

FORMAL PLANNING OBJECTION

Application 26/0427/OUTEI — Former Potters Bar Golf Course, Darkes Lane, Potters Bar EN6 1DE

Outline application for up to 550 dwellings (access not reserved) — CEG Land Promotions / Lichfields, March 2026

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Summary

PottersBar.Vision requests that the Local Planning Authority refuse planning permission for application 26/0427/OUTEI. Seven grounds are advanced. The core posture is: the applicant has not demonstrated compliance with applicable policy requirements; the Council cannot yet be satisfied on the matters identified; and permission should not be granted until those matters are resolved.

All adopted policy references use the verified SADM (November 2016) and Core Strategy (2013) policy numbers. All NPPF paragraph references use the December 2024 NPPF.

Ground A: Flood Risk — Sequential Test Not Demonstrated

A.1 The 42–59 / 550 Discrepancy

The Flood Risk Sequential Test prepared by RPS for application 24/1101/OUTEI (August 2024), using Hertsmere's own HELAA data, 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 application. It is, however, the only quantitative flood-filtered HELAA-derived comparator currently available for this site, and the applicant has not addressed it in the application documents. The Council cannot be satisfied that the sequential test has been demonstrated without requiring the applicant to explain how the same HELAA dataset produces 42–59 homes in the PB3 sequential test and 550 homes in this application.

A.2 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% in Flood Zone 1; the golf course (HEL251) has only 79.61%. PB3 does not create a legal precedent controlling this application. However, the refusal creates a significant evidential consistency problem: the Council must explain why the sequential test was material to PB3's refusal but this application — on a site with a materially worse flood zone profile — is not subject to the same concern. Hertsmere will need to explain this satisfactorily before granting consent or face possible legal challenge. Additionally, the golf course is not allocated for development in the current adopted Local Plan (2012–2027). Both points compound the sequential test difficulty.

A.3 Sequential Test Methodology

CEG's Flood Risk Sequential Test (Weetwood, 2025) identified four sequentially preferable sites with combined capacity of 2,967 units and dismissed all four as unavailable. This mirrors the structure of the PB3 sequential test that HBC found had not been satisfied. Reasonably available lower-risk alternatives may include combinations of two or more smaller sites and need not be in the applicant's ownership (PPG ID 7-028). The applicant has not demonstrated that such combinations are not reasonably available.

A.4 EA Pre-Application Correspondence: The Bridge Requirement and Unresolved Model Review

PottersBar.Vision has obtained under EIR2026/12448 the full pre-application correspondence chain between Weetwood (CEG's flood consultants) and Kai Mitchell, Planning Specialist, EA Hertfordshire and North London Sustainable Places. This correspondence runs from September 2023 to July 2024 and constitutes primary documentary evidence. Its planning significance is threefold.

First, the EA's formal letter of 11 December 2023 (NE/2023/136412/01-L01) stated that it would likely object to box culverts at the access crossings over Potters Bar Brook, required open-span bridges to be explored in the first instance, and imposed specific design criteria including no ground raising at bridge locations, blockage scenario assessment, and maintenance plans to ensure bridges remain clear of debris. The EA reiterated this position in every subsequent formal letter in the bundle, most recently in its letter of 9 July 2024 (NE/2024/136903/02-L01): "We will almost always object to new culverts due to the ecological harm they cause to watercourses. You will need to amend your proposals, FRA and modelling to include and assess bridges at these locations."

Second, as at 8 April 2024 Weetwood confirmed in writing to the EA that the hydraulic model submitted for review had not been updated to reflect bridge crossings, as those discussions had not concluded. The EA's model review therefore proceeded — and was outsourced to Mott MacDonald/WSP — on the basis of a culvert model, not a bridge model. The EA's June 2024 satisfaction letter (NE/2023/136412/03-L01) explicitly requires the final FRA to be updated to include bridges and final site plans before any planning application is determined.

Third, this entire pre-application correspondence was ongoing when the site was committed as a candidate allocation in April 2024. The EA's review of the hydraulic model was not completed until June 2024 — more than two months after the Regulation 18 consultation opened. This is confirmed by the correspondence and by the 5 March 2024 email (EIR2026/12448) from a Hertsmere planning officer indicating the site was being carried forward while flood/access modelling remained unreviewed.

The position as at this application (March 2026) is that the bridge crossings required by the EA have not been modelled, reviewed or approved. The EA's July 2024 letters are pre-application advice only and expressly reserve the right to change position. They cannot be treated as clearance for any planning application. The final FRA must include bridge designs with blockage scenarios before the EA can form a statutory view and before the Council can be satisfied that access is deliverable.

A.5 Safe Access, the LPA Determination, and the Pedestrian Route Limitations

The EA's correspondence is explicit that the adequacy and safety of access and egress is a matter for the LPA to determine, not the EA. Weetwood's own Briefing Note (v1.6, 29 February 2024) acknowledges residual flooding at the primary vehicular access in

the 1-in-1000 AEP event even under the most optimistic modelled scenario. Paragraph 29 of that Briefing Note states that the pedestrian/cycle access “can ensure” suitability for emergency services — a future aspiration at outline stage, not a demonstrated fact. Safe dry vehicular access for emergency services for the full lifetime of the development has not been demonstrated under NPPF paragraph 181(e), NPPF paragraph 174 (sequential test), and adopted SADM14.

CEG’s access case relies partly on the pedestrian/cycle route as an emergency access alternative in extreme flood events. This reliance is undermined by the following facts which have not been addressed in the application documents. The Hertfordshire Way footpath, which provides the only other pedestrian access to the site, exits to Manor Way in the Potters Bar Conservation Area via a private road. The underlying land of the footpath is privately owned. The footpath itself is regularly flooded in places by run-off from adjacent fields. Neither the private road exit nor the flood-prone footpath can be relied upon as a safe all-weather access or escape route under NPPF paragraph 181(e). The railway tunnel at the western boundary, which might be perceived as a secondary pedestrian or cycle route, is itself flood-prone, structurally limited, and subject to Network Rail restrictions. There is therefore no viable alternative access or escape route in flood conditions.

A.6 Process Concern: Site Committed Before Evidence Base Was Complete

The email of 5 March 2024 (EIR2026/12448) from a Hertsmere planning officer indicates the site was being carried forward in the April 2024 Regulation 18 consultation while flood/access modelling for the Darkes Lane watercourse crossing remained incomplete and unreviewed by the EA. Weetwood’s email of 4 April 2024 to the EA explicitly states the Briefing Note was submitted to HBC to inform the Regulation 18 consultation under time pressure, and requests expedited EA review because “the Council is due to hold a public consultation in Potters Bar on 24 April 2024.” The planning significance is the absence of a resolved technical foundation underpinning the sequential analysis before the site was committed as a candidate allocation.

Ground B: Access — The Only Vehicular Access, Adequacy, Watercourse Consent and Adopted SADM16

Darkes Lane is the only vehicular access to and from this site. This point requires emphasis. There is no secondary vehicular access. The railway tunnel running under the London–Edinburgh main line at the western boundary of the site is pedestrian-only: it is secured by cycle barriers, has a gravel surface, is wide enough for only single-direction vehicular 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; any vehicle strike on this tunnel would risk closure of the east coast main line. The tunnel cannot realistically serve as an emergency or secondary vehicular access for 550 dwellings either in normal operation or in flood conditions. The site therefore has a single vehicular access point, and that access point floods.

The Darkes Lane access crosses Potters Bar Brook at a point that surcharges in flood events. Weetwood’s own Briefing Note (v1.6, para 16) confirms minor flooding along Darkes Lane at the site entrance during the present-day 1-in-100 and 1-in-1000 AEP events. The EA’s letter of 9 July 2024 (NE/2024/136903/02-L01) acknowledges that there is “still flood risk, particularly at the 1% climate change event, on Darkes Lane

which is the only access and egress to and from the site to the main road.” The EA explicitly states that it is for the LPA to determine whether safe access/egress has been provided.

The question of access adequacy is distinct from the question of whether access can be physically constructed. The Council must be satisfied not merely that a vehicular access can be engineered at the Darkes Lane crossing, but that the access as proposed is adequate for 550 dwellings — in terms of flood safety for all modelled events including blockage scenarios, capacity, emergency vehicle access for the full lifetime of the development, and the impact of any access works on neighbouring residential properties currently within the same flood zone. Properties in close proximity to the golf club entrance already lie in flood-affected land; the applicant must demonstrate that access works, including any culvert widening or bridge construction, will not worsen flood conditions for these existing neighbours (SADM14; NPPF paragraph 174).

HCC LLFA confirmed (25/0272/EI2, 25 March 2025) that culverting or erection of flow control structures on an ordinary watercourse requires statutory consent from HCC as Lead Local Flood Authority under the Land Drainage Act 1991. That consent has not been confirmed. Although land drainage consent under the LDA 1991 is a separate statutory regime that need not be obtained before outline permission is granted, access is the only matter not reserved in this application. Adopted SADM16 (Watercourses) states development will not culvert a watercourse, will not build over a culverted watercourse, requires a minimum 9-metre undeveloped buffer, and supports restoration and enhancement. Whether the proposed works constitute permitted renewal or prohibited new culverting under SADM16 is a material question that has not been resolved. The Council cannot be satisfied the access principle is deliverable unless satisfied that: (a) LDA 1991 consent from HCC LLFA is realistically achievable; (b) the access solution is compatible with SADM16 in its final form; (c) the access is adequate for the quantum proposed; and (d) the works do not increase flood risk to neighbouring residential properties.

Ground C: Foul Water, Drainage and Thames Water Capacity

CEG’s Environmental Statement (26/0427/OUTEI) records Thames Water foul drainage capacity for the proposed quantum as unconfirmed at application stage. This is not a preliminary matter: it goes to the deliverability of 550 homes.

Primary documentary evidence now confirms the pre-existing capacity constraints at this site. Thames Water’s response to EIR request 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 metre radius, 8 metres height with a 630m³ working volume; the tank collects foul water which mixes with surface water under storm conditions via infiltration; and the tank operates under consented storm overflow permit TEMP.2548 which discharges into Potters Bar Brook. This is official primary evidence, not resident inference. It confirms a direct pathway from foul water infrastructure to Potters Bar Brook — a watercourse within Source Protection Zone I.

The applicant has not demonstrated that foul drainage can be accommodated without risk to downstream receptors or SPZ I water resources. Adopted SADM17 (water supply and waste water) requires adequate capacity to be demonstrated. The Council

cannot be satisfied on deliverability without Thames Water written capacity confirmation and a demonstrated drainage strategy that protects the SPZ I pathway. The site is also identified in the Hertfordshire Water Study 2017 (Figure 8.4.4) as requiring “Immediate Strategic Intervention” for northern Potters Bar water infrastructure, a designation that predates this application by nearly a decade and has not been addressed.

Ground D: Source Protection Zone I and Water Quality

HCC LLFA confirmed (25/0272/EI2) the site is within EA Source Protection Zone I and a Drinking Water Safeguard Zone for both groundwater and surface water. The Thames Water EIR evidence (EIR-23-24-626) confirms that permit TEMP.2548 already provides a consented storm overflow pathway from the site’s foul water storage into Potters Bar Brook. Development of 550 homes will significantly increase foul water loading on infrastructure that already operates under a storm overflow permit.

The cumulative water quality risk in this catchment is compounded by upstream sources. Photographic evidence held by local residents shows a foaming yellow material backing up behind one of the footbridges over Potters Bar Brook near the railway tunnel, visible from the Hertfordshire Way public footpath. This material is consistent in appearance with agricultural runoff, potentially originating from RVC Bowmans Farm upstream. If confirmed as agricultural or chemical contamination, this would represent an additional stress on a watercourse already carrying a consented foul water overflow within Source Protection Zone I. The applicant has not assessed cumulative upstream water quality inputs to Potters Bar Brook as part of its no-deterioration assessment under the Water Environment Regulations. This is a matter that requires investigation and is not a concluded finding of harm.

The applicant has not demonstrated that the proposal would avoid harmful effects on these protected resources or on Potters Bar Brook under the no-deterioration principle derived from the Water Environment Regulations and applicable river basin management plan obligations. Potters Bar recorded 32% of all Hertsmere flooding incidents between 2002 and 2015 (source: SFRA 2018), and the 2008 SFRA (Halcrow) identified Flood Zone 3b at the Darkes Lane entrance — a designation that was absent from the 2018 SFRA (AECOM). This discrepancy has not been explained.

Ground E: Green Belt and Grey Belt

E.1 Green Belt — CS13 and NPPF Paragraph 153

The site is Green Belt. Under CS13 and NPPF paragraph 153, substantial weight is given to Green Belt harm and inappropriate development should not be approved except in very special circumstances. The Council’s most recent decision on an adjacent large Green Belt application (PB3, December 2025) found that the benefits offered — including 50% affordable housing, open space and flood betterment — did not amount to very special circumstances. The applicant has not demonstrated on the evidence currently available why a different assessment would apply here. The whole site is subject to a Tree Preservation Order covering approximately 1,601 trees of 37 varieties. The significance of this for any assessment of Green Belt harm has not been addressed in the application documents.

E.2 Grey Belt — NPPF Paragraph 155 and Annex 2

CEG argues grey belt status under NPPF paragraph 155 and the Annex 2 definition. Annex 2 states grey belt includes land that does not strongly contribute to purposes (a), (b) or (d), but excludes land where Footnote 7 policies would provide a strong reason for refusing or restricting development. The mere presence of a Footnote 7 constraint does not automatically exclude the whole site; the test is whether the relevant policies would provide a strong reason for restriction. However, on the evidence currently before the Council, 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 and was not designed to answer the Annex 2 question. 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). Furthermore, Welwyn Hatfield District Council formally identified the golf course as "the site with the strongest relationship to Welwyn Hatfield" in December 2018 and formally requested HBC meet WHDC's unmet housing needs from this location — a cross-boundary designation that reinforces the site's strategic Green Belt function.

CEG may argue that the site's current condition — the former golf course having been left unmanaged since closure — supports a dereliction characterisation consistent with grey belt. The opposite conclusion is more soundly based. The site has been left to rewild since the golf course closed in 2018. It is now in effect agricultural land lying fallow, with almost all evidence of its former golf course use having been reclaimed by vegetation and natural processes. This represents ecological recovery, not dereliction: rewilding is a positive process that increases the site's biodiversity value and reinforces the Footnote 7 constraints under ecology and habitat policies. It 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 under Annex 2.

E.3 Housing Site Matrix: Internal Consistency Failure

Under Hertsmere's own 8-criterion scoring matrix across 104 housing sites, the golf course (HEL251) scores within the top 3 sites. However, Criterion 7 (technical objections) was scored 5 (no objections) — plainly inconsistent with the Thames Water, LLFA and transport evidence now in the public domain. If Criterion 7 is rescored to 2 to reflect the actual technical objection position, and adjustments are applied to transport (4 to 2) and Green Belt importance (5 to 3), the golf course drops from the top 3 to outside the top 50. Separately, PB3 (application 24/1101/OUTEI, refused December 2025 on flood grounds) scored 47 in the same matrix; the golf course scored 46.5. The Council refused the better-scoring site 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 that has not been explained.

Ground F: Ecology, Protected Species and SSSI

Two EPS licences are required under the Habitats Regulations 2017: for Great Crested Newts (Pond 3, within Zone of Influence) and for bat roosts in Building B1 (confirmed roosts requiring mitigation before demolition). A separate badger interference licence is required under the Protection of Badgers Act 1992 (domestic legislation; distinct from EPS under the Habitats Regulations). On this site, these protected-species requirements are not merely routine post-permission technicalities; they interact with developable area, veteran trees (13 Category A trees, protected under adopted SADM12), drainage works and construction phasing in ways that affect deliverability and net developable capacity.

Natural England was not consulted at pre-application stage on ecology, despite the EIA scoping document (25/0272/EI2) identifying the North Mymms Pits and Swallow Holes SSSI as a receptor via the hydrological pathway. The application has not demonstrated the absence of harmful hydrological effects on that SSSI. This is a Wildlife and Countryside Act site assessment matter; it does not engage the Habitats Regulations framework unless a European Habitats site link is established. Natural England's formal response to the application should be awaited before determination. The approximately 1,601 trees on the site subject to Tree Preservation Order (SADM12) represent an independent constraint on net developable capacity that has not been adequately addressed in the application documents.

Ground G: Transport and Sustainability

CEG's Transport Assessment indicates the Baker Street / Darkes Lane junction would operate materially above practical capacity in the PM peak under the with-development scenario, with no mitigation proposed. NPPF paragraph 115 requires safe and suitable access and cost-effective mitigation of significant transport impacts. NPPF paragraph 116 is the refusal threshold: development should only be refused on highways grounds where residual cumulative impacts on the road network, following mitigation, would be severe. The applicant should be required to identify junction mitigation before outline permission is granted; permission should not be granted on an unmitigated basis where the applicant's own evidence indicates the junction would operate materially above practical capacity.

The sustainability case relies substantially on proximity to Potters Bar station. The quoted distance is measured from the site boundary, not from dwelling centroids. Homes in the northern part of the site are realistically over 1.5km from the station by walking route, outside the standard 800m meaningful accessibility threshold. Bus services routed through a saturated Baker Street junction will be unreliable. The sustainability case and the transport evidence are in direct tension.

The Positive Alternative

PottersBar.Vision advances a community and green infrastructure use consistent with NPPF paragraphs 151 and 154(b): local authorities should plan positively to enhance Green Belt beneficial uses; and buildings for outdoor sport, recreation and allotments are not inappropriate development in the Green Belt where openness is preserved and Green Belt purposes are not conflicted. The adopted policy framework directly supports this alternative: CS15 (recreational access to open spaces), CS18 / CS19 (access to

services; key community facilities), SADM16 (watercourse restoration), SADM32 (key community facilities), SADM34 (open space, sports and leisure), SADM35–37 (local green space; minor amenity land; new public open spaces). 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.

Conclusion — Grounds for Refusal

- The applicant has not demonstrated the sequential test is satisfied. A developer-side comparator using the Council’s own data produces a flood-filtered capacity of 42–59 homes. The Council refused a nearby large Green Belt application with a better flood profile partly on sequential grounds three months before this application was submitted. The site is not allocated for development in the current adopted Local Plan. Hertsmere will need to explain this satisfactorily before granting consent or face possible legal challenge.
- The EA pre-application correspondence bundle (EIR2026/12448) confirms the EA requires bridges, not culverts, at all Potters Bar Brook crossings. This requirement has been stated in every formal EA letter since December 2023. The bridge designs have not been produced, modelled or reviewed. The final FRA required by the EA before any application determination has not been submitted. The EA’s satisfaction letters are pre-application advice only and cannot be treated as clearance.
- Darkes Lane is the ONLY vehicular access to this site. The railway tunnel at the western boundary is pedestrian-only, flood-prone, structurally limited and subject to Network Rail restrictions. The Hertfordshire Way footpath exits to a private road, crosses privately owned land, and is regularly flooded. There is no viable secondary vehicular or emergency access. The Council cannot be satisfied the access is adequate for 550 dwellings, deliverable without LDA 1991 consent from HCC LLFA, or compatible with adopted SADM16. The applicant must demonstrate that access works will not worsen flood conditions for existing residential neighbours in the same flood zone. Safe dry vehicular access for emergency services for the lifetime of the development has not been demonstrated under NPPF paragraph 181(e).
- The applicant has not demonstrated confirmed foul drainage capacity. Thames Water EIR evidence (EIR-23-24-626) confirms a 630m³ storage tank with consented storm overflow permit TEMP.2548 discharging to Potters Bar Brook in SPZ I. Photographic evidence of apparent upstream agricultural runoff into Potters Bar Brook has not been assessed as part of the cumulative water quality analysis. The Hertfordshire Water Study 2017 identifies the area as requiring immediate strategic intervention. Capacity confirmation has not been obtained (SADM17).
- The applicant has not demonstrated the proposal would avoid harmful effects on SPZ I, the Drinking Water Safeguard Zone, or Potters Bar Brook under water

quality no-deterioration obligations. The Thames Water storm overflow pathway is confirmed primary evidence.

- CEG's grey belt argument is not made out. The site has rewilded since 2018, representing ecological recovery that reinforces the Footnote 7 constraints, not dereliction that weakens them. Footnote 7 constraints have not been assessed. The housing site matrix scoring contains an internal consistency failure. In the alternative, there are no very special circumstances under CS13 / NPPF paragraph 153.
- Two EPS licences and a separate badger interference licence are required. Natural England was not consulted at pre-application stage on the SSSI hydrological pathway. Approximately 1,601 TPO trees affect net developable capacity in ways not addressed in the application.
- The Baker Street / Darkes Lane junction is indicated to operate materially above practical capacity in the PM peak under the applicant's own transport evidence, with no mitigation proposed. Mitigation must be identified before permission is granted (NPPF paragraphs 115 and 116).