CD11.5

Proof of Evidence Plus

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

Appendices in a separate document

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 this proof of evidence, is true and I confirm that the opinions expressed are my true personal opinions.

Summary

- The sole access point to the proposed site is at a location on Watling Street that is already gridlocked during the morning and evening 'rush hours'.
- Vehicular entry and exit to the site would therefore be impeded, and the additional traffic would cause additional congestion and dangers on an already very busy road.
- The data used by the developer in their planning application and accepted by HCC Highways in the only "street" survey undertaken was collected during a COVID "stay at home" advice period and has not been updated subsequent to COVID
- Since this survey was not conducted at a "Normal" time, it breaches the Planning Practice Guidance for Transport Assessments
- Their queuing data is erroneous, as is evidenced by the over 300 public comments and photographic evidence in this document which show the actual 400 - 600m queues
- Queuing data at the roundabout, provided by the appellant, both now and after the development's potential completion is accepted by both the appellant and HCC Highways to be erroneous. They attribute this to deficiencies with the Arcady software utilised, however it is also a consequence of COVID input data being used
- The impact of the Strategic Rail Freight Interchange has not been properly considered on Watling Street and hence on the access point to the site, or Park Street roundabout
- Inadequate assessment has been undertaken on the access point to the site and hence on safety concerns for residents entering and leaving it and other road users
- Incorrect size vehicles have been used to assess the site entrance, in particular a smaller than regulation refuse vehicle
- Pedestrian entry/exit will be dangerous, using narrow tracks that run outside the site, or a requirement to cross a busy road where there is no convenient pedestrian crossing
- The incremental impact of queuing at the roundabout has not been considered in relation to the safety of vehicles entering and leaving the BP garage, the Travellers site, or entering or leaving the various driveways on the eastern side of Watling Street, many of which suffer from gradient difficulties
- The excessive traffic already renders the prospect of cycling along Watling Street, highly dangerous. An increase in traffic would therefore conflict with the Council's Active Travel policy, of encouraging more cycling and the existing infrastructure eg tunnel do not represent a satisfactory alternate means of travel
- Pollution levels are already high at the entrance to this site. This new development would have an adverse impact on new residents, and increased waiting times will give rise to increased pollution, to the detriment of both existing and new residents
- Pedestrian access around the development along a narrow track would be dangerous

1. Congestion

1.1 Along Watling Street heading north to the Past Street roundabout, there are long queues on a regular basis at peak hours, these are typically 400-600m (Appendix A). These have not been recognised by the appellant or HCC Highways, but are very obvious to local residents that only have to look out of their front window to see them. Over 300 of these

residents made representations on this matter to the Council at application stage. The access to the potential development is off Watling Street, 400m from the roundabout, so affected by this typical queue.

1.2 There are two key issues with the data that has been presented by the appellant:

1.2.1 The only traffic survey that was undertaken was carried out during a COVID "stay at home" period, meaning that all queue lengths, and road capacity issues have been under evaluated.

1.2.2 That the output from the Arcady modelling is inaccurate, as recognised by both Atkins, the appellant's consultant, and HCC Highways.

1.3 Atkins, conducted a survey on 3rd November 2021, which was during a COVID "stay at home" advice period, this was recognised by Officers and HCC Highways when considering the application (HCC Highways Report 24/3/22, page 4) **(CD9.16)**:

"It is noted that the surveys were undertaken in November 2021, when 'working from home' was being enforced during the COVID 19 pandemic".

This therefore breached the Planning Practice Guide, Travel Plans, Transport Assessments and Statements, Paragraph: 015 Reference ID: 42-015-20140306, which states:

"In general, assessments should be based on normal traffic flow and usage conditions (eg non-school holiday periods, typical weather conditions)"

1.4 On behalf of the developer, Atkins' produced a second "Traffic Assessment Addendum 2" 18/10/22 **(CD2.26)**. This was designed to address three issues that had been raised by HCC Highways.

1.5 This involved inputting the COVID data into Arcady 9 software to assess the traffic volumes, then combining it with projected traffic from the site, based on car usage, in an attempt to assess the traffic volumes post development.

1.6 The resulting calculated traffic volumes can be seen in the appellant's "Traffic Modelling output data", Appendix B on page 2 "Base 2021" **(CD2.26)**, the report claims that the current wait time at the roundabout in the 8 - 9am rush is a maximum of 5 seconds and a maximum of 15 seconds 5 - 6pm. This is clearly erroneous with queues stretching back several hundred metres.

1.7 This is alternatively presented as there being a queue at the roundabout of only one vehicle in the am peak and two vehicles in the pm peak.

1.8 In technical terms, on the Watling Street branch of the roundabout, this gave a Ratio of Demand Flow to Capacity (RFC) at 0.69 (Traffic Assessment Addendum 2, table 2.1). 0.85-1.0 is close to capacity and 1.0+ is over capacity.

1.9 As a result of this Atkins stated that the roundabout *"operated within capacity"* (Traffic Assessment Addendum 2, 2.3 page 7). When commenting on this in their second response of 3/2/23 on page 9 **(CD9.17)**, HCC Highways stated that the Watling Street branch of the roundabout has been demonstrated to; *"operate well within capacity"*. (Appendix B1)

1.10 None of this is true, since there are never one car, 5 second queues in the morning peak, nor two car, 15 second queues at the roundabout in the evening. Remembering that the data fed into the Arcady software was COVID data.

1.11 Atkins' report further claims that building 95 houses adjacent to the road would only increase these queues by 0.3 second (morning) and one second (evening), which defies common sense (Appendix B2).

1.12 Additionally, their own data on pages 7 and 8 of the appendix, shows that volumes are 313% higher between 16.30 and 17.00, than 17.00 and 17.30, yet they chose to select the quieter time slot for their assessment as summarised in table 2.1 on page 6; "PM Peak 17.00 to 18.00" and they stated that this time slot was selected *"For the purpose of providing robust modelling scenarios"*. Only in school holidays is 17.00 to 17.30 the busiest time.

1.13 In August 2024, during the school holidays screenshots were taken of traffic queues at the Park Street roundabout during the evening peak. These were done in light of the fact that the road would be closed for 7 weeks during the Inquiry period. These were also cross referenced with the separate AA traffic app, to ensure that there was consistent information. The results (Appendix C), show that on most evenings queues stretched back to Mount Drive which is 530m from the roundabout. It must be stressed that this was in the middle of the summer school holidays. During the term time, these queues are longer and the largest peak is then around 16.45.

1.14 It should be noted that whilst the desktop analysis was produced in August 2022 and published in October 2022, the Arcady modelling used the original COVID data obtained in November 2021 during the only "street" survey.

1.15 There was an 18 month period between submission of the application and the application coming before the Planning Committee. At this meeting members requested further information on traffic issues, there was then a further five months before it returned to the Planning Committee for a final decision. At no time during this almost two year period, which involved two re-submissions of the application, did the appellant choose to undertake a post COVID survey, which should have provided correct data to gauge the true traffic volumes along Watling Street. Additionally, despite recognising the deficiencies in the original survey, HCC Highways failed to demand such a post COVID survey be undertaken.

1.16 However, the issue was wider than just the COVID data being used. The Arcady software was not performing correctly, giving erroneous results, which was specified by Atkins in their "Traffic Assessment Addendum 2" 18/10/22 **(CD2.26)**, 2.3 on page 7, where they state:

"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****."*

1.17 HCC Highways too recognised the erroneous results on page 9 of their 3/2/23 **(CD9.17)** report:

"The response to this was linking back to the limitations of the ARCADY model and the difficulties of replicating queue lengths and queue times. It is acknowledged the model results have not replicated that which has been observed and this has been challenged by HCC Highways. The response to this was linking back to the limitations of the ARCADY model and the difficulties of replicating queue lengths and queue times. It is accepted that traffic modelling needs to replicate the actual traffic behaviour as much as possible and we do this through validation, therefore in this instance the model detailing queues along Watling Street did not validate and therefore we would normally ask the applicant to re-run the model to generate a more accurate assessment".

In justifying their decision not to require an interrogation of the results, they proceeded to state:

"*However, the LHA has concluded in this instance if the applicant were to go back and review the modelling, it would not necessarily change the outcome conclusion for this development because of the wider changes anticipated for the area of Park Street and the proposed active travel improvements (as detailed below) Watling Street shall benefit from as a result of this development".*

1.18 However, there are no improvements to active travel for Park Street from this scheme, with the exception of the installation of a Toucan Crossing to the north of the site. There is no rationale promoted, suggesting how this might affect the level of traffic along Watling Street. In terms of "*the wider changes anticipated for the area of Park Street*", this refers to changes that will be made in relation to the Strategic Rail Freight Interchange (SRFI), see point 3 below. There is no evidence to suggest that this would reduce traffic along Watling Street, and every reason to suggest that it would give rise to an increase.

1.19 In Atkins initial Transport Assessment on 14/1/22 **(CD1.26)** at 5.18, they state:

"At the time of the TA completion, there are no committed developments identified that are expected to significantly impact traffic flow on the local road network."

This statement is made, despite planning permission having been obtained and construction work already commenced for the Strategic Rail Freight Interchange, which will be one of the largest industrial and transport projects in the south-east of England in recent times, which is located 500m away from the site.

1.20 Cars currently have difficulty turning right (north) out of the garage and cars entering the garage from the south, need to take care to avoid collisions from south bound traffic (Appendix D). The installation of a Toucan crossing would add to the hazards, causing an increase in collisions with other cars and entry/exit difficulties to the garage. On the opposite side of the road, just offset from the garage, is the entrance to the Travellers' site. The installation of a crossing would cause the same problems with this access.

1.21 Vehicles travelling to the site from the south during the non-peak times would need to slow from 40mph to a near stop in order to make the sharp left hand turn into the site, which as stated in the Road Safety Audit Stage 1 (October 23) **(CD2.24)** point 2.2, is too acute for a large vehicle to undertake at all. This would create ad-hoc, short stationary queues obscured by the brow of the hill, thus giving rise to shunts from vehicles approaching at 40mph.

1.22 During peak times, there are queues of up to 600m from the Park Street roundabout, which means that the north bound traffic would block the new entrance to the development. This would create a delay for south bound traffic trying to access the site, since they would have to wait for north bound drivers to allow them access. This would cause congestion for south bound traffic, which would otherwise be travelling up to 40mph, thus giving rise to the danger of shunts. It would also increase the congestion in the north bound queue as these new vehicles would join and aggravate the queue, in order to arrive at the only access point to the new development.

1.23 An additional consideration which has not been addressed by HCC Highways or the developer is that the vehicular exit route is on a hill. This would make entering and exiting the junction, a far more difficult and dangerous manoeuvre than if it were flat. There would be an inclination to be turning at too higher speed when entering from the south, since it would entail a sharp left hand turn whilst travelling downhill from a 40mph road.

1.24 Exiting the junction travelling south, would give rise to a stationary uphill manoeuvre across a 40mph road. The topography would increase the risk of vehicles stalling whilst attempting to exit, and blocking the carriageway, giving rise to the possibility of accidents.

2. Highways and Traffic

2.1 A freedom of Information request was made in June 2024, enquiring how many occasions HCC Highways had objected to large developments (50 plus units) in the previous

three years, in order to understand how HCC Highways view excessive traffic, when considering an application (Appendix E).

2.2 The results were that out of 55 applications throughout the County, they stated that they objected to 13. With one of these 13, they withdrew their recommendation for refusal, so the figure was in fact 12. When analysing these 12, 10 were due to such things as pedestrian walkways or cycle routes. The other two, were due to insufficient data being provided for them to be evaluated. Therefore over a three year period, HCC Highways did not suggest rejection of any of the 55 large planning applications, on the basis that there being excessive traffic at or near the site location.

2.3 Thus in one of the busiest traffic Counties in the country, the statutory Highways Authority did not consider excess traffic as a reason to suggest refusal of an application over a three year period.

2.4 One point of note however, is that one of the applications where they considered that insufficient data had been provided was 6/2022/1097 in Welwyn/Hatfield **(CD11.20)**. The reason that inadequate information had been provided was that the traffic survey had been conducted during a "walk to school week", thus traffic volumes were lower than normal. HCC Highways therefore concluded that the assessment breached NPPG Paragraph 015 Reference ID: 42-015-20140306.

2.5 It is most enlightening that this was deemed to "corrupt" the traffic data to a significant enough extent to require an additional survey, however the survey for the appeal site in question here, which was conducted during a COVID "stay at home" period, was not deemed to have been effected by the biggest pandemic in modern times, and no such new survey was requested.

3. Atkins' "Technical Note" 18/9/23 (CD2.23)

3.1 Working under instructions from their client, Atkins produced a "Technical Note", which essentially stated that the COVID survey traffic levels were below the last fixed camera survey in 2016 by 12% and that building houses on this site will not increase the level over the 2016 figure, therefore traffic will operate *"well within capacity"*.

3.2 This is far from being "technical", and continues to use the COVID figures to attempt to misrepresent the true traffic volumes. It therefore bears little resemblance to the current reality on the ground, with 400-600m queues, or the future reality when the Strategic Rail Freight Interchange is completed.

4. Traffic and the Strategic Rail Freight Terminal

4.1 HCC Highways have stated in their letter of 3/2/23 **(CD9.17)**, that they believe traffic along Watling Street will reduce when the Strategic Rail Freight Interchange (SRFI) is built.

The basis of this belief is:

4.1.1 That a (one carriageway each way) link road off of the A414 to a point south of Park Street is planned as part of the SRFI project

4.1.2 Watling Street would be downgraded to a "C-road"

4.1.3 There would be new traffic lights installed at the Park Street roundabout

This conclusion is **not backed up by any traffic survey or projections**, and is strongly disputed by local residents.

4.2 Even with a link road off the A414, the traffic through Watling Street would still increase significantly due to the very large number of additional vehicles accessing the site, and then heading to their destination. One of the largest units at the SRFI will be owned and run by Amazon. This is planned to be 104,800 square metres, with total warehousing capacity of 331,600 square metres, which is approximately the size of Heathrow's Terminal 5.

4.3 The SRFI is expected to generate between **12-15,000 vehicle movements per day,** based on simulations from other Rail Freight Terminals and comparisons of storage area and activity levels with those terminals. Many of these movements will be from small Amazon type delivery vans. These, along with an increased number of HGV movements, due to the reduced rail infeed, will add considerable extra pressure to the local road network. HCC Highways believe that somehow the traffic along Watling Street, which will be a mere 500m away from the terminal, will reduce, despite these additional movements generated by the new complex. There is no evidence to support this belief and no traffic survey or assessment has been conducted to arrive at this assumption.

4.4 Not only has there been no assessment of the effect of the SRFI on this development, but there has never been a traffic survey conducted for the SRFI itself. The initial planning application in 2006 was supported by a desktop estimate of HGVs only, which was assumed to add approximately 3,000 lorry movements per day, but did not estimate smaller vehicle movements. However since then, the plan for the SRFI has changed dramatically, with rail infeed being reduced from 12 to 4 trains per day (SEGRO's figures), and the concept changed to a hub distribution complex. The reduced rail infeed will increase the number of HGV movements, whilst the hub distribution will add significantly to the number of small Amazon type vans using the site to deliver direct to customers. All of these will be able to use their Satnav to determine the quickest route to their destination, including along Watling Street.

4.5 SEGRO estimate a direct workforce of 4,000, which due to the lack of direct public transport, would in itself generate a further 4,000 car movements, even with an assumption of 100%, 2-1 car share arrangement, which would be optimistic.

4.6 For comparison, the "Technical Note" of 18/9/23 produced by Atkins on behalf of the Appellant (covered above), states that the daily number of vehicles along Watling Street in November 2021 (COVID data), was 10,033. Thus if even a small minority of the 12-15,000 additional movements from the SRFI chose to use Watling Street, the effect would be extremely significant and crippling to the road.

4.7 HCC Highways have stated that Watling Street would be downgraded to a "C-road", however the practical effects of this is likely to be minimal, since there is a large industrial estate at Curo Park, along Watling Street requiring 38 tonne HGVs to have access, and this is about 1km from the proposed site. Other than signage indicating alternative routes for vehicles, there will be nothing stopping any of the 12-15,000 additional vehicles from using Watling Street. Therefore the idea that traffic will somehow reduce once the SRFI is operational, is ludicrous (Appendix F).

4.8 In HCC Highways' initial response on 24/3/22, they stated:

"the applicant has considered that this (SRFI) development would not have a major impact on the operation of Watling Street."

HCC Highways have therefore accepted this baseless claim by the appellant, which isn't supported by any evidence whatsoever.

5. Stage 1 - Road Safety Audit by Atkins (October 2023) (CD2.24)

5.1 The developer commissioned Atkins to undertake a "Road Safety Audit". The assessment identifies three primary issues with the proposed access arrangements:

5.1.1 A & C: Pedestrian/Cyclist Safety/Collisions

5.1.2 B: Collision with the Central Island

5.2 A & C: Pedestrian/Cyclist Safety and Collisions

5.2.1 It was stated that the pathways both north and south of the vehicular access points are narrow and overgrown, and these should be cut back. This considerably understates the issue with these pathways, which are in fact narrow tracks. Not only are they narrow and overgrown to the extent that they are regarded as unusable by local residents, but they are also very dangerous (Appendix G1 & G2). When cut back, they are only 40cm wide, when not cut back they can be half of this width (Appendix G3 & G5).

5.2.2 These narrow tracks are only 80 cm from the kerb (Appendix G4) and run alongside a 40mph speed limit road with central islands. These islands force vehicles travelling in opposite directions away from each other, which push them closer to the

kerb (Appendix G2). They are so close to the track, that the vehicles' wing mirrors could hit a pedestrian using the track (Appendix G6).

5.2.3 Putting to one side the effect that a passing vehicle would have on a pedestrian/cyclist in wet conditions, immediately adjacent to its wheels, this gives rise to an exceptionally dangerous situation for the pedestrians/cyclists.

5.2.4 On page 6 of the Road Safety Audit (RSA), Atkins state:

"During the site visit it was noted at the proposed access location, the existing footway is a very narrow track as shown in fig 2-1 and 2-2 below.

There is a considerable amount of vegetation at ground level and low hanging branches which could pose a hazard to pedestrians and pedal cyclists using the route with a risk of pedestrians tripping over or cyclists falling from their bikes. There is also a risk of users of the footway spilling into the carriageway, increasing the risk of collisions with road users"

Their recommendation to address the stated problem was to cut back the foliage **(CD2.25)**.

5.2.5 On 13 December 2023, Chris Carr from HCC Highways responded as follows:

"The designer response identified the recommendation is accepted. Vegetation clearance to be undertaken prior to completion of the junction works to ensure that access along the footway as clear.

HCC Road Safety confirmed the designer's response is considered acceptable".

5.2.6 On 14 December 2023, HCC Highways' response was uploaded to the Planning Portal and on 15 December there was an exchange of emails between Chris Carr and Greenbelt.

Greenbelt stated:

"I have read your response to the latest submissions by the applicant in relation to the above application.

Frankly, I am staggered that you have agreed with the applicant and find that just cutting back the pathway would be acceptable.

A close on-site inspection would make it very clear that this pathway is not, and never will be safe to use, which you can see from the attached". (Photos were provided in the attached)

Chris Carr responded:

"I would like to discuss the detail with my road safety team to build into my response and I will seek to do that at the earliest possible time, however this will possibly not be until the new year. I am however aware that this is going back to planning committee in January, so I will ask if I can their feedback ASAP with the intentions of responding the first week back in January".

Despite a chaser email on 5th January, nothing further was heard and the application went to the planning committee on 15th January without further consideration of the dangers highlighted, notwithstanding this the application was refused.

5.2.7 Due to this danger and the adverse effect from vehicles, people do not currently use these tracks, instead they cross the road and walk on the pavement that is higher and set back from the road, on the eastern side. This pavement is safe, however is currently only accessed from the eastern side, since there is no housing or infrastructure on the western side requiring access. If this development were built, people would continue to use the eastern pavement, due to the danger described on the western side, but this would give rise to an additional hazard for them crossing the busy road, away from any pedestrian crossing.

5.2.8 The appellant's planning statement of January 2022 **(CD1.24)** on page 30 (6.59) says:

"... day-to-day facilities and services can be easily accessed via non-vehicular means of transport, including walking, cycling, bus and train. Safe and suitable vehicular and pedestrian access can be achieved into the site from Watling Street".

This claim is not correct, since for many of the new residents, all facilities to the south including the station, Junior School, Park Street Village and How Wood Village, would either require a dangerous walk on the narrow track shown, in order to reach a safe place to cross, or crossing a 40mph road with no pedestrian crossing.

5.2.9 The reality is that the narrow track on the western side is not safe to use now and would be no safer if this development were built. The difference is that at the moment there is no requirement to use it, whereas if this development went ahead there would be, making it only a matter of time before the folly of allowing this proposal to proceed were realised through serious injury or worse.

5.2.10 All pedestrian and car movements from the site would be onto the western side of Watling Street. Once out of the development, there would not be safe ways for pedestrians/cyclists to start their journey, for many of the new residents. It is only when they reach the safety of the eastern side of the current defensible boundary of Watling

Street, which is the limit of the current Park Street settlement, are there safe routes for onward travel.

5.2.11 HCC Highways specify in the Place & Movement Planning and Design Guidance for Hertfordshire Part 3, **(CD14.6)** Chapter 1 on page 26, "*that the minimum recommended footway width is 2.6m"* and *"that the minimum acceptable footway width is 2.0m"*. The track in question is 0.4 m wide (when cut back), so does not come close to meeting this standard, nor does it conform to the construction material standards from CD239 "Footway and cycleway pavement design", section 3. With a verge width of only 80cm adjacent to it, it breaches the minimum distance for verges of 1.5m, again by a considerable amount (Design Manual for Roads and Bridges - DMRB, and P&MPDG Part 3, Chapter 1, page 28) **(CD14.6)**. In summary, this track meets none of the design and safety standards defining a footway, before even introducing the needs of a cyclist, so realistically cannot be regarded as a footway at all and is extremely dangerous. It is inconceivable that anybody pushing a pram, or using a wheelchair would wish to use it, however if they were minded to, it would be far too narrow for them to utilise, and that is without considering somebody passing them, in the opposite direction.

5.2.12 In the submitted evidence by Chris Carr (HCC Highways) at the Bricket Wood Inquiry (5/2022/2443; Appeal 3338501), in section 31 of his Proof of Evidence submitted on 14/5/24 **(CD11.15)**, he said:

"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".

In his verbal evidence at that Inquiry on 13th June (am session webcast time 0.50; https://stalbans.public-i.tv/core/portal/webcast_interactive/886999), he stated that the footpath width reduced to 1.5m/1.8m from 2m at eight to ten places along its route, where trees impacted the available space. As a consequence of this, he deemed that the footpath was inadequate and recommended refusal of the application. However this same person has stated that it is acceptable to have a pathway only 0.4m wide (when cut back) for this development. There is a gross inconsistency in his position on behalf of HCC Highways.

5.3 B: Collision with the Central Island

5.3.1 The report assessed two vehicles for entering and exiting the site. These were a "large vehicle" which was an 18 tonne rigid, with dimensions of 10 x 2.55 m and a 9.93 x 2.49 m refuse vehicle.

5.3.2 In HCC Highways third response to this scheme on 3/2/23 **(CD9.17)**, at page 8, they state:

"The applicant has provided swept path analysis for a 9.93m long refuse vehicle, which shows the vehicle entering and exiting the site at the proposed site access in forward gear. Latest refuse vehicle figures require a minimum of 10.875m x 2.5m is to be used, and therefore as conditioned, further swept path analysis will be required at detailed design stage showing a refuse vehicle manoeuvring around the internal roads of the proposed development which must include turning areas with these updated dimensions.

The applicant should refer to the St Albans City & District Council 'Refuse Collection and Recycling Requirements for New Developments and Change of Use' document".

Whilst addressing the issue of a larger refuse vehicle manoeuvring around internal roads at a later date, HCC Highways did not ensure that the regulation 10.875m vehicle could safely access the site in the first place, and in fact the applicant's Swept Path analysis in Appendix B of the RSA Stage 1 response report **(CD2.25)**, indicates that it cannot. Since access to the site is a material consideration with this application and not a reserved matter, it should be proven that the appropriate sized vehicle can safely enter and leave the site in accordance with HCC Highways regulations.

5.3.3 This is particularly pertinent, since the RSA Stage 1 report **(CD2.24)** at 2.2 on page 7, has already stated that vehicles larger than the 9.93 refuse vehicle, could not make the turn, without mounting the kerb.

"It is noted on the swept path analysis that tracking has been provided by a vulture 2225 refuse vehicle and that this vehicle Type can just make the right turn out of the access without colliding with the existing central island to the south of the access in Watling Street.

However this swept path analysis suggests that it is unlikely that a longer vehicle such as a large removal lorry would be able to make the right-turn without overrunning the kerb lines, increasing the risk of collisions with the island and injury to occupants of long vehicles".

5.3.4 It must also be noted that the ability for a smaller vehicle to "just make the right turn", is determined from a desktop assessment. When "real life" conditions such as pressure from excessive traffic and adverse weather conditions are factored in, even a smaller vehicle may encounter problems, which could be a source of accidents.

5.3.5 In addition to the above, HCC Highways require that a large service vehicle eg refuse vehicle and a car, can pass each other at the junction (Place & Movement Planning and Design Guidance for Hertfordshire Part 3, Chapter 9, 11.5) **(CD14.6)**. It has not been demonstrated that this could occur for this scheme. In the submitted

evidence by Chris Carr at the Bricket Wood Inquiry (5/2022/2443; Appeal 3338501) **(CD11.15)**, he stated in point 11c and 49 of his evidence:

"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".

The entrance for the Bricket Wood Scheme has identical dimensions to this scheme **(CD11.21 & CD11.22)**.

6. Pollution

6.1 The level of pollution at the access point to the site (AL2 2NN) is already extremely high, being at 80 percentile, which is within the top 20 most polluted addresses in the UK. Data provided by Imperial College, London gives the following levels for this location; PM2.5: 11.49mcg/m3 (The WHO limit is 5mcg/m3)*; PM10: 18.10mcg/m3 (The limit is 15mcg/m3)+; NO2: 23.46mcg/m3 (The limit is 10mcg/m3)#.

6.2 The Clean Air (Human Rights) Bill, known as Ella's Law, would establish a right to clean air and compel local authorities to bring air quality up to minimum World Health Organisation (WHO) standards within five years. Whilst this bill was not enacted in the last parliament and requires inclusion within the government timetable, the pressure to act exists, which will have a direct effect on Local Authorities, who will be compelled to take action.

6.3 Irrespective of the status of Ella's Law, the action of Local Authorities allowing housing developments to be built in the highest polluted areas of their districts, would signal a disregard to their obligations and could give rise to liability issues in the light of Ella Kissi-Debrah's death. The High Court ruling against the Greater London Authority and Transport for London, and subsequent Coroner's report set a precedent.

6.4 The Coroner's Prevention of Future Death's Report **(CD11.23)** stated; "*In my opinion there is a risk that future deaths could occur unless action is taken*". One suspects that the action he was suggesting to be taken wasn't along the lines of building housing developments alongside existing queuing traffic, in locations which already generate the highest pollution levels in the country.

*: 19.9% of strokes were attributed to exposure for a year or more, of PM2.5 concentrations exceeding 10mcg/m3
+: Cardiovascular mortality increases by 0.76% and respiratory mortality by 0.58% for every 10mcg/m3 increase of PM10
#: Exposure (for a year or more) to 30mcg leads to a 5.5% increased risk of disease related mortality

7. Evaluation of Traffic Considerations

The traffic issues are:

a) There are excessive traffic queues along Watling Street from the Park Street roundabout at peak times, which stretch past this site's entrance
b) The data used by the developer and accepted by HCC Highways in the only "street" survey undertaken, was collected during a COVID "stay at home" advice period and has not been updated subsequent to COVID
c) Current queuing data is erroneous, based on over 300 public comments and photographic evidence, which shows the 400 - 600m queues
d) Queuing data at the roundabout, provided by the appellant, both now and after the development's potential completion is accepted by both the appellant and HCC Highways to be erroneous. They attribute this to deficiencies with the Arcady software utilised, however it is also a consequence of COVID input data being used
e) The impact of the Strategic Rail Freight Interchange has not been properly considered on Watling Street and hence on the access point to the site, or Park Street roundabout
f) Inadequate assessment has been undertaken on the access point to the site and hence on safety concerns for residents entering and leaving it and other road users
g) Incorrect size vehicles have been used to assess the site entrance, in particular a smaller than regulation refuse vehicle
h) Pedestrian entry/exit will be dangerous, using narrow tracks that run outside the site, or a requirement to cross a busy road, where there is no pedestrian crossing
i) The incremental impact of the queuing at the roundabout has not been considered in relation to the safety of vehicles entering and leaving the BP garage, the Travellers site, or entering or leaving the various driveways on the eastern side of Watling Street, many of which suffer from gradient difficulties
j) The excessive traffic already renders the prospect of cycling along Watling Street, highly dangerous. An increase in traffic would therefore conflict with the Council's Active Travel policy, of encouraging more cycling and the existing infrastructure eg tunnel do not represent a satisfactory alternate means of travel
k) Pollution levels are already high at the entrance to this site. This would have an adverse impact on new residents, and increased waiting times will give rise to increased pollution, to the detriment of both existing and new residents