

Bricket Wood Appeal (3338501)

Local Highway Authority Proof of Evidence – 14th May 2024

INTRODUCTION

1. My name is Chris Carr and I work as a Highways Development Officer with Hertfordshire County Council (HCC) which is the Local Highway Authority (LHA) for St Albans City Council. I graduated from the University of Manchester with an Undergraduate Masters in Town and Country Planning in 2006 and I have been in my current role for over two years with 18 years of experience in Highways and Transport Planning. I am a Chartered Member of the Chartered Institute of Logistics and Transport.
2. The 3338501 appeal has been made against St Albans City Council due to a failure “to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval” regarding outline planning permission application 5/2022/2443: Outline application (access sought) - Demolition of existing buildings and construction of up to 115 dwellings and creation of new access. The Council determined that has they been in a position to do so they would have refused planning permission for seven reasons. I address two of those putative reasons for refusal:

The applicant has failed to demonstrate that off-site highway improvements and public transport upgrades can be delivered or secured in order to render the site’s location sustainable in terms of transport. The proposal is therefore contrary to Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

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 insufficient information has been provided in respect of vehicle swept path analysis and a revised Stage 1 Road Safety Audit and associated Designer’s Response, to demonstrate that there would not be further harm to highway safety, contrary to Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

3. The description of development in appeal 3338501 has been amended slightly to Outline application (access sought) - Demolition of existing

buildings and construction of up to 115 dwellings, the creation of new access and associated highways improvements.

4. I am authorised by HCC to make this appeal statement in support of the objections raised by the LHA in respect of the appeal development and to appear at the inquiry. I confirm that my evidence draws attention to all material facts and highway policies which are relevant and have been taken into account in the formation of my professional opinion; and that I understand and have complied with my duty to the appeal inquiry as an expert witness which overrides any duty to those instructing me. My evidence is given impartially and objectively.

BACKGROUND

5. Pre-application advice was sought by the Appellant in respect of the outline application from the LHA which included a pre-application meeting on 30 March 2022. Following this a response was issued on 4 April 2022 and a review was completed on the Transport Assessment and Transport Plan with comments provided on 2 August 2022 (CD1.16).
6. The LHA highlighted the following concerns:
 - a. Base Traffic Conditions and Traffic Surveys. The MCC data may be under-estimating likely volumes part of the time, especially for Park Street Lane. The criticality of this will depend on the criticality of the junction modelling results (when all other modelling parameters are agreed). That is to say, if the agreed junction modelling reveals results close to capacity (or over-capacity), then this potential further variation in volumes could be a concern.
 - b. Missing Temprow input data - to show the selection parameters applied to determine the resultant growth factors.
 - c. The trip generation and distribution methodology accepted subject to correction of one minor error (the modal split percentages of all Census respondents have been applied to the total person TRICS outputs, including those who work at home. This would be incorrect because the TRICS rates would not capture these, as TRICS just determines actual trips to and from a site).
 - d. Junction Modelling. A few errors have been identified in these models (details of which have been provided to the applicant), which will need to be addressed. Discussion on the conclusions of the assessment, as well as any potential need for other junction models, will occur when the models are agreed.
 - e. Improvements to the West Riding/Oak Avenue junction. The 4 April response stated that these proposed improvements will need to be

assessed in the TA including the junction modelling and that highway improvements should not seek to provide highway capacity that may induce additional traffic. This has not been assessed in the junction modelling.

- f. Road Safety Audit. The 4 April response stated that Road Safety Audits will be required as the design is progressed.
 - g. Five-Year Crash Data Assessment. This assessment needs to be updated to include all users (not just accidents involving pedestrians and cyclists). It also does not cover all of the requested locations detailed in the 4 April response.
 - h. Travel Plan. No specific amendments required for the planning application submission version
7. For context the proposed footpath at this stage was presented in drawing number series P2584: Land North of Bricket Wood, Herts Proposed New Footpath Pages 1,2,3 and 4 (CD8.4). The design was an outline of how a footpath can be accommodated along Lye Lane.

8. Importantly, the LHA provided the following with regards to sustainable access to the site and the challenge this presents:

“... given the site’s proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable.

Improvements to pedestrian connectivity between the site and local amenities and public transport links, such as Bricket Wood rail station, were highlighted by HCC as being of particular importance. It was noted by HCC in the response dated 2 August that the proposed new footpath presented by the applicant (enclosed within Appendix G of the draft TA and in Appendix E of the TP) running along Lye Lane to link the site to West Riding would be required as a minimum.

It was also highlighted by HCC however that the implementation of this footway may be a significant engineering challenge given for example the presence of ditches and established trees on Lye Lane where the footway is proposed. This may affect its feasibility and in-practice deliverability and may require third-party land (outside of the public highway) in order to adequately mitigate these issues.”

9. The LHA was consulted again consulted on 17th October 2022 of which additional information was supplied in response to the refusal points provided on 1st December 2022 (CD8.1). The refusal points were:

- a. A review of the 5-year accident statistics presented as part of the Paul Mew Associates response dated 26 August 2022.
- b. Updated traffic flows matrices as used in the latest junction modelling, including the 2035 with and without development scenarios based on the updated trip generation methodology.
- c. Clarification regarding the future year used for the Tempro assessment.
- d. A feasibility study or similar that details how the proposed new footway on Lye Lane will be delivered in engineering terms. This would need to include detailed drawings on a topographical base and would need to include details of engineering solutions to mitigate the impact in terms of matters such as drainage and trees. It would also require details of any third-party land (i.e. land outside of the public highway) that may be required and details of agreements that have been put in-place to secure use of this land.
- e. A copy of the original highway boundary plan for Lye Lane

10. The LHA was subsequently consulted on the outline application SA/14229/2022 of the proposed development and recommended in March 2023 that this permission be refused on three grounds, relating to proximity to major roads and its lack of sustainable transport lines, concerns surrounding the proposed footway causing vehicles to encroach on the centre of the carriageway, and modest public transport accessibility. The LHA provided a response on 11th April 2023 (CD8.2) with the following refusal points:
- a. Given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. Specifically, the highlighted Ancient Woodland, Common Land, minimum carriageway width and suitable level of protection of cyclists' design constraints must be satisfactorily addressed, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).
 - b. There remains a concern that with the introduction of the Proposed footway to the South on Lye Lane, large refuse and servicing vehicles would encroach across the centre of the carriageway. Further swept path analysis of the carriageway on Lye Lane is required to demonstrate compliance with standards (please refer to Manual for

Streets design standards). Any necessary relaxations or departures from standards should be clearly stated by the designer.

- c. In summary, the site is in an area with currently modest levels of public transport accessibility. Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.

11. Following this refusal additional / amended plans and information were submitted for 5/2022/2443 and in July 2023 (CD8.3) the LHA recommended refusal on the following grounds:

- a. Given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. Specifically, the highlighted Ancient Woodland, Common Land, minimum carriageway width and suitable level of protection of cyclists' design constraints must be satisfactorily addressed, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).
- b. The site is in an area with currently modest levels of public transport accessibility. Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.
- c. The submitted drawings demonstrate that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, there remains a concern of a potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.
- d. The feasibility of constructing the footway in the woodland area south of the M25 overbridge raises concerns. It is advised to demonstrate the deliverability of the footway through the ancient woodland stretch by adhering to the relevant guidelines and standards applicable for construction within or near the ancient woodlands.
- e. No vehicle access restrictions are proposed for the site's North entry via the Lye Lane / A405 junction, which offers the direct and shortest route to the SRN at M25 J21a. The applicant must demonstrate the feasibility of safe vehicle access from the North by providing vehicle

swept path analysis or provide a rationale for access restrictions for the development.

- f. Revised Stage 1 RSA and the associated Designer's Response will be required.
12. Consistent in the LHAs response has been the concern the site is not served by an adequate walking and cycling facilities and such proposals for a footpath along Lye Lane has design concerns which limits the chances of it being implemented to an acceptable design standard.
13. Also consistent has been the LHAs request for additional information on design concerns relating to vehicle access and the lack of public transport accessibility.
14. Further, traffic and transport details regarding the amended appeal 3338501 were provided to the LHA in April 2024 in relation to the proposed footpath, including:
 - The general arrangement drawings of the proposed footpath; and
 - Typical cross-sections of the footpath.
15. These drawings are referenced in the series from 231436-CON-XX-00-SK-C-0001-P02 to 231436-CON-XX-00-SK-C-00013-P02 (CD8.5).
16. The LHA was also made aware of an arboricultural report detailing the existence and extent of woodland along Lye Lane. This was not formally supplied to the LHA for review via statutory consultation, given the lateness in which the report was supplied by the appellant.
17. On May 7th 2024 the LHA was also supplied further drawings in relation to a proposed passing bay on Lye Lane to satisfy one of the LHAs objections. These drawings are referenced 231436-CON-XX-00-SK-C-0014-P01 (CD...).
18. It is worth noting that the LHA hasn't been formally consulted on any new documents and the release of the documents to us for review was very close to the evidence submission deadline. This has therefore meant that only a brief review of the proposals could be made and as this evidence shall detail, there are design issues to be resolved of which there is limited time to discuss with the appellant prior to the deadline of submitting this Proof of Evidence to the Planning Inspectorate. The LHA shall have work with the appellant prior to the inquiry to resolve as many of the design issues and any updates made clear in the Statement of Common Ground

19. Having had regard to the further and amended documentation received (April 2024) the LHA upholds its objection to all matters.
20. In the event that the appeal is allowed, and planning permission is granted, the highway conditions set out in Appendix A to this proof of evidence should be imposed on any permission granted.

SCOPE OF EVIDENCE

21. It is proposed that the development is served by a single access via Lye Lane on the western side of the site. This is to be a new entrance with the existing vehicle access to be stopped up as part of the development.
22. In reviewing and responding to planning applications the LHA is consulted on by Local Planning Authorities (LPAs), guiding principles of the National Planning Policy Framework (NPPF), Hertfordshire's 4th Local Transport Plan and Hertfordshire's Place & Movement Planning and Design Guidance.
23. The following sections of policy are relevant to the grounds of refusal found by myself, specifically relating to the need for all users of the development to be considered and whether access to all travel modes can be achieved by all.

National Planning Policy Framework (CD8.6)

Paragraph 110 Section B *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:..b) safe and suitable access to the site can be achieved for all users'*

- Paragraph 111 *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- Paragraph 112 *'Within this context, applications for development should:*
a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards..’

LTP4 (CD8.10)

- Policy 1: Transport User Hierarchy; *‘To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy*

consider in the following order:

- *Opportunities to reduce travel demand and the need to travel*
- *Vulnerable road user needs (such as pedestrians and cyclists)*
- *Passenger transport user needs*
- *Powered two wheeler (mopeds and motorbikes) user needs*
- *Other motor vehicle user needs’*

- Policy 2: Influencing land use planning; *‘The county council will encourage the location of new development in areas served by, or with the potential to be served by, high quality passenger transport facilities so they can form a real alternative to the car, and where key services can be accessed by walking and cycling.’*

- Policy 5: Development Management; *‘The county council will to work with development promoters and the district and borough councils to:*

a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand.

b) Ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council’s Highway Design Standards...’

- Also relevant is LTP4 Policy 6 on accessibility where the county seeks to eliminate barriers for the disadvantaged and referencing rural areas identifies *‘People living in rural areas are particularly disadvantaged as commercial bus services tend not to operate where passenger numbers are low and a bus service is financially unviable’*. Specifically this development, being set in a rural location, will add to this particular pressure. In addition Policy 8 regarding the county’s ambition to deliver a step change in cycling, this site will struggle to meet with this objective as measure implemented by the new development cannot ultimately be suitable for all users given the rural location and lack of a wide range of amenities within the area.

Place & Movement Planning and Design Guidance (P&M, CD8.7)

- Part 1 Chapter 5: Transport Assessment; details the requirements development proposals should be supported by in a Transport Assessment and how this aligns with HCC and national policies
- Part 3 Chapter 3: Walking Infrastructure; details the design standards and specifications of walking infrastructure in Hertfordshire. The LHA uses these standards to assess new and existing provision
- Part 3 Chapter 4: Cycling Infrastructure; details the design standards and specifications of cycling and wheeled infrastructure in Hertfordshire. The LHA uses these standards to assess new and existing provision
- Part 3 Chapter 8: Planning Highway Links; sets out the principles of highway layout primarily focusing on geometric design of highway links for motorised and non-motorised users
- Part 3 Chapter 17: Planning Street Lighting & Illuminated Signs; sets out the county's approach to street lighting

Department for Transport's Guidance on Inclusive Mobility (CD8.8)

- Chapter 4 on Footways, footpaths and pedestrian crossing facilities
- Chapter 14 on Lighting

DfT Cycle Infrastructure Design (LTN1/20) (CD8.9)

- Chapter 3 Planning for Cycling
- Chapter 4 Design Principles and Processes
- Chapter 5 Geometric requirements
- Chapter 8 Motor traffic free routes
- Chapter 16 Construction and maintenance

24. The following sections look at the specific objections raised by the LHA to the development. The objections raised by the LHA to the appeal 3338501 development relate to:

- Pedestrian and cycle provision along Lye Lane to the south
- Modest levels of public transport accessibility.
- Availability of space at the site access junction and Lye Lane / West Riding junction.
- The feasibility of constructing the footway in the woodland area south of the M25 overbridge raises concerns due to the ancient woodland.
- No vehicle access restrictions for the site's North entry
- Revised Stage 1 RSA and the associated Designer's Response will be required.

PEDESTRIAN AND CYCLE PROVISION ALONG LYE LANE TO THE SOUTH & FEASIBILITY OF CONSTRUCTION

25. In its formal response on 7 July 2023 the LHA stated the following:
“Given the site’s proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. Specifically, the highlighted Ancient Woodland, Common Land, minimum carriageway width and suitable level of protection of cyclists’ design constraints must be satisfactorily addressed, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).”

“The feasibility of constructing the footway in the woodland area south of the M25 overbridge raises concerns. It is advised to demonstrate the deliverability of the footway through the ancient woodland stretch by adhering to the relevant guidelines and standards applicable for construction within or near the ancient woodlands.”

26. The P&M under Part 3 Chapter 8 identifies the highway links within Hertfordshire. Lye Lane is classified as a Rural Lane, minor with a rural setting such as villages and hamlets serving as connections between urban areas. They hold little place value which means they do not hold the same character and use of an urban setting and therefore lack the typical provisions such as established segregated pedestrian and wheeled pathways, often narrow meaning vehicles have to wait to pass and present other challenges such as rural access for farm vehicles.

27. Lye Lane is no exception to this characterisation with the length from the A414 in the north to West Riding in the south having no existing footpath connections beyond the bridge overpass of the M25. There are multiple vehicle passing locations due to how narrow the lane is which are in a current poor condition with potholes created from vehicles and during wet weather these are filled with water. The poor drainage can lead to a high level of vegetation debris on the ground as well.

28. Due to the high level of existing woodland, there are limited green verges with the tree line up to the highway limits, providing little refuge for pedestrians.

29. The LHAs view is the current condition of Lye Lane has major safety concerns for the movement of pedestrians, hence the requirement of a

suitable footpath connection, particularly to the south in Brickets Wood to be compliant with LTP Policy 1 and 5. Furthermore the design should take into consideration and allow for the safe and segregated movements of the less able as per the design guidance in the DfTs Inclusive Mobility.

30. With regards to cycling infrastructure the condition of Lye Lane as described above is a notable concern when considering all road users of all abilities. When considering the suitability of cycle provision for a development proposal the LHA applies standards in LTN 1/20 which is echoed in P&M Part 3 Chapter 4. As there are pedestrian and cycling deficiencies the LHA would seek a shared walking and wheeled scheme which given this location is lightly trafficked, under LTN 1/20 design guidance the minimum requirements shall be:

- a. 3.0m wide (Table 6-3, LTN 1/20)
- b. a longitudinal gradient of no more than 2.5% (Table 5-8, LTN 1/20)
- c. a crossfall of 2.5% to ensure the surface remains free of surface water (para 5.10.1, LTN 1/20)
- d. The surface should be sealed (para 8.5.4, 15.2.4. LTN 1/20)
- e. Segregation of cyclist and motorist at this location should reflect the volume vehicle movements against the volume of cyclists. Details on suitable segregation are supplied in para 4.4 LTN 1/20 but consideration should also be given for section 4.6 on shared routes where separation is recommended to protect pedestrians from collisions or conflict
- f. On Lighting should be made to P&M guidance Part 3 Chapter 17 on street lighting and the further referenced chapters within this chapter but also Inclusive Mobility Chapter 14 which details guidance on the importance of lighting

31. On 22 April 2024 an updated design for the proposed footpath was provided to HCC. Due to the short timescales only an “in principle” review was completed. As part of this review the following was noted:

- Concerns were raised about the implementability of the proposals.
- It was considered that the tree protection requirements would further reduce the footway width provision from that proposed in the designs.
- The ditch culverting drainage proposals were likely to be unacceptable from an asset management / maintenance audit perspective.
- Sections of the footpath fall below the minimum preferred 2m width and would therefore, likely require a Departure from Standards which will mean the entire scheme will be a challenge to implement

- Segregated cycle provision has not been considered and therefore the design does not include suitable safe segregated provision for wheelers and cyclists of all abilities.
32. No lighting strategy has been presented to the LHA for review. However, it will be a matter the county will seek to address with the appellant and attempt to resolve prior to the inquiry and set out in the Statement of Common Ground.
33. In April 2024 an Arboricultural review was submitted for the proposed footpath. The LHA was made aware however has not reviewed the details, though this has been reviewed by the St Albans City and District Council Tree Officer. This review identified:
“concerns are over the potential loss of TPO trees, and trees from a woodland identified as Ancient and semi-natural on the DEFRA magic maps (<https://magic.defra.gov.uk/MagicMap.aspx>) due to the construction logistics and post development impact on the trees longevity where retained.” And that the culverting of the ditches would not be acceptable.
34. HCC does not have confidence in the deliverability of this proposed footpath and therefore do not know with any confidence that there will be an acceptable connection to West Riding and the centre of Bricket Wood from the proposed development. Furthermore the design does not address the concern of needing to provide a safe provision for cyclists.
35. In conclusion on the specific refusal point on a lack of suitable walking and cycling provision along Lye Lane and in light of the proposed footway design provided by the appellant, the LHA is still not satisfied a solution has been presented to resolve this concern. Specifically:
- a. The footway proposals are not design compliant and therefore the scheme could not be implemented through highway condition without a Departure from Standard which provides a risk to pedestrian movements to and from the site from a road safety perspective
 - b. The footway proposal does not consider a segregated cycling scheme, therefore inadequate cycle provision is still an issue
 - c. The design of the footway and the location of the ancient woodland remains a concern as the deliverability of the scheme coming forward from an arboricultural perspective is currently not clear.
36. Should the Planning Inspector decide to allow the site to come forward there is a high chance the site will not be served by suitable walking and cycling infrastructure and therefore such movements shall be discouraged putting a

greater emphasis on car based journeys or more importantly shall be unsafe for users with no design and standard compliant safeguards in place.

MODEST LEVELS OF PUBLIC TRANSPORT ACCESSIBILITY.

37. In its formal response on 7 July 2023 the LHA stated the following:

“The site is in an area with currently modest levels of public transport accessibility. Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.”

38. No further information has been provided as part of this appeal.

39. From the LHAs July 2023 response, the following was identified with regards to public transport accessibility to the development proposal. Currently two bus routes serve Bricket Wood. The nearest bus stops are located approximately 650 metres to the south of the site on West Riding, at Grassington Close within the village of Bricket Wood.

40. The two bus services are the 361 between Bricket Wood and St Albans and the 635 between Watford and Hitchin. Table 1 below identifies the frequency of both bus services by direction

Table 1 – Bus Services (source: West Riding, Grassington Close bus stops timetable March 2024)

Service	Morning Peak (0700 – 0900)	Off Peak	Saturdays (note no Sunday service)
361 Bricket Wood to St Albans	One service at 0739	One service per hour up to 1647	One service per hour 0905 - 1705
361 St Albans to Bricket Wood	No services	One service per hour up to 1742	One service per hour 0900 – 1800
635 Watford to Hitchin	Three services at 0705, 0816, 0853	Max one service per hour up to 2019	No services
635 Hitchin to Watford	Two services at 0706, 0751	Max one service per hour up to 1935	No services

41. How Wood rail station is located approximately 1km to the North and Bricket Wood rail station is located approximately 1km to the South. Rail services at these stations are towards St Albans Abbey or Watford Junction and typically

operate at a frequency of one per hour in each direction. At Watford Junction, interchange is available to direct services to London Euston, southern, central and north-western England and Scotland as well as to London Overground services

42. In the same response the LHA requested further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use. In addition, the LHA requested Kassel kerbing and shelters on both sides of West Riding, to enhance the bus stop amenities and pursue the opportunity to make bus services as attractive as possible.
43. P&M Part 1 Chapter 8: Transport Assessment identifies under Paragraph 7.8 on how public transport provision should be assessed when the LHA is reviewing development proposals *“A minimum service provision level of 4 buses per hour peak / 2 buses per hour off peak (06:30 to 22:00) is considered as appropriate for most development with the walking distance to bus stops being no longer than 400m.”*
44. By comparison of current bus provision serving the site to the prescribed P&M standard, the current level of provision is not adequate to be classified as high quality and given the LHA has not been made aware of any such engagement with bus operators to increase this provision, the level of bus provision is not suitable for the development proposal.
45. Furthermore the walking distance to the bus stop is roughly 650 meters, which is beyond the P&M guidance and this is echoed in the CIHT Planning and Walking (2015, CD8.11) principle which states *“The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point’ CIHT Planning for Walking, April 2015”*
46. The above deficiencies notwithstanding, the issue of walking access to bus stops is an issue as per the refusal point on a lack of suitable walking provision from the site access on Lye Lane. Without a walking scheme the LHA is confident can be implemented, safe access to bus stops is limited and when considering public transport this is a particularly acute issue when considering the elderly and young that use the bus services as a means of travel.
47. With regards to access to rail provision, the above concern regarding access is an issue. Specifically the cycle provision along Lye Lane is not to a high enough standard for all users to safely use and therefore this restricts the use

of rail travel being access by sustainable means which is directly against the county's LTP policies.

48. No additional information has been supplied identifying the appellant is seeking to increase the level of bus provision for the site to bring it up to a high quality standard. Considering this, the access to the nearest bus stop is outside of the acceptable distance as per P&M and CIHT guidance, and the lack of suitable walking and cycling facilities on Lye Lane, the LHA considers the point of refusal still stands.

AVAILABILITY OF SPACE AT THE SITE ACCESS JUNCTION AND LYE LANE / WEST RIDING JUNCTION.

49. In its formal response on 7 July 2023 the LHA stated the following:

“The submitted drawings demonstrate that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, there remains a concern of a potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.”

50. Further information has been supplied on 7th May on the Typical Section of the Proposed Passing Bay to Lye Lane (Drawing 231436-CON-XX-00-SK-C-0014 Rev P01).

51. Due to the short timescales only an “in principle” review was completed. As part of this review the following was noted:

- The following information still needs to be provided: details of approaching visibility to the passing bay, swept path analysis and details of expected retained height.
- The following technical commentary was included:
 - The distance of headwalls to the passing place extents should be lengthened to avoid accidental overrun
 - The creation of a drop at the rear of the kerb line may cause issue with vehicles who accidentally overrun – a flat area between the rear of the kerb line would be required, or some form of containment kerb / fencing to negate the issue.
 - It is assumed that the items denoted ‘L’ are signs and/or lighting columns – construction within the footway and on top / in close proximity of a drainage pipe would not be recommended.
- The following was noted as not acceptable in Section D:
 - The proposed pavement construction is not suitable for HGVs.
 - The proximity of the perforated pipe within the pavement construction is not acceptable.

- permeable paving within the carriageway construction is not accepted or supported by the highway authority.
- Additionally, the proposed culverting and works in proximity to the ancient woodland is not expected to be acceptable.

52. In its current form the design is not acceptable and there is a risk it cannot not be implemented via highway planning condition. Therefore the safety concern of safe movement of vehicles along Lye Lane remains. This is however a point the LHA shall seek to resolve prior to the inquiry and reach an acceptable position through the Statement of Common Ground.

NO VEHICLE ACCESS RESTRICTIONS FOR THE SITE'S NORTH ENTRY

53. In its formal response on 7 July 2023 the LHA stated the following:

“No vehicle access restrictions are proposed for the site's North entry via the Lye Lane / A405 junction, which offers the direct and shortest route to the SRN at M25 J21a. The applicant must demonstrate the feasibility of safe vehicle access from the North by providing vehicle swept path analysis or provide a rationale for access restrictions for the development”

54. No further information has been provided as part of this appeal, therefore, this point of refusal still stands. The LHA shall seek to resolve this issue prior to the inquiry and have this reflected in the Statement of Common Ground.

REVISED STAGE 1 RSA AND THE ASSOCIATED DESIGNER'S RESPONSE WILL BE REQUIRED.

55. In its formal response on 7 July 2023 the LHA stated the following:

“Revised Stage 1 RSA and the associated Designer's Response will be required.” To be clear this is with specific context to the active travel provision that was identified in outline and it was confirmed by the applicant at the time of LHAs last response (July 2023) this would be supplied for review.

56. It is worth noting that at the very least a Stage 1 RSA is requested at the pre-planning decision stage in order to confidently know the scheme would be approved from a road safety perspective. With out this initial stage completed the scheme may not be able to be brought forward and therefore any subsequent approval for the site will leave the access by walking inadequate, creating a risk to pedestrians and generally detracting from making trips on foot.

57. No further information has been provided as part of this appeal, therefore, this objection still stands. However, should the audit be completed and be reflected on positively by the HCC Road Safety team then this shall be reflected in the Statement of Common Ground prior to the inquiry.

SUMMARY

33. Within this Proof of Evidence, I have detailed I raised an objection to the development proposals due to the unsustainable location of the development in Bricket Wood.

34. Underpinning these concerns are national and local policy, NPPF and LTP4, which identifies development proposals should consider all users and proposals should provide tests for development proposals to provide safe and suitable access for all users, prioritise pedestrians and cyclists ahead of all other modes and then public transport. Development proposals should also be supplied with a high quality public transport service and reflect the county's ambition to promote cycling and public transport use.

35. In the evidence I have detailed that the development proposals lack suitable walking and cycling access. The appellant has provided a scheme of works connecting the site to West Riding in the south along Lye Lane. The scheme of works has had a brief review, however the submission of the information was too late for a detailed review nor was the LHA formally consulted by the LPA on this. The brief review concluded the scheme in its current form is not to standard and has a low chance of being implementable. The scheme does not consider cycle provision nor has any additional information been supplied to suggest cycle provision shall be improved to LTN 1/20 and P&M standards.

36. The evidence detailed the lack of bus public transport provision in the area, identifying a level of bus provision which is significantly lower than the minimum provision set out in the emerging P&M. Furthermore the access to bus and rail provision will be limited without a footway scheme along Lye Lane the LHA is confident can be implemented and secured by planning condition.

37. A passing bay design at the site access was presented to the LHA for consideration and a brief review due to the lack of time to formally review the detail identified the current design is below standard.
38. The appellant has not provided a Stage 1 RSA in support of the active travel scheme and therefore the LHA cannot confirm the scheme is acceptable by road safety standards.
39. The LHA will seek to work with the appellant to remove as many design objections as possible prior to the inquiry.
40. In conclusion, the evidence I brought forward has identified the development proposals fail the tests set out in the NPPF and LTP4, and should the development be granted upon appeal the lack of a safe walking and cycling access from the development site and high quality public transport network available to all users shall lead to a high reliance in car based trips.

APPENDICES

HIGHWAY CONDITIONS

Highway Condition 1 – Standard Outline

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

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Parking provision in accordance with adopted standard.
- v) Turning areas.

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

Highway Condition 2 - Existing Access Improvement

Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing reference P2584: Land North of Bricket Wood, Herts Proposed Site Access Junction Layout, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Condition 3 – Surface Water

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

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

Highway Condition 4 - Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;

- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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

Highway Condition 5 – Offsite Highway Improvements

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level* shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number(s) 231436-CON-XX-00-SK-C-0001-P02, 231436-CON-XX-00-SK-C-0002-P02, 231436-CON-XX-00-SK-C-0003-P02, 231436-CON-XX-00-SK-C-0004-P02, 231436-CON-XX-00-SK-C-0005-P02, 231436-CON-XX-00-SK-C-0006-P02, 231436-CON-XX-00-SK-C-0007-P02, 231436-CON-XX-00-SK-C-0008-P02, 231436-CON-XX-00-SK-C-0009-P02, 231436-CON-XX-00-SK-C-00010-P02, 231436-CON-XX-00-SK-C-00011-P02, 231436-CON-XX-00-SK-C-00012-P02, 231436-CON-XX-00-SK-C-00013-P02 and 231436-CON-XX-00-SK-C-0014-P01 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of

highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Condition 6: Cycle Parking Provision

Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of 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).

Condition 7: Travel Plan

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

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

HIGHWAY INFORMATIVES

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

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

Further information is available via the County Council website at:

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

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

Further information is available via the County Council website at:

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

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

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN5) Estate road adoption (Section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan.

Further information is available via the County Council's website at:

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

or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN7) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6,000 and index-linked RPI May 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

Further information is available via the County Council's website at:

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

OR by emailing travelplans@hertfordshire.gov.uk

DEVELOPER CONTRIBUTIONS

Usually the LHA would take the opportunity to discuss developer contributions as part of any approval with conditions for a planning application however this has not occurred because of the refusal position. Therefore the LHA shall seek to discuss with the appellant suitable contributions that are in line with the following principles.

In the absence of CIL, sustainable transport contributions are sought. The Hertfordshire County Council 4th Local Transport Plan (LTP4) has developed strategies and plans for the county and the towns and areas within it which identifies the sustainable transport and accessibility measures for which contributions would be sought.

For new residential developments, a contribution of £6,826 per dwelling (SPONS Index at 2019 prices) is required. Therefore, based on the proposed development of 115 dwellings the total developer contribution to active travel would be £784,990 (SPONS Index at 2019 prices).