



Ministry of Housing,
Communities &
Local Government

Our ref: APP/N1920/W/24/3354178
Your ref: 22/1526/FULEI

22 September 2025

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY LEGAL & GENERAL INVESTMENT MANAGEMENT AND SKY
STUDIOS LIMITED
LAND NORTH OF SKY STUDIOS ELSTREE (SSE), ROWLEY LANE, BOREHAMWOOD
APPLICATION REF: 22/1526/FULEI**

This decision was made by the Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC, who held a public local inquiry which opened on 25 March 2025 into your client's appeal against the decision of Hertsmere Borough Council to refuse your client's application for planning permission for a film and television production studio (use Class E(g)(ii)) with ancillary floorspace, backlot, new access arrangements, car parking, landscaping, infrastructure and associated works, in accordance with application Ref. 22/1526/FULEI, dated 31 August 2022.
2. On 20 February 2025, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

4. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened (IR1.5). Having taken account of the Inspector's comments at IR5.1, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

5. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the Hertsmere Core Strategy (CS) 2012-2027 (adopted January 2013) and the Hertsmere Site Allocations and Development Management Policies Plan (SADM) 2016 (adopted November 2016). The Secretary of State considers that relevant development plan policies include those set out at IR6.2-6.5.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (NPPF) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as those documents listed at IR6.8.
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (LBCA)1990, the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

10. The emerging plan comprises the 'Draft Local Plan 2024' and a consultation draft (Regulation 18) was published on 3 April 2024.
11. NPPF49 states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the NPPF. Given its early stage of preparation, and taking into account the Inspector's comments at IR6.6-6.7, the Secretary of State agrees with the Inspector and parties that the draft Local Plan can only be afforded limited weight (IR6.7).

Main issues

Inappropriate development in the Green Belt

NPPF155(a)

12. For the reasons given at IR14.3-14.4, the Secretary of State agrees with the Inspector's approach, and agrees that the key development plan policies for this main issue are consistent with the NPPF insofar as they relate to the proposed development (IR14.4). He notes that SADM Policy 26 confirms that all proposals in the Green Belt will be assessed against CS Policy CS13 (IR6.5). He notes that the applicant, the Council and Green Fields not Grey Studios all agree that the appeal site does not strongly contribute to purpose (a), and makes little or no contribution to purposes (b) or (d) in NPPF143, and therefore comprises grey belt land (IR7.1, IR14.3). He considers that the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development, and agrees that the site comprises grey belt land.
13. For the reasons given at IR14.5, the Secretary of State agrees that while there is no local assessment of the Green Belt in Hertsmere that looks specifically at NPPF155(a), the Council's Green Belt Assessment (GBA), particularly the Stage 2 GBA, can be referenced for the purposes of this appeal.
14. For the reasons given at IR14.6-14.16, the Secretary of State agrees that the development would not fundamentally undermine the 5 purposes of the remaining Green Belt in Hertsmere or affect the ability of the borough's Green Belt from serving these purposes in a meaningful way. He further agrees that the requirement in NPPF155(a) would be met (IR14.16).

NPPF155(b)

15. For the reasons given at IR14.20-IR14.23 and IR14.43, the Secretary of State agrees with the Inspector that Sky Studios Limited has identified a need to enlarge its current operation at SSE, that there is a reasonable and probable outcome that if the appeal is allowed, the type of development that would take place would be for an extension of the existing studio site at SSE, and that there is an unmet need for studio space related directly to the expansion of SSE (IR14.23).
16. In reaching this conclusion, the Secretary of State has taken into account that the description of development does not specify that the development would be used as an extension to the existing SSE site, and no condition requiring the development to be an extension has been put forward either (IR14.17). He acknowledges that it is conceivable that the proposed development could be operated as a standalone studio business separate to SSE without any restrictions imposed by the description and any planning conditions (IR14.19). However, taking into account the matters set out at IR14.20-14.23, the Secretary of State considers that the proposal is highly likely to be brought forward as an extension and that it is appropriate to proceed on this basis. He considers on that basis that unmet need has been demonstrated and carries substantial weight in favour of the proposal, and that the requirement in NPPF155(b) is met.
17. The Secretary of State has also considered what the need position would be on the basis of a standalone studio. He has noted the position set out at IR14.24-14.25, but like the

Inspector considers that national and local economic policy seeking to grow the sector, and an increased spend in productions, do not in themselves equate to unmet need. He has taken into account the Knight Frank report from October 2024 as referenced by the Inspector (IR14.26, IR14.42), the evidence referenced at IR14.27 and the parties' cases. He agrees with the Inspector at IR14.28 that the decline in permissions being constructed might indicate a reduced demand for space, but it is a complex picture based on corporate priorities and financing. The Secretary of State notes the Inspector's conclusion that there is a general need for studio space within the West London Cluster that is not currently being met (IR14.28). However, in the light of the uncertainties, he does not consider that the evidence put forward in this case allows for a clear conclusion that there is unmet need for the proposal as a standalone studio. He therefore attaches no weight to general need.

NPPF155(c)

18. For the reasons given at IR14.30 and IR14.65, the Secretary of State agrees that the site would be very accessible by public transport given the bus network and the good train connections to central London, that the s.106 agreement would achieve a range of sustainable transport measures, and that the improved connectivity for pedestrians and cyclists would help to encourage more sustainable modes of travel between the site and town centre. He agrees at IR14.65 that the development would be in a sustainable location with particular reference to NPPF110 and 115. He further agrees at IR14.31 that NPPF155(c) would be met.
19. Taking into account that the development would utilise various sustainable design and construction measures to improve energy consumption and waste recycling, the Secretary of State agrees that, taken together, these sustainability benefits carry significant weight (IR14.65).

Conclusions on inappropriate development in the Green Belt

20. For the reasons given above, and as NPPF155(d) is not relevant to this case, the Secretary of State agrees that the proposal would not be inappropriate development in the Green Belt. He further agrees that the proposal would accord with CS Policies SP1 and CS13 (IR14.31).

Green Belt openness and purposes

21. For the reasons given at IR4.33-14.40, the Secretary of State agrees that there would be a high level of harm to Green Belt openness in a spatial sense and a moderate level of harm in a visual sense. He further agrees with the Inspector's conclusions on conflict with Green Belt purposes. As he has found that the development would not be inappropriate development in the Green Belt and footnote 55 of NPPF153 applies, these matters do not weigh against the development. For the avoidance of doubt, had he found that the proposal was inappropriate development he would have agreed with the substantial weight attached by the Inspector to Green Belt harm (IR14.40).

Alternative sites

22. For the reasons given at IR14.44-14.46, the Secretary of State agrees that no alternative sites suitable for the extension of SSE have been demonstrated, and in the absence of evidence to the contrary, no alternative sites suitable for a standalone development have been demonstrated. Overall, he agrees that the arguments on the availability of

alternative sites thus carry little weight in this case, for or against the development (IR14.46, IR14.63).

Other matters

23. For the reasons set out at IR14.47-14.50, the Secretary of State agrees at IR14.50 that in the light of the harm to landscape character and trees, there would be some conflict with SADM Policies SADM26 and SADM30. He considers that there would be moderate harm in respect of trees, which carries moderate weight. Taking into account his findings at paragraph 21 above as well as the Inspector's reasons at IR14.48, overall, the Secretary of State considers that the harm to landscape character carries significant weight.
24. For the reasons set out at IR14.51-14.53, the Secretary of State agrees that the development would avoid significant impacts on capacity, congestion and highway safety, and that there would be no severe residual cumulative impacts on the road network (IR14.53).
25. For the reasons set out at IR14.54-14.56 the Secretary of State agrees that, overall, the development would have an acceptable effect on Strangeway Stables (IR14.56).
26. For the reasons set out at IR14.57, the Secretary of State agrees the development would have an acceptable effect on ecology matters. He further agrees, for the reasons set out at IR14.66, that Biodiversity Net Gain (BNG) should carry moderate weight.
27. For the reasons set out at IR14.58, the Secretary of State agrees that although large scale built development would encroach towards Nelson's Cottage and the barn at Rowley Farm, the setting and significance of these listed buildings would be preserved and the existing business at the barn would not be jeopardised.
28. The Secretary of State agrees with the Inspector's analysis regarding local objections at IR14.59 and agrees that each proposal should be assessed on its planning merits.
29. For the reasons given at IR14.62, the Secretary of State agrees that the proposed development would deliver considerable jobs and investment with over 3,800 jobs across the UK created once the development is in place, and the Gross Value Added over the first decade of operation which is predicted to generate over £4 billion for the UK economy (IR14.62). He agrees that very substantial weight can be attributed to the economic benefits.
30. For the reasons given at IR14.64, the Secretary of State agrees that substantial weight can be afforded to the socio-economic benefits, on the basis that the proposal would be used as an extension to the existing site. For the avoidance of doubt, if the proposal were to be used as a standalone studio, given that these matters would be secured by a condition agreed with the Council, the Secretary of State would attribute the same weight to this matter.
31. As set out at paragraph 17 above, if considered as a standalone studio, the Secretary of State considers that unmet need has not been demonstrated. On that basis, the requirement in NPPF155(b) would not be met, the proposal would therefore be inappropriate development in the Green Belt and very special circumstances would need to be demonstrated. As set out at paragraph 21 above, in that scenario the Secretary of State considers that the harm to the Green Belt in terms of inappropriateness, harm to

openness and harm to purposes would have carried substantial weight. Although he has not proceeded on that basis, for the avoidance of doubt, he considers that the harm to the Green Belt and any other harm would be clearly outweighed by the benefits of the scheme such that very special circumstances would exist and development in the Green Belt would be justified.

Planning conditions

32. The Secretary of State has had regard to the Inspector's analysis at IR13.1-13.5, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy at NPPF57 and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at NPPF57, and that the conditions set out at Annex B should form part of his decision.

Planning obligations

33. The Secretary of State has had regard to the Inspector's analysis at IR13.6-13.12, the planning obligation dated 15 April 2025, NPPF58, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. The Secretary of State agrees with the Inspector at IR13.9 that the obligation in Part 4, relating to the financial contribution towards a Film and Television Heritage Centre, would not meet the three statutory tests, particularly that relating to necessity. The Secretary of State has therefore not taken this obligation into account in his decision. For the reasons given at IR3.6-13.12, he agrees that the remaining obligations comply with Regulation 122 of the CIL Regulations 2010 and the tests at NPPF58.

Planning balance and overall conclusion

34. For the reasons given above, the Secretary of State considers that there would be some conflict with Policies SADM26 and SADM30 of the development plan, but that the proposal is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

35. Weighing in favour of the proposal are economic benefits carrying very substantial weight; meeting unmet need carrying substantial weight; socio-economic benefits carrying substantial weight; sustainability benefits carrying significant weight; and BNG carrying moderate weight.

36. Weighing against the proposal is harm to landscape character which carries significant weight; and harm to trees which carries moderate weight.

37. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.

Formal decision

38. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for a film and television production studio (use Class E(g)(ii)) with ancillary floorspace, backlot,

new access arrangements, car parking, landscaping, infrastructure and associated works, in accordance with application Ref. 22/1526/FULEI, dated 31 August 2022.

39. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

41. A copy of this letter has been sent to Hertsmere Borough Council and Green Fields not Grey Studios, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by the Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
D Manning, Queen's School	7 February 2025
G Worgan, West Herts College Group	12 February 2025, letter dated 11 February
F Evans, Into Film	24 February 2025
A Slade, Oaklands College	24 February 2025
R Patel, Everything Audio Ltd	25 February 2025
A Morley, Hertfordshire Futures	3 March 2025
P Cawdron, Hertfordshire Futures	3 March 2025
J Graham, The Flying Physios Ltd	3 March 2025
G Turner	5 March 2025
D Chesney	6 March 2025
P Hayes, The Stage Scenery Company Ltd	11 March 2025
S Bohan	12 March 2025
J Öberg	27 March 2025
L Borg	21 April 2025, letter dated 14 April 2025
S Kershaw	25 April 2025
A Wootton OBE, British Film Commission	24 July 2025, letter dated 22 July 2025
Rt Hon L Nandy MP, Secretary of State for Culture, Media and Sport	6 August 2025, letter dated 5 August 2025

Annex B List of conditions

Time limit for commencement

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Approved plans

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

Site Location Plan 21043-UMC-XXXX-SI-DR-A-0500 P05
Existing Site Plan 21043-UMC-XXXX-SI-DR-A-0501 P02
Proposed Masterplan – Building Plans 21043-UMC-XXXX-SI-DR-A-0600 P11
Proposed Masterplan – Roof Plans 21043-UMC-XXXX-SI-DR-A-0601 P05
Proposed External Finishes Plan 21043-UMC-XXXX-SI-DR-A-0604 P05
Proposed Site Sections – Sheet 1 21043-UMC-XXXX-ZZ-DR-A-0610 P03
Proposed Site Sections – Sheet 2 21043-UMC-XXXX-ZZ-DR-A-0611 P03
Proposed Site Sections – Sheet 3 21043-UMC-XXXX-ZZ-DR-A-0612 P04
Proposed Site Sections – Sheet 4 21043-UMC-XXXX-ZZ-DR-A-0613 P01
Proposed Perimeter Fencing & Security Plan 21043-UMC-XXXX-SI-DR-A-0700 P06
Proposed Timber Screening Details 21043-UMC-XXXX-SI-DR-A-0701 P02
Proposed Cycle Storage Details 21043-UMC-XXXX-SI-DR-A-0702 P04
Proposed Utilities Compound Details 21043-UMC-XXXX-SI-DR-A-0703 P03
Proposed Gatehouse Details 21043-UMC-XXXX-SI-DR-A-0704 P04
Proposed Building 200 – Building in Context Plan 21043-UMC-XXXX-SI-DR-A-100 P03
Proposed Building 200 – Lower Ground Floor Plan 21043-UMC-200-LG-DR-A-1001 P05
Proposed Building 200 – Ground Floor Plan 21043-UMC-200-00-DR-A-1002 P05
Proposed Building 200 – First Floor 21043-UMC-200-01-DR-A-1003 P05
Proposed Building 200 – Second Floor 21043-UMC-200-02-DR-A-1004 P05
Proposed Building 200 – Roof Plan 21043-UMC-200-R1-DR-A-1010 P04
Proposed Building 200 – Building Section AA 21043-UMC-200-ZZ-DR-A-1100 P03
Proposed Building 200 – Building Section BB 21043-UMC-200-ZZ-DR-A-1101 P03
Proposed Building 200 – Elevations 21043-UMC-200-ZZ-DR-A-1300 P03
Proposed Building 210 – Building in Context Plan 21043-UMC-210-SI-DR-A-2000 P02
Proposed Building 210 – Ground Floor Plan 21043-UMC-210-00-DR-A-2001 P04
Proposed Building 210 – First Floor 21043-UMC-210-01-DR-A-2002 P04
Proposed Building 210 – Second Floor 21043-UMC-210-02-DR-A-2003 P04
Proposed Building 210 – Roof Plan 21043-UMC-210-R1-DR-A-2010 P03
Proposed Building 210 – Building Section AA 21043-UMC-210-ZZ-DR-A-2100 P03
Proposed Building 210 – Elevation 1 of 2 21043-UMC-210-ZZ-DR-A-2300 P03
Proposed Building 210 – Elevation 2 of 2 21043-UMC-210-ZZ-DR-A-2301 P03
Proposed Building 220 – Building in Context Plan 21043-UMC-220-SI-DR-A-3000 P02
Proposed Building 220 – Ground Floor Plan 21043-UMC-220-00-DR-A-3001 P04
Proposed Building 220 – First Floor 21043-UMC-220-00-DR-A-3002 P04
Proposed Building 220 – Second Floor 21043-UMC-220-02-DR-A-3003 P04
Proposed Building 220 – Roof Plan 21043-UMC-220-R1-DR-A-3010 P03
Proposed Building 220 – Building Section AA 21043-UMC-220-ZZ-DR-A-3100 P03
Proposed Building 220 – Elevation 1 of 2 21043-UMC-220-ZZ-DR-A-3300 P03
Proposed Building 220 – Elevation 2 of 2 21043-UMC-220-ZZ-DR-A-3301 P03
Proposed Building 230 – Building in Context Plan 21043-UMC-230-ZZ-DR-A-4000 P02
Proposed Building 230 – Ground Floor Plan 21043-UMC-230-00-DR-A-4001 P04
Proposed Building 230 – First Floor 21043-UMC-230-01-DR-A-4002 P04

Proposed Building 230 – Second Floor 21043-UMC-230-02-DR-A-4003 P04
 Proposed Building 230 – Roof Plan 21043-UMC-230-R1-DR-A-4010 P03
 Proposed Building 230 – Building Section AA 21043-UMC-230-ZZ-DR-A-4100 P02
 Proposed Building 230 – Elevation 1 of 2 21043-UMC-230-ZZ-DR-A-4300 P03
 Proposed Building 230 – Elevation 2 of 2 21043-UMC-230-ZZ-DR-A-4301 P03
 Proposed Building 240 – Building in Context Plan 21043-UMC-240-SI-DR-A-5000 P02
 Proposed Building 240 – Ground Floor Plan 21043-UMC-240-00-DR-A-5001 P04
 Proposed Building 240 – Roof Plan 21043-UMC-240-R1-DR-A-5010 P03
 Proposed Building 240 – Building Section AA 21043-UMC-240-ZZ-DR-A-5100 P03
 Proposed Building 240 – Elevation 1 of 2 21043-UMC-240-ZZ-DR-A-5300 P03
 Proposed Building 240 – Elevation 2 of 2 21043-UMC-240-ZZ-DR-A-5301 P03
 Proposed Building 250 – Building in Context Plan 21043-UMC-250-SI-DR-A-6000 P02
 Proposed Building 250 – Ground Floor Plan 21043-UMC-250-00-DR-A-6001 P04
 Proposed Building 250 – First Floor 21043-UMC-250-01-DR-A-6002 P04
 Proposed Building 250 – Second Floor 21043-UMC-250-02-DR-A-6003 P04
 Proposed Building 250 – Roof Plan 21043-UMC-250-R1-DR-A-6010 P03
 Proposed Building 250 – Building Section AA 21043-UMC-250-ZZ-DR-A-6100 P02
 Proposed Building 250 – Elevation 1 of 2 21043-UMC-250-ZZ-DR-A-6300 P03
 Proposed Building 250 – Elevation 2 of 2 21043-UMC-250-ZZ-DR-A-6301 P03
 Proposed Building 260 – Building in Context Plan 21043-UMC-260-SI-DR-A-7000 P02
 Proposed Building 260 – Lower Ground Floor Plan 21043-UMC-260-LG-DR-A-7001 P04
 Proposed Building 260 – Ground Floor Plan 21043-UMC-260-00-DR-A-7002 P03
 Proposed Building 260 – First Floor Plan 21043-UMC-260-01-DR-A-7003 P04
 Proposed Building 260 – POB Floor Plan 21043-UMC-260-02-DR-A-7004 P04
 Proposed Building 260 – Roof Plan 21043-UMC-260-R1-DR-A-7010 P04
 Proposed Building 260 – Building Sections 21043-UMC-260-ZZ-DR-A-7100 P02
 Proposed Building 260 - Elevations 21043-UMC-260-ZZ-DR-A-7300 P03
 Proposed MSCP – Building in Context Plan 21043-UMC-MSCP-SI-DR-A-8000 P03
 Proposed MSCP – Level 0 Floor Plan 21043-UMC-MSCP-00-DR-A-8001 P06
 Proposed MSCP – Mezzanine Plan 21043-UMC-MSCP-M0-DR-A-8002 P06
 Proposed MSCP – Level 1 Floor Plan 21043-UMC-MSCP-01-DR-A-8003 P06
 Proposed MSCP – Level 2 Floor Plan 21043-UMC-MSCP-02-DR-A-8004 P06
 Proposed MSCP – Level 3 Floor Plan 21043-UMC-MSCP-03-DR-A-8005 P06
 Proposed MSCP – Level 4 Floor Plan 21043-UMC-MSCP-04-DR-A-8006 P05
 Proposed MSCP – Building Sections 21043-UMC-MSCP-ZZ-DR-A-8100 P02
 Proposed MSCP – Elevation 1 of 2 21043-UMC-MSCP-ZZ-DR-A-8300 P03
 Proposed MSCP – Elevation 2 of 2 21043-UMC-MSCP-ZZ-DR-A-8301 P03
 Landscape General Arrangement (Sheet 1 of 3) BMD.22.0042.DR.P101 D
 Landscape General Arrangement (Sheet 2 of 3) BMD.22.0042.DR.P102 C
 Landscape General Arrangement (Sheet 3 of 3) BMD.22.0042.DR.P103 C
 Overall Landscape General Arrangement (Sheet 3 or 3) BMD.22.0042.DR.P001 E
 Planting Plan (Sheet 1 of 3) BMD.22.0042.DR.P201 D
 Planting Plan (Sheet 2 of 3) BMD.22.0042.DR.P202 C
 Planting Plan (Sheet 3 of 3) BMD.22.0042.DR.P203 D
 Sections AA, BB & CC (Sheet 1 of 3) BMD.22.0042.DR.P301 B
 Sections DD & EE (Sheet 2 of 3) BMD.22.0042.DR.P302 B
 Sections FF & GG (Sheet 3 of 3) BMD.22.0042.DR.P303 B

Pre-commencement conditions

3. Prior to the commencement of the development hereby approved, a non-intrusive magnetometer survey, and where necessary, an intrusive magnetometer survey shall be carried out with respect to the high UXO risk zone identified within the Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment, Project No. 9634 and dated 28th March 2022. The results should be reported within a UXO Validation Report,

submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

The UXO Validation Report shall also include the following, with respect to both high & medium UXO risk zones, following completion of measures identified within the Mitigation Measures Strategy:

- i. Provision of records with respect to Avoidance (where deemed necessary), Communication & Training and Detection. Examples of records which shall be provided include, record drawings or statements within appropriate design documentation and records of any briefing sessions as part of a site induction & formal training/certification re Avoidance and Training respectively.
 - ii. With respect to Detection, examples of records which shall be provided include, watching brief check sheets to confirm whether any UXO was encountered and if so what measures were taken during and after the incident. Details of any intrusive survey techniques, photographs, MOD correspondence and a detailed plan which shows the location of any UXO in conjunction with the Application site.
 - iii. Details of any excavation, categorisation, and where appropriate removal or demolition/destruction works with respect to any positive detection of UXO.
4. (A) No development shall commence before an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing and in accordance with the programme of work as set out in the Archaeological Brief (P10/22/1526). The scheme shall include an assessment of archaeological significance and research questions; and
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(B) The development shall commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under (A)

(C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis and publication where appropriate.

5. No development shall take place before details and a method statement for interim and temporary drainage measures during the construction phases have been submitted to and approved in writing by the Local Planning Authority. This should include construction drawings of the surface water drainage network, associated

sustainable drainage components and flow control mechanisms and a construction method statement. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

6. No development shall take place before a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and an assessment of the hydrological and hydro-geological context of the development (based on the watercourse modelling for Sky Studios Elstree South as described in the Flood Risk Assessment by Fairhurst (dated May 2023) and Ground Water findings as noted in the approved Ground Investigation Report by Fairhurst (dated March 2023) have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details and shall be retained in accordance with the agreed and implemented scheme thereafter for the lifetime of the development.
7. No development shall take place (including ground works and vegetation clearance) until a Construction Environment Management Plan (CEMP) (Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - i. A review of any ecological impacts informed by the submitted Biodiversity Net Gain Report (Biodiversity Net Gain Report, ref. 9690.BNGReport.vf8, August 2023 by Ecology Solutions;
 - ii. Risk assessment of potentially damaging construction activities;
 - iii. Identification of 'biodiversity protection zones';
 - iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - v. The location and timings of sensitive works to avoid harm to biodiversity features;
 - vi. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vii. Responsible persons and lines of communication;
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - ix. Use of protective fences, exclusion barriers and warning signs if applicable. Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.
8. No development shall take place (including ground works and vegetation clearance) until a Biodiversity Net Gain Management Plan (BNGMP) has been submitted to and

approved in writing by the local planning authority to achieve a minimum of 65.54 habitat and hedgerow units by way of biodiversity net gain (BNG). The plan shall include the following:

- i. A summary of the baseline and post development biodiversity net gain data used to inform the BNG metric.
- ii. A brief description of the location, area and species composition of planned (post-development) retained, created, and enhanced habitats.
- iii. A map showing the location, and area of such habitats.
- iv. Details of the number and type of ecological enhancements outlined within the Biodiversity Net Gain Report, ref. 9690.BNGReport.vf8, August 2023 by Ecology Solutions, and a map to show their location.
- v. A Habitat Management and Monitoring Plan detailing the specific prescriptions as to how the target habitats and condition will be achieved and maintained for a minimum period of 30 years.
- vi. The body or organisation responsible for implementation of the Biodiversity Net Gain Management Plan and monitoring and remedial measures of the plan.
- vii. A copy of any legal agreement and/or other legally enforceable means that secures the delivery and long-term provision of such measures.
- viii. The legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted should not be occupied until the approved BNGMP has been brought into effect.

9. No development shall take place before an updated Construction Traffic Management Plan, (reference Outline Construction Logistics Plan: 106372-PEF-XX-XX-RP-TR-000005 CLP) is submitted to and approved in writing by the Local Planning Authority and in consultation with National Highways where the detail is relevant to the Strategic Road Network. The plan shall include as a minimum detail of, but not be limited to:
- i. construction programme for the development;
 - ii. the proposed construction traffic routes to the site, to be identified on a plan;
 - iii. construction traffic management plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway);
 - iv. an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day
 - v. management and hours of construction work and deliveries;

- vi. the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- vii. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development and this shall include dust suppression relative to the adjacent A1;
- viii. details of waste management arrangements;
- ix. the storage of materials and construction waste, including waste recycling where possible;
- x. the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- xi. details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to adjacent areas because of the construction programme;
- xii. contact details of personnel responsible for the construction works; and
- xiii. soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for re-use;
- xiv. a commitment through a contractual arrangement with contractors and their suppliers to commit to travelling along prescribed routes to and from the site;
- xv. a strategy which seeks to reduce rat running to the site from the M25 by monitoring traffic travelling on B3578 London Road through Shenley and any other routes as necessary, including the use of ANPR cameras; and
- xvi. a commitment through a contractual arrangement with contractors and their suppliers to avoid parking on-street within the vicinity of the site.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details, unless otherwise approved in writing by the Local Planning Authority.

10. No development shall take place (including ground works and vegetation clearance) until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622 or any subsequent revisions or update) has been submitted to and approved in writing by the Local Planning Authority and in consultation National Highways where this might impact the A1. The development shall be carried out in accordance with the approved details and retained thereafter.

11. No development shall take place until a Site Waste Construction Management Plan (SWCMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWCMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWCMP.

Land contamination conditions

12. In the event contamination is found at any time when carrying out the approved development, which was not previously identified, it must be reported in writing immediately to the Local Planning Authority and work shall cease immediately within the relevant area until an investigation and risk assessment has been undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved scheme prior to the occupation of any development within the relevant area of the site. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.
13. Prior to importing any soil from outside the site, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, verifying that any imported topsoil, is certified as suitable for use, prior to the first site usage.

Other drainage conditions

14. No above ground development shall take place before a scheme for the on-site storage and regulated discharge of surface water run-off, has been submitted to, and approved in writing by the Local Planning Authority, and where this could impact on the A1 Trunk Road, this will be in consultation with National Highways. The scheme should ensure that no surface water will run off from the development on to the Strategic Road Network (SRN) (as defined in this application as the A1), or in to any drainage system connected to the SRN. The development shall be carried out in accordance with the approved scheme and shall be retained in that manner thereafter for the lifetime of the development.
15. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation;
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located;
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

16. Upon completion of the on-site surface water drainage system (excluding any works associated with S278 highway works), including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to conditions 6 and 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Other landscape and ecology conditions

17. No above ground development shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- i. Details of maintenance regimes for retained Pond P1 shown on Plan EC02: Ecological Features (appended to Appendix F1 (Ecological Assessment) of the Environmental Statement);
- ii. Details of any new habitat created on-site and proposed long-term maintenance for these habitats. For the proposed wetland habitats, details of expected hydrological regime and long term management of sediment should be provided;
- iii. Details of treatment of site boundaries, including retaining existing boundary features, and buffers around water bodies including information on proposed management of vegetation and any proposed planting within 8m of the river; and
- iv. Details of management responsibilities

The works proposed within the LEMP shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter for the life of the development.

Other highways and transport conditions

18. Prior to the occupation of the development hereby permitted, the vehicular accesses and associated cycleway extension in Rowley Lane shall be provided at the position shown in principle on the approved plan drawing number 106372-T-006 Revision F – (Proposed Access Plan).

19. Prior to the first occupation of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown within approved drawings. Any other access(es) or egresses shall be permanently closed, and the footway and highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access(es).
20. Prior to the first occupation of the development, the Off-Site Cycleway Improvement Scheme, as illustrated in principle in drawing numbers 106372-PEL-ZZ-XX-SK-C 00010 P01, 106372-PEL-GEN-XX-SK-C-001 P05, 0002 P05, 0003 P05, 0004 P05, 0005 P05 and 0006 P05, shall be completed.
21. Prior to the first occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Car Parking Management Plan should be adhered to for the lifetime of the development.
22. Prior to the first occupation and/or use of the development hereby permitted, a scheme for the parking of cycles in accordance with approved drawing no. 21043-0702-P04 - Proposed Cycle Storage Details shall be provided. The cycle parking scheme provided shall be retained for this purpose for the life of the development.
23. The development hereby approved shall not be occupied otherwise than in accordance with the mitigation scheme identified for the A1/A5135/Newark Roundabout junction, as shown in the Pell Frischmann drawing 106372-T-021 P03 and titled Newark Green Roundabout Junction Mitigation, and the mitigation scheme identified for the A5135/Rowley Lane junction, as shown in the Pell Frischmann drawing 106372-PEF-XX-XX-DR-TR-000024 P04 and titled Potential Highway Mitigations A5135 Rowley Lane Diverge Taper General Arrangement and Dimensions.
24. The development hereby approved shall not be occupied otherwise than in accordance with the completed improvement scheme identified for the A1 Southbound off-slip with the A5135 as shown in the Pell Frischmann drawing A1 Southbound Diverge Proposed 106372-PEF-DR-TR-022-P03.
25. No screen, set or other structure erected on the backlot shall exceed a height of 15 metres above existing ground levels.

Noise conditions

26. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties.

27. Any studio operational noise (LAeq15mins) from work activities (fabrication, filming etc.) carried out externally must not exceed the background noise level (LA90) at the nearest noise sensitive receptor. Studio management shall, for each new production, check if any planned outdoor filming activities could generate high noise levels that may exceed the background noise at the nearest noise sensitive receptor. Where such a risk is identified, a noise mitigation and management plan must be prepared and submitted in writing to the Local Planning Authority for agreement before the activity takes place.

Lighting conditions

28. An external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The development shall be carried out in accordance with the approved scheme.

29. Prior to the installation of external lighting, an External Lighting Design Strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. A sensitive lighting strategy will accompany the detailed layout, ensuring that dark corridors are maintained, and minimising light spill to retained and newly created habitats. This shall be shown in suitable contour plans and charts and accord with best practice (ref: Bats and Artificial Lighting at Night, BCT & ILP Guidance Note 08/23). The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

30. Prior to the installation of any external lighting, full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with relevant highway authorities. The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with the Institution of Lighting Engineers Guidance Notes for The Reduction of Obtrusive Light:

- i. levels of luminance;
- ii. timing of its provision; and
- iii. location for installation including appropriate lighting contour plans.

The approved external lighting shall be provided in strict accordance with the agreed details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Materials and carbon offsetting

31. No above ground development shall take place before samples of the materials to be used in the construction of the external surfaces of the development and the detailed design of the development has been submitted to and approved in writing by the Local Planning Authority. To achieve carbon reductions, a fabric first approach should

be taken in line with the guidance in the Carbon Offsetting Draft SPD (September 2022). The development should achieve carbon reductions in line with the energy hierarchy in Hertsmere and, in accordance with the requirements of paragraph 3.6 of the Carbon Offsetting Draft SPD, should achieve at least a 10% reduction in carbon emissions over and above Part L of the Building Regulations, to be achieved through improvements to building fabric and the design and layout of development; and at least a 30% reduction on Part L achieved through renewable energy use

Training, employment and community use

32. The development hereby approved shall not be brought into use as a Film and TV studios until a Training and Employment and Community Use and Outreach Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will promote training and employment and community use and outreach opportunities for people who live or study in the borough of Hertsmere (including provision of traineeships and apprentices and engagement with local education providers), and it shall apply during the operational stage of the development thereafter. The agreed strategy will be implemented within one year of the first use of the site as Film and TV studios. Any amendments to the strategy will require further submission to and approval in writing by the Local Planning Authority. For the life of the development, a yearly update shall be submitted to the Local Planning Authority with details of how many placements have been made and of what percentage of those have been people who were living or studying in the borough and what community use and outreach activities have taken place.

Use Class restriction

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby permitted shall not be used for any purpose other than as film and television studios. For the avoidance of doubt, changes to other uses within the same Use Class as film and television studios (Use Class E(g)) are prohibited by this condition.



Planning Inspectorate

Report to the Secretary of State

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

Inspector appointed by the Secretary of State

Date 16 June 2025

Town and Country Planning Act 1990

Appeal by

Legal & General Investment Management
and Sky Studios Limited

Land North of Sky Studios Elstree, Rowley Lane,
Borehamwood

Inquiry opened on 25 March 2025. Site visit on 28 March 2025.

Land North of Sky Studios Elstree, Rowley Lane, Borehamwood

File Ref: APP/N1920/W/24/3354178

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List of Abbreviations

Term	Definition/Description
BNG	Biodiversity Net Gain
CD	Core Document
CIL	Community Infrastructure Levy
CS	Hertsmere Core Strategy 2013
EIA	Environmental Impact Assessment
ES	Environmental Statement
GBA	Green Belt Assessment
GVA	Gross Value Added
ha	Hectare
LBB	London Borough of Barnet
LCA	Landscape Character Area
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
SADM	Site Allocations and Development Management Policies Plan 2016
SoS	Secretary of State
S106	Section 106
SPA	Special Policy Area
SPD	Supplementary Planning Document
sq. ft	square feet
sqm	square metres
SSE	Sky Studios Elstree
WLC	West London Cluster

File Ref: APP/N1920/W/24/3354178

Land North of Sky Studios Elstree, Rowley Lane, Borehamwood

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Legal & General Investment Management and Sky Studios Limited against the decision of Hertsmere Borough Council (the Council).
- The application Ref 22/1526/FULEI was dated 31 August 2022 and was refused by notice dated 19 April 2024.
- The development proposed is development of a film and television production studio (use Class E(g)(ii)) with ancillary floorspace, backlot, new access arrangements, car parking, landscaping, infrastructure and associated works.
- On the information available at the time of making the recovery direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the appeal: Significant development in the Green Belt.

Summary of Recommendation:

That the appeal be allowed, and planning permission granted, subject to the schedule of 33 conditions in Annex C and all the obligations in the Section 106 agreement dated 15 April 2025 (apart from those in Part 4 of Schedule 1).

1. Procedural Matters

- 1.1 The planning application **was reported to the Council's Planning Committee on 21 March 2024** with a recommendation to approve subject to conditions and the completion of a Section 106 (S106) legal agreement. Members resolved to refuse planning permission for the following reason¹:

The proposed development is considered to constitute inappropriate development in the Green Belt. Paragraph 152 of the National Planning Policy Framework 2023 (NPPF) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states 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.

The Council considers that the benefits of the development, inclusive of various economic benefits, are not sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as harm arising through the loss of Green Belt openness. Accordingly, very special circumstances are not considered to arise here and permission is refused in accordance with the requirements of Policy CS13 of the Hertsmere Core Strategy (2013) and the NPPF 2023. Consequently, the proposed development is considered to be contrary to the requirements of Policies SP1 and CS13 of the Hertsmere Core Strategy (2013), Policies SADM12 and SADM26 of the Site Allocations and Development Management Policies Plan (2016) and the NPPF 2023.

¹ Core Document (CD) 3.3

- 1.2 On 20 February 2025, the Secretary of State (SoS) directed that she would recover this appeal for her own determination. The reason given for the recovery was that the proposal represents significant development in the Green Belt.
- 1.3 The Inquiry sat for 4 days on 25-27 March and 2 April 2025. A local community group known as Green Fields not Grey Studios acted as a Rule 6 party at the Inquiry (the Rule 6 party). The Inquiry closed in writing on 17 April 2025 once an updated schedule of conditions and a completed and executed S106 agreement had been received, along with written agreement from the appellants on pre-commencement conditions. This report was submitted for the usual quality assurance checks in May 2025.
- 1.4 I did an unaccompanied pre-inquiry familiarisation visit on 24 March 2025 to see the area surrounding the site, including most of the viewpoint locations and walking routes shown on the site visit map². I observed lighting levels on Rowley Lane between York Crescent and Studio Way on the evening of 25 March 2025. I also observed traffic movements during 24-28 March 2025 including the A1, A5135 and Rowley Lane roundabout, the gyratory past Elstree House, and traffic heading to and from Borehamwood via Rowley Lane and Well End Road. An accompanied visit to the site and surrounding area (including the existing Sky Studios site) took place on 28 March 2025.
- 1.5 An Environmental Statement (ES) was submitted alongside the planning application³. This was due to the scale and location of the proposed development and the nature of potential effects. An ES addendum⁴ was submitted on 15 September 2023 following comments from consultees. Following the appeal submission, the appellants provided further environmental information on 20 February 2025 following the discovery of Great Crested Newts at a nearby pond. This information was contained in an **appendix to the appellants' planning proof**. Further publicity was carried out⁵.
2. The Site and Surroundings⁶
 - 2.1 The appeal site comprises approximately 15ha of land to the east of Borehamwood town centre on the edge of the built up area and within the Green Belt. It is located to the north of Sky Studios Elstree (SSE) and to the west of the A1. There is bunding and vegetation along the A1 boundary. Rowley Lane borders the site to the west with mature vegetation along this boundary. Rowley Lane connects to the A1 to the south via the A5135 roundabout and also continues north and then east past Rowley Farm and Strangeways Stables to another A1 junction. The barn at Rowley Farm is used as an events venue, while Strangeways Stables operates as a livery for the stabling of horses who graze the adjoining fields.
 - 2.2 The broadly triangular site area measures a maximum of around 630m from east to west by around 400m north to south. The topography falls from north to south from 105m to 96m. The site contains five fields laid to pasture and

² Inquiry Document (ID) 11

³ CD1.97 to CD1.152

⁴ CD2.5 to CD2.19

⁵ CD12.2 appendices 12 and 13

⁶ Largely taken from Section 2 of the statements of common ground (CD11.1 and CD11.2)

bounded by well-established trees and hedgerows including along the northern boundary. There are no Tree Preservation Orders or conservation areas covering the site and so there are no controls on tree removals. Due to their presence on a map pre-dating 1845, and their subsequent survival, 12 hedgerows within the site qualify as **'important' under the Hedgerow Regulations 1997**.

- 2.3 The southernmost field was previously used as part of the SSE construction and is currently used by SSE as a temporary backlot (an outdoor area where large sets are made and outdoor scenes filmed). The Rowley Lane Drain flows west to east along the southern site boundary and connects with the Mimms Hall Brook which continues east in a culvert under the A1. The brook was diverted to this route as part of the SSE works and to alleviate flood risk.
- 2.4 A residential dwelling known as Sunnyside Cottage is located next to the north-west site boundary behind mature trees and vegetation. There are residential dwellings to the west of Rowley Lane on Studio Way and other streets, and further houses in the village of Well End to the north. The rear elevation and garden of the Mops and Broom public house in Well End looks south towards the site from higher ground approximately 300m away. The **adjoining house at Nelson's Cottage is a Grade II listed building** along with the barn at Rowley Farm.
- 2.5 The site lies entirely within the borough boundary of Hertsmere, but close to the London Borough of Barnet (LBB) which adjoins the A1/A5135 roundabout to the south. The A1 forms part of the strategic road network and is managed by National Highways to the north of the roundabout and Transport for London to the south. Local roads in Borehamwood are the responsibility of Hertfordshire County Council, while Rowley Lane to the south-east of the A1 is managed by LBB. Footpath 28 to the north-east of the site links the A1 to Rowley Lane⁷.

3. Relevant Planning History⁸

- 3.1 The site received outline planning permission subject to a S106 agreement in February 2016 for a centre of sporting excellence. The proposal was not implemented, and the permission has expired. The existing SSE development obtained planning permission in September 2020 under ref 20/0315/FULEI. Enabling works for SSE, which included the southernmost field of the appeal site, received a 5 year permission in May 2020 under ref 20/0152/FUL. The temporary backlot was granted permission for 3 years in August 2022. There have been multiple applications since 2020 for the discharge of conditions, non-material amendments, temporary works, and advertisement consents for the existing SSE development.

4. The Proposal⁹

- 4.1 The proposal is for the development of 71,777 square metres (sqm) of film and television production studios and ancillary building as an extension to SSE. It would comprise 8 buildings in total with a similar height of around 20

⁷ ID14

⁸ See Section 4 of CD11.1 and CD11.2 for more details

⁹ Largely taken from Section 3 of CD11.1 and CD11.2

- to 25m. 5 buildings of similar footprint and size would contain 10 sound stages of varying internal sizes as well as ancillary office space in all but one building. These buildings would contain large spaces for the sound stages and three floors of office space. A long production support building would be subdivided into individual workshop spaces for the preparation of scenery and other stage equipment. This building would also have ancillary office and canteen spaces.
- 4.2 A multistorey car park with 4 levels would sit above a production support warehouse near to the site entrance. An ancillary services building with a smaller footprint than the other buildings would contain canteen, office, and post-production spaces, along with community space. There would be a permanent backlot of approximately 20,000sqm for external storage and filming to the east of the sound stages adjacent to the A1.
- 4.3 The site would be connected to the existing SSE site by two bridges over the Rowley Lane Drain. A new vehicular access would be created from Rowley Lane for vehicles, pedestrians and cyclists, with an entrance gate set well back from the road next to the ancillary services building. Security and acoustic fencing would be utilised along the boundaries including 7m tall timber panels around the backlot and adjacent to the A1.
- 4.4 There would be a total of 1,000 car parking spaces with 23 accessible spaces, 200 electric vehicle charging spaces, 500 passive electric vehicle charging spaces and 49 motorcycle spaces. There would also be 221 long stay and 39 short stay cycle parking spaces, and each sound stage would have a paved parking area for trailers and lorries. Photovoltaic panels would be fitted to several roofs with a total area of around 15,400sqm.
- 4.5 There would be soft landscaping around the site entrance and the ancillary services and production support buildings, with native wet woodland and grassland around the southernmost part of the site by the watercourse, and lawns and tree planting elsewhere. The perimeter of the site would include retained mature trees and additional planting. In total, new planting would comprise around 1.2km of hedgerow, 2,500sqm of new woodland, 120 new trees, 2ha of grassland/wildflower meadow and 8,800sqm of wet grassland planting. Bird and bat boxes would be incorporated into buildings. Most of the remaining site around the buildings and within the backlot would be hard landscaped, including paved areas for pedestrians.
- 4.6 The proposal also involves off-site highways mitigation for the A1/A5135 roundabout to reduce the conflict between traffic turning right into Rowley Lane for Barnet and traffic heading westbound from the A1 onto the A5135. The mitigation includes three lanes on the approach into Borehamwood on the A5135 and an extended and improved slip road exiting the A1 southbound for Borehamwood, both designed to improve road capacity. There would also be a slip road for vehicles turning left onto Rowley Lane for Barnet after leaving the A1 to lower the number of vehicle conflicts at this junction.
- 4.7 Other transport mitigation measures include improvements to the pedestrian and cycle route between the site and Elstree and Borehamwood Train Station and an additional electric shuttle bus to this and other train and tube stations in the local area.

5. The Environmental Statement
 - 5.1 **The ES was reviewed by the Planning Inspectorate's Environmental Services Team** on 28 February 2025, which included the ES addendum and the further environmental information produced in relation to Great Crested Newts (see paragraph 1.5 above). The overall ES was found to be satisfactory in terms of the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
6. Policy and Guidance
 - 6.1 The **Council's** adopted development plan incorporates the Hertsmere Core Strategy 2013 (CS) and the Hertsmere Site Allocations and Development Management Policies Plan 2016 (SADM). The parties agree¹⁰ that there are several relevant policies in both documents, with the Rule 6 party also highlighting CS Policy CS8 as being relevant. The most pertinent and disputed policies are set out below.
 - 6.2 CS Policy SP1 seeks to create sustainable development. Amongst various criteria set out in the policy is the need for development to avoid inappropriate development in the Green Belt. CS Policy CS13 sets out a general presumption against inappropriate development within the Green Belt and such development will not be permitted unless very special circumstances exist. The policy notes that proposals will be assessed in relation to the NPPF. The policy also removes land from the Green Belt to the east of Rowley Lane to safeguard for employment purposes, which is now occupied by the existing SSE development
 - 6.3 CS Policy CS8 on employment refers to the same safeguarded land and supports development proposals in appropriate locations to attract commercial investment, maintain economic competitiveness and provide employment opportunities for the local community. CS Policy CS11 supports proposals relating to film and television production in Borehamwood, including the development, refurbishment and upgrade of studios subject to environmental constraints and other relevant policies.
 - 6.4 CS Policy CS12 requires all development proposals to conserve and enhance the natural environment including biodiversity, habitats, protected trees and landscape character. SADM Policy SADM12 states that, amongst other things, planning permission will be refused for development that would result in the loss or likely loss of healthy high quality trees and/or hedgerows that make a valuable contribution to the amenity or environment of the area in which they are located. If development results in the removal of trees and/or hedgerows, equivalent and appropriate replacement planting will be required.
 - 6.5 SADM Policy SADM26 confirms that all development proposals in the Green Belt will be assessed against CS Policy CS13 and against several principles including those relating to appearance, scale and landscaping. SADM Policy SADM30 sets out various design principles. Amongst other things, the policy requires developments to make a positive contribution to the built and

¹⁰ See paragraph 5.3 in both CD11.1 and CD11.2

- natural environment, recognise and complement local character, and achieve high quality design.
- 6.6 The Council produced a draft (Regulation 18) Local Plan in September 2021. This included Policy E6 that identified a Special Policy Area (SPA) for a Media Quarter in Borehamwood. The boundary of this area incorporated the existing SSE site and land immediately to the south, along with the appeal site and land further to the north as far as Rowley Lane to include Strangeways Stables. The policy advocated a cluster of land uses to support the growth of the film and television production industry. This version of the draft Local Plan was set aside by the Council following public consultation and was not taken forward (hereafter referred to as 'the set aside Local Plan').
- 6.7 The Council published another consultation draft (Regulation 18) of the Local Plan on 3 April 2024 after the proposed development had been determined. This draft focussed on the vision, objectives and spatial strategy for the borough along with proposed housing and employment allocations. No reference is made to the appeal site or any media quarter in this version. The next consultation stage has not yet occurred, and I concur with the parties that the draft Local Plan can only be afforded limited weight.
- 6.8 The draft Carbon Offsetting Supplementary Planning Document (SPD) 2022¹¹ sets out the **Council's** approach to achieving net zero carbon including a fabric first approach to design. As a draft SPD, it can only be afforded limited weight at this stage. The Biodiversity Net Gain (BNG) SPD 2024¹² sets out the **Council's approach to this topic, including the requirement** for relevant development to achieve at least 10% net gain.
- 6.9 The National Planning Policy Framework (NPPF) was updated in December 2024 and the parties have referred to this version in their evidence at the Inquiry. There are several relevant paragraphs referenced later in this report, including paragraphs 85-87 on economic matters and paragraphs 142, 143, 153-155 on Green Belt. Paragraph 155 is particularly key in this appeal in determining whether the proposal is inappropriate development. The NPPF definition of grey belt land is also relevant
- 6.10 The Planning Practice Guidance (PPG) on Green Belt was also updated on 27 February 2025¹³. Paragraphs 001 to 007 provides guidance on identifying grey belt land. Paragraph 002 advocates the use of Green Belt assessments that follow the various considerations set out in paragraphs 003 and 005, including dividing the Green Belt into smaller parcels (paragraph 004). Paragraph 008 provides guidance relevant to the application of NPPF paragraph 155(a). Paragraph 011 advises on how sustainable locations in the Green Belt should be identified, with reference to sustainable transport solutions. Paragraphs 013 and 014 provide guidance on considering the effects of development on Green Belt openness including reference to duration and activity.

¹¹ CD5.3

¹² CD5.1

¹³ See CD12.11 Appendix A for a copy of the PPG Green Belt section

7. Agreed Matters¹⁴
- 7.1 The three parties agree that the appeal site does not strongly contribute to purpose (a) and makes little or no contribution to purposes (b) or (d) in NPPF paragraph 143 and therefore comprises grey belt land. With regard to NPPF paragraph 155, the parties agree that the development would meet part (c) and that part (d) is not relevant as the proposal does not comprise housing development. The appellants and the Council agree that the proposal meets part (b) on need, but this is disputed by the Rule 6 party. All three parties dispute whether the proposal meets part (a).
- 7.2 The appellants and the Council agree that the proposed land use for a film and television studio development is accepted and is appropriate in principle **having regard to paragraphs 7.12, 7.15 and 7.16 of the Council's committee report**¹⁵. The two parties agree from the evidence submitted that there is a national need for increased studio capacity within the UK. They also agree there is an identified local need for film and television studio development within Hertsmere as acknowledged by the draft Local Plan¹⁶ and the findings of the Hertsmere Film and Television Study 2024¹⁷. National and local need constitute part of the case relating to very special circumstances.
- 7.3 The appellants and the Council agree that the committee report refers to the proposal as an expansion to the existing SSE site and as such, the **appellants'** case is that the proposal cannot be accommodated on an alternative site. They agree that a briefing note on alternative sites was produced by the appellants that included details on infrastructure requirements and locational merits and benefits from a site expansion. The two parties agree that there are no viable alternative sites available that could accommodate the proposed development and allow the expansion of SSE and the creation of a comprehensive film and television studio complex. It would allow the provision of a shared and permanent backlot, shared and complementary utilities infrastructure, and a full complement of different sound stages to attract higher value production and deliver more jobs and training.
- 7.4 The three parties agree that if the proposal is regarded as inappropriate development in the Green Belt, then the very special circumstances test is relevant. While the parties disagree on what constitutes very special circumstances and the weight/significance to be given to other considerations, they agree that relevant matters include economic (e.g. job creation, contribution to the UK economy, and increased local expenditure), socio-economic (e.g. community space provision and education opportunities and facilities), sustainability (e.g. design, renewable energy sources, and transport measures), improved pedestrian and cycle connections (e.g. off-road routes along Elstree Way and improved crossing points), and BNG in excess of 10%.
- 7.5 The appellants and the Council agree that the design and proposed materials are both appropriate and acceptable. They agree that there would be no

¹⁴ Based on Section 6 of CD11.1 and CD11.2 with any differences between the three parties highlighted

¹⁵ CD3.1

¹⁶ CD6.8

¹⁷ CD6.7

adverse heritage impact with only two designated heritage assets nearby and over 300m to the north (two Grade II listed buildings). An appropriately worded condition would ensure archaeological investigation and there would be no adverse archaeological impacts.

- 7.6 The appellants and the Council agree on the methodology used in the landscape and visual impact assessment (LVIA) and that viewpoints 1-12 are representative of the visual effects of the proposal. They further agree that the site characteristics are suitably described in the LVIA and the views are appropriately summarised. They note that there are well established trees and hedgerows on the site boundaries, most of which would be retained. Most of the visual effects are agreed, and any differences are not deemed significant. Mitigation through design, materials and planting is proposed, with the latter assisting with the removal of trees and hedges within the site. Mitigation can be addressed through conditions. The two parties agree that there would be a residual adverse effect on landscape character.
- 7.7 The appellants and the Council agree there would be no unacceptable impact on the living conditions of occupants of neighbouring properties and that noise and lighting effects can be addressed through conditions. They agree that all outstanding highways and transport matters have been resolved including site access, off-site mitigation, and improvements to walking, cycling, and bus routes, while car and cycle parking levels are acceptable.
- 7.8 The appellants and the Council agree that there would be no adverse ecological impacts. BNG would be secured off-site through conditions and the S106 agreement. The proposal includes a range of appropriate, reasonable and proportionate compensation measures. The two parties note that the Lead Local Flood Authority has no objections to the updated flood risk assessment, and that any contaminated land discovered during construction can be address through condition. They agree that the development would not present any air quality issues and conditions can address effects at the construction stage.
- 7.9 The appellants and the Council agree that the proposal incorporates a range of sustainability measures, **as set out in paragraph 7.108 of the Council's** committee report. They agree that the proposal would be highly sustainable and energy efficient. They also agree that the proposal includes a substantial package of obligations via the S106 agreement for BNG, carbon offsetting, travel plan monitoring, a film/TV heritage centre, bicycle hire, air quality management monitoring, a town centre transport feasibility study, bus service improvements, and additional shuttle buses to the site and nearby stations. The two parties are agreed on planning conditions that should be imposed if permission in granted and concur that the proposal would not be required to make any Community Infrastructure Levy (CIL) contributions.

8. The Case for Legal & General Investment Management and Sky Studios Limited (the appellants)¹⁸

Introduction

- 8.1 This appeal involves a major investment in the local and national economy at a time of substantial economic need. It was not contested that the proposal would generate £4.4 billion of gross value added (GVA) to the UK economy in the next 10 years and 3,827 direct, indirect, and induced jobs in the wider economy¹⁹. If Sky Studios are unable to expand their business here, then it will expand one of its other existing studios, most likely in the USA, with the potential loss of a substantial foreign direct investment opportunity. This does not diminish the importance of Green Belt policy, but there is a very large positive outcome that needs to be considered as part of the overall balance.
- 8.2 The issues between the appellants and the Council are narrow, such that if **the appellants' position in relation** to NPPF paragraph 155(a) is agreed, then the appeal should be allowed. The development was recommended by officers for approval and informed by a detailed report which found that very special circumstances exist²⁰. This recommendation was made before the December 2024 version of the NPPF when the proposal was undoubtedly inappropriate development in the Green Belt. All main parties agree the site now falls within the NPPF definition of grey belt.
- 8.3 The Council maintains its Green Belt reason for refusal despite the latest NPPF which strengthens the case for the development in the Green Belt and the economic benefits. The Council did not remit the matter back to members in light of the latest NPPF. The balance should lie even more in favour of the proposal now than they did in the committee report.
- 8.4 The only substantive **difference between the Council's and the Rule 6 party's** cases relates to NPPF paragraph 155(b) and whether there is a demonstrable need for the development. It is difficult to see how this argument could be **sustained based on (1) the Council's agreement that such a need exists** to the extent that the set aside Local Plan looked to allocate an even larger site to meet that need; (2) clear independent market evidence shows a requirement for Grade A studio floorspace in the region; and (3) the **appellants'** expert evidence indicating the same as (2) plus evidence from Sky Studios that their existing site is limiting growth and there is an urgent need to expand onto adjacent land. SSE is currently running at 80% occupancy which in this industry means it is fully utilised.
- 8.5 Where cross-examination has not occurred, especially of interested parties, it does not mean the evidence is therefore accepted and unchallenged. The **Rule 6 party's closing submission at paragraph 83** relies on the statement by the Well End Ers Community Group about what was or was not said by

¹⁸ Largely taken from ID21

¹⁹ CD12.5 tables 5.2 and 5.3

²⁰ CD3.1 paragraphs 9.1-9.4

someone who gave **no evidence to this Inquiry about Sky Studios Limited's** intention. Either the evidence demonstrates a need, or it does not. It is not furthered or hindered by what might have been said at a meeting.

Whether inappropriate development in the Green Belt – NPPF paragraph 155(a)

- 8.6 As grey belt, the site does not strongly contribute to purposes (a), (b) or (d) in NPPF paragraph 143. Green Belt is the only major policy of restraint applying to this site having regard to NPPF footnote 7. **The Council's Green Belt Assessment (GBA) Stage 2** assessed sub-area 47 (SA47) as simply meeting purpose (a), meeting weakly or very weakly purpose (b), and not meeting purpose (d) at all. There is no evidence to suggest that the site is close to strongly performing against these three purposes. The main parties agree that the Stage 2 GBA is sufficiently aligned with the methodology and guidance in the PPG and that its conclusions on the lack of strong performance of the parcel and sub-area supports a robust conclusion that the site comprises grey belt in line with the NPPF and PPG.
- 8.7 NPPF paragraph 155(a) requires consideration of whether the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. PPG paragraph 008 asks whether the release of land would affect the ability of all the remaining Green Belt across the area of the plan from serving all the purposes in a meaningful way. **The Council's closing submissions at paragraph 11 argue** that fulfilling the purposes to a low level could still be meaningful. However, the PPG is intended to be consistent with the NPPF which looks at whether a fundamental undermining would occur. The PPG asks is the effect so clear that the residual Green Belt cannot fulfil one or more purposes in a meaningful way. It does not ask whether there is a meaningful impact of the development on the purposes of the remaining Green Belt. The words of the PPG and the NPPF should be read carefully and given their obvious meaning.
- 8.8 The majority of existing GBA will not provide a complete answer to NPPF paragraph 155(a) as they were prepared before the latest NPPF revisions. The Stage 2 GBA cannot be used as a direct proxy for the 155(a) assessment but is still a useful evidence base to form professional judgement if applied with caution. The Stage 2 GBA deals with a sub-area larger than the site (28% of SA47) and considers each sub-area's performance in relation to each Green Belt purpose in Step 4A. It then carries out a wider impact assessment in Step 4B. The Council carried out no further assessment under 155(a) for this Inquiry, and their planning witness agreed that the Stage 2 GBA does not provide a proxy assessment.
- 8.9 Step 4B sets out to consider the role of the sub-areas as part of the Stage 1 GBA parcel within which they are located and the wider Green Belt²¹. However, the third bullet in the methodology looks at the surrounding Green

²¹ CD4.5 section 3.7

- Belt and any reference to wider impact is related to parcel 18 and at most the wider Green Belt around Borehamwood rather than the whole plan area.
- 8.10 The Stage 2 GBA considers the loss of the sub-area whereas NPPF paragraph 155(a) looks at the effect of the development, which here is less than one-third of SA47. The effect is different as the GBA considers a higher degree of impact on the Green Belt. The GBA considers a greater change against its effect upon a smaller area. NPPF paragraph 155(a) asks for an assessment of the effect of a much smaller change over a much larger area, and whether this fundamentally undermines rather than just adversely affects.
- 8.11 The conclusion in the GBA to significantly altering the performance of the wider Green Belt cannot simply be applied to the effect of the proposed development on the Green Belt across the whole of Hertsmere. That conclusion relates to the effect of a much greater change with the wholesale release of SA47 and SA48. The resulting harm is primarily due to the release of SA48 which is more sensitive and contributes more strongly to Green Belt purposes than SA47²². The removal of SA47 in isolation is said not to **significantly reduce SA48's contribution to purpose (c) due to existing** built form on the boundary between the two sub-areas.
- 8.12 The suggestion that the loss of less than one-third of SA47 affects the whole Green Belt in Hertsmere seems contradictory to the findings of the Stage 2 GBA. The question of whether development would fundamentally undermine is a numerical and qualitative assessment. The release of a small proportion of Green Belt cannot be said to fundamentally undermine the performance of the remaining Green Belt. This part of the test is a high bar to surmount. The remaining 99.8% of the Green Belt would continue to perform the Green Belt purposes. There would be very significant tracts of land between Borehamwood and Potters Bar with public footpaths. Urban sprawl is effectively contained by the A1 as a strong defensible boundary and the development would not materially contribute to the merger of settlements. There would be no effect on purposes (d) or (e).
- 8.13 The loss of a site which presently does not contribute strongly, and which sits in a wider parcel (18) that only contributes moderately, is very unlikely to cause a fundamental undermining of Green Belt purposes across the whole of **Hertsmere. The Council's planning witness agreed this** at cross-examination, and the Council should have revised its position in opposing the appeal. The **Rule 6 party's witness agreed there was no assessment before the Inquiry** to support his view that purposes (a), (c) and (e) would all be fundamentally undermined by the development. If the above analysis is correct, the proposal would not be inappropriate development in the Green Belt and the Council would have no other basis to withhold permission on their case.

²² CD4.6 page 220

Whether inappropriate development in the Green Belt – NPPF paragraph 155(b)

- 8.14 If the Rule 6 party are wrong on NPPF paragraph 155(b) as well as 155(a), then the appeal should be allowed. This is not a speculative proposal for a new footloose studio, but for the expansion of an existing successful studio where the uncontradicted evidence of the last 3 years is that this a development which is immediately needed. The studio is operating at full capacity and there is a commercial imperative to expand as soon as possible.
- 8.15 The Rule 6 party suggested for the first time via cross-examination that the development could theoretically come forward as a standalone studio for which there is no need. There are several significant issues with such a submission:
- (1) The layout plans clearly depict a site joined by two bridges into the existing SSE site. The proposals are designed as an extension and would require a complete re-design if they were operated separately.
 - (2) The commercial reality is that there is no chance of a rival operator wanting to be located immediately adjoining SSE.
 - (3) Nor would a freestanding studio next door work for Sky. It has been essential to have a backlot under temporary permission and one of the benefits of this proposal is to secure a permanent backlot. If a rival located on the site, they would be able to out-compete Sky as it would be able to access the backlot and Sky would not. It is odd to contend that Sky would fund an appeal for a proposal which would make its existing operation worse.
 - (4) It would make no sense for a multistorey car park to be the first building to greet visitors.
 - (5) There is nothing in the description of development referring to extension, but even if there were, this would not realistically operate as a constraint²³. **Paragraph 30 of the Rule 6 party's closing submission is wrong in law.** Such constraint would need to be imposed by condition or obligation, but no party has suggested this.
 - (6) The decision maker should have regard to the probable outcome of granting permission and is entitled to have regard to assurances made by applicants even if not formally part of the permission or secured by an obligation²⁴. The probable outcome is that Sky would use the expansion for exactly that purpose. It is operating a successful operation, operating at capacity, and wishes to expand. There is no rational basis to assume that it would give that up to a rival to commercially disadvantage itself.
- 8.16 A freestanding studio of 200,000 sq. ft would fall below the definition of Grade A studio (250,000 sq. ft) in the Knight Frank report²⁵. However, the

²³ *I'm Your Man Limited v Secretary of State for the Environment* [1998] 4 PLR 107

²⁴ *Scottish Widows v Cherwell DC* [2013] EWHC 3968 (Admin) at para 52 and 53

²⁵ CD8.9 page 7

- extended site would provide well over double that minimum and what is proposed is obviously Grade A.
- 8.17 Even if the appellants are wrong on the above, there is ample evidence of need for studio floorspace more generally. **The evidence of the appellants' market demand witness on demand and supply concludes there is a large unmet need for studio floorspace within the area which is not occupier specific.**
- 8.18 **The definition of 'need' should not only be equated with 'essential' or 'required',** as confirmed by the Court of Appeal²⁶. There is nothing in the policy wording or its context that suggest need means anything as high as **essential. The NPPF uses the term 'essential' 18 times elsewhere. 'Need'** should be understood in its ordinary sense and whether the requirement is capable of being met by the existence of a demand for the proposed type of development which is not being met by existing facilities.
- 8.19 The appellants satisfy this test where there is a demand for studio space which is not being met. Need is multi-factorial in this case since whatever the need position in the rest of the region and for the rest of the industry, Sky has a specific and very real need to expand. The need to expand was not seriously challenged at the Inquiry and neither was the contention that SSE is operating at full capacity. Paragraphs 89 and 90 of the Rule 6's closing submission is an invitation to disregard the only evidence before the Inquiry, without identifying any reason why that evidence should be disregarded or doubted. It would also **disregard Sky's statement to the Inquiry**²⁷.
- 8.20 It would be unworkable and undesirable to locate an expansion elsewhere and would not happen as explained by Sky. The investment would go elsewhere in the world and not elsewhere in Hertsmere. While a split site operation has been tried, it came with extra production costs and logistical issues. Sky has also tried other solutions in the form of a temporary backlot and the use of the warehouses on the opposite side of Rowley Lane. Sky can demonstrate, based on experience, that a split site does not work. Other principal studio operators have also sought to expand sites and not operate from multiple locations²⁸. No alternative sites have been suggested by any party apart from the warehouses across the road.
- 8.21 Need is not defined by the absence of a quantified need within the Core Strategy adopted in 2013 based on evidence from even earlier. Instead, need is robustly demonstrated in various documents.
- 8.22 Firstly, the **Council's own studies and policies establish** a consistent picture of local need. The Economic Development Strategy 2022-2027 sets an objective to maximise investment and grow the film, television and media industry²⁹.

²⁶ *R (Cherkley Campaign) v Mole Valley DC* [2014] EWCA Civ 567 at paragraph 28 which rejected the contention that need should mean necessary

²⁷ CD12.1 appendix 1

²⁸ CD12.1 appendix 3 paragraph 5.16

²⁹ CD6.9 page 11

Growth requires the physical growth of additional sound stages. The Hertsmere Film and Television Study 2024 notes that demand has outstripped supply, with expenditure growing by 300% in UK film and high-end television in the past decade. The study recommends the area should respond to demand for studio space with proposed developments having the potential to address immediate needs and foster economic growth and cultural development³⁰. The South West Herts Economic Study 2024 states that while a robust quantitative assessment of future studio space requirements is not possible, a broad indication was that the UK sector is likely to require between 2 and 3.2 million sq. ft in 2022 to 2028 (186,000 to 298,000 sqm)³¹.

- 8.23 Secondly, the Council initially proposed to allocate the site with a large parcel of land to the north to meet this identified need. The set aside Local Plan contained an allocation in draft policy E6 to establish a special policy area for film and television production³². While the allocation is not being pursued **now, the Council's stated aim in April 2024** was to ensure sufficient sites for jobs and investment recognising the importance of the film and television sector with the aim to expand this sector in Borehamwood and Elstree³³.
- 8.24 NPPF paragraph 85 encourages each area to build on its economic strengths, with paragraph 86 requiring planning policies to positively and pro-actively encourage growth in line with the national industrial strategy and local industrial strategies. Paragraph 87 requires planning decisions to recognise and address the specific locational requirements of different sectors. This is relevant given the stated locational needs of the industry both in terms of the **cluster and Sky's own expansion needing to be on adjacent land**.
- 8.25 Thirdly, there is objective evidence of need for studio space generally in the UK and specifically in the South **East. Knight Frank's analysis of supply** concludes that based on additional spend an additional 3.6 to 4.4 million sq. ft of studio space will be needed by 2029, or 2.5 million sq. ft adjusted for inflation, equating to 1.28 million sq. ft in the West London Cluster (WLC). The analysis notes that since 2022, delivery of space has been far short of required rates, which could hinder the WLC and affect the wider UK market. It adds that just 1.3 million sq. ft of the current planned pipeline has a reasonable prospect of delivery³⁴.
- 8.26 Fourthly, the evidence of the appellants' **market demand witness** shows that the identified need of 1.28 million sq. ft is unlikely to be achieved and the estimate of 1.3 million sq. ft being deliverable has fallen to practically nil with two major schemes having been pulled (Pinewood and Sunset, for reasons unconnected to the need upon which the appeal proposal relies). This is particularly the case for Grade A supply which currently has limited

³⁰ CD6.7 pages 23 and 47

³¹ CD6.6 paragraph 5.82

³² CD6.1 page 128

³³ CD6.8 pages 3 and 7

³⁴ CD8.9 section 4

availability. Sky Studios is well positioned to the market as well as central London and the WLC. It can utilise local supply chains, crew, and other companies that have located within the cluster. Supply is about both floorspace and quality, and so the development would be highly desirable³⁵.

- 8.27 Market demand has been clearly demonstrated. The Council agrees with the appellants on this point. Given the proper interpretation of need in NPPF paragraph 155(b), there is demonstrable need for the development.

Green Belt openness and purposes

- 8.28 This main issue is only relevant if the Inspector and/or the SoS conclude that the proposal would be inappropriate development in the Green Belt. There would be high impact on the spatial aspect of openness but a low impact on visual openness. **The appellants' assessment is based on an expansion of the existing use**, which helpfully represents the likely degree of movement, activity, height and dimensions of buildings. Structures like marquees on the existing SSE site are there pursuant to a Local Development Order rather than the planning permission or any permitted development right, which would be replicated for the proposal. The level of activity with the existing use is more intense than the proposal.
- 8.29 The proposal includes around 23% vegetation and landscaping. SA47 would contain around 28% built form from an existing 6%³⁶. This would be a high degree of spatial effect. The scale of visual effects is agreed with the Council and any differences are not significant. It is also agreed that the LVIA methodology is appropriate, the viewpoint locations are representative, there are well established trees and hedgerows on the site boundaries most of which would be retained, and that the mitigation planting proposed would be extensive and in part balance the loss of existing vegetation. A residual adverse effect on landscape character is agreed³⁷. 77 mature tree specimens and over 0.5ha of woodland would be planted, and while 637m of hedgerow would be removed from within the site, over 900m would be put back.
- 8.30 The visibility of the proposal in the wider landscape would be very low with most views limited to glimpses around the site boundary³⁸. Viewpoint 4 is taken from a public right of way (Footpath 28) which effectively operates as a cul-de-sac. Until recent vegetation clearance at its eastern end it was not possible to walk onwards via the A1 to join the route to the south-east. **The appellants' landscape witness considers the route was not well-used as a result.** The walking fields to the immediate north of the site contain no marked public rights of way³⁹. The fields are understood to be in private ownership and to date no evidence has been provided on the lawful basis upon which it is used by the public. They may be permissive but not truly

³⁵ CD12.1 appendix 3 paragraphs 5.11 to 5.21, and CD12.12 paragraphs 2.1 to 2.12

³⁶ CD12.3 paragraph 5.3.7

³⁷ CD11.1 paragraphs 6.28 to 6.32

³⁸ CD2.9

³⁹ CD14.1 page 7

publicly accessible, which would diminish the weight to be given to views from here. The site is also within a parcel of land considered to be the least sensitive to commercial development of all sites immediately adjoining Borehamwood⁴⁰.

- 8.31 For these reasons, the overall impact on openness is medium, albeit substantial weight should be afforded to any such harm to Green Belt openness. As for purposes, SA47 (of which the site is roughly one-third) only performs moderately. This would reduce to a weak contribution, using the **Stage 2 GBA's own methodology** given the percentage of built form which would be present in the sub-area. However, the remainder of the sub-area would still perform at a moderate level⁴¹ and still perform a role in the Green Belt due to the retention of Rowley Lane as an edge to Borehamwood and the A1 as a defensible boundary between Borehamwood and Potters Bar. The remainder of SA47 would retain a rural character.

The need for the development, the benefits of co-location, and the availability of alternative sites

- 8.32 As set out above, there is substantial evidence of need for the proposal and for it to be located on the site as opposed to anywhere else. If the test of **'demonstrable need' in NPPF paragraph 155(b) is not met (and so the appellants' case on the meaning of need is rejected)**, then it would be wrong to say that the evidence relied upon for that need has no place in the overall balance. There are large economic and socio-economic benefits and market evidence of demand and a lack of supply. Sky Studios have explained their need to expand the existing operation. There is still clear market demand, and evidenced need of a successful business to expand, and a real requirement for the development to be here (here in the sense of the WLC as would likely apply to any significant studio scheme of this scale and nature, but also here in the sense of this specific parcel of land). These are all important material considerations to be weighed as benefits.
- 8.33 The proposal is a joint venture (and application) including Sky Studios as occupier. This is a key element of the proposal, especially its deliverability. **The unworkable nature of a split site has been outlined above. Sky Studios' guide⁴²** to their operation describes how sets are designed and carefully built using various materials. This work is large scale yet intricate and skilled. The scale of sets are sufficient to fill an entire sound stage. They are entirely crafted on site before being transported over to the stage. A feature film requires numerous sets to be made, moved, filmed and replaced throughout the shoot, with sets at different stages of construction and use.
- 8.34 Schedule and budget are important considerations and anything adding time to a filming schedule adds significant costs and decreases the commercial attractiveness of the studio. **All departments need to be 'on lot' to reduce**

⁴⁰ CD12.11 page 9

⁴¹ CD12.3 paragraph 5.3.7

⁴² CD12.1 appendix 2

delays with predictability of delivery. **Sky Studios' statement provides the** example of filming *Wicked* where significant additional cost was incurred due to the inability to host the whole production in time. The rented warehouses across the road are not a successful arrangement due to the intervening highway. They are not popular with productions that have tried to use them and some productions have chosen to go elsewhere as a result.

- 8.35 The need to expand the existing SSE site is key and fundamental to the proposal. Any off-site solution is not a true alternative as it would not be a single composite site. Without the specific proposal, the inward investment would be lost to Hertsmere and the UK.
- 8.36 Case law demonstrates that an error of failing to take alternatives into account can only arise if (1) there is a legal or policy requirement to take **alternatives into account, or (2) alternatives were 'so obviously material'** that it would be irrational not to take them into account.
- 8.37 For (1), there is no express requirement in Green Belt policy to assess alternative sites. The requirement in the Environmental Impact Assessment (EIA) Regulations is to set out alternatives that have been considered already and does not amount to a requirement to consider alternative sites⁴³. The very nature of the proposal as an extension is not capable of being located elsewhere. It is disputed that **the appellants' planning witness** conceded there **was no 'locational imperative' for the development to** be located on the site. His case and evidence were directed to the contrary proposition.
- 8.38 For (2), the most recent example from the courts⁴⁴ considered earlier cases and concluded that whilst it was not essential for a claimed alternative to be a fully worked up proposal, the Inspector took a lawful approach when finding that, to garner significant weight, the merits of alternatives must be underpinned by evidence demonstrating their viability and credibility.
- 8.39 No other specific alternative site has been proposed and so the decision maker could not reasonably afford weight to the generic suggestion that there may be some alternative site elsewhere. In the absence of such site and credible evidence, there is no alternative site that could be an obviously material consideration. It should be afforded no weight as an argument. It is wrong to consider that if the appeal is dismissed, the proposal might simply be relocated somewhere else in the UK outside the Green Belt. Instead, the economic opportunity to the UK would be lost entirely.

Other considerations and very special circumstances

- 8.40 Even if the proposal is deemed to be inappropriate development in the Green Belt, then the evidence shows that the benefits would clearly outweigh any harm caused. Harm to the Green Belt is comprised of definitional harm,

⁴³ CD12.1 appendix 11

⁴⁴ *London Historic Parks and Gardens Trust v Minister of State for Housing* [2022] EWHC 829 (Admin)

medium harm to purposes, and moderate harm to openness which carries substantial weight.

- 8.41 Landscape harm, which includes loss of trees, carries moderate weight. Having regard to SADM Policy SADM12, there would be a loss of healthy, high quality trees and hedgerows, but appropriate and more than equivalent replacement planting is proposed. It is unrealistic to read the policy as mandating refusal for the loss of a single high quality tree without weighing the benefits against this harm or considering any replacement planting.
- 8.42 There is no harm from highways or transport effects. The assertion by Mr Morris that far more traffic would travel north on Rowley Lane is not **evidenced. The appellants' figures are evidence based and agreed with National Highways⁴⁵. Mr Morris' figures assume** a higher number of site occupants than predicted, an assumption that 100% of occupants would drive (rather than 60% agreed with National Highways), and that **35% of those (480 vehicles) would rat run from the north. The appellants' finding that** on a worst case scenario, 64 cars per hour (1 per minute) would take this route is based on agreed traffic distribution and is not considered to be a noticeable increase let alone a severe impact.
- 8.43 **The appellants' economics witness'** evidence was informed by a report from Oxford Economics⁴⁶ and was entirely unchallenged at the Inquiry. It should be accepted in full as robust and essentially agreed evidence. The **Government's Green Paper 'Invest 2035' highlights 8 growth-driving sectors** including creative industries, where the aim is to unlock private investment and ensure the UK remains globally competitive⁴⁷. The Invest 2035 Strategy is referenced in NPPF footnote 43 in relating to paragraph 86(a). The emerging Local Plan will need to address and respond to this strategy.
- 8.44 **The Chancellor is quoted as saying the creative industries are 'a crucial part of our economy' and she proposed to 'support growth in this vibrant sector'⁴⁸.** Permitting the appeal would do just that and would encourage millions of **pounds of offered inward investment. The Council's plans and policies** referenced above refer expressly to supporting the growth of the sector and take advantage of local skills and businesses in the WLC.
- 8.45 **The appellants' uncontested evidence⁴⁹** is that the construction phase would generate an additional 1,219 full time equivalent jobs in the UK, of which 787 would be in Hertfordshire, of which 749 would be in Hertsmere. The GVA per year during the construction phase would be £127.5m in the UK, of which £73.8m would be in Hertfordshire, of which £70.8m would be in Hertsmere. These figures should be multiplied by 2.75 to reflect the number of years projected for this phase.

⁴⁵ ID12

⁴⁶ CD1.136

⁴⁷ CD7.3 including pages 22-23

⁴⁸ As quoted in CD8.4 page 3

⁴⁹ CD12.5 tables 5.1, 5.2 and 5.3 for construction and operation phases

- 8.46 For the operational phase, there would be an additional 3,827 full time equivalent jobs across the UK during the lifetime of the scheme, of which 1,504 would be in Hertfordshire, of which 1,425 would be in Hertsmere. The GVA per year would be £443m for the UK, of which £211m would be in Hertfordshire, of which £203m would be in Hertsmere. Over the first decade of operation, just the expansion of the existing studios would generate £4.43 billion GVA for the UK economy.
- 8.47 The jobs and GVA are very significant in economic terms. The figures in both phases at county and borough level are very similar, which shows how much would directly benefit Hertsmere. On the existing SSE site, around 60% of the core team (c.60 staff) live within 10 miles. There is no reason why the expanded site would not operate in the same way. Any criticism that there would be no local economic or employment benefits is not supported by the evidence.
- 8.48 **SSE's** Future Talent Programme has hosted 2,600 students and has a further 3,000 booked for the coming months. Its Early Careers traineeship programme hosts 12 month paid traineeships at the site and has recently taken on 32 trainees, 70% of whom were from within 10 miles of the site. After their traineeship, 70% of graduates took permanent roles at SSE, to consolidate the future and local workforce for this industry⁵⁰.
- 8.49 The evidence of Ms Turner at the Inquiry **outlined her experience of Sky's** commitment to assisting local people and noted the ease of access to the studios by rail from London compared to other studios in the South East. Mr Mitchell, the headteacher of Elstree Screen Arts Academy explained that 48 students had received training from Sky and alumni had taken up permanent roles there. He described meaningful engagement with the community through workshops, open screenings, and networking events, and collaboration with the Academy to develop training and outreach programmes.
- 8.50 In addition to the very significant benefits in terms of jobs and GVA, a significant proportion of these benefits would remain locally. The appellants and the Council both afford very substantial weight to the economic benefits and substantial weight to the socio-economic benefits of the development. **The appellants' planning witness stated in evidence that the economic benefits alone would be sufficient to outweigh the harm.**
- 8.51 The three main parties agree the development would be in a sustainable location, a notable benefit given the need for workers and suppliers to travel to the site. The appellants and the Council give this significant positive weight and there would be social and environmental benefits as a result. The existing SSE is at the forefront of reducing carbon emissions and regarded by the **appellants' market demand witness as the most sustainable studio in the UK.** The off-site highway works to improve pedestrian and cycle connectivity to

⁵⁰ CD12.5 paragraphs 4.30-4.32

the train station would be a significant benefit for the wider community as well as existing and future employees at SSE.

- 8.52 The BNG of nearly 13% in habitat units attracts significant positive weight. There is no sense to downgrade this benefit due to the adoption of an SPD requiring the same level because the real world effects would remain the same. The proposed condition⁵¹ and the S106 agreement provide mechanisms to deliver the required net gain before the occupation of the development⁵². The condition restricts commencement until a management plan has been approved by the Council. The appellants have agreed heads of terms with an off-site provider and expect to formalise this agreement after the grant of any planning permission. The S106 proposes this receptor site to be secured within 4 months of the permission, failing which a cascade mechanism takes effect. The bottom tier of this would require a financial contribution of £1.765m to the Council and development above slab level is prevented until details have been approved or the payment has been made. While the development is not subject to the mandatory net gain requirement, there is nevertheless a robust mechanism to secure the delivery of the proposed net gain.

Conclusion

- 8.53 The case for the expansion of the existing SSE site, a business which is highly successful, operating in a sustainable way within the community, and operating at capacity, onto the only available adjacent site, is obvious. The economic and socio-economic effects are expansive across Hertsmere and the UK, within a sector earmarked both nationally and locally for growth. If refused, the investment will be lost to the detriment of the local and national economy. This is the right scheme, in the right place, and is being promoted at the right time. It is firmly commended to the Inspector and the SoS.

⁵¹ Condition 8 in Annex C

⁵² ID10

9. The Case for Hertsmere Borough Council⁵³

Introduction

9.1 The introduction of grey belt land in the NPPF came with strict and clear requirements that development has to meet in order for a scheme to benefit from the policy shift. While the site is grey belt, NPPF paragraph 155 ensures that development is only not considered inappropriate where all criteria are met, including 155(a). If it does not, the development reverts to the very special circumstances test. The Council contend this test should be applied to this development, and that the appeal should be dismissed.

Inappropriate development in the Green Belt

- 9.2 The policy basis **for this appeal has evolved since the Council's decision**. The new NPPF was published in December 2024 and the updates to the Green Belt section of the PPG were only published on 27 February 2025. The **Council's** GBAs produced for the emerging Local Plan have been relied upon as the most up to date assessments. The GBAs **reflect PPG Paragraph 004's** requirements that the areas they contain should be sufficiently granular to assess their contribution to Green Belt purposes. The Stage 2 GBA is more granular, and its methodology is comparable to the PPG.
- 9.3 PPG paragraph 008 sets out further guidance for NPPF paragraph 155(a). Both documents require all the Green Belt purposes under NPPF paragraph 143 to be considered, not just purposes (a), (b) and (d). There is also uncertainty as to what the PPG means by the term '**meaningful way**'. It is reasonable to suggest that any contribution, even if it is low, is still a meaningful one, and it does not have to be significant. Whether the scheme complies with NPPF paragraph 155(a) is a holistic planning judgment in the context of the wider Green Belt across the plan area. There is a range of reasonable conclusions, and it is not a mathematic exercise of percentages and proportions.
- 9.4 The site sits in SA47 in the Stage 2 GBA which forms part of the wider parcel 18 in the Stage 1 GBA. The methodology adopted in the Stage 2 GBA is **described at 'Step 4B: Wider Impact Assessment'**⁵⁴. It applies a sub-area analysis, assesses the relationship between the different sub-areas, considers the sub-area in the context of its wider parcel, and importantly the wider Green Belt. It is an incremental approach while not necessarily in that order and firmly aligns with the PPG.
- 9.5 SA47 is assessed as contributing moderately (scoring 3 out of 5) to purposes (a) and (c) and provides a low contribution (scoring 1 out of 5) to purpose (b)⁵⁵. **The appellants' landscape witness** did not dispute these scores. SA47 is one of 11 sub-areas out of 72 that contributes moderately or strongly to purpose (a) because Borehamwood is the only relevant large built-up area, and it also scores higher than sub-areas to the west of the town which only contribute weakly to purpose (c)⁵⁶.

⁵³ Largely taken from ID20

⁵⁴ CD4.5 Section 3.7

⁵⁵ CD4.5 refers to purposes 1 to 4, which equate to purposes (a) to (d) in NPPF paragraph 143

⁵⁶ CD4.5 Tables 4.1 and 4.3 and Figures 4.1 and 4.3

- 9.6 The Step 4B assessment⁵⁷ for SA47 considers the removal (which would equally apply to the development) of the sub-area in isolation and in combination with the neighbouring SA48. For the latter, it concludes that in combination with SA48, the release of SA47 is likely to significantly alter the performance of the wider Green Belt by encroaching on the countryside in a visually sensitive part of the Green Belt given its strong connections with the wider Green Belt. This conclusion is consistent with the Step 4B assessment for SA48 which refers to its release diminishing the purposes of SA47 to the south **with significant encroachment in combination with SA47's release**⁵⁸.
- 9.7 In isolation, the Step 4B assessment for SA47 concludes that due to built form on the northern boundary, its removal is unlikely to significantly reduce the neighbouring sub-area's contribution to purpose (c) given the existing urbanising influences, noting the A1 boundary to the south-east too. There would be a reductive effect even if it is not significant. Given SA48 contributes strongly to purpose (c) in isolation (scoring 4 out of 5) there will be an inevitable reduction if even part of SA47 is developed. The proposed development would affect the neighbouring sub-**area's contribution to Green Belt** purposes. Such a reduction could have a wider impact on the Green Belt.
- 9.8 The conclusion in Step 4B for SA47 is wholly consistent with both the in-combination assessment with SA48 and the impacts on the wider Green Belt when it states that 'due to the openness of this area of the Green Belt, the release of the sub-area is likely to alter the performance of the wider Green Belt around Borehamwood'. **The appellants' landscape witness accepted that** the conclusion was not an error as alleged in his evidence⁵⁹ and his disagreement with the conclusion is his professional opinion reached in the absence of his own independent assessment and in the context where he otherwise considers the Stage 2 GBA to be robust. The conclusion plainly applies to the site. Therefore, it follows that NPPF paragraph 155(a) is not met and so the development is inappropriate in the Green Belt and requires very special circumstances to seek consent.

Green Belt openness and purposes

- 9.9 There would be a very high level of spatial harm to Green Belt openness due **to the development's footprint and volume, either in isolation or within the** context of neighbouring development, on a site currently devoid of development. Due to the level of site coverage, with buildings and hard surfacing over 11.68ha, the spatial openness of the site would be lost entirely. The appellants' landscape witness considers there would be a high impact on the spatial openness of SA47 as a whole⁶⁰.
- 9.10 Regarding visual openness, the development would be seen from a range of viewpoints. A green and open field would become suburban including through lighting, activity and intensification of the site. Given the development would be up to 27.5m high, it would be visible from around the site particularly to the north, west and east, despite boundary hedgerows and trees, and

⁵⁷ CD4.6 page 216

⁵⁸ CD4.6 page 221

⁵⁹ CD12.3 paragraph 3.3.24

⁶⁰ CD12.3 paragraph 5.2.6

particularly in winter months. The projection of built form north would further erode the openness of the countryside setting to the north of Borehamwood and **west of the A1 corridor. The appellants' landscape witness' conclusion** of low effects based on the LVIA is misplaced as the LVIA finds there would be up to moderate adverse effects⁶¹. More weight should be given to the effects on openness than given by the appellants.

- 9.11 The site makes a moderate contribution to purpose (a) and lies adjacent to a large built-up area, contains no permanent built development and has a strong sense of openness and rural character. The development would abolish this contribution in full. It would also undermine purpose (c) where the site makes a relatively strong contribution to safeguarding the countryside from encroachment. The site forms part of the countryside through its intrinsic character and spatial relationship to the surrounding Green Belt. It retains a distinctive sense of place, predominantly open and pastoral, with vegetated boundaries and visual relationship with the adjoining countryside and settlement edge.
- 9.12 There would also be some minimal conflict with purpose (b) as the site weakly contributes to the purpose of preventing neighbouring towns from merging. **The appellants' landscape witness concludes that there would wider** impacts on the purposes that SA47 contributes to, by reducing purpose (a) from moderate to low and purpose (c) from moderate to nil⁶². Even the appellants acknowledge that the development would obliterate the extent to which both the site and the wider sub-area contribute to safeguarding the countryside from encroachment. The irreversible impact on the spatial and visual openness of the Green Belt and the conflict with three purposes would be at odds with the fundamental aim of keeping the Green Belt permanently open and therefore carries substantial weight.

Other considerations and very special circumstances

- 9.13 A failure to demonstrate very special circumstances amounts to conflict with the most important policies in the development plan and therefore conflict with the development plan as a whole. Harm to the Green Belt includes the definitional harm, the harm to openness, and the harm to purposes.
- 9.14 In addition to the Green Belt harm, there is an agreed landscape harm attracting moderate weight which should not be overlooked. It is a distinct harm arising from the development. The residual effects of the construction and operational stages on the landscape character of the site would be moderate and significant (in EIA terms) according to the ES Addendum. There would also be minor to moderate adverse effects on the Arkley Plains Landscape Character Area (LCA) which covers the site. The visual effects in the LVIA include minor to moderate adverse impacts on pedestrians and cyclists along the A1, and pedestrians using the footpath to the north and east of Rowley Farm at both stages. The visual assessment⁶³ provides context particularly for views 4, 5 and 7. The site is also visible from views to the north, west and east and there will be a change and impact to varying

⁶¹ CD12.3 paragraph 5.2.8 compared to CD1.101 paragraph E5.27

⁶² CD12.3 section 5.3

⁶³ CD2.9

degrees. This includes the loss of 'important' hedgerows of historic interest and the removal of 80 trees including 25 category A trees⁶⁴.

- 9.15 The Council accepts that very substantial weight should be given to the **development's economic benefits (which includes need and co-location)**, substantial weight to socio-economic benefits, and significant weight to improved pedestrian and cycle connectivity. However, sustainability benefits should attract just moderate not significant weight, as many of the design and transport features are required to meet policy requirements and improved connectivity has been weighed separately. The fabric first approach **conforms with the Council's draft Carbon Offsetting SPD** and there are limited wider benefits in the form of enhanced local bus services.
- 9.16 **The Council's** BNG SPD supports SADM Policy SADM10 and requires a minimum net gain of 10%. This reflects the Environment Act 2021. Something that is required by policy can be a benefit, but the policy expectation or minimum requirement sets a helpful baseline in terms of weight. Simply achieving 10% BNG or just above this at 13% (as the development would do) cannot be a significant benefit. It would not incentivise any development to achieve greater levels of BNG. Furthermore, the offsite provision of BNG may not even be within the same borough as the development and could be anywhere in England based on the S106 agreement. Considering the above, only limited or at most moderate weight should be attributed to BNG in this instance.

Conclusion

- 9.17 There are substantial benefits associated with the development, but the requirement to demonstrate very special circumstances is not automatic and **is a high threshold; not just 'special' but 'very special'. The appellants' view** that each benefit carries at least significant weight fails to reflect what would be secured. The benefits, either individually or cumulatively, do not outweigh the clear and substantial Green Belt harm and the landscape and visual harm. The appellant exaggerates the benefits and omits substantial harms. Consequentially, very special circumstances do not exist, and so planning permission should be refused. Accordingly, the Inspector should recommend to the SoS that the appeal should be dismissed.

⁶⁴ CD1.130

10. The Case for Green Fields not Grey Studios⁶⁵

Introduction

10.1 There is not a compelling planning case to justify the proposed large-scale harmful development on more than 15ha of Green Belt land. The site is a substantial piece of open land and fields located within the Green Belt immediately outside Borehamwood. The development is presented as fulfilling a planning need, but it is designed **to further the appellants' commercial imperatives**. It is said there is no alternative way of meeting the claimed need, yet there is no assessment of alternative less harmful sites. The development as presented permits the site to be used independently to SSE yet the planning merits of this are not addressed. There are no very special circumstances to justify this inappropriate development in the Green Belt, which suggest the appeal should be dismissed.

What is the proposal before the SoS?

- 10.2 This is a fundamental issue for determining the appeal. The SoS must assess the planning merits of the development for which permission is sought. She is required by law to consider whether the development accords with the development plan or not⁶⁶, and to determine the application in accordance with the development plan unless material considerations indicate otherwise⁶⁷. The NPPF is such a consideration, specifically chapter 13 here.
- 10.3 The development for which permission is sought involves the use of the site as a freestanding studio development, which could be independent of SSE. The meaning and extent of the development permitted is a question of law, approached by applying principles of interpretation. The starting (and often end) point **is to find the 'natural and ordinary' meaning of the words used**, viewed in context and with common sense⁶⁸. The permission must be read in a straightforward way together with the condition and it is essential to establish the real meaning and scope of the permission⁶⁹.
- 10.4 The development proposed is the construction and subsequent use of land for a film and television studio complex with no requirement that it be used in connection with, or ancillary to, the existing SSE site. No reasonable reader could conclude otherwise. There is no functional restriction that it be limited to use as extension of, or ancillary to, the existing SSE site. This analysis is consistent with Section 75(2) and (3) of the Town and Country Planning Act 1990.
- 10.5 The description of development specifies the purpose for which the buildings may be used as Use Class E(g)(ii) which is the research and development of products or process. That purpose does not limit the development to be used as an extension to the existing site. The proposed conditions do not seek to

⁶⁵ Largely taken from ID19

⁶⁶ *BDW Trading Ltd. v Secretary of State for Communities and Local Government* [2016] EWCA Civ 493

⁶⁷ Section 70(2)(a) of the Town and Country Planning Act 1990 together with s. 38(6) of the Planning and Compulsory Purchase Act 2004.

⁶⁸ *Lambeth LBC v Secretary of State for Housing, Communities and Local Government* [2019] 1 W.L.R. 4317, [19] per Lord Carnwath JSC.

⁶⁹ *Barton Park Estates Ltd v Secretary of State for Housing, Communities and Local Government* [2022] P.T.S.R. 1699, [22] per Sir Keith Lindblom SPT

- limit the scope of permission to an extension of SSE. It would not be a breach of planning control or conditions for the site to be used independently and so this is within the scope of the permission. A proposed condition⁷⁰ prevents a change of use via the Use Classes Order but does not limit the use as an extension. The approved plans condition does not require that the use is limited to an extension either.
- 10.6 While the appellants stress that the development is not speculative but for an expansion of SSE, this does not reflect the correct interpretation of the terms of the proposal noted above. This matters because the planning considerations for an extended site versus a standalone site are materially different, **including the 'need' case. The appellants only address** the former and there is no planning case seeking to justify the latter in terms of very special circumstances and why the development needs to be located here.
- 10.7 **The appellants' planning witness said independent** use would not happen, but the **appellants' case reflects the merits of a particular user rather than the** planning merits of the proposal itself. By not engaging fully with the planning considerations, it is difficult to see how the SoS can perform the Section 38(6) duty of the Planning and Compulsory Purchase Act 2004 or allow the appeal. Even if the SoS is persuaded by the merits of an extension to SSE, she is being asked to grant permission allowing this large Green Belt site to be used as a freestanding studio. Any reasons given for granting such a permission must be legally adequate and engage with why a permission extending to independent use at this site is justified.
- 10.8 While the appellants say the intention is for the development to be used by Sky Studios, this does not overcome the problem because such intentions do not determine the meaning or extent of the development for which permission is sought. Such intentions do not control the application of Section 38(6) or national policy to assess the merits in planning land use terms. Such intentions do not empower or entitle the SoS to assess the merits through the lens of one particular user. To do anything else would be wrong in law and is why this point matters so much to the Inspector and the SoS.
- 10.9 **There is no evidence of the site owner's future intentions. Sky Studios is not** the owner and there is no evidence before the Inquiry of what control Sky Studios has over the future use of the site if the appeal is allowed. The owner is a property investor, and it can reasonably be assumed that its interests lie in maximising value from the site. If the appeal is allowed, it could change its mind and lease the development to someone else if that is in its best interests. There is no evidential basis on which the SoS could reasonably conclude that the site would not be used independently in the future.
- 10.10 The appellants **suggest that the SoS is entitled to have regard to 'the** probable consequences' of granting permission by reference to the Scottish Widows case⁷¹. Even if that proposition was correct as a matter of law (and the Rule 6 party considers the case is not authority for that proposition), there are four reasons why it does not overcome this issue.

⁷⁰ Numbered as Condition 33 in Annex C to this report

⁷¹ *Scottish Widows Plc v Cherwell DC* [2013] EWHC 3968 (Admin)

- 10.11 Firstly, the probable consequences of granting permission do not control the meaning of what, properly interpreted, the development would permit in planning terms. Secondly, as a matter of fact, the evidence does not support the position that independent use of an adjacent site is unlikely to ever happen or cannot happen. This is because the Media Quarter SPA in the set aside Local Plan contemplated an area with three contiguous studio production sites, and the design of the development would not prevent independent use of the site even with connecting bridges and shared utilities.
- 10.12 Thirdly, the proposed backlot does not mean the appeal site and the existing SSE site have to operate together. The existing SSE site was not designed with a backlot. The proposed backlot is a further example of how the site could operate independently of SSE. It is irrelevant in planning terms that Sky Studios, as the tenant of the SSE site, would find it objectionable to not have access to a backlot on a neighbouring site controlled by its landlord.
- 10.13 **Finally, the appellants' approach to this issue at the Inquiry is not consistent** with their suggestion that independent use would never happen. They could have proposed a description of development referring to an extension of the existing site, which would have been lawful and would have constituted a functional limit within the permission. A change of use from independent site to connected site is a material change and would require planning permission. The land use considerations, and the nature of the use, are materially different.
- 10.14 The appellants could, additionally or alternatively, have proposed a condition limiting the use of the site an extension of the existing site. That such a condition has not been proposed infers that one or both appellants are unwilling to prevent the possibility, in planning terms, of future independent use of the site. For all these reasons, alleged future intention is not an answer to this point. **That the appellants' case does not seek to justify the** planning merits of a site which can be used independently is reason enough to dismiss the appeal. The Rule 6 party rejects the criticism that this issue **was not raised in the proofs of evidence, as this is the appellants' appeal**, and they are required to ensure the evidence justifies the proposed development.

Inappropriate development in the Green Belt – NPPF paragraph 155(a)

- 10.15 An approach to NPPF paragraph 155(a) that focuses on quantitative rather than qualitative matters is not correct, and a holistic exercise of planning judgment should be followed. Scale alone is not the determining factor. PPG paragraph 008 assists with the qualitative judgment and the Rule 6 party has carried this out. The site plays an important role in checking sprawl on the edge of the built-up area of Borehamwood and provides clear visual and spatial distinction between urban and rural together with the countryside either side of the A1. The development would cause very significant harm to purpose (a).
- 10.16 This should be viewed in the context of the existing SSE site which was previously Green Belt land. It is incorrect to say the A1 is a barrier to prevent further development. Rather, the A1 creates the risk of a conduit of development alongside it and is a risk that would increase if the site is developed. This is not about precedent but a reflection that when the Green Belt is reduced by removing a large and important site, it becomes less

- effective at preventing sprawl and to do this meaningfully, because the existing development is used to justify further development. The site plays a very important role in preventing unrestricted sprawl. There would be clear and significant conflict with purpose (a) and that would be a fundamental undermining of that (central) purpose.
- 10.17 Turning to purpose (c), Rowley Lane provides a well-defined edge to Borehamwood, which assists in preventing encroachment. This part of the Green Belt would no longer perform this role post-development. Together with purpose (a), the ability of the remaining Green Belt land to resist further sprawl and encroachment in a meaningful way would be undermined.
- 10.18 For purpose (b), the site prevents development beyond Borehamwood and its loss would extend the built-up area with a weak northern barrier towards Potters Bar. It would be harder to resist further northward expansion. It would bring neighbouring towns closer and weaken the ability of the remaining Green Belt to fulfil this purpose. The ability of the site to contribute to this purpose meaningfully would be undermined.
- 10.19 Allowing the development to proceed based on a self-imposed commercial imperative, without investigating whether the proposal could be accommodated on non-Green Belt land, fundamentally undermines purpose (e) and the restrictive nature of Green Belt policy to encourage development elsewhere and use derelict and other urban land.
- 10.20 The development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and makes it harder to resist further expansion. This conclusion is consistent with the Stage 2 GBA which finds the site is in a visually sensitive part of the Green Belt and that the release of SA47 would impact the performance of the wider Green Belt around Borehamwood. That is a strong indication that the ability of the remaining Green Belt to contribute to the purposes in a meaningful way has been impacted.
- 10.21 **The appellants' landscape witness acknowledges the Council's** two GBA were prepared for different purposes to NPPF paragraph 155(a), and he considers their methodology to be inconsistent with the PPG. He has not carried out his own site-specific assessment but looked at the existing evidence base through the lens of the PPG. And yet, he concludes that the proposed development would not fundamentally undermine the purposes taken together of the Green Belt in the plan area. The Rule 6 party concludes that the development would fail to meet NPPF paragraph 155(a) and so would be inappropriate development.

Inappropriate development in the Green Belt – NPPF paragraph 155(b)

- 10.22 The language in NPPF paragraph 155(b) is clear and unambiguous. A **'demonstrable' unmet need is one which is either** clearly apparent without more supply (such as a lack of housing land supply) or is capable of being proven by **evidence. An 'unmet need'** is an existing need (proven via evidence) which is not currently being fulfilled. It refers to the current position with respect to the need for the type of development and entails looking at what is objectively required and whether current provision is

- meeting that need. **The 'type of development' is directed** at existing need for the type of land use proposed, not the individual need of the applicant.
- 10.23 The type of development proposed is film and television production studios. Therefore, to meet NPPF paragraph 155(b), there must be a proven unmet need for such development. There are five reasons why this does not exist.
- 10.24 Firstly, there is no national or local shortfall of studio space. The appellants do not undertake any analysis to derive an objectively assessed figure of how much space is needed in the UK. There is no analysis that the current total stock of studio space is currently in deficit. There is, in fact, a glut of studio space. The Knight Frank report for the Marlow proposal⁷² looked at existing studio space against what might be objectively required for the future. The report concluded that as of October 2024 there was almost 7.6 million sq. ft of stage space, spanning across 107 studios and almost 490 stages, with total stage space increasing by 4.6% over the past year and by 53% since 2019⁷³.
- 10.25 The report found much new studio space was added to the market in 2021 and 2022 with total stock rising by 36.1% and that over the past 5 years stock has increased significantly faster than production spend⁷⁴. The report estimated future demand for studio space by projected spend and capacity utilisation rates adjusted for inflation. It estimated that, for 2025, 0.5 million sq. ft of additional space was needed, increasing to c.1m sq. ft in 2026, c.1.5m sq. ft in 2027, c.2m sq. ft in 2028, and to c.2.5m sq. ft in 2029⁷⁵.
- 10.26 There is more planned studio space than is required to meet this demand. The Knight Frank report noted 5.8m sq. ft of planned sound stages⁷⁶, while the Hertsmere Film and Television Study 2024 suggested the pipeline to be around 6.4m sq. ft⁷⁷. Approximately 4.8m sq. ft is planned for London, the South East and East regions, with 3.6m sq. ft or 62% within the WLC⁷⁸. 4.2m sq. ft would be Grade A standard and located within the WLC. 2.9m sq. ft has planning permission across the UK, within which 2.3m sq. ft is within London, the South East and East regions, and 1.2m sq. ft is within the WLC.
- 10.27 Based on an estimated demand of 0.5m sq. ft for 2025, there is more than 6 times that figure in existing planning permissions. Looking forward as far as 2029, there is more than enough to meet projected demand for the next four years (2.9m sq. ft against an assessed need of 2.5m sq. ft) and further applications could come forward too. There is no unmet demand now or in the next four years. If the market is not using some of those planning permissions, that suggests demand is waning, since developers operate in a market and respond to demand.
- 10.28 If the demand is unmet as the appellants claim, a speculative scheme cannot rationally be treated differently in assessing demand. If there is demand, the

⁷² Now at appeal (ref APP/K0425/24/3351904)

⁷³ CD8.9 paragraph 2.1.14

⁷⁴ CD8.9 paragraphs 2.5.7 and 2.5.8

⁷⁵ CD8.9 and the bar chart above paragraph 2.5.85

⁷⁶ CD8.9 paragraph 3.3.2

⁷⁷ CD6.7 page 23 (top paragraph of second column, referenced in square metres)

⁷⁸ The appeal site and Borehamwood generally is located within this cluster

scheme will be used, and if there is no demand for such schemes, that **suggests the market does not want further studio space. The appellants' market demand witness' attempt to discount certain developments from the pipeline is not based on any principles.** For the two parameters used to determine whether a scheme has a reasonable prospect of delivery (planning permission and funding), there is no explanation of how the witness' database has been compiled.

- 10.29 Secondly, local plan policy does not evidence an unmet need for film and television production space. Given the history such production space in Borehamwood, the Council could have been aware of and identified need as appropriate. CS Policy CS11 gives no support to the claim that there is unmet need but rather notes uncertainty about demand for BBC Elstree Studios. The Hertsmere Film and Television Study 2024 was prepared to support the emerging Local Plan, but nowhere does the study indicate a shortfall, noting instead that Hertsmere has one of the highest concentrations of studio facilities in the UK⁷⁹. The study at best reflects an ambition to grow rather than existing unmet need, which is a different proposition. The set aside Local Plan contained a strategic objective on the film and television industry⁸⁰ but did not refer to local need.
- 10.30 Thirdly, there is no evidence, as a matter of fact, showing that SSE or other studios are at capacity. Unmet demand could include existing facilities turning away productions if they do not have sufficient capacity. There is no analysis by the appellants of the existing SSE capacity. The Tenant Statement⁸¹ which **says SSE is 'essentially working at full capacity' is undated, with unspecified authors who were not called as witnesses.** The weight to the statement must reflect that. The appellants have relied on the statement but it is possible that Sky Studios' understanding of capacity does not reflect the industry (e.g. that a studio should be considered at capacity at 80%) or whether the site could accommodate more production. **If the appellants' market demand witness claims he did not undertake such analysis because he was not independent of the appellants, then his evidence should not be given any weight.**
- 10.31 The Well End Ers Community Group noted comments from Sky's **Operations** Director that the existing site has enough space and that the British Film Commission considered in October 2023 that there was enough studio capacity to meet demand⁸². The existing SSE development was never billed as phase 1 of a bigger site. There is no evidence of any production being turned away from SSE or elsewhere. The fact that the Wicked production was part filmed at Warner Bros Studios in Leavesden was due to the unfinished nature of SSE. It also indicates that sufficient studio space exists and that a split site was achievable. The appellants refer to Shinfield studios, which is not yet 80% occupied but expected to be⁸³. That is inconsistent with there being an unmet need.

⁷⁹ CD6.7 in the final paragraph on page 34

⁸⁰ CD6.1 page 11

⁸¹ CD12.1 appendix 1

⁸² ID7

⁸³ CD12.1 appendix 3 paragraph 5.13

- 10.32 Fourthly, increased spend does not evidence current unmet need for film and television studio space. **The appellants' market demand witness** accepted this and suggested that the main factor is an increase in spend per production rather than more productions taking place. There is also general inflation in production costs as noted in the Hertsmere Film and Television Study.
- 10.33 Fifthly, national economic policy does not show a demonstratable unmet need in planning terms. A desire to grow the creative industries is not evidence of studio space shortages or the extent of demand. Creating the conditions in which businesses can invest, expand and adapt is a different point to unmet **need**. **The evidence of the appellants'** economics witnesses does not evidence unmet need. Demand in the future might grow if the sector grows, but that does not show the current demand is currently unmet.
- 10.34 In conclusion on NPPF paragraph 155(b), the evidence shows a profound over-delivery of studio space in the short and medium terms. The policy documents relied upon do not show unmet need. Therefore, the proposal is inappropriate development, and very special circumstances must be shown.

The effect of the proposal on Green Belt openness and purposes

- 10.35 The effect on purposes has been outlined above and they apply equally to this main issue. For openness, the impact on the site would be substantial with 77% covered in built form or hardsurfacing. The open historic field pattern would be replaced with 8 densely packed industrial buildings between 21m and 27.5m tall. The degree of activity would also be substantial, with provision for 1000 car parking spaces, a new permanent backlot for filming along with storage and set production. The development would operate 24 hours a day, 7 days a week according to the planning statement.
- 10.36 **A substantial 'base camp' would be present** in and around the buildings. For a large film, this could include 10-15+ trailers around 35-55ft in length to accommodate a range of services and a feature film unit base could exceed 40 separate vehicles beyond the multistorey car park. In addition, there **would be a 'shooting unit'** comprising a collection of vehicles to provide support and equipment to the shooting crew, with 15-20+ vehicles ranging from 7.5 and 18 tonne trucks to 3.5 tonne vans, minibuses and private cars, located close to the stage. These vehicles and structures would occupy much of what remains of any open space.
- 10.37 The development would result in substantial and permanent harm to Green **Belt openness, both visually and spatially**. **The appellants' landscape witness** concludes only moderate impact, because he considers the visual impact to be low, but this fails to take account of the permanent backlot and the permanent harm that would arise to openness from this.

The need for the development and the benefits of co-location

- 10.38 The above submissions on unmet need are not repeated, but they are in many respects a complete answer to this issue. If there is no unmet need then logically there is no need for more space at this site. There is no planning justification for providing space which is surplus to requirements. There is no evidence for standalone studio space at this site.

- 10.39 As a standalone site, the development would not have enough soundstage space to meet the definition of Grade A space in the Knight Frank report⁸⁴. **The appellants' evidence, at best, focuses on the business case for an expansion to SSE.** No planning reasons are given as to why the proposal, which can be used independently of SSE is required to be located here in the Green Belt. In the update report to members before the planning committee, Council officers appeared to accept that meeting a need for further studio space does not necessarily require development on this particular site⁸⁵.
- 10.40 There are two reasons why there are no compelling planning reasons to conclude that further premises must be located here. Firstly, the appellants rely on analysis by their market demand witness that modern productions require very extensive sites where all facilities are closely linked, but his analysis does not review relevant literature or point to any independent research to confirm that there is a reconstituted film industry with changing needs. Secondly, even if the existing SSE site is at capacity, it is possible to produce content across a split site. The objection to a split site is about cost savings and operational preferences rather than planning need.

The availability of alternative sites

- 10.41 The SoS must, as a matter of law, consider whether this development might be more appropriately located on a site which entails less planning harm for two distinct reasons. Firstly, a rational assessment **of the appellants' own case** requires consideration of whether further studio space can be accommodated elsewhere. The appellants say there are no alternative sites, but their planning witness accepted there is no locational imperative for the development to be here. Therefore, the SoS cannot accept there are no alternative sites without agreeing that no such sites exist.
- 10.42 Secondly, whether the development could be sited in a less harmful location in planning is a material consideration that it would be wrong in law not to consider the issue. The decision maker is not obliged to have regard to every possible consideration, but if a consideration is identified by statute or policy (explicitly or implicitly) then the decision maker errs if they fail to have regard to it. If a consideration is not mandated by the legislation, it must still be considered if it is '**obviously material**'. A failure to consider it would be irrational and would not accord with the intention of the legislation⁸⁶.
- 10.43 In the *Trusthouse Forte* case, the fact that other land exists (whether or not in the same ownership) upon which the development would be yet more acceptable for planning purposes would normally not justify the refusal of planning permission. However, when the development is bound to have significant adverse effects and where the major argument advanced in support is that the need for the development outweighs the planning disadvantages, then it may well be relevant and necessary to consider alternative sites⁸⁷.

⁸⁴ CD8.9 paragraph 2.1.20

⁸⁵ CD3.2 update sheet 2 paragraph 7

⁸⁶ *R. (on the application of Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport* [2022] P.T.S.R. 74

⁸⁷ *Trusthouse Forte Hotels Ltd v Secretary of State for the Environment* (1986) 53 P & CR 293

- 10.44 The proposal is for over 15ha of inappropriate development in the Green Belt, contrary to the development plan and gives rise to significant planning harm. That harm arises from the development of this site rather than anything inherent to the proposal. The appellants argue the proposal meets a regional need for studio space, but there is no locational imperative for this site and so alternative locations in this region should be considered.
- 10.45 The commercial preference for the development of an adjacent site does not **change this analysis, nor does the appellants' claim** that they would not develop anywhere else. Planning is about meeting land use needs in the public interest. There are analogies with the retail sequential test: suitable and available mean for the broad type of development proposed in the application by approximate site, type, and range of goods to exclude the identity and personal/corporate attitudes of an individual retailer⁸⁸. An alternative site in this context does not have to be acceptable to the appellants.
- 10.46 The fact that the appellants have chosen not to identify particular sites is irrelevant. It is also not necessary for any objectors to identify alternatives, as set out by the *Trusthouse Forte* case as follows:
- (1) In a case where planning objections are sought to be overcome by reference to need, the greater those objections, the more material will be the possibility of meeting that need elsewhere.
 - (2) Although generally speaking it is desirable and preferable that a planning authority (including the SoS on appeal) should identify and consider that possibility by reference to specifically identifiable alternative sites, it will not always be essential or indeed necessarily appropriate to do so.
 - (3) The clearer it is that the planning objections relate essentially to the development of the application site itself rather than to some intrinsically offensive aspect of the proposed development wherever it might be sited, the less likely it is to be essential to identify specific alternative sites.
 - (4) Equally, the less specific and exacting are the requirements to be satisfied in order to meet the accepted need, the more likely is it that a planning authority could reasonably conclude that such need can be met elsewhere without reference to some identifiable preferable alternative site.
 - (5) Clearly, it is more difficult to make a sensible comparison in the absence of an identified alternative site and it is likely that a planning authority would be more hesitant in concluding that an accepted need could be met elsewhere if no specific alternative sites have been identified, all the more so if they have been carefully searched for, identified and rejected.
 - 6) The extent to which it will be for the developer to establish the need for their proposed development on the application or appeal site rather than for an objector to establish that such need can and should be met elsewhere will vary. However, in cases such as this, when the Green Belt planning policy **expressly provides that "the need for a motel on the site proposed, not merely in the area generally, has to be established in each case"** the burden

⁸⁸ *Aldergate Properties Ltd v Mansfield DC* [2016] EWHC 1670 (Admin)

lies squarely upon the developer. Thus, in this type of case it will be the more likely that the planning authority could reasonably conclude that the need can be met elsewhere without reference to some identified more appropriate alternative site.

(7) As a matter of law, it is accordingly open to a planning authority to conclude on the facts that an accepted need can and should be met elsewhere than upon the application or appeal site without reference to any specific alternative site or sites.

- 10.47 If the SoS accepts that there is a need for the development, it is open to her to conclude that the proposal can and should be met elsewhere than this site without reference to any specific alternative site or sites. There is no planning justification for meeting that need here, and it is capable of being met on non-Green Belt land. The appeal should be dismissed on that basis.

Other considerations and very special circumstances

- 10.48 There is definitional harm to the Green Belt and harm to its purposes and openness, which carry substantial weight. There is also harm to landscape character and harm caused by loss of trees and hedgerows, to which the appellants ascribe moderate weight.
- 10.49 If there is no demonstrable unmet need for the type of development proposal, this factor should not form part of the very special circumstances balance. Meeting an identified need which is not unmet cannot be a benefit at all if the NPPF paragraph 155(b) case fails. If it accepted that there is no locational imperative in planning terms, substantial weight cannot be given to the lack of alternative sites unless there are truly no alternatives. This factor should be given no weight.
- 10.50 An expanded SSE site would bring economic benefits, but only 88 full time staff would be employed at the development. Other jobs would be related to film and television production and so be temporary and transient and it is uncertain what extent the jobs created would be for those living in Borehamwood and Hertsmere. A ten-mile radius from the site goes as far as central London. The economic benefits are therefore reduced to substantial.
- 10.51 The proposed community space is described by the committee report as quite small and in a less accessible edge of town location with limited opportunities for visitors. The details of the strategy relating to training, employment, community use and outreach are left to condition. For these reasons, these benefits should be given moderate weight. There is no policy requirement for a contribution towards a heritage centre in Borehamwood **and the appellants'** planning witness accepted it was not compliant with Regulation 122 of the CIL Regulations 2010 (as amended). The weight given to this contribution should be limited.
- 10.52 The nature of the socio-economic benefits, **and the appellants' weighting**, are premised on the development acting as an extension to the existing SSE site. However, the development is not limited in that way and so it cannot be said that it presents an opportunity to significantly increase the level of economic benefits generated by SSE. There is no analysis of the economic and socio-economic benefits of an independent site, and in absence of a connection to the existing site, they could be far less significant.

- 10.53 The appellants cannot accept that the proposal, in planning terms, does not need to be located at this site, yet give the benefits of co-location and the lack of alternative sites significant weight. In the absence of evidence to show there are no suitable alternative sites, this carries no weight.
- 10.54 The site is in a sustainable location, but its development entails environmental and planning harm, with no evidence of whether it could be accommodated on a site that entails less harm. The use of renewable energy is an **example of the development 'consuming its own smoke.** The sustainability benefits of the development should be given limited weight. The improved connections for pedestrians and cyclists would be a benefit, but they are hardly major improvements to the town centre, and so should be given moderate weight.
- 10.55 Whilst not applicable to this scheme, 10% BNG is the statutory minimum for all new major developments. The reasons given by **the appellants' planning** witness as to why this modest increase justifies the second highest weighting in his scale are not articulated in writing and are not convincing. It is a benefit, but self-evidently a modest 10% gain does not justify a weighting towards the very top of the scale.
- 10.56 The benefits of the scheme do not clearly outweigh the Green Belt harm and the harm to landscape character and the loss of trees. It has not been demonstrated that the development must be located here. The economic benefits attract significant weight, but other considerations can only be given moderate weight at most. There are no very special circumstances, and the appeal should be dismissed.

Overall planning balance and conclusion

- 10.57 The proposal is inappropriate development in the Green Belt. It is not excepted from that definition by NPPF paragraph 155. There are no very special circumstances which clearly outweigh the harms. The proposal breaches the development plan taken as a whole and does not comply with CS Policies SP1, CS12, CS13 and CS30 and SADM Policies SADM12 and SADM26.
- 10.58 No case has been made as to why independent use of the site, which would be permitted, is justified in planning terms or is a benefit. The benefits of the use of the site by Sky Studios must be viewed through the lens that these benefits are contingent upon the site being used as an extension, but there is no requirement for the site to be used in that way. In any event, they do not outweigh the extensive planning harm. The planning balance is firmly against the appeal, and so the Rule 6 party invites the SoS to dismiss the appeal.

11. The Cases for Interested Parties Appearing at the Inquiry

11.1 The following parties made representations to the Inquiry in opposition to the proposed development:⁸⁹

*Julia Dunsfold – local resident and representing the Well End Ers Community Group*⁹⁰

- 11.2 The hamlet of Well End is much loved with its country pub (the Mops and Brooms) surrounded by horses for most of the year, as well as lanes and fields popular for walking, riding, running, and cycling. There is the Scout Activity Centre for children across Hertfordshire and north London. Fields are full of wildlife and Strangeways Stables is the largest livery stables for miles, with over 100 horses. All this is close to the busy town of Borehamwood.
- 11.3 The existing SSE development attracted few complaints due to the number of jobs claimed and its distance from Well End. However, the visual effect of the existing site is immense and not hidden behind trees and hedgerows. The now set aside Local Plan attracted 18,000 objections with the proposed allocation of a Media Quarter that would engulf Well End and destroy Strangeways Stables. The emerging Local Plan has no Media Quarter as the Council has already fulfilled its required employment sites.
- 11.4 Despite this, Sky Studios has come forward with its expansion plans to nearly double the existing site. There have been 2,750 objections with just 17 in support. The promised creation of jobs is doubted with just 100 full-time jobs created at the existing site mostly in security, catering and maintenance. Sky has signed a 10-year lease at Panattoni Park across the road to rent three empty warehouses totalling 300,000 sq. ft. This appears to be the perfect **solution to Sky's 250,000 sq. ft expansion plans**, but they still want to go ahead with the development. The proposed development was refused at planning committee as the benefits did not outweigh the harm and no alternative sites had been considered.
- 11.5 From 2020 to 2023, UK studio space doubled from 3 to 6 million sq. ft with consented space for 3.5 million more. The British Film Commission said in October 2023 that there was enough studio capacity to meet demand, while **in June 2024, Sky's Operations Director said they would not appeal the refusal saying we have enough space at this time. The appeal does not make sense given the market conditions. Pinewood's expansion will now become a data centre and Sunset Studios and Home of Production have been cancelled.**
- 11.6 Legal & General and Wrotham Park would get a large financial return from the development. If Sky gets the development just because they say they need it, then this would set a precedent for adjoining land. There would be no additional apprenticeships or training benefits with the development. SSE takes 12 apprentices per year and only 3 local children have got jobs. There is a half-day school experience, but Hertswood School can only afford to send 15 pupils per year.
- 11.7 The reasons given why Panattoni Park cannot be used are disingenuous as it still costs to move things around within large studio complexes. Productions

⁸⁹ ID7 contains the written statements from most of these interested parties apart from Councillor Vince

⁹⁰ Also a member of Sky's Community Board and a governor of Hertswood Academy secondary school

are not guaranteed co-located studios and workshops. Leavesden requires a bike to get between far apart buildings. There is also an allocated employment site to the south of the existing SSE site which has permission for industrial units.

Stephen Wise – local resident

- 11.8 Not objecting to Sky looking to building additional studio space, but object to the use of Green Belt land over other sites. The existing SSE development was built on previously developed land. Using the existing development to justify this proposal sets a dangerous precedent and would encourage developers to buy land adjacent to the Green Belt and then seek to expand their approved scheme into the Green Belt.
- 11.9 The cost savings and synergies of sharing resources across both sites is a red herring given the number of permanent staff at the existing site and not a justification for not looking at alternative sites. There is an existing pedestrian crossing to cross the road from Panattoni.
- 11.10 Corporate profit and convenience do not constitute very special circumstances. Several other sites have permission for studio space but are not progressing due to the downturn in demand. Sky could use one of these sites instead of the Green Belt. There is a risk that previously consented sites are turning from studio use to data centres, such as Wycombe Film Studios and Pinewood. Local residents wonder if the same will happen here.
- 11.11 It is not the job of residents to suggest alternative sites to Sky, but there is an irony in the Gillette factory in Isleworth being repurposed as film studios with Sky objecting on traffic grounds. Isleworth highlights that existing unused sites should be the first place for development. Green Belt should not be used when other sites exist.

Barry Alefounder – local resident

- 11.12 Well End is a special place including for **its wildlife. From my family's use of** the fields over the years, we have seen an abundance of wildlife such as rabbits, foxes, deer and weasels, along with kestrels, red kites, woodpeckers, butterflies, and bats. There are also smaller more hidden species such as Great Crested Newts. This is long-term biodiversity here and now. It does not need restoring and should not be replaced in a faraway field. Biodiversity will be reduced further from artificial lighting and noise from filming. Ancient oaks retained by the existing studios are now dying.

Ben Simon – local resident

- 11.13 There have been drastic changes in the film industry over the past 5 years with the pandemic, writer and actor strikes, and wildfires in Hollywood, and significantly low cinema figures. As a filmmaker, when talking to colleagues the view is that not much is being made, and most of that is about locations rather than studios. This is why Pinewood and other studios have abandoned new sites and expansion plans, and existing studios are quiet and empty. Studios are underbidding each other to keep busy with productions.
- 11.14 The existing SSE development has effects on the immediate community from additional early morning traffic to wildlife disruption and light and sound

pollution from night shoots. Few local jobs are created as the business is made up of freelancers. Most turnover goes back to companies in America.

- 11.15 The existing development can house at least 3 major productions at one time, not including the temporary backlot. It does not feel like Sky really wants to expand and rather it is Legal & General wanting to get something else on this site in future. It would be possible to link the existing site with Panattoni Park via a bridge or tunnel. Big films are often split between studios, such as the recent Paddington film at Sky and Elstree Studios.

Kelly Currie - Strangeways Stud Farm and Stables

- 11.16 There are over 100 horses at Strangeways from generations of families. New liveries have come as other yards have closed due to development with a loss of over 300 local stable spaces since 2000. We are the biggest stables in Hertfordshire and north London, but we are under threat. If this development goes ahead, then the remaining fields are up for grabs.
- 11.17 There has been a large increase in traffic locally and near the stables since the existing SSE has opened. Horses are walked along Well End Road and Rowley Lane to get to the bridledways and back, but cars speed down the one-track Rowley Lane and it is dangerous. Over 3,000 UK road incidents were reported to the British Horse Society in 2023 with more than 1 horse killed every week on UK roads. The addition of 1,000 extra vehicles in the proposed multistorey car park would only make things worse.
- 11.18 Our horses are already terrified by the noise from the backlot with pyrotechnics, loud bangs and explosions. More than 100 horses are killed each year in firework related incidents. The proposed development would bring the backlot next to the fields used by the horses which is a serious welfare concern. Strangeways may not be able to continue as a business and would shut down impacting the many people who work here and the businesses that support them⁹¹, with over 40 skilled vocations associated with the equine industry who rely on a local client base.
- 11.19 People benefit from using the fields and seeing the horses. Strangeways supports an intergenerational community which helps to reduce loneliness and crime and improve physical and mental health. Equine activities reduce domestic violence by 51% and there are other social and economic benefits from this community. Children can learn a good hobby, communicate with people of all ages, and form friendships. If the green space is chipped away and built on, then horses and people will suffer with nowhere else to go.

Tim Morris – local resident

- 11.20 At the planning committee, the concerns of residents were summarised in a Community Advocate speech, but it was never read out⁹². The concerns contained in that speech included respecting the development plan process,

⁹¹ 12 people work on the payroll, 10 people make a self-employed living at the stables, 7 freelance instructors come in to teach, 5 different farriers come for clients, plus there are vet visits, maintenance work and other trades, **along with a range of equine vocations listed in footnote 4 of Ms Currie's statement**

⁹² A copy of this speech is provided in ID8

noting the large number of objections to the now set aside Local Plan. These objections focused on the Media Quarter proposal and the overemphasis on film and TV and the lack of local infrastructure to support development. In line with NPPF paragraph 49, significant weight should be given to these objections. NPPF paragraph 16 also requires plans to be shaped by early proportionate and effective engagement between plan-makers and communities. Considerable weight should be given to the fact that development on this site has been rejected in our local plan-making.

- 11.21 The speech also questioned the appropriateness of the planning obligations, with the socio-economic benefits and the improved cycle and pedestrians argued to be a general rather than necessary planning benefit. If they are necessary, they should have been required of other recent studio proposals in Borehamwood. They are immaterial in planning terms. Residents question whether the Heritage Centre and all the Town Centre Improvements are necessary or carry no weight.
- 11.22 Two concerns were raised about traffic. Firstly, at the application stage, there were protracted negotiations with National Highways to make congestion at the A1/Rowley Lane junction manageable, so these changes are not a neutral mitigation but a net harm. Secondly and more importantly, there is no visible proper assessment of local traffic harms. Film production is a freelancer operation and traffic comes from all directions, not just the A1⁹³. There are minor roads where traffic increase is a major unmitigated harm.
- 11.23 Traffic is a big issue for film production with many contractors bringing their own vehicles. NPPF paragraph 155(c) requires development to be in a sustainable location with reference to NPPF paragraphs 110 and 115. In that context, any significant impacts from the development on the transport network, particularly away from the A1 junction, have not been addressed.
- 11.24 Other points made in the speech question whether very special circumstances exist and the effect of large buildings on Green Belt openness, noting other places where the studios can be built and querying why no alternatives have been considered. The speech questions why the loss of trees and protected hedgerows only causes moderate harm to landscape character. It contends that economic benefits are contradictory and inconsistent with estimates of 1,500 full time jobs across the Hertsmere area conflicting with **Sky's recent** claim of 600 jobs within 10 miles. Finally, it asks why weight is given to meeting sustainability and biodiversity obligations, and that the small increase in BNG should only be given limited weight.

Councillor Michelle Vince – Hertfordshire County Council

- 11.25 Recent publicity by Sky on BBC London focuses on the positive effects of the existing development on businesses and apprentices. However, responses on social media to this piece from residents highlight the lack of jobs including skilled work, the need to avoid development in the Green Belt, and claims of empty studio space. The Elstree Screen Arts Academy is a good education provider, but I have not heard from anyone in favour of the proposals.

⁹³ See the diagram at the end of ID8

- 11.26 The following parties made representations to the Inquiry in support of the proposed development:

John Graydon – accountant specialising in film and television

- 11.27 The UK in 2024 was the leading film production industry in the world and in the top 5 for high end television production. This is due to good talent and crew, great infrastructure, with supportive government and fiscal incentives and a favourable exchange rate. It is not clear that studio development projects are being cancelled due to low demand. The past 5 years have been turbulent with the pandemic and strike action. In 2025, there is now a lack of stage space capacity particularly in London and the South East. People will go elsewhere if the scheme is not located here. More stage space is needed.

Jonathan Green – production designer and chair of the British Film Designers Guild

- 11.28 As a local resident, I have always wanted to work in the film industry and was fortunate to get work from a young age in the local area. The industry is important locally. The existing SSE development is state of the art and highly sustainable, employs local people, and helps the area to compete globally. The industry generates billions of pounds for the UK economy, and it is important to support continued investment to reap local benefits. Not just the studios benefit from development, but many local jobs and businesses too.

Georgette Turner – film and television production⁹⁴

- 11.29 SSE has helped people in the film and television industry, including those who are neurodiverse and come from a working class background. It can be hard to break into the industry and other locations like Pinewood are not easily accessible. The industry in Elstree is very accessible by public transport and has a community orientated approach. SSE has strengthened this position with training programmes to create inclusive environments to help more people participate. There is need for expansion with growing demand for content, which would also help with training and outreach. The development would benefit many in the creative industry. My work includes outreach with taster days for schools and colleges, along with bringing American productions to the UK. The UK taskforce on this industry has produced research showing for every £1 spent, £8 of inward investment is generated. Many concerns about this development can be mitigated, such as noise.

Chris Mitchell – headteacher of Elstree Screen Arts Academy⁹⁵

- 11.30 Elstree Screen Arts Academy is a state funded, inclusive and outstanding secondary academy and post-16 college. It is understandable why people might object to this development, including Academy staff, students and families. It might be explained by the opposition to the larger Media Quarter proposals in 2022, but that proposal had no likely occupier, unlike here where we have SSE and a busy studio. The scale of Green Belt land take is less too.
- 11.31 SSE are authentic partners with the Academy in a genuine way. I am not aware of any other partner organisation with comparable levels of

⁹⁴ CD12.10 appendix 3 contains part of her representation to the Inquiry

⁹⁵ See also CD12.10 appendix 7

engagement. SSE supports the education content at the Academy and provides sponsorship. SSE also provides training and placements in conjunction with local universities. Students from the Academy have worked with SSE and alumni have secured jobs there too. It is important to stress that the Academy is independent of SSE in financial and other terms.

11.32 Economic growth should be supported where adverse effects can be minimised and sustainability promoted. To boost growth, we need training placements at scale, hence the need for this development. Many jobs can be created, not just those based on site, but in the local area. We should also not just dwell **on the town's film and television** heritage but focus on the present and future with new productions to provide ambition and aspiration. This development would not set a precedent but would be proportionate and support the local area.

12. Written Representations

12.1 Nearly 3,000 representations were received at the application stage. Most used one of three templates with around 60 individual comments. Concerns were raised relating to the loss of Green Belt and the effect on its openness and character, the adverse effect on biodiversity, landscape, noise, and light pollution, the impact on the stables at Strangeways and the use of the local area for recreation purposes, the lack of jobs created by the development, the lack of assessment on alternative sites, and the negative effects on traffic. Reference was also made to the effect on the Grade II listed barn at Rowley Farm recently restored for events and weddings.

12.2 Around 100 comments were received from statutory consultees on various technical matters including archaeology, highways, environmental health, flooding and drainage, ecology, and landscape⁹⁶.

12.3 At the appeal stage, 16 representations were received, all in support of the development. These representations were initially returned as they were all submitted after the prescribed deadline. However, 13 of them appear as **appendices to the appellants' planning rebuttal**⁹⁷, and the remaining ones have been included in the interested parties' folder on the appeal file. They refer to the importance of the existing SSE development and express support for the proposal to benefit the local and wider economy.

13. Conditions and Planning Obligations

Conditions

13.1 Following discussion at the Inquiry, the appellants and the Council provided a final list⁹⁸ of suggested conditions. I have used this list to inform the schedule of conditions contained in Annex C. Should the SoS decide to grant planning permission, I consider all the conditions in the annex are necessary and they meet the tests in NPPF paragraph 57. The reasons for each condition, including why some need to be pre-commencement, are set out in the annex.

⁹⁶ Copies of the application representations and comments can be found **attached to the Council's** appeal questionnaire submission

⁹⁷ CD12.10 appendices 1 to 13

⁹⁸ ID24

The appellants have provided written agreement for the pre-commencement conditions⁹⁹. It is unclear if ground works and vegetation clearance constitute development, so it is necessary to specify these stages in some conditions.

- 13.2 I have deleted the condition relating to the provision of a Travel Plan as the same requirement is contained in the S106 agreement. Although conditions are normally preferred over obligations where there is duplication, the obligation in the S106 agreement addresses matters relating to monitoring and review, so it is more appropriate to delete the condition.
- 13.3 Interested parties have sought to secure similar provisions for operational traffic as set out for construction traffic in Condition 9, including a commitment and strategy to use prescribed routes only and avoid off-site parking. However, the effects of construction traffic and parking, with large vehicles and temporary parking arrangements, would be quite different to the operational stage where a Travel Plan would be in place. Moreover, the transport assessment reports¹⁰⁰ indicate that most vehicular traffic at the operational stage would use routes via the A1 and Elstree Way, where improvements to junction capacity and sustainable transport options would be secured. Thus, a specific condition on operational traffic is not needed.
- 13.4 Condition 14 relates to avoiding surface water flooding once the development is in place. Condition 6 on drainage impact is pre-commencement and requires a surface water drainage scheme. Therefore, Condition 14 does not need to be pre-commencement.
- 13.5 Condition 27 does not contain the same requirement as Condition 26 regarding noise levels being 10dB below background noise levels. However, this is because Condition 27 deals with intermittent studio operational noise where not exceeding background noise is sufficient, while Condition 26 deals with consistent noise emitted from plant and equipment which could be more intrusive to neighbouring residents¹⁰¹.

Planning Obligations

- 13.6 A finalised and executed S106 agreement¹⁰² was submitted following discussions at the Inquiry. The Council has provided a CIL Compliance Statement¹⁰³ setting out the justification for each obligation. Regulation 122 of the CIL Regulations 2010 (as amended) states that planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. These three statutory tests are repeated in NPPF paragraph 58. The weight to be given to any relevant obligations is discussed separately in my conclusions.
- 13.7 **Schedule 1 sets out the Owners' covenants in multiple parts. Part 1** sets out the process to secure off-site BNG, including a cascade mechanism if the identified local receptor site cannot be secured, and financial contribution if

⁹⁹ ID26

¹⁰⁰ CD1.119, CD2.7 and ID12

¹⁰¹ ID22

¹⁰² ID25

¹⁰³ CD15.5

no site can be found at all in 8 months. Although it is preferable to secure provision as close to the development as possible, any provision further away would be required to provide a greater amount of net gain to reflect the increased geographic distance. CS Policy CS12 requires proposals to conserve or enhance biodiversity while SADM Policy SADM10 requires adequate mitigation or compensatory measures where harm to wildlife cannot be avoided. The BNG SPD requires at least 10% net gain on all major developments and this proposal would secure 12.7% off-site. Thus, the obligations in Part 1 meet the three statutory tests.

- 13.8 Part 2 sets out a carbon offsetting payment and requirements to achieve the sustainable use of materials and resources to construct and maintain the development. CS Policy CS17 requires all non-domestic development achieve carbon emission reductions in line with building regulations and the draft carbon offsetting SPD seeks reductions up to and above these regulations (notwithstanding the limited weight afforded to this draft SPD). Thus, the obligations in Part 2 meet the three statutory tests. Part 3 contains measures to approve a Travel Plan and ensure that it is monitored and reviewed. CS Policies SP1 and CS26 promote alternatives to the car, and so the obligations in Part 3 meet the three statutory tests.
- 13.9 Part 4 involves a financial contribution of £587,500 towards a Film and Television Heritage Centre to be provided in Borehamwood Town Centre and made available to the public (at around 25% of the total cost). This is based on a Council motion from October 2020 to promote the film and TV heritage of the town. It also follows discussions between the appellants and the Council that an on-site community space was not ideal for visitors due to the **site's peripheral town centre location**. There is nothing in the adopted development plan supporting such a provision and it has not been actively promoted by any of the parties as forming part of the benefits to justify the development. Therefore, the obligation in Part 4 would not meet the three statutory tests, particularly that relating to necessity.
- 13.10 Part 5 provides a contribution towards bicycle hire to support the existing hire scheme within Borehamwood. Part 7 provides a contribution towards a town centre transport feasibility study to extend cycle improvements through to the train station. Parts 8 and 9 comprise contributions towards improving the 398 service to Potters Bar and other local bus services. Part 10 covers shuttle bus services between the site and key railway stations including Elstree and Borehamwood. These elements would form part of the package of measures designed to reduce the use of private motor vehicles and encourage people travelling to and from the site to use a more sustainable mode of transport. CS Policies SP1 and CS26 support and promote alternatives to car use. Thus, the obligations in Parts 5, 7, 8, 9 and 10 meet the three statutory tests.
- 13.11 Part 6 provides a contribution towards air quality management monitoring within the town centre to address the effects of construction traffic and ensure that exceedances of air quality objectives are avoided. Therefore, the obligation meets the three statutory tests.
- 13.12 Apart from the Film and Television Heritage Centre contribution in Part 4, all the obligations in Schedule 1 meet the three tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and NPPF paragraph 58. Therefore, I consider that they can be taken into account.

14. Inspector Conclusions

14.1 From the evidence before me at the Inquiry, the written representations, and my inspection of the appeal site and the surrounding area, I have reached the following conclusions. The numbers in square brackets refer to earlier paragraphs which are relevant to my conclusions.

Main Considerations

- 14.2 The case management conference took place on 17 January 2025 and identified 4 main issues. Following the recovery of the appeal, these have been carried forward as the following main considerations, with only minor amendments to the first main issue to emphasise NPPF paragraph 155:
- 1) whether the proposal would be inappropriate development in the Green Belt having regard to paragraph 155 of the NPPF and any relevant development plan policies;
 - 2) the effect of the proposal on the openness and purposes of the Green Belt;
 - 3) the need for the development, the benefits of co-location, and the availability of alternative sites; and
 - 4) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Main Issue 1: Inappropriate development in the Green Belt

- 14.3 Based on the common ground reached between the three parties, the focus of dispute for this main issue relates to NPPF paragraph 155 and specifically parts (a) and (b). For part (a), the parties agree that the development would utilise grey belt land based on the NPPF definition but disagree on the second half of part (a). For part (b), the appellants and the Council agree this would be met, but the Rule 6 party disagrees. Both parts are addressed below, with reference to the updated Green Belt advice in the PPG for part (a). [7.1, 8.2, 8.4, 8.6, 9.1]
- 14.4 The key development plan policies for this main issue, CS Policies SP1 and CS13, are consistent with the NPPF insofar as they relate to the proposed development, with Policy CS13 explicitly referring to the NPPF for the assessment of relevant proposals. [6.2, 6.5]

NPPF paragraph 155(a)

- 14.5 Due to the recent introduction of NPPF paragraph 155 and the updated PPG, there is no local assessment of the Green Belt in Hertsmere that looks **specifically at 155(a). However, the Council's GBA**, particularly the Stage 2 GBA, are generally consistent with the PPG's methodology and can be referenced for the purposes of this appeal. [8.6, 8.8, 9.2, 10.15]
- 14.6 The Green Belt in Hertsmere covers the whole plan area outside the main built-up areas like Borehamwood and Potters Bar. The site is located within Parcel 18 in the Stage 1 GBA which covers nearly 19% of the overall Green Belt. It is bounded by the north-east side of Borehamwood, the M25, the A1 and the B5378. In the Stage 2 GBA, SA47 forms part of Parcel 18 at around

0.7% of the overall Green Belt, and is bounded by Rowley Lane, the A1, and the existing SSE site. The site occupies the southern part of SA47 at around 28% of the sub-area and 0.2% of the overall Green Belt¹⁰⁴.

- 14.7 The assessment required by NPPF paragraph 155(a) is not simply about percentages as it is conceivable that the development of a small part of the Green Belt could still fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. The PPG at paragraph 008 identifies the need to look at whether the development would affect the ability of all the remaining Green Belt from serving all the purposes in a meaningful way, which indicates the need for a qualitative assessment. [8.7, 9.3, 10.15]
- 14.8 The Stage 2 GBA assesses SA47 against most of the Green Belt purposes. It scores 3 out of 5 for purposes (a) and (c) which equates to meeting them neither weakly or strongly and can be interpreted as a moderate score. It scores 1 out of 5 for purpose (b) which equates to meeting this purpose weakly or very weakly, and scores 0 out of 5 for purpose (d) which equates to not meeting this purpose at all. Purpose (e) was not assessed for any sub-area as it was considered to apply equally to all Green Belt land. [8.6, 9.5]
- 14.9 **Given SA47's location on the** north-eastern edge of a large built-up area, with a patchwork of open fields contained by the A1 to the east and sporadic development along Rowley Lane to the north, the considerable distance to the next town at Potters Bar, and the lack of a historic town, the scores in the Stage 2 GBA are reasonable. While SA47 is one of only 11 sub-areas that contribute moderately or strongly to purpose (a), that is due to only Borehamwood being classified as a large built-up area. There are 6 sub-areas to the north and west of Borehamwood that contribute more strongly to purpose (a) than SA47, including SA48 immediately to the north due to the lack of containment. Sub-areas to the north of the town, including SA48, also contribute more strongly against purpose (c) due to lower levels of built form than SA47, although areas to the west make a weaker contribution. [9.5]
- 14.10 The Stage 2 GBA in Step 4B also assesses the impact of sub-areas on the overall parcel in Stage 1 and the wider Green Belt. The release of SA47 is considered unlikely to significantly reduce the contribution of SA48 to purpose (c) given built form along Rowley Lane, while the A1 provides a barrier to sprawl and maintains settlement gaps. If released in combination with SA48, Step 4B considers this is likely to significantly alter the performance of the wider Green Belt through countryside encroachment in a visually sensitive part of the Green Belt given its strong connection with the wider Green Belt. [8.11, 9.6, 9.7]
- 14.11 **The term 'wider Green Belt' is not defined anywhere in the GBA as the whole** plan area. Instead, it appears to be a loose term looking at the surrounding Green Belt including the overall parcel and neighbouring sub-areas. Moreover, Step 4B looks at the whole of SA47, rather than the smaller site area subject to the proposed development. Therefore, the Step 4B findings are not an exact proxy for the assessment required by NPPF paragraph 155(a) and the PPG. [8.8, 8.9, 8.10, 9.8]

¹⁰⁴ CD12.4 (both parts)

- 14.12 The proposed development would not involve the entirety of SA47, let alone the entirety of SA48 too. It would be located on the edge of the built-up area with existing open fields lost to buildings and hardsurfacing. However, it would have little effect on the ability of the remaining Green Belt from serving purpose (b) due to the considerable gap that would continue to exist between Borehamwood and Potters Bar. It would have no effect on the ability to serve purpose (d) given the lack of a historic town in this area. [8.11, 8.12, 9.7, 10.18]
- 14.13 There would be additional sprawl from Borehamwood and countryside encroachment. However, this would be contained by the A1 to the east, while the rest of SA47 would retain its open fields and rural character bounded by trees and hedgerows. There would be a considerable buffer retained to SA48 along with existing if sporadic built form along Rowley Lane east of the pub. It is possible that the A1 could act as a conduit for further development along both sides, but land to the north and east of the site has strong rural and open qualities with less containment that would need to be assessed separately against Green Belt policies for any future proposals. Therefore, the development would not have a significant effect on the ability of the remaining Green Belt from serving purposes (a) and (c). [8.12, 9.7, 10.15, 10.16, 10.17]
- 14.14 The development would be situated on a greenfield site rather than an urban one and so would not assist in urban regeneration. However, this would apply to the development of most Green Belt sites, including those classed as grey belt land, which by their very nature are typically located outside urban areas. The overarching policy approach of encouraging the recycling of derelict and other urban land would remain, and so the development would not significantly affect the ability of the remaining Green Belt from serving purpose (e). [8.12, 10.19]
- 14.15 **The term 'meaningful way' is not defined in the PPG at paragraph 008** and it is possible that something small in scale, contribution or impact could still be meaningful. However, the PPG at paragraph 008 focuses on whether development would affect the ability of the remaining Green Belt across the plan area from serving all 5 purposes in a meaningful way, rather than whether the development would have a meaningful impact on Green Belt purposes. This is reinforced by the wording of NPPF paragraph 155(a) which requires an assessment of whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. [8.7, 9.3]
- 14.16 For the reasons set out above, the development would not fundamentally undermine the 5 purposes of the remaining Green Belt in Hertsmere or affect **the ability of the borough's Green Belt from serving those purposes** in a meaningful way. Therefore, I consider that the requirement in NPPF paragraph 155(a) would be met, having regard to the advice set out in the PPG at paragraph 008. [8.13, 9.8, 10.20, 10.21]

NPPF paragraph 155(b)

- 14.17 The type of development proposed is set out in the description of development as a film and television production studio falling within Use Class E(g)(ii). Condition 33 would restrict the development to such studio

- use, and even any changes within Use Class E(g) would be prohibited. The description of development does not specify that the development would be used as an extension to the existing SSE site, and no condition requiring the development to be an extension has been put forward either. [10.2-10.6]
- 14.18 The layout of the proposed development would include a separate vehicular access point onto Rowley Lane, a separate multistorey car park, and a separate ancillary services/reception building. The location of the car park at the site entrance is not an unusual feature to greet visitors onto an employment site. While two bridges over the Rowley Lane Drain would connect both sites, it is possible that they would not have to be used by one single operator or provided at all. The same applies with utilities. [8.15, 10.11]
- 14.19 It is conceivable that the proposed development could be operated as a standalone studio business separate to SSE without any restrictions imposed by the description and any planning conditions. One of the appellants, Legal & General, have no specific commercial interest in studio development, and the Media Quarter SPA in the set aside Local Plan envisaged more than one studio operator. [8.15, 10.9, 10.11, 10.13, 10.14]
- 14.20 However, it is relevant to consider the intentions of Sky Studios Limited as the other appellant who wishes to use the proposed development as an extension to their current SSE site. The operation at SSE has benefited from access to a temporary backlot and it would seem odd for one of the appellants to support an appeal proposal where it could lose access to a rival company. Therefore, there is a reasonable and probable outcome that if the appeal is allowed, the type of development that would take place would be for an extension of the existing studio site at SSE. Both propositions are tested below in terms of need. [8.14, 8.15, 10.6, 10.7, 10.8, 10.10, 10.12, 10.14]
- 14.21 The **term 'demonstrable unmet need' is not defined by the NPPF other than** in relation to the provision of housing or traveller sites. It does not appear to **mean 'essential' or 'necessary', but** rather refers to something that is required. In the context of NPPF paragraph 155(b), such need should be lacking (unmet) with the evidence to prove it (demonstrable). [8.18, 10.22]
- 14.22 Sky Studios Limited has identified a need to enlarge its current operation at SSE. The existing site is operating at 80% capacity, which is regarded to be full. No alternative figure or evidence on capacity was presented at the Inquiry other than anecdotal comments from a local meeting. The fact that other studio operators may not be at full capacity does not diminish the need for a specific company to provide more space for their operation. [8.5, 8.19, 10.30, 10.31, 11.5, 11.13]
- 14.23 Sky has attempted productions across split sites with the first Wicked film partly shot in Leavesden, but this presented logistical difficulties. Although the split site arrangement was a consequence of SSE not being fully constructed, it provides an actual example that Sky is unwilling to repeat. Even the use of temporary warehouses on the other side of Rowley Lane is not easy when producing, refining and transporting large stage sets. A bridge or tunnel would not necessarily make these manoeuvres any easier.

- Consequently, there is an unmet need for studio space related directly to the expansion of SSE. [8.20, 8.33, 8.34, 10.31, 11.15]
- 14.24 For general need, CS Policy CS11 does not define a specific need for more studio development, although the CS and its evidence base dates from 2013 and earlier. More recently, there was clear aspiration in the set aside Local Plan for a Media Quarter to promote the film and television sector in Hertsmere, while the most recent draft Local Plan maintains that aspiration. There are documents produced in support of the draft Local Plan which note the importance of the sector locally. These documents do not specify levels of need or additional floorspace requirements, but are consistent in identifying the need for growth and investment in the sector. [8.21, 8.22, 10.29]
- 14.25 An increased spend in productions does not indicate an unmet need but reflects a range of factors from more ambitious filming projects to general inflation. It is also inaccurate to link national and local economic policy seeking to grow the sector and create opportunities for investment as equally unmet need. [8.24, 10.32, 10.33]
- 14.26 However, the Knight Frank report from October 2024 (for the current Marlow appeal) identified the need for around 2.5 million sq. ft of additional studio space between 2025 and 2029 across the UK of which 1.28m sq. ft is needed in the WLC. The report considered that 5.8m sq. ft was in the pipeline across the UK at the time of writing, of which 3.6m sq. ft was planned for the WLC. Schemes with planning permission or under construction reduce the figure to 2.9m sq. ft nationally or 1.2m sq. ft in the WLC. The report considered that within the supply for the WLC, only 1.3m sq. ft had a reasonable prospect of being delivered where permission and funding exists. Although the appellants have not produced their own analysis, these figures on need and supply have not been disputed. [8.25, 10.24-10.28]
- 14.27 Since the report was published, the proposed extension to Pinewood Studios is now being considered for data centre use and the construction of the proposed Sunset Studios development is in doubt. Both formed part of the 1.3m sq. ft supply. Other emerging studios are intended for the sole use of one tenant rather than being offered on the open market like SSE. Purpose-built Grade A studio space is also limited to a small number of larger sites within the WLC. As a standalone development, the proposal would be just under the floorspace definition of Grade A space; as an extension, it would be more than double that definition [8.16, 8.26, 10.28, 10.39]
- 14.28 The decline in permissions being constructed might indicate a reduced demand for space, but it is a complex picture based on corporate priorities and financing. In the absence of further analysis or evidence to indicate that the Knight Frank report is wrong, there is a general need for studio space within the WLC that is not currently being met. [8.17, 10.27, 10.28, 11.27]
- 14.29 In conclusion, there is a demonstrable unmet need for the type of development proposed having tested both propositions about the actual use and occupancy of the site if permission is granted. The specific need for SSE to expand is clear, while the general need for more studio space within the WLC has not been disproven. Therefore, the requirement in NPPF paragraph 155(b) would be met. [8.27, 10.1, 10.34]

Conclusion on Main Issue 1

- 14.30 For the reasons set out above, the requirements at NPPF paragraph 155(a) and (b) would be met by the proposed development. For 155(c), the parties agree that the development would be in a sustainable location with particular reference to NPPF paragraphs 110 and 115. The PPG at paragraph 011 explains that this requirement is about making the development sustainable, where opportunities to maximise sustainable transport solutions can be met. The PPG does not explicitly refer to matters regarding safety and congestion here. The site would be very accessible by public transport given the bus network and the good train connections to central London, and the S106 agreement would achieve a range of sustainable transport measures. Therefore, I agree that NPPF paragraph 155(c) would also be met. The development does not involve housing, so NPPF paragraph 155(d) is not applicable. [7.1]
- 14.31 Consequently, the proposal would not be inappropriate development in the Green Belt having regard to the NPPF and paragraph 155 in particular. It would also accord with CS Policies SP1 and CS13.
- 14.32 Should the SoS agree with my conclusion that the proposal would not be inappropriate development, then they can turn straight to main issue 3. If they do not, then it is necessary to consider the next main issue regarding Green Belt openness and purposes. I have set out my findings should this issue remain relevant.

Main Issue 2: Green Belt openness and purposes

- 14.33 The parties agree that there would be harm to Green Belt openness but dispute the level of harm. In spatial terms, the site is an undeveloped collection of fields laid to pasture and subdivided by mature trees and hedgerows. The current backlot only benefits from temporary planning permission until August 2025 following which it would need to be restored to a field¹⁰⁵. The proposal would result in several large buildings and extensive hardsurfacing covering around 77% of the site. The buildings would be sited close together with heights of between 21 and 27.5m. The permanent backlot would house various structures and stage equipment for filming purposes, and there would be multiple vehicles and storage units parked between the sound stages. Therefore, the development would result in a high level of harm to the Green Belt openness in a spatial sense. [8.28, 9.9, 9.10, 10.35, 10.36]
- 14.34 In visual terms, the development would be seen in views from the north, east and west. Existing and proposed vegetation along the **site's** western boundary with Rowley Lane would help to soften views. However, seasonal variation, planting gaps, and particularly the new vehicular access, means that the large buildings would be noticeable along this boundary like the existing SSE site. From the path along the eastern boundary with the A1, current views across an open field would be replaced with 7m tall close boarded acoustic timber fencing. This would be an obvious visual barrier. [8.29, 8.30, 9.10, 11.3]

¹⁰⁵ CD9.11

- 14.35 From the north, as Rowley Lane turns north-eastwards towards the A1, there would be views of the development from the lane and from Footpath 28 to the south-east of Strangeways Stables (View 4 in CD2.9). These views already take in the urban edge of Borehamwood, and there would be a buffer of intervening fields. Nevertheless, the urban edge would encroach further into the countryside from these locations. While the footpath at View 4 does not appear to be highly used, it still provides a connection between Rowley Lane and the path along the A1. There is a stile at the top of the bank down to the A1 and no reason why, with vegetation management of the bank, it could not provide a route down. Thus, the value of View 4 is not diminished as it remains a publicly accessible location. [8.30, 9.10, 11.3]
- 14.36 There would also be several views of the development from the walking fields immediately to the north of the site. The buildings due to their height, scale and proximity to the northern boundary would be visible through gaps in planting. The fields contain no public right of way or evidence of any permissive agreements, and a letter from the estate manager indicates that any access would be trespass¹⁰⁶. However, there is a stile access into the fields from Rowley Lane and the exact status of the land is disputed by residents. Therefore, I give some weight to the effect on views from these fields. [8.30, 11.3]
- 14.37 Although the proposal would include considerable mitigation planting along the boundaries with retained and additional vegetation, the development would still be prominent in several public viewpoints along Rowley Lane, the A1 and Footpath 28, and from locations where public access is disputed. Therefore, it would have a moderate harmful effect on Green Belt openness in a visual sense. [8.29, 9.10]
- 14.38 The proposed development would be a very active site throughout the week during the production phase of any film or programme. Much of the outdoor activities such as vehicle movements and filming would be contained by buildings, structures and boundary treatments and it would be possible to control ancillary elements through a Local Development Order. Nevertheless, there would be a more intensive use of a Green Belt site. This would reinforce the above harms to Green Belt openness. [8.28, 10.35]
- 14.39 For the reasons set out in the previous main issue, the proposed development would have a moderate conflict with purposes (a) and (c) due to the level of containment provided by the A1 and the retention of rural character in the adjoining fields to the north. There would be minimal conflict with purpose (b) due to the distances from Potters Bar, and no conflict with purpose (d) on historic towns or purpose (e) on urban regeneration. [8.31, 9.11, 9.12, 10.35]
- 14.40 In conclusion, if it is necessary for the SoS to consider this main issue, then there would be a high level of harm to Green Belt openness in a spatial sense and a moderate level of harm in a visual sense. There would also be moderate conflict with two Green Belt purposes and minimal conflict with another. There would be conflict with SADM Policy SADM26 which requires development to not be harmful to Green Belt openness. Along with the

¹⁰⁶ ID15

definitional harm to the Green Belt arising from inappropriate development, this would carry substantial weight against the proposal. [8.31, 9.12, 10.37]

Main Issue 3: the need for the development, the benefits of co-location, and the availability of alternative sites

- 14.41 Some elements of this main issue have been discussed in relation to the first main issue and NPPF paragraph 155(b). However, it is necessary to cover them here as part of the other considerations and/or planning benefits that feed into the final main issue and the planning balance.
- 14.42 My findings for the first main issue conclude that there is a demonstrable unmet need for the type of development proposed. If the SoS disagrees on this point, then the evidence base relating to need still has some relevance depending on which elements are disagreed with. Sky Studios have set out the need for expansion based on current capacity issues and the success of their operation to date. The Knight Frank report points towards a general unmet need based on the analysis of demand and supply. [8.32, 10.38]
- 14.43 The matter of co-location is **part of Sky Studios' case for an expansion and** has been addressed above. The ability for the studios' operation to take place on one enlarged single site would represent a benefit compared to a split site arrangement and/or renting warehouse space on the opposite side of the road. There would be likely savings in time and resources as a result. [8.33, 8.34, 8.35, 10.40]
- 14.44 There is no legal or policy requirement to automatically consider alternative sites in Green Belt cases. The EIA regulations only stipulate that any reasonable alternatives considered by the developer are reported on, which may or may not include alternative sites. If a proposal does not represent inappropriate development in the Green Belt (as is my conclusion here), then there is no need to consider alternative sites in Green Belt terms. [8.36, 8.37, 10.41, 10.42, 10.47, 11.8]
- 14.45 If a development causes harm to the Green Belt (and potentially other harm), then it may be necessary to consider alternative sites that cause less harm. As an extension of the existing SSE site, the spatial options are limited. The Panattoni warehouses to the west present access issues, while the A1 to the east is a hard barrier to development. There is an undeveloped plot of land to the south of SSE that has planning permission for employment use. However, it does not appear to be in the same ownership and is far smaller than the proposed site. Split site arrangements have also been shown to have logistical difficulties. Although commercial preferences are not central to planning matters, there are good reasons in land use terms to locate the extension to the north. No alternative sites suitable for the extension of SSE have therefore been demonstrated. [8.38, 8.39, 10.40, 10.42, 10.43, 10.45, 10.46, 11.7, 11.9]
- 14.46 As a standalone development, there is no locational imperative for a new and separate studios complex to be sited next door to the existing SSE site. It is not necessary to have a specific alternative site or fully worked up alternative proposal, but an alternative should be obviously material and more than a general contention that other locations could be used. No alternative sites or

proposals have been put forward at this appeal by any party other than reference to the Panattoni warehouses, schemes with permission for studio space that are not being progressed, and general brownfield land. Based on my findings relating to general unmet need, it seems unlikely that suitable alternative sites exist. In the absence of evidence to the contrary, no alternative sites suitable for a standalone development have been demonstrated either. The arguments on the availability of alternative sites thus carry little weight in this case. [8.38, 8.39, 10.39, 10.44, 10.46, 10.47, 11.4, 11.10, 11.11]

Other Matters

Landscape character and trees

- 14.47 The site lies within the Arkley Plains LCA¹⁰⁷ which is defined as gently undulating plain with small/medium fields with hedge enclosure, but also subject to modern road infrastructure and a visually intrusive golf course. The site is separated from the rest of the LCA by the A1, but the hedgerows and trees within and around the site and the patchwork of small fields makes a positive contribution to this LCA. The site can be seen in public views to the north, east and west.
- 14.48 The development would replace the fields and internal hedgerows with large buildings and hard surfacing. This would have a moderate adverse effect on the character of the site itself, which the ES considers to be significant. The effect on the wider LCA would be localised and contained by the A1 and so would have a minor to moderate adverse effect that the ES considers to be 'not significant' based on the ability to embed mitigation. There would be changes in views towards the site with large buildings clearly visible. This would be mitigated to some extent through boundary planting and so the adverse effects would be minor to moderate in extent. I have not been made aware of any other parcels around Borehamwood that have a lower sensitivity to large scale commercial development (at a moderate level). [8.30, 9.14]
- 14.49 80 trees would be removed, of which 25 are category A. There are 12 hedgerows to be lost that are 'important' under the Hedgerows Regulations 1997 due to their age. These removals would be replaced with more specimens than lost, including 77 mature trees, over 0.5ha of woodland, and over 900m of new hedgerow (compared with 637m to be removed). Therefore, I am satisfied that the requirements of SADM Policy SADM12 would be met. [8.41, 9.14]
- 14.50 Overall, the development would cause moderate harm to landscape character and trees. Consequently, there would be some conflict with SADM Policy SADM26 which, amongst other things, requires the scale, height and bulk of development in the Green Belt to be sympathetic to and compatible with its landscape setting. There would also be some conflict with SADM Policy SADM30 which, amongst other things, requires development to complement local character. I afford moderate weight to these policy conflicts. [8.41, 9.14, 10.48, 11.24]

¹⁰⁷ CD1.126

Highway matters

- 14.51 The maximum occupancy levels on site per day is expected to be 1,250 people. The figure of 1,380 was for sensitivity testing only. Not every employee or visitor would drive to the site due to the level of existing and proposed sustainable transport measures and the proximity of the built-up area. The figure agreed with the local highway authorities of 60% of the 1,250 daily journeys being by private car seems reasonable on that basis and having regard to census data. Most traffic is estimated to come via the A1 and the various improvements to the junction at Borehamwood that this development would deliver would help improve peak hour congestion. [8.42, 11.22]
- 14.52 Rat running from the M25 via Shenley is possible, particularly if there are problems on major routes. The appellants estimate up to 22% of morning journeys could rat run, whereas interested parties argue the figure could be 35%. The evidence supporting this higher percentage is not clear and so the lower percentage is preferred. Based on 60% of journeys by car and the morning peak of 7am to 9am accounting for most arrivals, the additional journeys via this route would only amount to just over one vehicle per minute between 7am and 8am, and around one extra vehicle every two minutes between 8am and 9am. [8.42, 11.23]
- 14.53 There is logic in a condition to control traffic movements associated with the construction phase because of the frequency and size of certain vehicles. However, based on the above analysis, it is not necessary for a similar condition at the occupation stage. Having regard to NPPF paragraphs 110, 115 and 116, the development would promote sustainable transport options and avoid significant impacts on capacity, congestion and highway safety. There would be no severe residual cumulative impacts on the road network. [11.23, 13.2]

Strangeways Stables

- 14.54 It is evident from both the appeal submissions and my site visit that Strangeways Stables comprise large and well-used stables, housing over 100 horses and supporting many families, employees and local businesses. The road past the stables (Rowley Lane) is very narrow with limited visibility. It provides northbound access onto the A1 to the north-east of the stables and appears to be used by some vehicles to avoid the main A1 junction in Borehamwood. This creates the risk of collision with horses and their riders as well as other vulnerable road users using the road for recreational and exercise purposes. However, as noted in the previous matter, the proposed development is unlikely to significantly increase the number of vehicles using rat run routes and so is unlikely to make this existing risk materially worse. It also remains open for the local highway authorities to further discourage traffic from rat running along this route. [11.2, 11.16, 11.17, 11.18, 11.19]
- 14.55 The proposed backlot would be sited adjacent to the fields where horses graze. The existing temporary backlot further to the south already creates significant noise levels. However, no noise condition appears to have been

attached to the temporary permission¹⁰⁸, whereas the conditions in Annex 3 contain two noise conditions including one relating to the backlot as well as conditions on artificial lighting. The backlot would also be surrounded by 7m tall timber acoustic fencing to contain sound and pyrotechnics. This should help to mitigate the effects of any outdoor noise and explosions on adjoining land uses. [11.18]

- 14.56 The effect of new development on an existing business is a relevant consideration and it would be unfortunate if Strangeways Stables was no longer able to operate as it currently does. However, having regard to the likely highways and noise effects caused by the proposed development, such change to the business would not be inevitable. There is also little evidence that new development would continue further north to the stables. The Media Quarter SPA is not being pursued in the development plan, and each proposal should be assessed on its own merits. Therefore, the development would have an acceptable effect on Strangeways Stables. [11.16]

Ecology matters

- 14.57 Matters relating to BNG are covered elsewhere in this report. It is apparent from the appeal evidence and representations that the site supports various species including those that are protected such as bats and nesting birds. These can be addressed through the conditions set out in Annex 3 including appropriate lighting measures and noise controls. Great Crested Newts have been identified 30m to the south of the site and 400m to the north, which means it is likely that they are also using the site. The appellants have opted **into Natural England's Great Crested Newt District Level Licensing scheme** to ensure that sufficient offsite mitigation and compensation can be provided. The landscape and ecological management plan to be secured by condition would address matters such as tree management. Consequently, the development would have an acceptable effect on ecology matters. [11.12]

Listed buildings

- 14.58 **The nearest listed buildings at Nelson's Cottage and the barn at Rowley Farm** are around 300m to the north of the site. They both have a rural backdrop which contributes positively to their significance and setting. The appeal site forms part of this contribution albeit with the urban edge of Borehamwood visible beyond. Although large scale built development would encroach towards both buildings, the intervening fields, trees and hedgerows would provide sufficient buffer and screening. Therefore, the setting and significance of these listed buildings would be preserved. The barn has been recently restored and is used for events such as weddings. However, the barn would retain its rural surroundings and the noise and lighting levels within the development can be controlled by condition. Thus, the existing business would not be jeopardised. [7.6, 12.1]

Local objections

- 14.59 There have been considerable levels of local objections to development in this location at both the plan-making stage with the Media Quarter SPA, and in

¹⁰⁸ CD9.11

connection with this specific development at the decision-making stage. It is important to involve local people at all stages in the planning process with early, proportionate and effective engagement. Nevertheless, each proposal should be assessed on its planning merits and the sheer number of objections alone is rarely determinative. NPPF paragraph 49 refers to the weight to be given to policies in emerging plans (based on unresolved objections amongst other things), rather than the weight to be given to any objections per se. [11.3, 11.4, 11.8, 11.10, 11.20, 11.25, 11.30]

Main Issue 4: other considerations and the planning balance

- 14.60 Based on my conclusions for the first main issue, there is no Green Belt harm to be weighed in the balance as the proposal is not inappropriate development. However, the harm to landscape character and trees and conflict with SADM Policies SADM26 and 30 carries moderate weight against the proposal. This should be weighed against any relevant other considerations including any purported benefits.
- 14.61 If the SoS finds that the proposal would be inappropriate development in the Green Belt, then substantial weight should be given to this definitional harm and any harm to Green Belt openness and purposes. The very special circumstances necessary to approve such development will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. [8.40, 9.13]
- 14.62 The proposed development would deliver considerable jobs and investment at both the construction and operational phases, much of which would go directly to Hertfordshire, particularly Hertsmere. Over 3,800 jobs across the UK would be created once the development is in place, with over 1,400 in Hertsmere alone. The GVA over the first decade of operation is predicted to generate over £4 billion for the UK economy. Many of the jobs and investment would go beyond the immediate site, with only 88 core staff expected to be employed on the site. However, this does not diminish the importance of the overall economic provision with employment and expenditure in various businesses and locations. Furthermore, while the 10 mile radius used to define locally based staff stretches as far as central London, it is still relevant that around 60% of the core staff would live within this geographic area in terms of boosting the local economy. This is a sector where the Government wishes to encourage investment. Therefore, very substantial weight can be attributed to the economic benefits. [8.1, 8.43-8.47, 9.15, 10.50, 11.14, 11.24, 11.28]
- 14.63 Addressing a demonstrable unmet need and the advantages of co-located sites arguably fall within the above economic benefits but could be regarded as separate benefits. On its own, unmet need would carry substantial weight based on the evidence considered above. Even if there was no unmet need, and the development was operated separately to SSE, the economic benefits and weight given to them in the previous paragraph would still largely apply due to the scale of the development. Arguments relating to the availability of alternative sites carries little weight for or against the development. [8.32, 9.15, 10.49, 10.52, 10.53]
- 14.64 Turning to socio-economic matters, the evidence indicates that Sky Studios has a broad range of training and education programmes, including education

and outreach work for schools and communities, along with traineeships. Most trainees to date are based within 10 miles of the site and some have taken on jobs at SSE. Although the details of any training and outreach strategy relating to this proposal are left to planning condition, there is little reason to doubt that similar opportunities would not be achievable. The edge of town location of the existing SSE site does not appear to have hampered these opportunities. Therefore, substantial weight can be afforded to the socio-economic benefits should the SoS accept that the proposal would be used as an extension to the existing site. In the absence of any information on how a different operator might run the site, the weighting would be lower. For the avoidance of doubt, the contribution to a heritage centre carries no weight because I have found it to be unnecessary. [8.48-8.50, 9.15, 10.51, 10.52, 11.6, 11.21, 11.29, 11.30-11.32]

- 14.65 Whilst not a major transport intervention, the improved connectivity for pedestrians and cyclists, would help to encourage more sustainable modes of travel between the site and the town centre. Therefore, this carries significant weight. The development would utilise various sustainable design and construction measures to improve energy consumption and waste recycling. The fabric first approach is **advocated by the Council's Carbon Offsetting SPD** but this document only has draft status and so the appellants are offering more than just what is required by policy. Moreover, improvements to local bus services and shuttle bus provision would help to reduce dependency on private vehicles. Therefore, taken together, the sustainability benefits carry significant weight. [8.51, 9.15, 10.54, 11.21]
- 14.66 The development would secure nearly 13% BNG offsite, or an equivalent financial contribution if a suitable site cannot be found. The adopted BNG SPD requires a minimum of 10% net gain which reflects the provisions of the Environment Act. While the legal minimum is not applicable to this development due to the date of the original application, the amount to be secured is not considerable. Therefore, I only afford moderate weight to this benefit. [8.52, 9.16, 10.55, 11.24]
- 14.67 There would a wide range of benefits including those that carry substantial or very substantial weight. These benefits would considerably outweigh the moderate weight given to the harm and policy conflict relating to landscape character and trees. The proposal would accord with CS Policies SP1 and CS13 and SADM Policy SADM12 and comply with the development plan taken as a whole. It would also conform with the Green Belt section of the NPPF and help to address economic growth and investment advocated in the NPPF at paragraphs 85 to 87. [8.24, 8.53, 9.17, 10.1, 10.56-10.58]
- 14.68 If the SoS concludes differently on the first main issue, and very special circumstances need to be demonstrated, then the above benefits and considerations should be weighed in the balance against the harm to the Green Belt, and harm to landscape character and trees, to reach a conclusion on compliance with the development plan as a whole and the NPPF.

15. Recommendation
- 15.1 The proposal would not be inappropriate development in the Green Belt and would only cause moderate harm to landscape character and trees. It would deliver substantial and very substantial benefits and accord with the development plan taken as a whole.
- 15.2 Consequently, I recommend that the appeal should be allowed, and planning permission granted, subject to the schedule of conditions in Annex 3 and all the obligations in the S106 agreement dated 15 April 2025 (save for those contained in Part 4 of Schedule 1 relating to the Film and Television Heritage Centre Contribution).

Tom Gilbert-Wooldridge

INSPECTOR

Annex A: Appearances

For the Appellants:

Paul G Tucker, **King's Counsel**, and **Stephanie Hall, Counsel**, instructed by Neil Goldsmith, Lichfields.

They called:

Andrew Williams BA (Hons) DipLA DipUD CMLI
Director, Define

Michael Davis BSc (Hons)
Founder, Vitamin Advisers LLP

Ciaran Gunne-Jones MSc FRGS MIED
Senior Director, Lichfields

Neil Goldsmith BA (Hons) BPI MRTPI
Senior Director, Lichfields

Additional participants for Question and Answer Sessions:

Rob Whitlock BSc (Hons) MRes ACIEEM
Ecology Solutions

Victoria Balboa BEng (Hons) CEng CMILT MCIHT
Director, Fairhurst

Hugh O'Neill MEng Ceng FICE
Partner, Fairhurst

For the Local Planning Authority:

Shemuel Sheikh, Counsel, instructed by Hertsmere Borough Council.

He called:

Trevor Faulkner BSc (Hons) DipTP MRTPI
Interim Principal Planning Officer, Hertsmere Borough Council

For the Rule 6 Party (Green Fields not Grey Studios):

Harley Ronan, Counsel, instructed by Tim Taylor, Khift Ltd.

He called:

Jon Dingle BA (Hons) MA MTRPI
Director, Jon Dingle Ltd

Tim Taylor (for the roundtable discussion on conditions and obligations)
Solicitor, Khift Ltd

Interested Persons

Julia Dunsford	Well End Ers Community Group and local resident
Stephen Wise	Local resident
Barry Alefounder ¹⁰⁹	Local resident
Ben Simon	Filmmaker and local resident
Kelly Currie ¹¹⁰	Strangeways Stud Farm and Stables
Tim Morris	Local resident
Councillor Michelle Vince	Hertfordshire County Council
John Graydon	Accountant specialising in film and television
Jonathan Green	Production designer and chair of the British Film Designers Guild
Georgette Turner	Film and television production
Chris Mitchell	Headteacher of Elstree Screen Arts Academy
Tracey Stevens	Local resident

¹⁰⁹ Statement was read by Tim Morris

¹¹⁰ Statement was read by Julia Dunsford

Annex B: Core and Inquiry Documents

Documents can currently be accessed via: www.hertsmere.gov.uk/planning-building-control/planning-enforcement-appeals/sky-studios-inquiry-2025

CD1: Application Documents and Plans (originally submitted September 2022)	
CD1.1	Planning Application Form & Ownership Certificate
CD1.2	CIL Form
CD1.3	Cover Letter
CD1.4	Planning Statement
CD1.5	Design and Access Statement
CD1.6	Statement of Community Involvement
CD1.7	Health Impact Assessment
CD1.8	Utilities and Infrastructure Locality Review
CD1.9	Daylight and Sunlight Report
CD1.10	Site Location Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0500 P05
CD1.11	Existing Site Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0501 P02
CD1.12	Proposed Masterplan – Building Plans – drawing ref. 21043-UMC-XXXX-SI-DR-A-0600 P08
CD1.13	Proposed Masterplan – Roof Plans – drawing ref. 21043-UMC-XXXX-SI-DR-A-0601 P03
CD1.14	Proposed External Finishes Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0604 P03
CD1.15	Proposed Site Sections Sheet 1 – drawing ref. 21043-UMC-XXXX-ZZ-DR-A-0610 P03
CD1.16	Proposed Site Sections Sheet 2 – drawing ref. 21043-UMC-XXXX-ZZ-DR-A-0611 P03
CD1.17	Proposed Site Sections Sheet 3 – drawing ref. 21043-UMC-XXXX-ZZ-DR-A-0612 P03
CD1.18	Proposed Perimeter Fencing & Security Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0700 P03
CD1.19	Proposed Timber Screening Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0701 P02
CD1.20	Proposed Cycle Storage Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0702 P03
CD1.21	Proposed Utilities Compound Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0703 P03
CD1.22	Proposed Gatehouse Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0704 P03
CD1.23	Proposed Building 200 Building in Context Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-1000 P02
CD1.24	Proposed Building 200 Lower Ground Floor Plan – drawing ref. 21043-UMC-200-LG-DR-A-1001 P05
CD1.25	Proposed Building 200 Ground Floor Plan – drawing ref. 21043-UMC-200-00-DR-A-1002 P05
CD1.26	Proposed Building 200 First Floor – drawing ref. 21043-UMC-200-01-DR-A-1003 P05
CD1.27	Proposed Building 200 Second Floor – drawing ref. 21043-UMC-200-02-DR-A-1004 P05
CD1.28	Proposed Building 200 Roof Plan – drawing ref. 21043-UMC-200-R1-DR-A-1010 P04
CD1.29	Proposed Building 200 Building Section AA – drawing ref. 21043-UMC-200-ZZ-DR-A-1100 P03

CD1.30	Proposed Building 200 Building Section BB – drawing ref. 21043-UMC-200-ZZ-DR-A-1101 P03
CD1.31	Proposed Building 200 Elevations – drawing ref. 21043-UMC-200-ZZ-DR-A-1300 P03
CD1.32	Proposed Building 210 Building in Context Plan – drawing ref. 21043-UMC-210-SI-DR-A-2000 P02
CD1.33	Proposed Building 210 Ground Floor Plan – drawing ref. 21043-UMC-210-00-DR-A-2001 P04
CD1.34	Proposed Building 210 First Floor – drawing ref. 21043-UMC-210-01-DR-A-2002 P04
CD1.35	Proposed Building 210 Second Floor – drawing ref. 21043-UMC-210-02-DR-A-2003 P04
CD1.36	Proposed Building 210 Roof Plan – drawing ref. 21043-UMC-210-R1-DR-A-2010 P03
CD1.37	Proposed Building 210 Building Section AA – drawing ref. 21043-UMC-210-ZZ-DR-A-2100 P03
CD1.38	Proposed Building 210 Elevation 1 of 2 – drawing ref. 21043-UMC-210-ZZ-DR-A-2300 P03
CD1.39	Proposed Building 210 Elevation 2 of 2 – drawing ref. 21043-UMC-210-ZZ-DR-A-2301 P03
CD1.40	Proposed Building 220 Building in Context Plan – drawing ref. 21043-UMC-220-SI-DR-A-3000 P02
CD1.41	Proposed Building 220 Ground Floor Plan – drawing ref. 21043-UMC-220-00-DR-A-3001 P04
CD1.42	Proposed Building 220 First Floor – drawing ref. 21043-UMC-220-00-DR-A-3002 P04
CD1.43	Proposed Building 220 Second Floor – drawing ref. 21043-UMC-220-02-DR-A-3003 P04
CD1.44	Proposed Building 220 Roof Plan – drawing ref. 21043-UMC-220-R1-DR-A-3010 P03
CD1.45	Proposed Building 220 Building Section AA – drawing ref. 21043-UMC-220-ZZ-DR-A-3100 P03
CD1.46	Proposed Building 220 Elevation 1 of 2 – drawing ref. 21043-UMC-220-ZZ-DR-A-3300 P03
CD1.47	Proposed Building 220 Elevation 2 of 2 – drawing ref. 21043-UMC-220-ZZ-DR-A-3301 P03
CD1.48	Proposed Building 230 Building in Context Plan – drawing ref. 21043-UMC-230-ZZ-DR-A-4000 P02
CD1.49	Proposed Building 230 Ground Floor Plan – drawing ref. 21043-UMC-230-00-DR-A-4001 P04
CD1.50	Proposed Building 230 First Floor – drawing ref. 21043-UMC-230-01-DR-A-4002 P04
CD1.51	Proposed Building 230 Second Floor – drawing ref. 21043-UMC-230-02-DR-A-4003 P04
CD1.52	Proposed Building 230 Roof Plan – drawing ref. 21043-UMC-230-R1-DR-A-4010 P03
CD1.53	Proposed Building 230 Building Section AA – drawing ref. 21043-UMC-230-ZZ-DR-A-4100 P02
CD1.54	Proposed Building 230 Elevation 1 of 2 – drawing ref. 21043-UMC-230-ZZ-DR-A-4300 P03
CD1.55	Proposed Building 230 Elevation 2 of 2 – drawing ref. 21043-UMC-230-ZZ-DR-A-4301 P03
CD1.56	Proposed Building 240 Building in Context Plan – drawing ref. 21043-UMC-240-SI-DR-A-5000 P02
CD1.57	Proposed Building 240 Ground Floor Plan – drawing ref. 21043-UMC-240-00-DR-A-5001 P04

CD1.58	Proposed Building 240 Roof Plan – drawing ref. 21043-UMC-240-R1-DR-A-5010 P03
CD1.59	Proposed Building 240 Building Section AA – drawing ref. 21043-UMC-240-ZZ-DR-A-5100 P03
CD1.60	Proposed Building 240 Elevation 1 of 2 – drawing ref. 21043-UMC-240-ZZ-DR-A-5300 P03
CD1.61	Proposed Building 240 Elevation 2 of 2 – drawing ref. 21043-UMC-240-ZZ-DR-A-5301 P03
CD1.62	Proposed Building 250 Building in Context Plan – drawing ref. 21043-UMC-250-SI-DR-A-6000 P02
CD1.63	Proposed Building 250 Ground Floor Plan – drawing ref. 21043-UMC-250-00-DR-A-6001 P04
CD1.64	Proposed Building 250 First Floor – drawing ref. 21043-UMC-250-01-DR-A-6002 P04
CD1.65	Proposed Building 250 Second Floor – drawing ref. 21043-UMC-250-02-DR-A-6003 P04
CD1.66	Proposed Building 250 Roof Plan – drawing ref. 21043-UMC-250-R1-DR-A-6010 P03
CD1.67	Proposed Building 250 Building Section AA – drawing ref. 21043-UMC-250-ZZ-DR-A-6100 P02
CD1.68	Proposed Building 250 Elevation 1 of 2 – drawing ref. 21043-UMC-250-ZZ-DR-A-6300 P03
CD1.69	Proposed Building 250 Elevation 2 of 2 – drawing ref. 21043-UMC-250-ZZ-DR-A-6301 P03
CD1.70	Proposed Building 260 Building in Context Plan – drawing ref. 21043-UMC-260-SI-DR-A-7000 P02
CD1.71	Proposed Building 260 Lower Ground Floor Plan – drawing ref. 21043-UMC-260-LG-DR-A-7001 P04
CD1.72	Proposed Building 260 Ground Floor Plan – drawing ref. 21043-UMC-260-00-DR-A-7002 P03
CD1.73	Proposed Building 260 First Floor Plan – drawing ref. 21043-UMC-260-01-DR-A-7003 P04
CD1.74	Proposed Building 260 POB Floor Plan – drawing ref. 21043-UMC-260-02-DR-A-7004 P04
CD1.75	Proposed Building 260 Roof Plan – drawing ref. 21043-UMC-260-R1-DR-A-7010 P04
CD1.76	Proposed Building 260 Building Sections – drawing ref. 21043-UMC-260-ZZ-DR-A-7100 P02
CD1.77	Proposed Building 260 Elevations – drawing ref. 21043-UMC-260-ZZ-DR-A-7300 P03
CD1.78	Proposed MSCP Building in Context Plan – drawing ref. 21043-UMC-MSCP-SI-DR-A-8000 P02
CD1.79	Proposed MSCP Level 0 Floor Plan – drawing ref. 21043-UMC-MSCP-00-DR-A-8001 P05
CD1.80	Proposed MSCP Mezzanine Plan – drawing ref. 21043-UMC-MSCP-M0-DR-A-8002 P05
CD1.81	Proposed MSCP Level 1 Floor Plan – drawing ref. 21043-UMC-MSCP-01-DR-A-8003 P05
CD1.82	Proposed MSCP Level 2 Floor Plan – drawing ref. 21043-UMC-MSCP-02-DR-A-8004 P05
CD1.83	Proposed MSCP Level 3 Floor Plan – drawing ref. 21043-UMC-MSCP-03-DR-A-8005 P05
CD1.84	Proposed MSCP Level 4 Floor Plan – drawing ref. 21043-UMC-MSCP-04-DR-A-8006 P04
CD1.85	Proposed MSCP Building Sections – drawing ref. 21043-UMC-MSCP-ZZ-DR-A-8100 P02

CD1.86	Proposed MSCP Elevation 1 of 2 – drawing ref. 21043-UMC-MSCP-ZZ-DR-A-8300 P03
CD1.87	Proposed MSCP Elevation 2 of 2 – drawing ref. 21043-UMC-MSCP-ZZ-DR-A-8301 P03
CD1.88	Landscape General Arrangement (Sheet 1 of 3) – drawing ref. BMD.22.0042.DR.P101 B
CD1.89	Landscape General Arrangement (Sheet 2 of 3) – drawing ref. BMD.22.0042.DR.P102 B
CD1.90	Landscape General Arrangement (Sheet 3 of 3) – drawing ref. BMD.22.0042.DR.P103 B
CD1.91	Planting Plan (Sheet 1 of 3) – drawing ref. BMD.22.0042.DR.P201 C
CD1.92	Planting Plan (Sheet 2 of 3) – drawing ref. BMD.22.0042.DR.P202 C
CD1.93	Planting Plan (Sheet 3 of 3) – drawing ref. BMD.22.0042.DR.P203 D
CD1.94	Sections AA, BB & CC (Sheet 1 of 3) – drawing ref. BMD.22.0042.DR.P301 B
CD1.95	Sections DD & EE (Sheet 2 of 3) – drawing ref. BMD.22.0042.DR.P302 B
CD1.96	Sections FF & GG (Sheet 3 of 3) – drawing ref. BMD.22.0042.DR.P303 B
CD1.97	Environmental Statement, Volume 1 – Chapter A – Introduction and Background
CD1.98	Environmental Statement, Volume 1 – Chapter B – Scope and Methodology
CD1.99	Environmental Statement, Volume 1 – Chapter C – Site and Scheme Description
CD1.100	Environmental Statement, Volume 1 – Chapter D – Transport
CD1.101	Environmental Statement, Volume 1 – Chapter E – Landscape and Views
CD1.102	Environmental Statement, Volume 1 – Chapter F – Ecology
CD1.103	Environmental Statement, Volume 1 – Chapter G – Socio-economics
CD1.104	Environmental Statement, Volume 1 – Chapter H – Water and Drainage
CD1.105	Environmental Statement, Volume 1 – Chapter I – Air Quality
CD1.106	Environmental Statement, Volume 1 – Chapter J – Noise
CD1.107	Environmental Statement, Volume 1 – Chapter K – Ground Conditions
CD1.108	Environmental Statement, Volume 1 - Chapter L – Climate Change
CD1.109	Environmental Statement, Volume 1 - Chapter M – Archaeology
CD1.110	Environmental Statement, Volume 1 - Chapter N – Cumulative Impact Assessment
CD1.111	Environmental Statement, Volume 1 - Chapter O – Mitigation and Monitoring
CD1.112	Environmental Statement, Volume 2 – Appendix A1 – Site Location Plan
CD1.113	Environmental Statement, Volume 2 - Appendix A1 – Developer Statement of Competency
CD1.114	Environmental Statement, Volume 2 - Appendix B1 – Scoping Report
CD1.115	Environmental Statement, Volume 2 - Appendix B2 – Scoping Opinion
CD1.116	Environmental Statement, Volume 2 - Appendix B3 – Scoping Correspondence
CD1.117	Environmental Statement, Volume 2 - Appendix C1 – Scheme Plans
CD1.118	Environmental Statement, Volume 2 - Appendix C2 – Outline Construction Environmental Management Plan
CD1.119	Environmental Statement, Volume 2 Appendix D1 – Transport Assessment
CD1.120	Environmental Statement, Volume 2 - Appendix D2 – Framework Travel Plan
CD1.121	Environmental Statement, Volume 2 - Appendix D3 – Outline Delivery and Service Management Plan
CD1.122	Environmental Statement, Volume 2 – Appendix D4 - Outline Construction Logistics Plan
CD1.123	Environmental Statement, Volume 2 - Appendix D5 – Car Parking Management Plan

CD1.124	Environmental Statement, Volume 2 - Appendix E1 – LVIA Site and Context
CD1.125	Environmental Statement, Volume 2 - Appendix E2 – Topography and Zone of Theoretical Visibility
CD1.126	Environmental Statement, Volume 2 - Appendix E3 – Character Areas
CD1.127	Environmental Statement, Volume 2 - Appendix E4 – Landscape and Visual Receptors
CD1.128	Environmental Statement, Volume 2 - Appendix E5 – Visual Assessment
CD1.129	Environmental Statement, Volume 2 - Appendix E6 – Visual Methodology
CD1.130	Environmental Statement, Volume 2 - Appendix E7 – Arboricultural Assessment
CD1.131	Environmental Statement, Volume 2 - Appendix E8 – Visual Methodology
CD1.132	Environmental Statement, Volume 2 - Appendix E9 – Illumination Impact Profile
CD1.133	Environmental Statement, Volume 2 - Appendix F1 – Ecological Assessment
CD1.134	Environmental Statement, Volume 2 - Appendix F2 – Biodiversity Net Gain Assessment
CD1.135	Environmental Statement, Volume 2 - Appendix F3 – Biodiversity Net Gain Matrix
CD1.136	Environmental Statement, Volume 2 - Appendix G1 – The Economic Impact of the Proposed Sky Studios Elstree North Expansion, Oxford Economics
CD1.137	Environmental Statement, Volume 2 - Appendix G2 – SSEN Employment and Skills Framework
CD1.138	Environmental Statement, Volume 2 - Appendix H1 – Flood Risk Assessment
CD1.139	Environmental Statement, Volume 2 - Appendix I1 – Environmental Health Officer Consultation
CD1.140	Environmental Statement, Volume 2 - Appendix I2 – Construction Dust Assessment
CD1.141	Environmental Statement, Volume 2 - Appendix I3 – Road Traffic Model Input Data and Methodology
CD1.142	Environmental Statement, Volume 2 - Appendix I4 – Air Quality Modelling Results
CD1.143	Environmental Statement, Volume 2 - Appendix I5 – Professional Experience
CD1.144	Environmental Statement, Volume 2 - Appendix J1 - Acoustics Technical Appendix
CD1.145	Environmental Statement, Volume 2 - Appendix K1 - Preliminary Risk Assessment
CD1.146	Environmental Statement, Volume 2 - Appendix K2 - UXO Desk Study
CD1.147	Environmental Statement, Volume 2 - Appendix L1 - Energy and Sustainability Statement
CD1.148	Environmental Statement, Volume 2 - Appendix L2 - Whole Life Carbon Summary
CD1.149	Environmental Statement, Volume 2 - Appendix M1 - Archaeological Desk Based Assessment
CD1.150	Environmental Statement, Volume 2 - Appendix M2 - Written Scheme of Investigation
CD1.151	Environmental Statement, Volume 2 - Appendix M3 - Geophysical Survey Report
CD1.152	Environmental Statement, Volume 3 – Non-Technical Summary

CD2: Application Documents and Plans (submitted post validation)	
CD2.1	Technical Note responding to Transport for London (TfL) Comments
CD2.2	Technical Note responding to LB Barnet's Comments
CD2.3	Technical Drainage Note and Data (prepared by Fairhurst)
CD2.4	Technical Note response to the Environment Agency

CD2.5	Environmental Statement Addendum Document
CD2.6	Environmental Statement Addendum – Appendix 1 – Updated and Replacement Application Drawings
CD2.7	Environmental Statement Addendum – Appendix 2 – TA Addendum
CD2.8	Environmental Statement Addendum – Appendix 3 – Employment Skills Plan
CD2.9	Environmental Statement Addendum – Appendix 4 – Visual Assessment
CD2.10	Environmental Statement Addendum – Appendix 5 – Important Hedgerow Assessment
CD2.11	Environmental Statement Addendum – Appendix 6 – SSEN Biodiversity Metric 3.1
CD2.12	Environmental Statement Addendum – Appendix 7 – BNG Report
CD2.13	Environmental Statement Addendum – Appendix 8 – LEMP
CD2.14	Environmental Statement Addendum – Appendix 9 – Fairhurst EA Response Letter
CD2.15	Environmental Statement Addendum – Appendix 10 – Fairhurst Response to Lead Local Flood Authority
CD2.16	Environmental Statement Addendum – Appendix 11 – Updated FRA
CD2.17	Environmental Statement Addendum – Appendix 12 – SSEN GIR Updated
CD2.18	Environmental Statement Addendum Covering Letter
CD2.19	Environmental Statement Addendum Non-Tech Summary
CD2.20	Technical Drainage Note in Response to Lead Local Flood Authority
CD2.21	Drainage Strategy Plan
CD2.22	Exceedance Flow Rate Plan
CD2.23	Rainfall Modelling Data Sheet
CD2.24	Alternative Sites Green Belt Briefing Note
CD2.25	Technical Note regarding Transport
CD2.26	Proposed Masterplan Building Plans – drawing ref. 21043-UMC-XXXX-SI-DR-A-0600 P11
CD2.27	Proposed Masterplan Roof Plans – drawing ref. 21043-UMC-XXXX-SI-DR-A-0601 P05
CD2.28	Proposed External Finishes Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0604 P05
CD2.29	Proposed Site Sections Sheet 3 – drawing ref. 21043-UMC-XXXX-ZZ-DR-A-0612 P04
CD2.30	Proposed Site Sections Sheet 4 – drawing ref. 21043-UMC-XXXX-ZZ-DR-A-0613 P01
CD2.31	Proposed Perimeter Fencing & Security Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-0700 P06
CD2.32	Proposed Cycle Storage Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0702 P04
CD2.33	Proposed Gatehouse Details – drawing ref. 21043-UMC-XXXX-SI-DR-A-0704 P04
CD2.34	Proposed Building 200 Building in Context Plan – drawing ref. 21043-UMC-XXXX-SI-DR-A-1000 P03
CD2.35	Proposed MSCP Building in Context Plan – drawing ref. 21043-UMC-MSCP-SI-DR-A-8000 P03
CD2.36	Proposed MSCP Level 0 Floor Plan – drawing ref. 21043-UMC-MSCP-00-DR-A-8001 P06
CD2.37	Proposed MSCP Mezzanine Plan – drawing ref. 21043-UMC-MSCP-M0-DR-A-8002 P06
CD2.38	Proposed MSCP Level 1 Floor Plan – drawing ref. 21043-UMC-MSCP-01-DR-A-8003 P06

CD2.39	Proposed MSCP Level 2 Floor Plan – drawing ref. 21043-UMC-MSCP-02-DR-A-8004 P06
CD2.40	Proposed MSCP Level 3 Floor Plan – drawing ref. 21043-UMC-MSCP-03-DR-A-8005 P06
CD2.41	Proposed MSCP Level 4 Floor Plan – drawing ref. 21043-UMC-MSCP-04-DR-A-8006 P05
CD2.42	Landscape General Arrangement (Sheet 1 of 3) – drawing ref. BMD.22.0042.DR.P101 D
CD2.43	Landscape General Arrangement (Sheet 2 of 3) – drawing ref. BMD.22.0042.DR.P102 C
CD2.44	Landscape General Arrangement (Sheet 3 of 3) – drawing ref. BMD.22.0042.DR.P103 C
CD2.45	Overall Landscape General Arrangement (Sheet 3 of 3) – drawing ref. BMD.22.0042.DR.P001 E
CD2.46	Planting Plan (Sheet 1 of 3) – drawing ref. BMD.22.0042.DR.P201 C

CD3: Committee Report and Decision Notice	
CD3.1	Committee Report – 21 st March 2024
CD3.2	Committee Report Update Sheets 1 and 2
CD3.3	Decision Notice
CD3.4	Committee Minutes – 21 st March 2024

CD4: The Development Plan and Evidence Base	
CD4.1	Core Strategy (January 2013)
CD4.2	Site Allocation and Development Management Policies Plan (November 2016)
CD4.3	Policies Plan Policies Map (Whole Borough) Local Plan 2012-2027 (hertsmere.gov.uk)
CD4.4	Hertsmere Green Belt Assessment Stage 1 (2016)
CD4.5	Hertsmere Green Belt Assessment Stage 2 (2019) Rev C
CD4.6	Hertsmere Green Belt Assessment Stage 2 Annex Report – Rev A

CD5: Supplementary Planning Guidance	
CD5.1	Biodiversity Net Gain SPD (2024)
CD5.2	Developer Contributions Framework https://www.hertsmere.gov.uk/planning-building-control/planning-policy/developer-contributions-framework
CD5.3	Draft Carbon Offsetting SPD (2022)
CD5.4	Draft Sustainable Transport and Parking Standards SPD (2022)

CD6: New Local Plan 2040 and Evidence Base	
CD6.1	'Set Aside' Regulation 18 Draft Hertsmere Local Plan (September 2021)
CD6.2	Hertsmere Borough Council Green Belt Assessment (Stage 1) Report: Methodology and Assessment of Green Belt Parcels, 3rd January 2017
CD6.3	Assessment and Comparison of Green Belt Housing and Employment Sites (March 2024)
CD6.4	Landscape Sensitivity Assessment (HLSA) (September 2020)
CD6.5	Outline Landscape Appraisals for Potential Development Sites in Hertsmere (October 2020)
CD6.6	South West Herts Economic Study (September 2024)

CD6.7	Hertsmere Film and Television Study (March 2024)
CD6.8	Regulation 18 Hertsmere Local Plan Additional Public Consultation (April 2024)
CD6.9	Hertsmere Borough Council Economic Development Strategy 2022-27
CD6.10	South Hertfordshire Landscape Character Assessment – Arkley Plain

CD7: National Advice and Technical Guidance	
CD7.1	National Planning Policy Framework (December 2024)
CD7.2	National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance
CD7.3	Invest 2035: The UK's Modern Industry Strategy Green Paper (October 2024)
CD7.4	Autumn Budget 2024: Fixing the Foundations to Deliver Change (October 2024)
CD7.5	National Planning Policy Framework (February 2019)
CD7.6	Community Infrastructure Levy Regulations 2010
CD7.7	Not used
CD7.8	National Planning Practice Guidance – Updated Green Belt Guidance

CD8: Other Documents	
CD8.1	Media Nations Report, Ofcom (July 2024)
CD8.2	DCMS Written Evidence to the Culture, Media and Sport Select Committee, Inquiry in British Film and High-end Television (October 2023)
CD8.3	Hertfordshire Futures Film and TV Production Sector Action Plan (September 2022)
CD8.4	DCMS Press Release: UK's world-class film sector handed major jobs and growth boost by tax reliefs (October 2024)
CD8.5	Transcript of Speech: Chancellor vows to go further and faster to kickstart economic growth (January 2025)
CD8.6	Sky Studios Elstree North: A summary of how we will deliver for Hertsmere (December 2023/January 2024)
CD8.7	Sky Studios Elstree – Close Up: The Need for Expansion
CD8.8	BFI Film and high-end television programme production in the UK: full-year 2024
CD8.9	Knight Frank, Marlow Film Studios UK Film Studio Market Report (2024)
CD8.10	BAFTA Albert Studio Sustainability Standard Report (May 2024)

CD9: Appeal Decisions, Judgments, and other Relevant Planning Application Docs	
CD9.1	SoS Decision. Appeal Ref: APP/N0410/A/13/2199037 – Land at and adjacent to Pinewood Studios, Pinewood Road, Iver Heath, Buckinghamshire
CD9.2	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Decision Notice
CD9.3	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Planning Statement
CD9.4	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Committee Report
CD9.5	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Oxford Economics, The Economic Impact of Sky's New Studio at Elstree

CD9.6	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Oxford Economics, The Economic Impact of Sky’s New Studio at Elstree – Appendix: The Net Economic Impact of Sky’s New Studio at Elstree
CD9.7	Buckinghamshire Application Ref.: PL/22/2657/FA – Land South of Pinewood Studios and Alderbourne Farm, Pinewood Road, Iver Heath – Committee Report
CD9.8	Three Rivers Application Ref.: 22/0491/FUL – Warner Bros. Studios Leavesden, Warner Drive, Watford – Committee Report
CD9.9	In R (Wildie) v Wakefield Metropolitan BC [2013] EWHC 2769
CD9.10	Appeal Ref: APP/H2265/W/24/3347410 – Land part of Wrotham Water Farm, off London Road, Wortham, Sevenoaks, Kent
CD9.11	Hertsmere Application Ref.: 22/0044/FUL - Decision notice for planning dated 2 nd August 2022 (temporary backlot permission)
CD9.12	Hertsmere Application Ref.: 20/0315/FULEI – Land East of Rowley Lane, Borehamwood – Design and Access Statement
CD9.13	SoS Decision. Appeal Ref: APP/R0660/V/24/3345318 – Land Between Junctions 7 and 8 of the M56 Motorway, Tatton, Cheshire

CD10: Statements of Case	
CD10.1	Appellants’ Statement of Case
CD10.2	Council’s Statement of Case
CD10.3	Rule 6 Party Statement of Case

CD11: Statements of Common Ground	
CD11.1	Statement of Common Ground (between the Appellants and HBC)
CD11.2	Statement of Common Ground (between the Appellants and R6P)

CD12: Evidence of behalf of the Appellants	
CD12.1	Proof of Evidence of Neil Goldsmith – Planning
CD12.2	Appendices to Proof of Evidence of Neil Goldsmith - Planning
CD12.3	Proof of Evidence of Andrew Williams – Landscape & Green Belt
CD12.4	Appendices to Proof of Evidence of Andrew Williams – Landscape & Green Belt
CD12.5	Proof of Evidence of Ciaran Gunne-Jones – Economic Impacts and Benefits
CD12.6	Not used
CD12.7	Summary Proof – Neil Goldsmith – Planning
CD12.8	Summary Proof – Andrew Williams – Landscape & Green Belt
CD12.9	Summary Proof – Ciaran Gunne-Jones – Economic Impacts and Benefits
CD12.10	Rebuttal Proof – Neil Goldsmith – Planning
CD12.11	Rebuttal Proof – Andrew Williams – Landscape & Green Belt
CD12.12	Rebuttal Proof – Michael Davis – Film and TV Market Need

CD13: Evidence of behalf of Hertsmere Borough Council	
CD13.1	Proof of Evidence of Trevor Faulkner - Planning

CD14: Evidence on behalf of the Rule 6 Party	
CD14.1	Proof of Evidence of Jon Dingle - Planning
CD14.2	Appendices to Proof of Evidence of Jon Dingle - Planning

CD14.3	Summary Proof – Jon Dingle - Planning
CD14.4	Map showing 10 miles radius from appeal site

CD15: Other Inquiry Documents	
CD15.1	Agreed Planning Conditions
CD15.2	Unilateral Undertaking Plan 1 of UU (Freehold and Leasehold Ownership) Plan 2 of UU (Bentley Heath BNG Receptor Site) Simmons & Simmons UU Covering Letter
CD15.3	Draft S106 Agreement submitted with the Appeal
CD15.4	Inspectors Pre-CMC Note
CD15.5	CIL Compliance Statement
CD15.6	Note on Conditions and Obligations

Inquiry Documents (ID)	
ID1	Appellants' Opening Statement
ID2	Council's Opening Statement
ID3	Rule 6 Party's Opening Statement
ID4	Updated Unilateral Undertaking (agreed final draft)
ID5	Appellants' Appearances List
ID6	Council's Appearances List
ID7	Third Party Representations (speeches read out in objection to the appeal scheme)
ID8	Third Party Representations (Tim Morris speech with appendices)
ID9	Site visit protocol
ID10	Simmons and Simmons Note on Biodiversity Net Gain
ID11	Site Visit Itinerary Map
ID12	Pell Frischmann Transport Note
ID13	Amended list of draft conditions
ID14	Andrew Williams' Note on Public Right of Way
ID15	Letter from Estate Manager at Wrotham Estates
ID16	Note from Simmons and Simmons on UU changes (v14-16) and associated copies
ID17	Letter from Oliver Dowden MP
ID18	Email from Tim Morris on Proposed Traffic Condition
ID19	Rule 6 Party's Closing Statement
ID20	Council's Closing Statement
ID21	Appellants' Closing Statement
ID22	Email from Lichfields (on behalf of the Appellants) on noise conditions
ID23	Great Crested Newt District Level Licensing Certificate
ID24	Final list of agreed conditions
ID25	Completed and executed Section 106 agreement
ID26	Agreement from the appellants on pre-commencement conditions

Annex C – Schedule of Recommended Conditions (33)

Time limit for commencement

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved plans

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

Site Location Plan 21043-UMC-XXXX-SI-DR-A-0500 P05

Existing Site Plan 21043-UMC-XXXX-SI-DR-A-0501 P02

Proposed Masterplan – Building Plans 21043-UMC-XXXX-SI-DR-A-0600 P11

Proposed Masterplan – Roof Plans 21043-UMC-XXXX-SI-DR-A-0601 P05

Proposed External Finishes Plan 21043-UMC-XXXX-SI-DR-A-0604 P05

Proposed Site Sections – Sheet 1 21043-UMC-XXXX-ZZ-DR-A-0610 P03

Proposed Site Sections – Sheet 2 21043-UMC-XXXX-ZZ-DR-A-0611 P03

Proposed Site Sections – Sheet 3 21043-UMC-XXXX-ZZ-DR-A-0612 P04

Proposed Site Sections – Sheet 4 21043-UMC-XXXX-ZZ-DR-A-0613 P01

Proposed Perimeter Fencing & Security Plan 21043-UMC-XXXX-SI-DR-A-0700 P06

Proposed Timber Screening Details 21043-UMC-XXXX-SI-DR-A-0701 P02

Proposed Cycle Storage Details 21043-UMC-XXXX-SI-DR-A-0702 P04

Proposed Utilities Compound Details 21043-UMC-XXXX-SI-DR-A-0703 P03

Proposed Gatehouse Details 21043-UMC-XXXX-SI-DR-A-0704 P04

Proposed Building 200 – Building in Context Plan 21043-UMC-XXXX-SI-DR-A-100 P03

Proposed Building 200 – Lower Ground Floor Plan 21043-UMC-200-LG-DR-A-1001 P05

Proposed Building 200 – Ground Floor Plan 21043-UMC-200-00-DR-A-1002 P05

Proposed Building 200 – First Floor 21043-UMC-200-01-DR-A-1003 P05

Proposed Building 200 – Second Floor 21043-UMC-200-02-DR-A-1004 P05

Proposed Building 200 – Roof Plan 21043-UMC-200-R1-DR-A-1010 P04

Proposed Building 200 – Building Section AA 21043-UMC-200-ZZ-DR-A-1100 P03

Proposed Building 200 – Building Section BB 21043-UMC-200-ZZ-DR-A-1101 P03

Proposed Building 200 – Elevations 21043-UMC-200-ZZ-DR-A-1300 P03

Proposed Building 210 – Building in Context Plan 21043-UMC-210-SI-DR-A-2000 P02

Proposed Building 210 – Ground Floor Plan 21043-UMC-210-00-DR-A-2001 P04

Proposed Building 210 – First Floor 21043-UMC-210-01-DR-A-2002 P04

Proposed Building 210 – Second Floor 21043-UMC-210-02-DR-A-2003 P04

Proposed Building 210 – Roof Plan 21043-UMC-210-R1-DR-A-2010 P03

Proposed Building 210 – Building Section AA 21043-UMC-210-ZZ-DR-A-2100 P03

Proposed Building 210 – Elevation 1 of 2 21043-UMC-210-ZZ-DR-A-2300 P03

Proposed Building 210 – Elevation 2 of 2 21043-UMC-210-ZZ-DR-A-2301 P03

Proposed Building 220 – Building in Context Plan 21043-UMC-220-SI-DR-A-3000 P02

Proposed Building 220 – Ground Floor Plan 21043-UMC-220-00-DR-A-3001 P04

Proposed Building 220 – First Floor 21043-UMC-220-00-DR-A-3002 P04

Proposed Building 220 – Second Floor 21043-UMC-220-02-DR-A-3003 P04

Proposed Building 220 – Roof Plan 21043-UMC-220-R1-DR-A-3010 P03

Proposed Building 220 – Building Section AA 21043-UMC-220-ZZ-DR-A-3100 P03

Proposed Building 220 – Elevation 1 of 2 21043-UMC-220-ZZ-DR-A-3300 P03

Proposed Building 220 – Elevation 2 of 2 21043-UMC-220-ZZ-DR-A-3301 P03

Proposed Building 230 – Building in Context Plan 21043-UMC-230-ZZ-DR-A-4000 P02

Proposed Building 230 – Ground Floor Plan 21043-UMC-230-00-DR-A-4001 P04

Proposed Building 230 – First Floor 21043-UMC-230-01-DR-A-4002 P04

Proposed Building 230 – Second Floor 21043-UMC-230-02-DR-A-4003 P04

Proposed Building 230 – Roof Plan 21043-UMC-230-R1-DR-A-4010 P03

Proposed Building 230 – Building Section AA 21043-UMC-230-ZZ-DR-A-4100 P02

Proposed Building 230 – Elevation 1 of 2 21043-UMC-230-ZZ-DR-A-4300 P03

Proposed Building 230 – Elevation 2 of 2 21043-UMC-230-ZZ-DR-A-4301 P03

Proposed Building 240 – Building in Context Plan 21043-UMC-240-SI-DR-A-5000 P02

Proposed Building 240 – Ground Floor Plan 21043-UMC-240-00-DR-A-5001 P04

Proposed Building 240 – Roof Plan 21043-UMC-240-R1-DR-A-5010 P03

Proposed Building 240 – Building Section AA 21043-UMC-240-ZZ-DR-A-5100 P03

Proposed Building 240 – Elevation 1 of 2 21043-UMC-240-ZZ-DR-A-5300 P03

Proposed Building 240 – Elevation 2 of 2 21043-UMC-240-ZZ-DR-A-5301 P03

Proposed Building 250 – Building in Context Plan 21043-UMC-250-SI-DR-A-6000 P02

Proposed Building 250 – Ground Floor Plan 21043-UMC-250-00-DR-A-6001 P04

Proposed Building 250 – First Floor 21043-UMC-250-01-DR-A-6002 P04

Proposed Building 250 – Second Floor 21043-UMC-250-02-DR-A-6003 P04

Proposed Building 250 – Roof Plan 21043-UMC-250-R1-DR-A-6010 P03

Proposed Building 250 – Building Section AA 21043-UMC-250-ZZ-DR-A-6100 P02

Proposed Building 250 – Elevation 1 of 2 21043-UMC-250-ZZ-DR-A-6300 P03

Proposed Building 250 – Elevation 2 of 2 21043-UMC-250-ZZ-DR-A-6301 P03

Proposed Building 260 – Building in Context Plan 21043-UMC-260-SI-DR-A-7000 P02

Proposed Building 260 – Lower Ground Floor Plan 21043-UMC-260-LG-DR-A-7001 P04

Proposed Building 260 – Ground Floor Plan 21043-UMC-260-00-DR-A-7002 P03

Proposed Building 260 – First Floor Plan 21043-UMC-260-01-DR-A-7003 P04

Proposed Building 260 – POB Floor Plan 21043-UMC-260-02-DR-A-7004 P04

Proposed Building 260 – Roof Plan 21043-UMC-260-R1-DR-A-7010 P04

Proposed Building 260 – Building Sections 21043-UMC-260-ZZ-DR-A-7100 P02

Proposed Building 260 - Elevations 21043-UMC-260-ZZ-DR-A-7300 P03

Proposed MSCP – Building in Context Plan 21043-UMC-MSCP-SI-DR-A-8000 P03

Proposed MSCP – Level 0 Floor Plan 21043-UMC-MSCP-00-DR-A-8001 P06

Proposed MSCP – Mezzanine Plan 21043-UMC-MSCP-M0-DR-A-8002 P06

Proposed MSCP – Level 1 Floor Plan 21043-UMC-MSCP-01-DR-A-8003 P06

Proposed MSCP – Level 2 Floor Plan 21043-UMC-MSCP-02-DR-A-8004 P06

Proposed MSCP – Level 3 Floor Plan 21043-UMC-MSCP-03-DR-A-8005 P06

Proposed MSCP – Level 4 Floor Plan 21043-UMC-MSCP-04-DR-A-8006 P05

Proposed MSCP – Building Sections 21043-UMC-MSCP-ZZ-DR-A-8100 P02

Proposed MSCP – Elevation 1 of 2 21043-UMC-MSCP-ZZ-DR-A-8300 P03

Proposed MSCP – Elevation 2 of 2 21043-UMC-MSCP-ZZ-DR-A-8301 P03

Landscape General Arrangement (Sheet 1 of 3) BMD.22.0042.DR.P101 D

Landscape General Arrangement (Sheet 2 of 3) BMD.22.0042.DR.P102 C

Landscape General Arrangement (Sheet 3 of 3) BMD.22.0042.DR.P103 C

Overall Landscape General Arrangement (Sheet 3 of 3)
BMD.22.0042.DR.P001 E

Planting Plan (Sheet 1 of 3) BMD.22.0042.DR.P201 D

Planting Plan (Sheet 2 of 3) BMD.22.0042.DR.P202 C

Planting Plan (Sheet 3 of 3) BMD.22.0042.DR.P203 D

Sections AA, BB & CC (Sheet 1 of 3) BMD.22.0042.DR.P301 B

Sections DD & EE (Sheet 2 of 3) BMD.22.0042.DR.P302 B

Sections FF & GG (Sheet 3 of 3) BMD.22.0042.DR.P303 B

Reason: For the avoidance of doubt and in the interests of proper planning.

Pre-commencement conditions

- 3) Prior to the commencement of the development hereby approved, a non-intrusive magnetometer survey, and where necessary, an intrusive magnetometer survey shall be carried out with respect to the high UXO risk zone identified within the Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment, Project No. 9634 and dated 28th March 2022. The results should be reported within a UXO Validation Report, submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

The UXO Validation Report shall also include the following, with respect to both high & medium UXO risk zones, following completion of measures identified within the Mitigation Measures Strategy:

- i. Provision of records with respect to Avoidance (where deemed necessary), Communication & Training and Detection. Examples of records which shall be provided include, record drawings or statements

within appropriate design documentation and records of any briefing sessions as part of a site induction & formal training/certification re Avoidance and Training respectively.

- ii. With respect to Detection, examples of records which shall be provided include, watching brief check sheets to confirm whether any UXO was encountered and if so what measures were taken during and after the incident. Details of any intrusive survey techniques, photographs, MOD correspondence and a detailed plan which shows the location of any UXO in conjunction with the Application site.
- iii. Details of any excavation, categorisation, and where appropriate removal or demolition/destruction works with respect to any positive detection of UXO.

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 site workers, neighbours and other off site receptors pursuant to the requirements of Policy SP1 of the Hertsmere Local Plan Core Strategy 2013 and Policy SADM21 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: The site must be surveyed for any potential UXO before any works can begin.

- 4) (A) No development shall commence before an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing and in accordance with the programme of work as set out in the Archaeological Brief (P10/22/1526). The scheme shall include an assessment of archaeological significance and research questions; and
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (B) The development shall commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under (A)
- (C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with

the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure adequate opportunity is provided for archaeological investigation and recording on this site. To comply with the requirements of Policy CS14 of the Hertsmere Core Strategy 2013 and Policy SADM29 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: Archaeological investigation should take place before any works commence on site.

- 5) No development shall take place before details and a method statement for interim and temporary drainage measures during the construction phases have been submitted to and approved in writing by the Local Planning Authority. This should include construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

Reason: To prevent flooding and pollution off-site and ensure that the development achieves a high standard of sustainability in accordance with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policies SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: To ensure that interim and temporary drainage measures have been agreed before works commence on site.

- 6) No development shall take place before a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and an assessment of the hydrological and hydro-geological context of the development (based on the watercourse modelling for Sky Studios Elstree South as described in the Flood Risk Assessment by Fairhurst (dated May 2023) and Ground Water findings as noted in the approved Ground Investigation Report by Fairhurst (dated March 2023) have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details and shall be retained in accordance with the agreed and implemented scheme thereafter for the lifetime of the development.

Reason: To ensure that current flooding to properties downstream of the development is not exacerbated. To comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policies SADM14 and

SADM15 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: It is necessary to understand the drainage context and effects before works commence on site.

- 7) No development shall take place (including ground works and vegetation clearance) until a Construction Environment Management Plan (CEMP) (Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- i. A review of any ecological impacts informed by the submitted Biodiversity Net Gain Report (Biodiversity Net Gain Report, ref. 9690.BNGReport.vf8, August 2023 by Ecology Solutions;
 - ii. Risk assessment of potentially damaging construction activities;
 - iii. **Identification of 'biodiversity protection zones';**
 - iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - v. The location and timings of sensitive works to avoid harm to biodiversity features;
 - vi. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vii. Responsible persons and lines of communication;
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - ix. Use of protective fences, exclusion barriers and warning signs if applicable. Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on this site and to comply with the requirements of Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM10 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: It is necessary to have agreed practices in place before works commence on site.

- 8) No development shall take place (including ground works and vegetation clearance) until a Biodiversity Net Gain Management Plan (BNGMP) has been submitted to and approved in writing by the local planning authority to achieve a minimum of 65.54 habitat and hedgerow units by way of biodiversity net gain (BNG). The plan shall include the following:
- i. A summary of the baseline and post development biodiversity net gain data used to inform the BNG metric.

- ii. A brief description of the location, area and species composition of planned (post-development) retained, created, and enhanced habitats.
- iii. A map showing the location, and area of such habitats.
- iv. Details of the number and type of ecological enhancements outlined within the Biodiversity Net Gain Report, ref. 9690.BNGReport.vf8, August 2023 by Ecology Solutions, and a map to show their location.
- v. A Habitat Management and Monitoring Plan detailing the specific prescriptions as to how the target habitats and condition will be achieved and maintained for a minimum period of 30 years.
- vi. The body or organisation responsible for implementation of the Biodiversity Net Gain Management Plan and monitoring and remedial measures of the plan.
- vii. A copy of any legal agreement and/or other legally enforceable means that secures the delivery and long-term provision of such measures.
- viii. The legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted should not be occupied until the approved BNGMP has been brought into effect.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate measurable net gain can be achieved from the development in accordance with national and local policies. To comply with the requirements of Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM10 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: It is necessary to have biodiversity net gain arrangements in place before works commence on site.

- 9) No development shall take place before an updated Construction Traffic Management Plan, (reference Outline Construction Logistics Plan: 106372-PEF-XX-XX-RP-TR-000005 CLP) is submitted to and approved in writing by the Local Planning Authority and in consultation with National Highways where the detail is relevant to the Strategic Road Network. The plan shall include as a minimum detail of, but not be limited to:
 - i. construction programme for the development;
 - ii. the proposed construction traffic routes to the site, to be identified on a plan;

- iii. construction traffic management plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway;
- iv. an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day
- v. management and hours of construction work and deliveries;
- vi. the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- vii. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development and this shall include dust suppression relative to the adjacent A1;
- viii. details of waste management arrangements;
- ix. the storage of materials and construction waste, including waste recycling where possible;
- x. the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- xi. details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to adjacent areas because of the construction programme;
- xii. contact details of personnel responsible for the construction works; and
- xiii. soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for re-use;
- xiv. a commitment through a contractual arrangement with contractors and their suppliers to commit to travelling along prescribed routes to and from the site;
- xv. a strategy which seeks to reduce rat running to the site from the M25 by monitoring traffic travelling on B3578 London Road through Shenley and any other routes as necessary, including the use of ANPR cameras; and
- xvi. a commitment through a contractual arrangement with contractors and their suppliers to avoid parking on-street within the vicinity of the site.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the A1 Trunk Road 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 as an indication of sustainable construction activities. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: To ensure that construction traffic arrangements are agreed before works commence on site.

- 10) No development shall take place (including ground works and vegetation clearance) until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622 or any subsequent revisions or update) has been submitted to and approved in writing by the Local Planning Authority and in consultation National Highways where this might impact the A1. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the A1 Trunk Road 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. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

Pre-commencement Reason: To ensure that the construction phase has an acceptable effect on the A1 Trunk Road.

- 11) No development shall take place until a Site Waste Construction Management Plan (SWCMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWCMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWCMP.

Reason: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

Pre-commencement Reason: The SWCMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The

total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

Land contamination conditions

- 12) In the event contamination is found at any time when carrying out the approved development, which was not previously identified, it must be reported in writing immediately to the Local Planning Authority and work shall cease immediately within the relevant area until an investigation and risk assessment has been undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved scheme prior to the occupation of any development within the relevant area of the site. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by 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 in accordance with the requirements of Policy CS16 of the Hertsmere Local Plan Core Strategy 2013 and Policies SADM20 and SADM21 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016.

- 13) Prior to importing any soil from outside the site, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, verifying that any imported topsoil, is certified as suitable for use, prior to the first site usage.

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 site workers, neighbours and other offsite receptors in accordance with the requirements of Policy CS16 of the Hertsmere Local Plan Core Strategy 2013 and Policies SADM20 and SADM21 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016

Other drainage conditions

- 14) No above ground development shall take place before a scheme for the on-site storage and regulated discharge of surface water run-off, has been submitted to, and approved in writing by the Local Planning Authority, and where this could impact on the A1 Trunk Road, this will be in consultation with National Highways. The scheme should ensure that no surface water will run off from the development on to the Strategic Road Network (SRN) (as defined in this application as the A1), or in to any drainage system connected to the SRN. The development shall be carried out in accordance

with the approved scheme and shall be retained in that manner thereafter for the lifetime of the development.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging, and to ensure that the A1 Trunk Road 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. To comply with the requirements of Policy CS16 and CS24 of the Hertsmere Core Strategy 2013 and Policies SADM14, SADM15 and SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 15) The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation;
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located;
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed. To comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policies SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016.

- 16) Upon completion of the on-site surface water drainage system (excluding any works associated with S278 highway works), including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to conditions 6 and 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall

be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development. To comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policies SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016.

Other landscape and ecology conditions

- 17) No above ground development shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- i. Details of maintenance regimes for retained Pond P1 shown on Plan EC02: Ecological Features (appended to Appendix F1 (Ecological Assessment) of the Environmental Statement);
- ii. Details of any new habitat created on-site and proposed long-term maintenance for these habitats. For the proposed wetland habitats, details of expected hydrological regime and long term management of sediment should be provided;
- iii. Details of treatment of site boundaries, including retaining existing boundary features, and buffers around water bodies including information on proposed management of vegetation and any proposed planting within 8m of the river; and
- iv. Details of management responsibilities

The works proposed within the LEMP shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter for the life of the development.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to **secure opportunities for enhancing the site's nature conservation value** in line with National Planning Policy Framework paragraph 174 and adopted Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM10 of the Site Allocations and Development Management Policies Plan 2016. This will also support the Thames River Basin Management Plan objective to protect and maintain the many uses and benefits the water environment provides.

Other highways and transport conditions

- 18) Prior to the occupation of the development hereby permitted, the vehicular accesses and associated cycleway extension in Rowley Lane shall be provided at the position shown in principle on the approved plan drawing number 106372-T-006 Revision F – (Proposed Access Plan).

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)**. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 19) Prior to the first occupation of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown within approved drawings. Any other access(es) or egresses shall be permanently closed, and the footway and highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access(es).

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 **of Hertfordshire's Local Transport Plan (adopted 2018)**. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 20) Prior to the first occupation of the development, the Off-Site Cycleway Improvement Scheme, as illustrated in principle in drawing numbers 106372-PEL-ZZ-XX-SK-C 00010 P01, 106372-PEL-GEN-XX-SK-C-001 P05, 0002 P05, 0003 P05, 0004 P05, 0005 P05 and 0006 P05, shall be completed.

Reason: 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)**. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 21) Prior to the first occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Car Parking Management Plan should be adhered to for the lifetime of the development.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate 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. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 22) Prior to the first occupation and/or use of the development hereby permitted, a scheme for the parking of cycles in accordance with approved drawing no. 21043-0702-P04 - Proposed Cycle Storage Details shall be provided. The cycle parking scheme provided shall be retained for this purpose for the life of the development.

Reason: To ensure the provision of adequate 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)**. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 23) The development hereby approved shall not be occupied otherwise than in accordance with the mitigation scheme identified for the A1/A5135/Newark Roundabout junction, as shown in the Pell Frischmann drawing 106372-T-021 P03 and titled Newark Green Roundabout Junction Mitigation, and the mitigation scheme identified for the A5135/Rowley Lane junction, as shown in the Pell Frischmann drawing 106372-PEF-XX-XX-DR-TR-000024 P04 and titled Potential Highway Mitigations A5135 Rowley Lane Diverge Taper General Arrangement and Dimensions.

Reason: To ensure that the A1 Trunk Road 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. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 24) The development hereby approved shall not be occupied otherwise than in accordance with the completed improvement scheme identified for the A1 Southbound off-slip with the A5135 as shown in the Pell Frischmann drawing A1 Southbound Diverge Proposed 106372-PEF-DR-TR-022-P03.

Reason: To ensure that the A1 Trunk Road 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. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

- 25) No screen, set or other structure erected on the backlot shall exceed a height of 15 metres above existing ground levels.

Reason: In the interests of the visual amenity of the site and to satisfy the reasonable requirements of the road safety of the A1 Trunk Road. Any structure exceeding a height of 15m is likely to be taller than the surrounding tree tops and therefore it could be an obtrusive feature in the landscape and have an adverse impact on the road safety of the A1 Trunk Road. To comply with the requirements of Policies CS22 and CS24 of the Hertsmere Core Strategy 2013 and Policies SADM26 and SADM40 of the Site Allocations and Development Management Policies Plan 2016.

Noise conditions

- 26) Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties.

Reason: To protect the amenity of residents in the locality and to comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016.

- 27) Any studio operational noise (LAeq15mins) from work activities (fabrication, filming etc.) carried out externally must not exceed the background noise level (LA90) at the nearest noise sensitive receptor. Studio management shall, for each new production, check if any planned outdoor filming activities could generate high noise levels that may exceed the background noise at the nearest noise sensitive receptor. Where such a risk is identified, a noise mitigation and management plan must be prepared and submitted in writing to the Local Planning Authority for agreement before the activity takes place.

Reason: To protect the amenity of existing residential properties in the near vicinity to the development. To comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016.

Lighting conditions

- 28) An external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the amenity of existing residential properties in the near vicinity to the development. To comply with the requirements of Policy CS16 of the Hertsmere Core Strategy 2013 and Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016.

- 29) Prior to the installation of external lighting, an External Lighting Design Strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. A sensitive lighting strategy will accompany the detailed layout, ensuring that dark corridors are maintained, and minimising light spill to retained and newly created habitats. This shall be shown in suitable contour plans and charts and accord with best practice (ref: Bats and Artificial Lighting at Night, BCT & ILP Guidance Note 08/23). The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid negative impacts on bats and their foraging / dispersal habitats and to comply with the requirements of Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM10 of the Site Allocations and Development Management Policies Plan 2016.

- 30) Prior to the installation of any external lighting, full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with relevant highway authorities. The

lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with the Institution of Lighting Engineers Guidance Notes for The Reduction of Obtrusive Light:

- i. levels of luminance;
- ii. timing of its provision; and
- iii. location for installation including appropriate lighting contour plans.

The approved external lighting shall be provided in strict accordance with the agreed details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the A1 Trunk Road 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. To comply with the requirements of Policy CS24 of the Hertsmere Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

Materials and carbon offsetting

- 31) No above ground development shall take place before samples of the materials to be used in the construction of the external surfaces of the development and the detailed design of the development has been submitted to and approved in writing by the Local Planning Authority. To achieve carbon reductions, a fabric first approach should be taken in line with the guidance in the Carbon Offsetting Draft SPD (September 2022). The development should achieve carbon reductions in line with the energy hierarchy in Hertsmere and, in accordance with the requirements of paragraph 3.6 of the Carbon Offsetting Draft SPD, should achieve at least a 10% reduction in carbon emissions over and above Part L of the Building Regulations, to be achieved through improvements to building fabric and the design and layout of development; and at least a 30% reduction on Part L achieved through renewable energy use

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and the development achieves carbon reductions at least in accordance with the requirements of paragraph 3.6 of the Carbon Offsetting Draft SPD. To comply with the requirements of Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS16, CS17 and CS22 of the Hertsmere Core Strategy 2013.

Training, employment and community use

- 32) The development hereby approved shall not be brought into use as a Film and TV studios until a Training and Employment and Community Use and Outreach Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will promote training and employment and community use and outreach opportunities for people who live or study in the borough of Hertsmere (including provision of

traineeships and apprentices and engagement with local education providers), and it shall apply during the operational stage of the development thereafter. The agreed strategy will be implemented within one year of the first use of the site as Film and TV studios. Any amendments to the strategy will require further submission to and approval in writing by the Local Planning Authority. For the life of the development, a yearly update shall be submitted to the Local Planning Authority with details of how many placements have been made and of what percentage of those have been people who were living or studying in the borough and what community use and outreach activities have taken place.

Reason: To promote training and community use opportunities to people within the borough, thereby helping to ensure that the economic and social benefits of the development also apply locally, in accordance with the requirements of Policy CS10 of the Hertsmere Core Strategy 2013.

Use Class restriction

- 33) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby permitted shall not be used for any purpose other than as film and television studios. For the avoidance of doubt, changes to other uses within the same Use Class as film and television studios (Use Class E(g)) are prohibited by this condition.

Reason: To ensure that the potential impacts of other uses can be properly and fully assessed through an application for planning permission.



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.