

CD11.25

Rebuttal Evidence

Highways, Traffic
and related items

From

Greenbelt (Rule 6 Party)

Presented by Nuala Webb



In the appeal: APP/B1930/W/24/3343986

Planning Application Reference: 22/0267

Land between caravan site and Watling Street,
Park Street, St Albans, AL2 2PZ

Contents

- 1 Introduction**
- 2 Ms Currie's Comments**
- 3 Satbir Jandu (Mayer Brown) Technical Note**
- 4 Summary**

Personal Profile

My name is Nuala Webb and I am a District Councillor for Park Street, the ward where the site of this appeal is situated. I have a BA Hons (1st Class) Oxford University , and an MA and DPhil (Oxon), PGCE (Cambridge), postgraduate work at the Universities of Hamburg and Cologne, and 10 years as a top rated Financial Analyst in the City, for companies such as NatWest, UBS, and Merrill Lynch (Smith New Court).

I have been a substitute member of the Development Management Committee in St Albans District Council for 2 years, though am not at present on that committee, but am currently on the Housing and Inclusion and Constitution Committees. I have always recused myself from any voting or participation on the planning committee when this issue has been considered. I have been a participant in a number of Hearings and legal challenges concerning the Radlett SRFI as with a number of other planning issues in the area. I am a Director of Save St Albans; Fight the Freight and stood as Litigant in Person against HCC and SEGRO in the High Court.

I am not representing the Council at this Appeal. I have lived in the village for 12 years, and in the area since 1986. As a ward councillor I have had a large number of representations both in writing and in person from residents about this site, and with one exception, all have expressed strong sentiments against the application.

The evidence which I have prepared and provide for this appeal reference APP/B1930/W/24/3343986 in my proof of evidence and this rebuttal, are true and I confirm that the opinions expressed are my true personal opinions.

1. Introduction

- 1.1 I address matters raised in the proof of evidence from Claudia Lesley Currie (**CD9.3**), on behalf of the Appellant pertaining to Highways matters and the Technical Note from Satbir Jandu from Mayer Brown (**CD9.6**) regarding air quality.
- 1.2 I will only address additional matters, or such matters that appear to be additional, to my Proof of Evidence.
- 1.3 Lack of comment about other matters, does not represent acceptance of those matters, rather a perception that these are already covered in my Proof of Evidence.



2. Ms Currie's Comments

Paragraph references relate to Ms Currie's document references

2.4 *"The traffic modelling that has been carried out for the Development has been done ensuring that the best available traffic data has been used in the decision-making process".*

This is not correct. The data was collected 2nd – 8th November 2021, which was during a period of Covid stay at home advice, although there was no lockdown in place at that time. Throughout the autumn there was concern regarding new strains of the virus causing an upsurge in hospitalisations, leading the government to continue to encourage a stay at home approach, which was also reflected in individuals' attitudes to mixing and travelling. Even stricter restrictions were imposed a month later as "Plan B" was imposed after a concerning rise in cases of the Omicron strain of Covid. Data collected in November 2021 cannot at all be regarded as representative of "normal" traffic conditions. The Appellant has had a considerable amount of time to undertake a new survey subsequent to Covid, which would have been more representative of post-Covid conditions, but has failed to do so.

2.5 *"Junctions 9 was the version of the software current at the time the capacity assessments were undertaken. Junctions 9 consists of ARCADY (the Roundabout module)"*

4.3 *"I am satisfied that the individual junction modelling process is sound and that the information they provide is a realistic assessment of the future operation of the junctions modelled".*

Atkins recognised that the output from the Arcady software was not correct and stated in their "Traffic Assessment Addendum 2" 18/10/22 (CD2.26), 2.3 on page 7:

*"It should be noted here that the modelling software used to assess the impact of the development on the roundabout, has its limitations, and although it is the industry standard modelling tool to assess roundabouts, it can struggle to replicate conditions on the ground. With this in mind, the **modelling results show mean queues of 3 PCUs on the Watling Street approach when in reality the queuing on that arm can reach between 20 to 30 vehicles.**"*

2.10 *"The detailed results of the capacity assessments of the Park Street Roundabout have been presented in the Transport Assessment Addendum 2 (CD2.26 Appendix B) which shows the modelled queues and delays in 2021 and in 2026, both with and without the Development in place."*

These are clearly erroneous with 400-600m queues at peak times, and Atkins already admit in the paragraph above (even with Covid data) that there are 20 to 30 vehicle queues.



2.11 The Technical Note issued in September 2023 was still using the Covid data to compare to 2016 and claims only a 12% drop in traffic volumes. In fig 1-6 can be seen the graphical point where the comparison was taken from, however it is clear from this graph that something spurious occurred in 2016 compared with 2015 and the previous years, with a dramatic unexplained drop in traffic that year. If the comparison is made with the previous year of 2015, the drop is c27% rather than 12%. The other graphs covering the period to 2023 also provide highly suspect data.

All of these graphs show traffic volumes still at c80% during the middle of the first lockdown in March 2020, compared with pre-Covid volumes. Fig 1.1 c80%, Fig 1.2 c79%, Fig 1.3 c76%, Fig 1.4 c82%. Since actual vehicle movements are generally regarded to have been c25% of pre-Covid levels at this time (**CD11.29 to CD11.31**), and circumstantially people remember that there were very few cars on the road in this period, these figures are highly questionable.

2.12 The statement that in November 2021 “*Traffic movements were no longer restricted*” is a misrepresentation of the facts and a distortion of the actual situation at the time. Whilst there was no legal lockdown, movements were highly suppressed as already stated.

There is no indication in the data presented in the Traffic Assessment Addendum 2 of 18/10/22 (**CD2.26**), that there has been any 5% uplift in traffic data due to Covid. However, even if such an uplift was incorporated into the figures in some hidden form, this would be wholly inadequate to compensate for the effects of the Covid “Stay at Home” advice.

2.13 “*The validation of each model process is an important step*”

The results were not validated, as Atkins themselves stated above.

It is not correct to say that “*no highway concerns were raised with the modelling process*”.

On page 9 of their 3/2/23 (**CD9.17**) report, HCC Highways stated:

“*It is acknowledged the model results have not replicated that which has been observed*”

Additionally, at the planning committee meeting in August 2023 Councillors on the committee raised concerns regarding the credibility of the traffic data. This led to a deferral of a decision at the August meeting, and a request for input from Highways consultants. At the January 2024 they still were not satisfied that the matter had been addressed.

Rather than the traffic assessment and subsequent analysis being “robust”, there is considerable doubt over its validity, confirmed by the situation “on the ground” being completely different to the image portrayed. In a similar situation with appeal PP/H1840/W/22/3301732; (**CD8.37**), where there was incomplete evidence presented, the



Inspector rejected the appeal, despite the Highways authorities not objecting to the proposals. He stated at paragraph 34:

“Having regard to the issues set out above, as well as the Satnam Millenium judgement, I do not consider that the transport assessment work takes a sufficiently precautionary or robust approach. The evidence provided is not sufficiently satisfactory to reach a fully informed conclusion about the severity of impacts on the local highway network and the transport assessment does not allow for the likely impacts of the proposal to be assessed. In this case, there is too much risk of a severe residual cumulative impact to rely on a transport assessment that is not comprehensive or fully robust. For this reason alone, the development is in conflict with the National Planning Policy Framework (the Framework) and planning permission should be refused”.

2.15 There hasn't been a Judicial Review since 2015 regarding planning permission for the SRFI application. However, there was a hearing concerning a Judicial Review into the legality of selling the land on which the SRFI will be built, and the process of appealing the High Court's ruling in relation to this, is still pending.

2.16 Any improvements to the highway network relating to the SRFI that were specified in 2022, have not started in August 2024 and there is no sign of them starting in the near future. However, more significantly Ms Currie has completely ignored the issue of 12,000-15,000 more daily traffic movements that are anticipated to be generated by the SRFI, and the effect that this will have on Watling Street and the Park Street roundabout.

2.19/2.20 The issues raised in the Road Safety Audit are completely glossed over, however are dealt with in my proof.

3.1 – The statement *“noting the withdrawal of R6P ‘Summary Analysis’ document”*, suggests that we chose to withdraw an objection. This is not the case, the Inspector advised that this particular document should be withdrawn, which we complied with. All relevant matters that were in that document have been raised in our Proofs of Evidence.

3.2 Off-site works that might be undertaken if the scheme were given approval include:

“Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station”

However, there are physical constraints in doing this, since the width of the HCC Highways' land is narrow, which is why there is currently only a 40cm track.

The Draft Conditions point 16 (Part A) states:



“For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only”

This in effect means that this track cannot be improved enough to be made safe.

3.5 The Bus and rail links are glossed over as if they are acceptable and make this a sustainable location. This is not the case, as detailed in Terrie Smith’s Proof of Evidence. The number/frequency of buses do not conform to HCC Highways minimum standards, or come close to them and the train service operating from the least used station in Hertfordshire, is not regarded as a “proper” train service by local residents. In fact they term the train, that uses this single track line as the “Noddy train”, and most certainly do not rely on it for important matters.



3.6 The roundabout operating “within its existing capacity constraints”, is completely incorrect and only applies on a desk top assessment if using Covid data. In reality there are 400-600m queues.

3.15 The size of refuse vehicle used does not conform to HCC Highways required standards.

3. Satbir Jandu (Mayer Brown) Technical Note

3.1 The note repeats statements regarding pollution in my proof of evidence, then proceeds to outline the legal requirements of a statutory authority, regarding levels of pollution.

3.2 Then stating that “*The World Health Organization (WHO) Air Quality Guidelines referred to by the Rule 6 Party in his comments hold no legal weight in the UK planning process*”.

3.3 No argument is put forward that this location is not in the top 20% of pollutant areas in the UK, or the consideration that might be given to this fact. Instead reference is made to the legal requirement of the Local Authority.

3.4 This “technical note” appears to take the view that irrespective of the fact that new residents would be exposed to high pollution levels, there is not a legal restriction, so the Appellant can get away with ignoring the fact.

4. Summary

3.1 There is a clear discrepancy with the evidence that Ms Currie is presenting regarding traffic, and that on the ground. She commends the various “robust” approaches, including Arcady software, when the Appellant’s agent themselves admit that it has not provided a credible result.

3.2 In appeal 3301742, which was characterised by a similar level of deficiency of traffic information, he rejected it on these grounds alone.

3.3 There are numerous reference to how HCC Highways have found various aspect acceptable. Some of this they have noted, but due to other factors have chosen not to re-examine it, eg the Arcady results, and others they have “approved”, despite the issue not conforming to their own standards eg bus frequency and pathway widths

3.4 My proof deals in detail with the various Highways issues, whilst Terrie Smith’s proof deals with the sustainability aspects

3.4 The high level of pollution evident at the site location is not disputed by the Appellant, rather the Appellant’s consultant states that it does not contravene the legal measure.