and high-end TV drama market.

WBSL has a proven track record in reinvestment and is an established high-end facility which is much sought after. It is uniquely owned by a producing studio (Warner Bros. Discovery) and therefore is particularly important to the economic sustainability and sector growth driven by franchise films (Fantastic Beasts) and multi-season TV shows (HBO's House of The Dragon) which create stability and security within the industry and long-term employment and training opportunities for crew. Its doors are also open to non-Warner Bros. films and the studios have hosted some of the most commercially successful franchises filmed in the UK including Fast & Furious (Universal) and Mission Impossible (Paramount).

The benefits of additional investment to the studios are not limited to the immediate area but will support the wider UK economy through productions on-location filming across the Nations and Regions, as seen in the recent productions of The Batman filming in Liverpool and Wonka filming in Bath.

These plans are a real opportunity for the growth of our sector and have our full support.

9.1.22 London Underground Infrastructure Protection: [No objection]

I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

9.1.23 National Film & Television School: [Support]

As Director of the National Film and Television School, I write in support of the planned expansion of Warner Bros Studios Leavesden.

The proposed development is critical to cementing the local area as the leading destination for Film and Television in the UK whilst helping to maintain our position globally against fierce competition. There is a proven lack of stage space and evidence of significant future demand.

I support all aspects of the development including the additional stages, workshops and backlot filming space. Warner Bros have always been at the forefront of setting standards and practices. Their WonderWorks, health and wellbeing facility is a model for studios globally.

At the NFTS we run more behind the camera courses than any other film school in the world, with courses covering all aspects of film and television production. We have an extremely close connection with Warner Bros Studios Leavesden, and many of our graduates and alumni have gone on to work on some of the biggest films in the world there. Recently, no less than sixteen of our graduates worked on Fantastic Beasts (including the film's Director David Yates) and many are currently at Leavesden working on Mission Impossible and Barbie in the art department and other key production roles.

At the NFTS we welcome all inward investment into the UK film industry, and particularly when it will create and support so many jobs and opportunities for our graduates locally on both Warner Bros and HBO projects but also projects for other major studios.

I hope you will give your full support to this investment, which will ensure that Warner Bros Studios Leavesden can continue to support UK film students for years to come, and will ensure that they have world-class facilities in which to practice their trade once they graduate.

9.1.24 National Grid: [No objection]

### **Your planning application – No objection, informative note required**

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

#### **What you need to do**

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.*

*If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://cadentgas.com/diversions)*

*Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.*

## **Your responsibilities and obligations**

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter.

9.1.25 National Highways: [No objection subject to conditions]

9.1.25.1 Initial comments 27.07.2022: [Objection]

Referring to the full planning application referenced above, notice is hereby given that National Highways formal recommendation is that we

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

## **Annex A National Highway's assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the Transport Assessment (TA) and other relevant planning documents as prepared on behalf of the applicant by Markides Associates. National Highways interests relate to the operation and safety of the SRN, and in the case of this proposed development, we are interested in the potential impact upon the M25 J19, J20 and J21a and the M1 J5 and J6. M25 J21a and M1 J6 in particular are heavily overloaded as is the connecting section of the A405 trunk road. We are interested as to

whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation.

National Highways understands that the site has comprised a film studio complex since 1994, with over 100,000sqm of studio space, a large backlot area and the separate Warner Bros. Studio Tour London visitor attraction. There have been numerous applications made in recent years in relation to the studio element of the site, most notably application 15/1852/FUL, which included a masterplan for the complex. More recent applications submitted have provided additional detail and amendments. This proposed development is for 70,559sqm of new studio space, including new sound stages, offices and workshops at the main studio site, and a set lighting support facility and 2500 space multi storey car park located on a separate 'Island Site', requiring provision of a new access roundabout. We understand that the uplift in floor area for the proposed development equates to approximately two-thirds of the existing floorspace on site, and this two-third uplift has been used to inform all traffic forecasting.

National Highways do not appear to have been consulted at pre-application stage regarding these proposals. We would always recommend to applicants that we are consulted early in the TA scoping process for each new application, to ensure impacts to the SRN are appropriately assessed, and to prevent delays once the application has been submitted.

### **Trip Generation and Distribution**

The trip generation forecasting for this new application has been undertaken based on observed entry/exit flows at the existing studio facilities, which has then been used to derive a trip rate per 100sqm to be applied to the new development, based on a two-thirds increase in studio floorspace. The assessment of both site peak hours and network peak hours is considered acceptable. The entry/exit data used has been sampled between January 2020 and August 2021. This period coincided with several nationwide lockdowns related to the Covid-19 pandemic and shutdowns of productions at the studio complex. Although the TA states that the specific lockdown periods have been excluded from the assessment, we consider that the recovery of site traffic to pre-Covid levels is likely to have taken substantially longer.

To provide greater confidence in the forecasting, National Highways would like to see a comparison with pre-pandemic entry/exit data to better understand normal annual travel patterns for the site, including peak periods. Within the data sampled across this period, the applicant has chosen to calculate vehicle trip rates based upon the average number of staff on site (2759) rather than the peak number (3853). We request a sensitivity test be carried out using peak day trip forecasts to provide a worst case scenario for potential impacts at SRN junctions. We would also recommend that as best practice, the applicant undertake a comparative assessment using person trip rates generated from TRICS (in line with best practice guidance) applying local mode shares derived from 2011 Census data and calculating the numbers of trips by differing modes of travel, including private vehicles. This will provide National Highways with further confidence in the forecasting submitted.

Vehicle trip distribution and assignment of existing studio traffic has been identified at nearby junctions using the results of an ANPR survey conducted in July 2021. This has then been used to proportionally distribute proposed new development trips. Beyond these junctions, distribution has been assigned based on existing turning proportions at each junction. We do not believe sufficient detail has been provided within the TA regarding distribution of trips onto the local and strategic road networks. National Highways would generally expect trip distribution and assignment to be identified from census data and using suitable journey mapping software.

Table 6.1 within the TA shows the percentage changes in two-way flow as a result of the development on the links leading to the two assessed SRN junctions. Percentage increases in traffic are of limited use to National Highways, as most developments generate a limited



percentage impact at SRN junctions, given the high volumes of traffic that travel through them. Further clarification on net changes in flows will be required before trip impacts for the SRN can be agreed. Proposed vehicle trip impacts should be clearly presented within the TA as turning movements at SRN junctions; at the moment the number of proposed trips reaching our network is not clearly shown.

## **Junction Assessments**

The percentage changes in link flows have been used to justify whether junction capacity assessments are considered necessary. The TA provides a modelled assessment of the impact of the proposed development for M25 J21A and M1 J6, however the impact upon the remaining SRN junctions in the vicinity, including M25 J19 and J20 and the M1 J5 has not been assessed. Our previous advice regarding the need to assess only these two junctions was provided in relation to the 2015 masterplan application, however the situation on our network has evolved significantly since then. We request additional assessment is carried out into the potential impacts at the other nearby SRN junctions. We provide initial comments on the assessment carried out for M25 J21a and M1 J6 and the mitigation proposed below, however we are still reviewing the modelling data provided and will provide further comment on this in due course.

In undertaking the capacity assessments at M1 J6 and M25 J21A, junction models should first be validated and calibrated to ensure they replicate the junction's current operation. National Highways will require the evidence to understand how these junction models have been constructed and how validation / calibration has been undertaken. Only once validated, should the model be used for testing reference case (with committed developments) and forecast development scenarios.

It is understood that as part of previous planning submissions for this site, physical mitigation measures were proposed at M25 J21A to mitigate the impact of the development which the applicant is yet to implement. National Highways was most recently consulted on 19/1944/FUL which comprised 'Development of T, U and V stages along with new office building and landscape improvements'. In our response to this application, we noted that within the 2017 application for part of the site (17/2240/FUL), the applicant undertook analysis on M25 Junction 21a which concluded that their development would have a material impact on queues at M25 J21a on the A405 south arm. The applicant proposed mitigation for the widening of the A405 south arm. The condition that was applied to the application was:

### **6 Access**

**Agreement shall be reached between the Developer and Highways England as to the level of financial contribution to be made in respect of agreed mitigation works to M25 J21A. The said works will be implemented as part of an agreed S278 scheme pertaining to the development of the Radlett Strategic Rail Freight Interchange.**

**Reason: To ensure that the M25 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).**

**Details not required for discharge. I trust you will comply with the requirements of this condition.**

There is no confirmed date for the the Radlett Strategic Rail Freight Interchange to come forward, therefore the outstanding mitigation for the Warner Bros. development could be bought forward independently. At the moment, the future year reference case flows shown for this junction within Table 6.15 in the TA may be elevated due to the unmitigated impact of previous schemes at the studio complex.

We note the currently proposed mitigation for the impacts of this current scheme within the submitted Travel Plan comprise a target for 10% reduction in car mode share by 2025, introduction of shuttle bus services to local hubs, and investigation into potential for a bespoke ride sharing app for the site. Whilst we welcome measures to reduce the use of private vehicles, given the outstanding mitigation scheme at M25 J21a and the scale of new development proposals, we consider they are unlikely to be sufficient to mitigate the impacts on our network, as demonstrated in Table 7.4.

We draw your attention to Paragraphs 9 and 10 of the DfT Circular 02/2013 which refers to development proposals being unacceptable, by virtue of a severe impact, if they increase demand for use of a section of the network that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision, unless suitable mitigation is agreed. National Highways considers that any development trips adding to a grade separated junction off-slip, which then results in mainline queuing, extends a mainline queue, and/or increases the frequency at which a mainline queuing occurs, to be an unacceptable safety impact. In such a circumstance, we would seek mitigation measures for any severe / significant impacts generated.

## Summary

National Highways has undertaken a review of the relevant planning application submission documents and further clarification / additional information is requested in relation to the following:

- The travel survey data used for trip forecasting has been sampled between January 2020 and August 2021. This period coincided with several nationwide lockdowns related to the Covid-19 pandemic and shutdowns of productions at the studio complex. Although the TA states that the specific lockdown periods have been excluded from the assessment, we consider that the recovery of site traffic to pre-Covid levels is likely to have taken substantially longer. To provide greater comfort, National Highways would like to see a comparison with pre-pandemic entry/exit data to better understand normal annual travel patterns for the site, including peak periods.
- The applicant has chosen to calculate vehicle trip rates based upon the average number of staff on site across the sample period (2759) rather than the peak number (3853). We request a sensitivity test be carried out using peak day trip forecasts to provide a worst case scenario for potential impacts at SRN junctions.
- We recommend as best practice to further validate trip generation forecasts, the applicant undertake a comparative assessment using person trip rates generated from TRICS (in line with best practice guidance) applying local mode shares derived from 2011 Census data and calculating the numbers of trips by differing modes of travel, including private vehicles.
- We do not believe sufficient detail has been provided within the TA regarding distribution of trips onto the local and strategic road networks. National Highways would generally expect trip distribution and assignment to be identified from census data and using suitable journey mapping software. Proposed vehicle trip impacts should be presented as turning movements at SRN junctions based upon this.
- Table 6.1 of the TA shows the percentage changes in two-way link flows as a result of the development, including on the links leading to the two assessed SRN junctions. Percentage increases in traffic is of limited use to National Highways. Proposed vehicle trip impacts should be clearly presented within the TA as turning movements at SRN junctions; at the moment the number of proposed trips reaching our network is not clearly shown.
- The TA provides a modelled assessment of the impact of the proposed development for M25 J21A and M1 J6, however the impact upon the remaining SRN junctions in the vicinity,

including M25 J19 and J20 and the M1 J5 has not been assessed. We request additional assessment is carried out regarding the potential impacts at the other nearby SRN junctions.

- Further information should be provided regarding the status of previously agreed mitigation scheme at M25 J21a. It appears this has not yet been implemented, and as a result the reference case flows shown for this junction within the TA may be elevated due to the unmitigated impact of previous schemes at the studio complex.

### **Recommendation**

National Highways recommends that Three Rivers District Council does not grant planning permission for the development proposals (Ref: 22/0491/FUL) for a period of 56 days from the date of this NHPR and covering email. Therefore the holding recommendation should remain in place until 27 July or until National Highways issues an updated recommendation.

Reason: To provide the applicant with sufficient time to address outstanding concerns regarding development traffic impact on the SRN

#### 9.1.25.2 Further comments 21.09.2022: [Objection]

Referring to the full planning application referenced above, notice is hereby given that National Highways formal recommendation is that we

- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

#### Annex A National Highways assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways originally issued a holding recommendation for this application at the start of June, whilst we awaited additional information from the applicant regarding the proposed impact of the development on nearby SRN junctions. As part of the original holding recommendation, we made the following summary points requesting further clarification / additional information:

- The travel survey data used for trip forecasting has been sampled between January 2020 and August 2021. This period coincided with several nationwide lockdowns related to the Covid-19 pandemic and shutdowns of productions at the studio complex. Although the TA states that the specific lockdown periods have been excluded from the assessment, we consider that the recovery of site traffic to pre-Covid levels is likely to have taken substantially longer. To provide greater comfort, National Highways would like to see a

comparison with pre-pandemic entry/exit data to better understand normal annual travel patterns for the site, including peak periods.

- The applicant has chosen to calculate vehicle trip rates based upon the average number of staff on site across the sample period (2759) rather than the peak number (3853). We request a sensitivity test be carried out using peak day trip forecasts to provide a worst case scenario for potential impacts at SRN junctions.
- We recommend as best practice to further validate trip generation forecasts, the applicant undertake a comparative assessment using person trip rates generated from TRICS (in line with best practice guidance) applying local mode shares derived from 2011 Census data and calculating the numbers of trips by differing modes of travel, including private vehicles.
- We do not believe sufficient detail has been provided within the TA regarding distribution of trips onto the local and strategic road networks. National Highways would generally expect trip distribution and assignment to be identified from census data and using suitable journey mapping software. Proposed vehicle trip impacts should be presented as turning movements at SRN junctions based upon this.
- Table 6.1 of the TA shows the percentage changes in two-way link flows as a result of the development, including on the links leading to the two assessed SRN junctions. Percentage increases in traffic is of limited use to National Highways. Proposed vehicle trip impacts should be clearly presented within the TA as turning movements at SRN junctions; at the moment the number of proposed trips reaching our network is not clearly shown.
- The TA provides a modelled assessment of the impact of the proposed development for M25 J21A and M1 J6, however the impact upon the remaining SRN junctions in the vicinity, including M25 J19 and J20 and the M1 J5 has not been assessed. We request additional assessment is carried out regarding the potential impacts at the other nearby SRN junctions.
- Further information should be provided regarding the status of previously agreed mitigation scheme at M25 J21a.

We have been in contact with the transport consultants acting on behalf of the applicants over the past couple of months and have now agreed a position regarding trip generation, distribution and assignment for the development. We are currently reviewing updated traffic forecasting provided to us on the 16th September and will continue to correspond with the transport consultants on the remaining outstanding concerns we have around SRN impacts.

We have also proposed a meeting with the Local Highway Authority and the applicants transport consultants to ensure there are no conflicts between proposals for the SRN and LRN (local road network).

We draw your attention to Paragraphs 9 and 10 of the DfT Circular 02/2013 which refers to development proposals being unacceptable, by virtue of a severe impact, if they increase demand for use of a section of the network that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision, unless suitable mitigation is agreed. National Highways considers that any development trips adding to a grade separated junction off-slip, which then results in mainline queuing, extends a mainline queue, and/or increases the frequency at which a mainline queuing occurs, to be an unacceptable safety impact. In such a circumstance, we would seek mitigation measures for any severe / significant impacts generated.

We hope to be able to reach agreement on the remaining points above and will provide a further update on our position, including any remaining areas of difference, in due course.

#### Recommendation

National Highways recommends that Three Rivers District Council does not grant planning permission for the development proposals (Ref: 22/0491/FUL) for a period of 56 days, up to 16 November 2022.

Reason: To provide the applicant with sufficient time to address outstanding concerns regarding development traffic impact on the SRN.

9.1.25.3 Further comments 04.11.2022: [No objection subject to conditions]

Referring to the full planning application referenced above, notice is hereby given that National Highways formal recommendation is that we

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

**Annex A National Highways assessment of the proposed development**

National Highways was appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the Transport Assessment (TA), Travel Plan (TP) and other relevant planning documents as prepared on behalf of the applicant by Markides Associates. National Highways interests relate to the operation and safety of the SRN, and in the case of this proposed development, we have been interested in the potential impact upon the M25 J19, J20 and J21a and the M1 J5 and J6. We were interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation. National Highways understands that the site has comprised a film studio complex since 1994, with over 100,000sqm of studio space, a large backlot area and the separate Warner Bros. Studio Tour London visitor attraction. There have been numerous applications made in recent years in relation to the studio element of the site, most notably application 15/1852/FUL, which included a masterplan for the complex. More recent applications submitted have provided additional detail and amendments. This proposed development is for 70,559sqm of new studio space, including new sound stages, offices and workshops at the main studio site, and a set lighting support facility and 2500 space multi storey car park located on a separate 'Island Site', requiring provision of a new access roundabout. We understand that the uplift in floor area for the proposed development equates to approximately two-thirds of the existing floorspace on site, and this two-third uplift has been used to inform all traffic forecasting.

We have been in regular contact with the transport consultants acting on behalf of the applicants since May 2022 and through ongoing discussion, are now satisfied that given the numbers of trips proposed and the travel planning measures secured, no further action is required with regards to M1 J5, M1 J6, M25 J19 and M25 J20.

Our only area of outstanding concern remains the impact of the development on M25 Junction 21a, specifically the anticlockwise off slip, which we believe experiences queuing back to the mainline at peak times, and the A405 northbound approach which is also significantly over capacity. Given the time constraints around the progression of this

application to planning committee, we have not had time to conclude National Highways review of the modelling of J21a and therefore have also not agreed a finalised improvement scheme required to offset the impact of the development on the junction. We are also aware that the consented Strategic Rail Freight Interchange scheme at Radlett, has proposed a larger scale mitigation scheme at J21a. Currently there is no confirmed delivery timescale for that mitigation.

However, it has become clear through ongoing dialogue, that in the absence of an alternative scheme coming forward in the interim, Warner Bros is willing to deliver an appropriate scale of mitigation at this junction which should in principle mitigate the impact of the development traffic, specifically on the two affected arms. We are therefore prepared in this instance to adopt a pragmatic approach and have jointly agreed with the applicant to address the outstanding concerns through the inclusion of a condition and informative as detailed below. The wording of both the condition and informative have also been agreed with the applicant.

### **Recommendation**

National Highways recommends that the following condition and informative are attached to any planning permission that may be granted.

#### **Condition 1**

*No new buildings forming part of the development hereby approved (application reference: 22/0491/FUL), shall be occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways). The approved works to M25 Junction 21a shall be implemented in full and open to traffic prior to occupation of any new building forming part of this application unless otherwise agreed in writing.*

#### **Informative**

*At this stage National Highways has only agreed the principle of the need to improve M25 Junction 21a. Any subsequently identified scheme will need to demonstrate that it will be able to mitigate the impacts of the development set out in 22/0491/FUL. This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a Legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.*

*It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.*

*Reason: To mitigate any adverse impact from the development on the M25 J21a, to ensure that the M25 J21a continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

9.1.26 National Planning Casework Unit: [No comment]

I acknowledge receipt of the environmental statement relating to the above proposal. I confirm that we have no comments to make on the environmental statement.

9.1.27 Natural England: [No objection]

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

9.1.28 Network Rail: [No objection]

Network Rail has the following comments:

- (1) Network Rail notes that the proposal includes use of the west side of the site and therefore there is a risk of road vehicle incursion (rvi) on to the railway. The applicant will need to agree with Network Rail all RVI risk mitigation measures to prevent any vehicle incursion onto the railway.
- (2) Network Rail notes that there was a derailment at Watford Tunnel a few years back – with works undertaken which were not notified to Network Rail to the cutting slope.

As the applicant owns all the land to the west of the down fast from the tunnel up to and beyond Gypsy Lane bridge – this land falls away from the railway - it looks as though there is no buildings or hardstandings being planned (can the developer please confirm) so it is unlikely this will be an issue to Network Rail so the main area of concern is behind the tunnel portals and slightly on the up side where although new temporary buildings are being shown, it is assumed that they will have hardstandings and potentially parking areas created. It will be essential that these drain away from the railway and if there is any attenuation planned, it is well away from the tunnel portal / up slow.

In light of the previous derailment, it is essential that all hard standings be they permanent or temporary have positive drainage falls away from the railway and drained away from Network Rail infrastructure to avoid a repeat incident. Network Rail need to review the applicant's drainage design / plans as part of their planning application.

Whilst Network Rail has no objection to the proposal in principle there are areas of concern which require Network Rail interface and review/agreement of works in relation to RVI and drainage and therefore at this stage no works are to commence until the above are agreed with Network Rail.

9.1.29 Screen Skills: [Support]

I am writing as CEO of ScreenSkills, the industry-led skills body for the UK's screen industries, to support the expansion plans of Warner Bros. Studios Leavesden.

The UK is currently benefiting from a production boom attracting high levels of investment from the global film and high-end TV drama market. This is of significant benefit to the economy and means there are considerable employment opportunities for a wide range of people with different skills from carpentry to catering and hair and make-up to accounts as well as those working with new and evolving tech.

Warner Bros. Studios Leavesden is already a well-established studio in the UK and the scale and nature of its facilities including on-site virtual production and post-production facility mean there are time and financial efficiencies that help make the studios a sustainable location for productions.

As Warner Bros. Studios Leavesden is owned by a producing studio, Warner Bros. Discovery, it is particularly valuable to the economic sustainability and growth of the sector, driven by franchise films such as Fantastic Beasts and multi-season TV shows like HBO's House of The Dragon which create stability and security within the industry and long-term employment and training opportunities for crew. The studios also host other commercially

successful franchises such as Fast & Furious, made by Universal, and Paramount's Mission Impossible.

Warner Bros. Studios Leavesden has an important role in establishing long-term employment opportunity for local people in Hertfordshire and the surrounding counties. There is a broader benefit to the wider UK economy as it is common for large-scale productions based at the studios to do on-location filming in other parts of the country, as The Batman did in Liverpool.

Warner Bros. Discovery collaborate closely with ScreenSkills, on a range of training initiatives, including the Trainee Finder trainee programme and an apprenticeship programme, to ensure there is the skilled and inclusive off-screen workforce this activity requires. We would expect the expansion plans to contribute further to this very important work.

#### 9.1.30 Thames Water: [No objection]

##### Waste Comments:

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

##### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.



The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### 9.1.31 The Chiltern Society: [Objection]

##### 9.1.31.1 Initial comments: [Objection]

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

The Chiltern Society object to the expansion of the Warner Bros site at Leavesden principally on the grounds of the permanent loss of Green Belt land and the adverse impact on the environment around Gypsy Lane which is a heritage feature of the area. Also, the development of the 'Island Site' robs an area of Green Belt separating the towns of Watford and Abbots Langley. The special circumstances required for release of the Green Belt land are not adequately proven. The Society does however support the plans for the Lower Field to the West of Gypsy Lane.

The impact on the wider views from the A41 in the vicinity of the junction with the M25 Spur and from the higher ground to the West, around Langleybury, are not presented in any detail and this needs to be corrected. Today, use of Backlot 2 is clearly visible with inadequate screening around the site.

Should the Development proceed, more attention to screening is required. Current tree planting to the East of Gypsy Lane is inadequate – more mature trees are required. The cross-section (A-A) of land profile taken across Gypsy Lane to show the shielding of Backlot 2 is not representative of the whole lane as the contours vary along the lane. Generally, screening across the current site is poor, not helped by the hideous yellow slab-sided buildings. Cannot the buildings be multi-shades of green to better blend with the environment? The impact of the new car park and overhead walkway need to be better assessed with views presented from the resident areas. The appearance of these buildings is crucial to the look of the site and there seems to be little attention given to the style, screening and materials used.

There is clearly a traffic problem today around the site which is likely to get worse with the proposed expansion. Details of this are best left to the local residents who have to live with the consequences. The traffic surveys taken are possibly invalid due to the reduced traffic in times of Covid, however it is suggested that an independent survey and assessment is made with appropriate modelling of the proposed new road scheme.

##### 9.1.31.2 Further comments: [Objection]

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

Whilst the Chiltern Society strongly campaign against the inappropriate loss of Green Belt, we appreciate the recent steps to mitigate damage caused through the extra screening along Gypsy Lane and the A41 and addressing the biodiversity issues raised earlier.

However, we would like to make the following additional comments.

The Lower Field should be protected with a covenant to protect it against future development. Alternatively, to put it under the stewardship of a nature trust or similar. We believe this has also been raised by local political groups and put to Three Rivers DC.

On the management of biodiversity and achievement of the 'net gain' we believe that WB should work closely with local nature groups and use their expertise and local knowledge to consult with and oversee improvements in this area.

Finally, whilst outside the current application, it would be a nice touch to improve the appearance of the whole site with better screening and choice of paint colour. In particular on the large yellow buildings as seen from Langleybury. This natural view across the valley is seriously impacted by these large buildings on the skyline.

9.1.32 Three Rivers District Council - Heritage Officer: [No objection]

This application is for the provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling.

The application is located within the setting of several designated and non-designated heritage assets. The northwest corner of the application site bounds the Hunton Bridge Conservation Area, however, this section of the site would be preserved as verdant field and will benefit from ecological enhancements. This would preserve the setting of the Conservation Area.

Taking into consideration the distance of the other assets from the application site; the extent of existing development of the Warner Bros. Studios as well as other residential development within the locale; existing landscaping and topography of the land it is unlikely that the proposed development would have an adverse effect on the significance of the surrounding heritage assets. Any views of the structures within the application would only be glimpsed so the visual impact (if any) would be low. It is also understood that the structures located in the Backlot and Support Facility area would not be permanent. Therefore, I would not raise an objection to the proposal. The proposal would be compliant with section 16 of the NPPF 'Conserving and enhancing the historic environment' as well as Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.1.33 Three Rivers District Council - Development Plans: [No objection]

The Core Strategy (adopted 2011) recognises the Studios as being nationally important (Place Shaping Policy PSP2) and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District such as Leavesden Aerodrome.

In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy, both as a local employer and as a centre to contribute to the growth

of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios (adopted 2014). Despite this, the application site falls within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'.

Policy DM12 of the Development Management Policies (adopted July 2013) is met by the proposal by not only protecting the filming operations at the Studios, but also by enhancing them. Policy SA8 of the Site Allocations LDD states that development on the Leavesden Studios site 'must be in relation to the Leavesden Studios operations and associated uses'. This proposal meets the requirements of both policies.

9.1.34 Three Rivers District Council - Environmental Health (Residential): [No objection]

**Re: 22/0491/FUL** - *The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling at Warner Bros.*

**The Proposed Masterplan Noise Report**

I have reviewed the Site Plan 206/0600/SP2, the description of development for the above proposal, including the overarching principles contained in:

- Policy DM9 Contamination and Pollution under TRDC Development Management Policies Local Development Document 2013
- Noise Policy Statement for England (NSPSE)
- Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF)

RSK Acoustics Noise survey identified residential receptors to the east at Ashfields, to the south beyond the A41 dual carriageway (Greenbank Road and Courtland Close), the residences on Old Mill Road and the Maltings at the west/north-west, and a hotel to the north (assessed from South Way). Notably, the **critical potential noise sources** would emanate from:

*a/ Temporary Construction Noise*

The Principal contractor should comply with the appropriate Construction Environmental Management Plan (CEMP) under BS5228 throughout the scheme's construction duration to minimise noise impact on receptors.

*b/ The use of land to the west of the Studios for film production and associated activities (Backlot 2)*

The prominent noise issues will arise during the construction of sets. Understandably, noise levels are not typically deafening, except when the film crew use special effects. Nevertheless, I would suggest that residents are warned (at least two weeks) in advance of such events. Additionally, I expect noise from the Backlot activity and set building to be

similar to construction activities; therefore, CEMPs should guide WBSL to minimise the noise emission.

*c/ Multi-storey carpark*

The proposed design seeks to limit noise impact on receptors. In particular, the construction of bund and side-wide landscaping will provide acoustic shielding for vehicular noise. However, WBSL should put in controls to ensure no overspill of cars onto nearby residential areas.

*d/ Additional road traffic*

The total assessment in schedule 206/0600/SCH1 indicates negligible noise impact, with only one road link assessed with a minor disturbance, thus complying with the aims of the policy documents mentioned above. Nonetheless, WBSL should carefully enforce speed limit restrictions to control noise pollution.

*e/ Equipment Hire facility*

As proposed, WBSL should ensure that articulated lorries are restricted to the site to reduce potential noise emissions.

*f/ Mechanical service plant items*

The mechanical ventilation strategy for new proposed stages, buildings, offices, amenity areas and toilets conform to the rest of the existing studios within WBSL. Understandably, the Air Handling Units incorporate sound attenuators to reduce fan noise. The future cumulative effect of all plant items should conform with values obtained in RSKA's report indicating the representative background noise limits for residents at Greenbank Road/Courtlands Close and Aerodrome Way/Ashfield and Poundfield (using the principles contained in BS 4142:2014+A1:2019). Therefore, the limitations of 5dB below the expected background noise limits appear reasonable, and further adjustments may not be necessary.

I would mention that the Code of Practice in BS 8233:2014 (Sound Insulation and Noise Reduction for Buildings) suggests the following internal noise levels for residential dwellings:

<b>Activity</b>	<b>Location</b>	<b>07:00 to 23:00</b>	<b>23:00 to 07:00</b>
Resting	Living Room	35 dB LAeq, 16 hour	–
Dining	Dining room/area	40 dB LAeq, 16 hour	–
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour	30 dB LAeq, 8 hour

RSK Acoustics acoustic survey and assessment provides sufficient and convincing data to minimise noise impact to nearby receptors indicated on the site plan.

9.1.35 Three Rivers District Council - Environmental Protection: No response received.

9.1.36 Three Rivers District Council - Landscape Officer: [Concerns]

**TREES**

The plans indicate that there would be a substantial impact on trees with the removal of some secondary woodland, self-seeded specimens and developing scrub. However, the

vast majority of removals are of low quality, and proposals for new and replacement planting would mitigate the impact over the longer term.

## LANDSCAPE

There are extensive plans and an assessment of the existing landscape, however visualisations of the proposed new development within the wider landscape are more limited. In particular, the proposals for the new car park / flyover and building 75 on the 'island site' would appear to result in a significant change in the local landscape. Currently the landscape surrounding the A41 link road / Gadeside into Abbots Langley is open grassland, with occasional, scattered trees and scrub. This gradually gives way to glimpsed views of residential areas to the south and the existing studio buildings set back from the road to the north.

The proposed development would locate two substantial, multi-storey buildings, close to the road, with a new bridge link across the A41 link. This would seem to result in an imposing transition from an open, natural environment, into an urban landscape. There would be a substantial reduction in the sense of openness of the plateau on which the former Leavesden aerodrome was located. There is limited space for any new planting to screen the buildings, however in this situation screening would not address any resulting loss of openness.

The re-profiling of land and new planting shown on plans (Ref: MERLIN-TOR-ZZ-ZZ-DR-L-90-0013 REV C & A41 ROUNDABOUT MONTAGES) would appear to create a prominent, steeply banked boundary to the south of the site, planted with a significant number of conifer species. This would be a substantial change in the existing land form, and the inclusion of large numbers of conifers would lead to a noticeable change in the landscape character of the area.

### 9.1.37 Transport for London: [Advisory comments]

Thank you for consulting Transport for London (TfL). Although the proposed development is some distance from the London boundary, the sheer scale of the development and the expected number of trips is likely to generate cross boundary travel and have an impact on transport services provided by TfL and on the strategic road network within London.

Based on the approach taken to car parking within London set out in the London Plan, we would encourage a restraint based rather than a demand led approach to the provision of car parking. Evidence shows that parking restraint at new developments is the most effective tool to manage pressures on local and strategic road networks. This approach could be combined with charging for car parking at the site and more ambitious measures to encourage active travel and promote public transport use by staff and visitors.

Drawing on best practice in managing travel to large employment sites and visitor attractions, the updated Travel Plan could adopt a number of complementary measures to reduce car use. These measures could include targets in the Travel Plan to progressively reduce on site car parking linked to increases in parking charges. Charging for parking would provide an income stream to recycle into measures that supported sustainable travel including conventional public transport, shuttle buses, active travel improvements and a guaranteed ride home for shift or late workers. Discounts could be offered to staff and visitors so that use of public transport and active travel modes is incentivised. A particular target could be to reduce the occasional peaks in demand which have been referred to in the Transport Assessment. This could avoid the perceived need to provide a replacement for the car parking which has been removed from the site in the last couple of years.

We would also encourage the adoption of more challenging targets for reducing car trips in the Travel Plan that take account of emerging trends in transport and travel including

mobility management. As an indication of future ambitions, the Mayor has set a target that 80% of all trips within London will be by sustainable modes by 2041.

We trust that these comments can be forwarded to the applicant's transport consultants so that they are able to respond to them positively before the application is determined.

9.1.38 University of Hertfordshire: [Support]

I am writing in support of the proposed expansion of Warner Bros. Studios Leavesden.

Leavesden studios are a globally renowned film studio, with its output seen worldwide and recognised as one of the finest in the world. Since the significant investment made at the site throughout the duration of the Harry Potter films, the studio has become one of the most important production hubs in the United Kingdom. Not only are some of the biggest films in the world made on the site, but significant television content for HBO is also produced there, showcasing the world-class craft work of British crews.

The UK industry is benefiting from extraordinary growth at this time. The BFI has announced that by 2025 there will be a skills shortage of almost 50,000 crew members, based on the current rate of investment into UK production. At a time when there is a national shortage of studio space, the growth of the Warner Bros studio is not only an essential requirement to meet the needs of productions requiring stages and studios, but it is a significant employer of UK talent – encouraging and nurturing young crew members and retaining the best of the industry in the UK, where we have the best crews in the world. This investment will help to beat that skills shortage and ensure more crew can be trained and gain experience.

At the present time, there is not enough studio space to accommodate the productions looking to film in the UK. We are at the point of outpacing Hollywood production, but the space to host these productions is not there. With Warner Bros owning the studio, as well as being one of the “big five” production companies, they are in a unique position to commission content to make best use of their stages. This is an almost unique position in the UK, with most other studios relying on other production companies to book their stages, Warner Bros are free to not only commission their own content, but also rent the stages to other productions. This benefits the wider UK economy, as well as locally in Hertfordshire.

Warner Brothers Studios Leavesden has been a key partner with the University of Hertfordshire in supporting students looking to gain a career in the film industry. Over the past eight years, countless students have benefited from mentorship, training, work experience and employment at the studio. With the identified skills gap by the BFI, the relationship between industry and education providers in the sector is even more vital than ever.

As an employer in the region, Warner Bros ensures that UK talent continues to be offered opportunities in Hertfordshire and doesn't have to look further afield. The benefits to a growing studio also go to surrounding industries, which service and feed into the film industry such as electricians, carpenters, security, props companies, production designers and costume designers.

As Hertfordshire strongly cements itself as the true “British Hollywood”, I strongly recommend to the planning committee that they approve the planning application made by Warner Brothers Studios Leavesden.

9.1.39 Watford Borough Council: No response received.

9.1.40 Watford Borough Council Environmental Health (Commercial): [No objection]

### Air Quality

I have reviewed Chapter 8: Air Quality & Technical Appendix E of the Environmental Statement. I have also reviewed the CEMP.

The assessment of construction phase impacts indicates that the proposed development will constitute a medium dust risk for demolition and construction activities and a low risk for earthworks and trackout activities. The consultant states that for the site the general mitigation measures applicable to a medium risk site should be applied.

A CEMP has been submitted in support of the planning application. The consultant states that with the implementation of the CEMP, which includes the aforementioned mitigation measures, the construction dust and vehicle emissions effects in the area will be temporary and not significant.

The assessment of operation phase impacts utilised dispersion modelling, predicted concentrations indicate that emissions from the proposed development will have a negligible impact on annual mean concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at existing and new receptors. No further mitigation is considered necessary.

I would suggest that a condition be applied to any permission granted requiring the development to be carried out in accordance with the CEMP, specifically with reference to Section 7: Air Quality & Dust.

I would suggest an informative relating to the following:

The use of vehicles (that are involved in demolition, earthworks, construction etc.) that meet the most recent European emissions standards.

The use of ultra-low emissions vehicles.

Consider innovation where possible, i.e. Non-Road Mobile Machinery (NRMM) low emission technology, replacing diesel powered equipment with ultra-low emission engines, the use of machinery/equipment that run on alternative fuels.

### Contaminated Land

I have reviewed the Geo-Environmental Site Assessment (Report ref. 1620012265 03) and the Additional Environmental Assessment (Report ref. 1620012265 0.2) prepared by Ramboll.

The intrusive investigation did not identify any concentrations of contaminants of concern in exceedance of the relevant generic assessment criteria. The presence of asbestos was identified within the made ground on the Central Site Area. The consultant has suggested that appropriate mitigation measures should be considered if areas of soft landscaping are introduced as part of the development i.e. a suitable thickness of clean cover in landscaped areas.

Ground gas monitoring results recorded over four separate events indicated that the Site Gas Screening Value is Characteristic Situation 1. The results obtained suggest that there is no requirement for gas protection measures as part of the proposed commercial development. However, the consultant has made the following recommendations:

- Further ground gas risk assessment may need to be considered if the current proposals change significantly or earthworks significantly change the ground profile;

- It is considered that, providing Network Rail approvals can be obtained, additional ground gas wells (or similar investigation method) and follow-on risk appraisal should be completed within the footprint of the proposed building 72 prior to construction; and
- Proposed building 56 is situated beneath an existing mound of material and it is considered that further ground gas risk assessment will be necessary following removal of the mound and prior to construction.

I would suggest that conditions be applied to any permission granted requiring a remediation method statement and verification plan to be submitted and approved, a verification report on completion of the works described in the approved remediation method statement and the reporting of any unexpected contamination identified during the development.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A remediation method statement, based on the results of the Geo-Environmental Site Assessment (Report ref. 1620012265 03) and the Additional Environmental Assessment (Report ref. 1620012265 0.2) prepared by Ramboll, giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation method statement and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation



scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 9.1.41 West Herts College Group: [Support]

I am writing this letter in support of the planning application submitted to Three Rivers District and Watford Borough Council for the expansion of the Warner Bros. Studios, Leavesden.

As a long-term partner of Warner Bros. Studios Leavesden (WBSL), West Herts College fully supports the application submitted for new state-of-the-art sound stages, production workshops, dedicated production offices, storage and support spaces and backlot filming space highlighting.

The College has seen a significant increase in the number of young people enrolling onto 'Creative' courses at the College over the past few years and with the vast majority of these students aspiring to work in TV and Film related jobs. In addition, many students studying other traditional occupations such as 'media make up, hairdressing, carpentry (set design), and many more, have strong aspirations for jobs within the TV and Film industry.

WBSL is important to the local area and central to providing long-term employment opportunities for local people in Hertfordshire and the surrounding counties.

West Herts College and WBSL have developed a strong relationship which allows students to further develop their skills through a range of opportunities at the Studios such as work experience, industry placements, apprenticeships, and seminars about life in TV and Film, through masterclasses provided by industry experts. These opportunities are critical to the development of work-readiness and significantly increase the employability of young people.

Warner Bros. Studios Leavesden is uniquely owned by a producing studio (Warner Bros. Discovery) and therefore is particularly important to the economic sustainability and sector growth driven by franchise films (Fantastic Beasts) and multi-season TV shows (HBO's House of The Dragon) which create stability and security within the industry and long-term employment and training opportunities for many people.

Crucially, the benefits of additional investment to The Studios is not limited to the local area but will also support the wider UK economy through production on-location filming across the Nations and Regions, as seen in recent productions The Batman filming in Liverpool and Wonka filming in Bath.

It is for all these reasons that West Herts College fully supports, in full, the application and I hope you will take the points included into consideration.