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BRICKET WOOD SPORTS & COUNTRY CLUB,
PAINTBALL SITE, & BRICKET LODGE, LYE LANE,
BRICKET WOOD, HERTFORDSHIRE, AL2 3TF

EXECUTIVE SUMMARY OF PROOF OF EVIDENCE OF
NICHOLAS PETER FERGUSON BA (HONS) MCIHT
HIGHWAYS & TRANSPORT (CD 2.12)

May 2024

0.0 EXECUTIVE SUMMARY

0.1 This Inquiry concerns an appeal made by the appellant against the non-determination by St Albans City and District Council (SADC) for the following development at the Bricket Wood Sports and Country Club, Paintball Site, and Bricket Lodge, Lye Lane, Bricket Wood, Hertfordshire, AL2 3TF:

“Outline application (access sought) - Demolition of existing buildings and construction of up to 115 dwellings and creation of new access.”

0.2 The fourth reason for refusal is that the applicant has failed to demonstrate that off-site highway improvements and public transport upgrades can be delivered or secured, specifically to render the site's location sustainable in terms of transport. Two policies from the St Albans District Local Plan Review 1994 (CD 4.1), Policies 34 and 35, and the National Planning Policy Framework (NPPF) 2023 are set out as the transport grounds for objection.

0.3 The fifth reason for refusal can be split into two parts which are that:

(1) Inadequate space is available at the site access junction, the Lye Lane / West Riding junction and on the southern stretch of Lye Lane past the M25 overbridge to allow large vehicles to safely pass each other, to the detriment of highway safety, and

(2) Insufficient information has been provided in respect of vehicle swept path analysis and a revised Stage I Road Safety Audit and associated Designer's Response, to demonstrate that there would not be further harm to highway safety.

0.4 One policy from the St Albans District Local Plan Review 1994 (CD 4.1), Policy 34, and the NPPF 2023 are set out as the transport grounds for objection.

0.5 Regarding the fourth reason for refusal, the proposals to provide a footpath on Lye Lane connecting the appeal site to West Riding to the south have formed an

integral part of the development plans from the outset, including during initial pre-application discussions with Hertfordshire County Council (HCC) and subsequently as part of the formal outline application. Following initial feasibility plans for a proposed footpath as set out in the submitted Transport Assessment (July 2022 (CD 1.14) and January 2023 Update (CD 1.40.1)), which were subject to a Stage 1 RSA and Designer's Response, further developed designs for the footpath were submitted with the outline application by Milestone Transport Planning in a Highways Technical Note (June 2023) (CD 1.41).

- 0.6 The proposed footpath and associated off-site works have been developed in further detail by Conisbee Civil and Structural Engineers as presented in evidence for this Inquiry. The proposals were submitted to HCC in advance of the Inquiry as part of formal consultation.
- 0.7 Conisbee's proposals carry forward many of the same key principles from Milestone Transport Planning's designs including formation of a largely uniform 2-metre wide footpath connecting the appeal site with West Riding unless area-specific constraints have resulted in slightly narrower sections. The footpath will be constructed by way of a self-binding gravel formation with full height kerb upstand at the edge of carriageway. Areas of existing ditches will be backfilled and culverted where necessary, and crossing points will be provided using dropped sections of kerb and tactile paving. Existing trees will be protected, this aspect of the proposals is set out in the evidence of the appellant's arboriculturist. The full extent of the proposed works is shown to be deliverable on land within the public highway. A feasibility scheme of low-level lighting is also proposed.
- 0.8 It is the appellant's submission that the proposed off-site highways works can be delivered and secured by way of a S278 Agreement. Should the Inspector be minded to agree with the above, it is my position that the provision of a footpath on Lye Lane connecting the appeal site to West Riding and, inter-alia, the nearest bus stops on West Riding, the local facilities in Bricket Wood, and Bricket Wood station, renders the site sustainable in transport terms.

0.9 Moreover, that footpath is needed now. Currently many households already live on Lye Lane including on the appeal site, at Woodview Lodge to the north, as well as several properties to the south. Residents must walk in an unlit road to reach the shops and facilities in Bricket Wood as well as the bus stops and train station, plus local schools etc. This unacceptable situation can be remedied, as a direct consequence of the appeal proposal, through the introduction of a carefully designed footpath as set out in detail in the plans prepared by Conisbee as well as in the evidence of David Clarke Chartered Landscape Architect and Consultant Arboriculturist (CD 2.4.3 Arboricultural Method Statement – Lye Lane).

0.10 That evidence, including detailed engineering drawings, clearly demonstrates that:

- A safe and suitable footpath can be delivered on land under the control of the Highways Authority and outside land identified as ancient woodland;
- The existing carriageway width will not be reduced by the introduction of the footpath; and
- No trees will be lost through the introduction of the footpath.

0.11 Moreover, the fact that the land needed is also Common Land, is no inhibition on the grant of planning permission, but merely means that a “Grampian Condition” should be applied, requiring pre-commencement consent for the footpath’s construction from the Planning Inspectorate, acting on behalf of the Secretary of State for Environment, Food and Rural Affairs.

0.12 Milestone Transport Planning prepared a Technical Note dated June 2023 (CD I.41) which included an Active Travel Audit (ATA) (CD I.32) of seven key routes along desire lines for pedestrians and cyclists to / from Bricket Wood rail station, bus stops and local amenities located along West Riding, and Mount Pleasant Lane Junior Mixed Infant School.

0.13 The audit concluded that the “Implementation of any of the above recommended improvements would aid in strengthening the existing ‘active’ travel provision in the vicinity of the Site and improve connectivity for cyclists / pedestrians. It is

proposed that an appropriately scaled proportion of these additional improvements are included as part of the 'Second Stand [sic] (SI06)' contributions."

- 0.14 I see no reason to dispute these findings and consider that the active travel contributions sought by HCC of £9,660 per dwelling at March 2023 prices (up to £1,110,900 for up to 115 dwellings at March 2023 prices) would deliver upgrades to the wider public highway both to render the appeal site's location sustainable in transport terms and to benefit the local community.
- 0.15 The proposal is therefore consistent with Policies 34 and 35 of the St Albans District Local Plan Review 1994 (CD 4.1), and the National Planning Policy Framework 2023 notably paragraphs 108, 109, 110, 114, 115, and 116 parts a, b, and c.
- 0.16 Regarding the fifth reason for refusal, the frequency of refuse and recycling trips on Lye Lane will not increase because of the development. They are existing established trips on the network that would service the appeal site on the current domestic collection rounds.
- 0.17 Likewise, the frequency of heavy goods vehicle (HGV) traffic on Lye Lane will not increase because of the development. The frequency of light goods vehicle (LGV) traffic on Lye Lane will increase somewhat owing to the likelihood that demand for deliveries (couriers and supermarket shops etc) will arise because of the development, however this will not be an absolute increase over-existing since there are already other residential properties on Lye Lane generating delivery trips.
- 0.18 Large providers of online goods such as Amazon and supermarkets, as well as other providers of online goods utilising the courier services of companies such as Royal Mail, DPD, and Evri etc, consolidate their freight services. Accordingly, those vehicles would already be present on the road network adjoining the appeal site and a proportion of the additional delivery/servicing demand arising from the

proposal would be existing 'pass-by' delivery trips as opposed to new 'primary' delivery trips on the network.

- 0.19 On an average weekday, the composition of traffic on Lye Lane comprises of 8% LGV traffic and 1% HGV traffic. The highest average hourly two-way traffic is 13 LGV trips and two HGV trips. The composition of traffic on Lye Lane is not predicted to materially change because of the development of 115 dwellings on the appeal site. The prevalent vehicle type generated by the proposal will be that of the private car of residents and visitors to/from the development.
- 0.20 It should be noted that the geometry of the Lye Lane junction with West Riding is comparable to the prevalence of other junctions throughout Bricket Wood. Moreover, the presence of kerb side parking common throughout the residential roads in Bricket Wood often reduces the effective width of carriageway to a one-way give-way operation which is typical of the area.
- 0.21 There is no evidence that the geometry of local junctions, the width of carriageways, and the presence of kerb side parking on the residential roads in Bricket Wood, including the carriageway geometry and alignment on Lye Lane, at-present is prejudicial to road safety.
- 0.22 It is a common occurrence for larger vehicles to require additional manoeuvring space at junctions by overrunning the centre of the carriageway, and this has been accepted in-principle by HCC in a recent planning application locally in Bricket Wood (SADC planning application reference 5/17/1550).
- 0.23 In respect to accommodating larger vehicles, Conisbee's proposals also carry forward key principles from Milestone Transport Planning's designs including formation of a passing-bay on the east side of Lye Lane around 75-metres north of the junction with West Riding.
- 0.24 The Milestone Transport Planning Technical Note (June 2023) (CD 1.41) included an assessment of refuse and servicing vehicles including swept path diagrams of larger vehicles traversing the West Riding junction with Lye Lane, Lye Lane up to

the appeal site, and the proposed site access junction with Lye Lane. A summary of the findings in the Technical Note concluded that the development proposals are acceptable from a delivery / servicing perspective.

- 0.25 I see no reason to dispute these findings and consider that the existing geometry of the West Riding junction with Lye Lane, the proposed highway works on Lye Lane including the planned passing bay, and the proposed design/geometry of the site access junction with Lye Lane can safely accommodate larger vehicles.
- 0.26 Appendix D (CD 2.11.4) of my Proof of Evidence provides an updated set of swept path diagrams based on the latest off-site highways works plans by Conisbee, which are provided at Appendix B (CD 2.11.2) of my Evidence. A summary table describing the swept path diagrams and comments at each section of the assessment is also provided at Appendix C (CD 2.11.4).
- 0.27 The conclusion of the updated swept path assessment is that there is sufficient carriageway width throughout the section of Lye Lane between the proposed site access junction and the Lye Lane junction with West Riding to safely accommodate large vehicles, either through sections of carriageway which allow two large vehicles to pass each other or through sections where a one-way give-way operation is adequately accommodated. It should be highlighted that the proposals represent a betterment over the existing situation on Lye Lane for the passage of large vehicles.
- 0.28 The proposed footpath and associated off-site works by Conisbee Civil and Structural Engineers were submitted to HCC in advance of the Inquiry as part of formal consultation. A Stage I Road Safety Audit (RSA) is also currently being undertaken. The aim is that the Stage I RSA and associated Designer's Response will be completed in time to inform the Statement of Common Ground (SoCG) needed in advance of the Inquiry.
- 0.29 With specific reference to the wording of reason for refusal number five, the updated swept path diagrams demonstrate that there is adequate space available at the site access junction, the Lye Lane / West Riding junction, and on the

southern stretch of Lye Lane past the M25 overbridge to allow large vehicles to safely pass each other.

- 0.30 The proposed highway works on Lye Lane including the planned passing bay result in an improvement over the existing situation and can safely accommodate larger vehicles. The proposal is therefore consistent with Policy 34 of the St Albans District Local Plan Review 1994 (CD 4.1), and the National Planning Policy Framework 2023 notably paragraphs 108, 109, 110, 114, 115, and 116 part d.
- 0.31 Third party objections were made by reference to increased congestion, the sustainability of the Appeal Site in locational terms, and safety. So far as congestion and cumulative impact is concerned, this is fully dealt with in the transport documents submitted with the outline application. In recognition of the need significantly to boost the supply of housing (NPPF paragraph 60), paragraph 115 of the NPPF provides that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be “severe”. That is a very high bar indeed, and one which the Highway Authority agree is not remotely reached in consequence of this Appeal Proposal.
- 0.32 As for the concern that the Appeal Site is in an unsustainable location and cannot be made sustainable, that is comprehensively addressed through the provision of the footpath joining Lye Lane to the facilities in Bricket Wood.
- 0.33 As for the asserted danger to pedestrians/cyclists, including by reference to Lye Lane not being suitable for increased traffic, being narrow and with a blind bend, that – too – is comprehensively addressed in the transport documents submitted with the outline application as well as in highways evidence submitted with the appeal.
- 0.34 For all the reasons set out in my evidence I consider this appeal should be allowed, as it is in line with local, regional, and national transport planning policy.