

HERTSMERE LOCAL PLAN — REGULATION 18 CONSULTATION

FORMAL REPRESENTATION AND OBJECTION

Former Potters Bar Golf Course — Proposed Housing-Led Candidate Allocation HPBA SA13

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Executive Summary

PottersBar.Vision objects to the proposed housing-led candidate allocation HPBA SA13 (former Potters Bar Golf Course, 400 homes) at Regulation 18 stage. This is a proposed candidate allocation only; it has not been adopted. These representations request significant modifications before the plan proceeds to Regulation 19.

The central evidential point is this: the Flood Risk Sequential Test prepared by RPS for application 24/1101/OUTEI (August 2024), using Hertsmere's own HELAA data, recorded the former golf course at a capacity of just 42–59 homes after flood-risk filtering. Neither Hertsmere nor CEG has explained how the same HELAA dataset produces 400 homes in the Local Plan or 550 homes in the live application. That reconciliation must be published before this allocation can be considered sound.

Since the previous Regulation 18 consultation, PottersBar.Vision has obtained under EIR2026/12448 the full pre-application correspondence chain between CEG's flood consultants (Weetwood) and the Environment Agency (Kai Mitchell, Planning Specialist, Hertfordshire and North London Sustainable Places). This correspondence runs from September 2023 to July 2024 and reveals that: the EA requires bridges, not culverts, at all Potters Bar Brook crossings and has stated it will almost always object to culverts; the bridge designs have not been produced, modelled or reviewed; the entire EA model review was ongoing when the site was committed in the April 2024 consultation; and every EA formal letter expressly reserves the right to change position at application stage. The EA's satisfaction letters cannot be treated as clearance for this allocation.

Three further matters establish that this allocation is premature and not adequately evidenced. First, the 5 March 2024 email (EIR2026/12448) indicates the site was carried forward while flood/access modelling remained incomplete. Second, the Council refused adjacent application PB3 (24/1101/OUTEI, 5 December 2025) where failure of the Flood Risk Sequential Test was material, and the golf course has a materially worse flood zone profile than PB3. Third, Thames Water EIR evidence (EIR-23-24-626) confirms a 630m³ storm overflow tank with a consented overflow permit (TEMP.2548) discharging to Potters Bar Brook within Source Protection Zone I. The unresolved infrastructure cost position threatens Hertsmere's ability to meet its housing targets, because the 275 affordable homes promised under golden rules may not be deliverable if abnormal costs are not resolved.

1. Applicable Policies

The adopted development plan comprises the Core Strategy (2013) and SADM (adopted November 2016). The site is Green Belt. Applicable policies include:

- CS13 — Green Belt
- CS15 — Promoting recreational access to open spaces and the countryside
- CS16 — Environmental impact of development
- CS18 — Access to services
- CS19 — Key community facilities
- SADM12 — Trees, landscaping and development
- SADM13 — The water environment
- SADM14 — Flood risk
- SADM15 — Sustainable drainage systems
- SADM16 — Watercourses: no culverting; minimum 9m buffer; restoration/enhancement
- SADM17 — Water supply and waste water
- SADM26 — Development standards in the Green Belt
- SADM32 — Key community facilities
- SADM34 — Open space, sports and leisure facilities
- SADM35–37 — Local green space, minor amenity land, new and improved public open spaces

The relevant December 2024 NPPF flood risk paragraphs are 174 (sequential test) and 177–179 (exception test). PPG ID 7-028 confirms that reasonably available lower-risk alternatives may include combinations of two or more smaller sites and need not be in the applicant's ownership. A shortage of housing land supply does not remove the requirement to apply the sequential test at application stage.

2. Ground 1 — The Allocation Is Not Justified: The 42–59 / 400 / 550 Discrepancy

The PB3 Sequential Test (RPS, August 2024) recorded HEL251 at a capacity of 42–59 homes: 79.61% in Flood Zone 1, 20.39% in Flood Zone 2, 16.71% in Flood Zone 3. This is a developer-side comparator, not independently verified, and does not bind this Local Plan. It is, however, the only quantitative flood-filtered HELAA-derived capacity comparator currently available for this site. Its result is ten times lower than the proposed candidate allocation of 400 homes and thirteen times lower than the live application's 550 homes.

The Council cannot be satisfied that the proposed allocation is justified under NPPF paragraph 35 without publishing a transparent explanation of how 400 homes is derived from the same HELAA dataset that produces 42–59 homes under flood-risk filtering.

No Transparent Sequential Evidential Trail

NPPF paragraph 174 requires a sequential approach to flood risk. The Council's 2024 Assessment and Comparison uses a multi-factor balancing matrix that allows a favourable Green Belt performance score to outweigh an unfavourable flood risk score.

This is not a sequential filter. Combinations of smaller, lower-risk sites as reasonably available sequential alternatives (PPG ID 7-028) have not been assessed.

3. Ground 2 — Sequential Test Consistency: The PB3 Comparator

Application 24/1101/OUTEI (PB3) was refused on 5 December 2025, with failure of the Flood Risk Sequential Test listed as a material harm. PB3 (HEL362) has 94.91% of its area in Flood Zone 1. The golf course (HEL251) has only 79.61% in Flood Zone 1, with a materially higher proportion in Flood Zones 2 and 3. The refusal creates a significant evidential consistency problem: the Council must explain, in terms that can be tested at examination, why the sequential test was material to PB3's refusal but the golf course continues as a proposed candidate allocation despite its worse flood zone profile. Hertsmere will need to explain this satisfactorily before granting consent on any associated application, or face possible legal challenge.

4. Ground 3 — Process Integrity, Prematurity and the EA Correspondence Bundle

Correspondence released under EIR2026/12448 includes an email from a Hertsmere planning officer to the EA, dated 5 March 2024, which stated in relation to the Darkes Lane flood/access modelling:

"We know any model review won't be done in time as the consultation starts in a month, but at least if we include the site and mention that option is being reviewed, it will look like we are (sort of) on top of it!"

This indicates the site was being carried forward in the April 2024 Regulation 18 consultation while flood/access modelling remained incomplete and unreviewed by the EA.

The full EA pre-application correspondence bundle (EIR2026/12448) now in the public domain confirms this was not an isolated oversight but a structural prematurity. The key facts from the correspondence are:

- September 2023: EA tells Weetwood the 2018 hydraulic model needs updating for new FZ3b definition and climate change allowances.
- November 2023: Weetwood submits revised FRA v1.5.
- 11 December 2023 (EA ref NE/2023/136412/01-L01): Kai Mitchell's formal letter states the EA is likely to object to box culverts and requires open-span bridges to be explored first, with specific design criteria.
- 29 February 2024: Weetwood prepares the Briefing Note for submission to HBC to inform the Regulation 18 consultation, noting the timing is driven by the April 2024 consultation date.
- 5 March 2024: HBC "sort of on top of it" email — site included in Reg 18 consultation while EA review still live.
- 8 April 2024: Weetwood confirms to the EA in writing that the hydraulic model has not been updated to reflect bridge crossings.

- June–July 2024: EA completes model review and issues satisfaction letters, but in each letter: (a) requires bridges not culverts; (b) requires final FRA to be updated with bridge designs before any application determination; (c) defers access/egress safety to the LPA; and (d) expressly reserves right to change position at application stage.

The April 2026 Regulation 18 consultation carries the same proposed candidate allocation forward without the Council having published: the precise scope and conclusions of any EA model review; confirmation from HCC LLFA that the access works are realistically achievable; Thames Water written capacity confirmation; or the required bridge-based final FRA.

5. Ground 4 — Flood, Water Quality and Infrastructure

5.1 River and Surface Water Flooding

Potters Bar Brook crosses the site and is an EA Main River. Potters Bar recorded 32% of all Hertsmere flooding incidents between 2002 and 2015 (source: SFRA 2018). The 2008 SFRA (Halcrow) identified Flood Zone 3b at the Darkes Lane entrance — a designation absent from the 2018 SFRA (AECOM). This discrepancy has not been explained. HCC LLFA (25/0272/EI2, 25 March 2025) identified a high-risk surface water flow path through the middle of the site for both present-day and future scenarios. Adopted SADM14 and SADM15 apply. The Council should require the applicant to demonstrate compliance with current national flood risk policy requirements before carrying the allocation to Regulation 19.

5.2 The Only Vehicular Access, Bridges and Watercourse Consent

Darkes Lane is the ONLY vehicular access to this site and the Local Plan evidence base must reflect this. The railway tunnel at the western boundary, running under the London–Edinburgh main line, is pedestrian-only, secured by cycle barriers, has a gravel surface, is wide enough only for single-direction movement, and floods. Network Rail exercises strict control over any works to this structure given its critical importance to the principal north–south rail artery. The Hertfordshire Way footpath is the only other pedestrian access; it exits via a private road in the Potters Bar Conservation Area, crosses privately owned land, and is regularly flooded in places by run-off from adjacent fields. Neither provides any meaningful secondary or emergency vehicular access for a development of 550 homes.

The EA pre-application correspondence bundle (EIR2026/12448) confirms the EA requires open-span bridges at all crossings over Potters Bar Brook and has stated it will “almost always object to new culverts due to the ecological harm they cause to watercourses.” This requirement has been stated in every formal EA letter since December 2023. The bridge designs have not been produced, modelled or reviewed. Until they are, the access principle cannot be confirmed and the final FRA required by the EA cannot be submitted.

HCC LLFA confirmed (25/0272/EI2) that culverting or flow control structures on an ordinary watercourse require statutory consent under the Land Drainage Act 1991. That consent has not been confirmed. The question of whether access works are compatible with adopted SADM16 has not been resolved. The applicant must also demonstrate that any works to the Darkes Lane crossing will not worsen flood conditions for existing

residential properties near the site entrance that already lie within the same flood zone (SADM14).

5.3 Foul Water, Thames Water Capacity, SPZ I and Upstream Water Quality

Thames Water EIR evidence (EIR-23-24-626, 4 March 2024, Paul Bridgens, Data Protection Advisor) confirms: a foul water storage tank under the former car park of 10 metres diameter, 5 metres radius, 8 metres height, with a 630m³ working volume; the tank collects foul water mixing with surface water under storm conditions via infiltration; and it operates under consented storm overflow permit TEMP.2548 discharging into Potters Bar Brook. This is primary official evidence confirming a direct foul water pathway into Potters Bar Brook within Source Protection Zone I.

CEG's Environmental Statement records Thames Water foul drainage capacity as unconfirmed. The Hertfordshire Water Study 2017 (Figure 8.4.4) identifies northern Potters Bar water infrastructure as requiring "Immediate Strategic Intervention." Additionally, photographic evidence held by local residents shows what appears to be agricultural runoff — a foaming yellow material — backing up behind a footbridge over Potters Bar Brook near the railway tunnel, visible from the Hertfordshire Way. If confirmed as contamination from an upstream agricultural source, this would represent an additional cumulative stress on a watercourse already carrying a consented foul overflow within SPZ I. This matter requires investigation as part of the no-deterioration assessment required under the Water Environment Regulations. Adopted SADM17 requires adequate capacity to be confirmed. The Council cannot be satisfied on deliverability without Thames Water written capacity confirmation.

5.4 Viability and the Golden Rules Promise

The combined unresolved infrastructure cost position for this site — watercourse crossing solution (bridge engineering), foul drainage upgrades, ecological mitigation, transport mitigation, and a 99-month construction programme (source: CEG Planning Statement) — has not been assessed in the published evidence base. The golden rules promise 50% affordable housing (275 homes). These unresolved cost obstacles threaten Hertsme's ability to meet its housing targets if the site is carried forward but the affordable housing commitment cannot be delivered. The Council should require a published viability assessment before proceeding to Regulation 19. This is a scrutiny point, not a concluded finding of viability failure.

6. Ground 5 — Inconsistency with Potters Bar Spatial Strategy

The Potters Bar Key Themes and Priorities Report (March 2026, HBC consultants) states growth should "focus on brownfield sites" and should "protect and support the biodiversity quality of sites in the Green Belt and retain their accessibility and agricultural character." The former golf course is predominantly open Green Belt land. The Council has not explained how HPBA SA13 is consistent with its own stated Potters Bar spatial vision.

7. Ground 6 — Green Belt, Grey Belt and the Housing Site Matrix

The site is Green Belt under CS13. A housing-led candidate allocation requires exceptional circumstances (NPPF paragraph 153). CEG's application argues grey belt

status under NPPF paragraph 155 and the Annex 2 definition. The Annex 2 definition excludes land where Footnote 7 policies would provide a strong reason for refusing or restricting development. The applicant has not demonstrated that the Footnote 7 constraints present on this site — flood risk, SPZ I, SSSI hydrological pathway, ecology and heritage — do not provide such strong reasons.

The Green Belt Assessment (Arup, 2019) predates the NPPF 2024 grey belt concept. Its Purpose 1 methodology did not treat Potters Bar as a ‘large built-up area,’ structurally limiting this site’s ability to score against purpose (a). A 0/5 Purpose 1 score from a methodology incapable of generating any other result for Potters Bar edge land cannot be treated as objective evidence that the site does not contribute to purpose (a).

Under Hertsmere’s own 8-criterion scoring matrix across 104 housing sites, the golf course scores in the top 3 sites. However, Criterion 7 (technical objections) was scored 5 (no objections) — plainly inconsistent with the Thames Water, LLFA and transport evidence. If rescored to 2, combined with transport and Green Belt importance adjustments, the golf course drops from the top 3 to outside the top 50. PB3 scored 47 in the same matrix; the golf course scored 46.5. The Council refused PB3 on sequential grounds. The site scoring marginally lower continues as a candidate allocation. This is an internal consistency failure in the Council’s own evidence base.

CEG may argue that the site’s rewilded condition since the golf course closed in 2018 supports a dereliction characterisation consistent with grey belt. The opposite conclusion is more soundly based. Almost all evidence of former golf course use has been reclaimed by vegetation and natural processes. The site is in effect agricultural land lying fallow and actively rewilding. This represents ecological recovery that reinforces the Footnote 7 constraints under ecology and habitat policies. It is also consistent with the Potters Bar spatial vision of protecting the biodiversity quality of Green Belt sites. The rewilded condition does not diminish the site’s contribution to Green Belt purposes or reduce the strength of the policy constraints that would provide strong reasons for restricting development.

8. Ground 7 — Ecology, TPO Trees and Alternative Uses

Two EPS licences are required under the Habitats Regulations 2017 and a separate badger interference licence under the Protection of Badgers Act 1992. Natural England was not consulted at pre-application stage on the SSSI hydrological pathway. The whole site is subject to a Tree Preservation Order covering approximately 1,601 trees of 37 varieties (SADM12). This represents a significant constraint on net developable capacity that has not been adequately addressed. No assessment of alternative non-housing uses for this site has been published. Sport England’s objection about failure to provide a golf needs assessment and replacement recreational provision has not been resolved.

9. Modifications Requested

- Primary: Delete HPBA SA13 as a housing-led candidate allocation. Replace with a community, leisure and green infrastructure use designation consistent with the site’s constraints.

- Alternative: Reduce the housing quantum to reflect the HELAA-derived flood-filtered comparator, subject to full resolution of all infrastructure, ecology and access constraints.
- Alternative: If retained at any quantum, require before Regulation 19: (a) a transparent sequential evidential trail for HPBA SA13 addressing PPG ID 7-028; (b) published bridge-based hydraulic modelling reviewed and accepted by the EA; (c) HCC LLFA LDA 1991 consent confirmation; (d) Thames Water written capacity confirmation; (e) a published viability assessment demonstrating the affordable housing commitment is deliverable; (f) the Council's grey belt reasoning addressing NPPF Annex 2 and Footnote 7; and (g) Natural England formal engagement on the SSSI hydrological pathway.

10. The Positive Alternative

NPPF paragraph 151 requires local authorities to plan positively to enhance the beneficial use of the Green Belt, including providing access, outdoor sport and recreation, retaining and enhancing landscapes and biodiversity. NPPF paragraph 154(b) confirms that facilities for outdoor sport, outdoor recreation and allotments are not inappropriate development in the Green Belt where they preserve openness. The adopted policy framework directly supports a community and green infrastructure use: CS15, CS18/CS19, SADM16, SADM32, SADM34, SADM35–37.

Specific elements include: a publicly accessible country park (SADM34, CS15); formal sports pitches addressing Sport England's objection (SADM34); ecological restoration of Potters Bar Brook improving flood storage and SPZ water quality (SADM16); a biodiversity corridor; active travel routes; allotments; and low-impact community facilities within the former clubhouse footprint (SADM32, CS19) at a scale consistent with CS13 Green Belt appropriate development exceptions. A stewardship model with the landowner can make this deliverable.