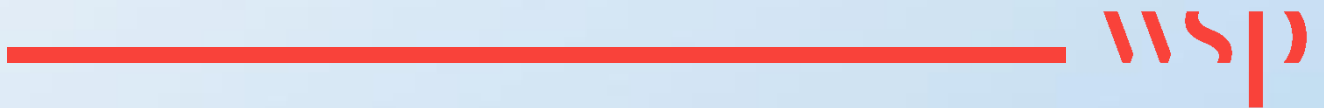


Appendix B

**CONSULTATION RESPONSE:
HERTFORDSHIRE COUNTY COUNCIL**





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Pegs Lane
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Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning
East Herts District Council
Wallfields
Pegs Lane
Hertford
Hertfordshire
SG13 8EQ

District ref: 3/23/1447/OUT
HCC ref: EH/17740/2023
HCC received: 16 January 2024
Area manager: James Dale
Case officer: Adrian McHale

Location

Land East Of The A10, Buntingford, Hertfordshire

Application type

Outline

Proposal

AMENDED PROPOSAL

Outline planning for the development of 350 dwellings, with up to 4,400 sqm of commercial and services floorspace (Use Class E and B8) and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject further to the establishment of a suitable bus service, the agreement of suitable S106 contributions of £2,432,988 and the following conditions:

CONDITIONS

- 1) 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) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) 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).

2) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (7498-GA-0 Rev H) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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).

4) Residential Electric Vehicle (EV) Charging Point

Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Employment Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 50% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. 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 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)

7) 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).

8) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

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).

9) Highway Improvements – Offsite Active Travel Route between the site and the London Road ATF Scheme

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 to establish an active travel corridor between the site and the London Road Active Travel 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).

10) Traffic Regulation Order

Prior to the first occupation / use of the development hereby permitted a Traffic Regulation Orders (TROs) to enforce a 20mph speed limits on Luynes Rise and Aspenden Road that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

11) Residential Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation of the approved development a detailed Residential 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 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).

12) Workplace Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Workplace 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).

APPROPRIATE 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) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:
www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) 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.

AN3) 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.

AN4) 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.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN8) Roads to remain private: The applicant is advised that all new roads marked on the submitted plans associated with this development currently will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN7) 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.

AN8) 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>

AN9) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN10) 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 £6000 and index-linked RPI March 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

COMMENTS

The proposal site (Land East Of The A10, Buntingford, Hertfordshire, 3/23/1447/OUT) has previously been the subject of two previous applications for a larger 400 homes development. The first application which included a first school being withdrawn by the proposed developer (3/14/2304/OP, 2014) and the 2nd application which replaced the school with an additional 2Ha of employment land having refused by East Herts District Council (EHDC, 3/17/1811/OUT, 2017). The currently proposed application is for 350homes plus 4,400sqm of commercial floor apace and 500sqm of retail floor space. This response builds on HCC Highways previous response (27 October 2023), the Technical Note produced by the applicants transport consultant (WSP, 14 December 2023) and ongoing discussions between HCC and WSP.

Rights Of Way Improvement Plan

HCC Highways acknowledge the opportunities presented to enhance the Public Right of Ways within the vicinity of the site, however all works will be delivered by S278 approved by the Local Authorities (EHDC and HCC), in order to ensure timely and cost effective delivery.

Luynes Rise/ Aspenden Road Sustainable Transport Corridor

WSP have prepared an initial design to provide a sustainable transport corridor along Luynes Rise and Aspenden Road between the site and the London Road ATF scheme. Whilst this initial design does not satisfy HCC Highways we are confident a suitable sustainable corridor can be delivered by S278 and we continue to seek this by condition.

It is envisaged that a suitable sustainable transport corridor will have:

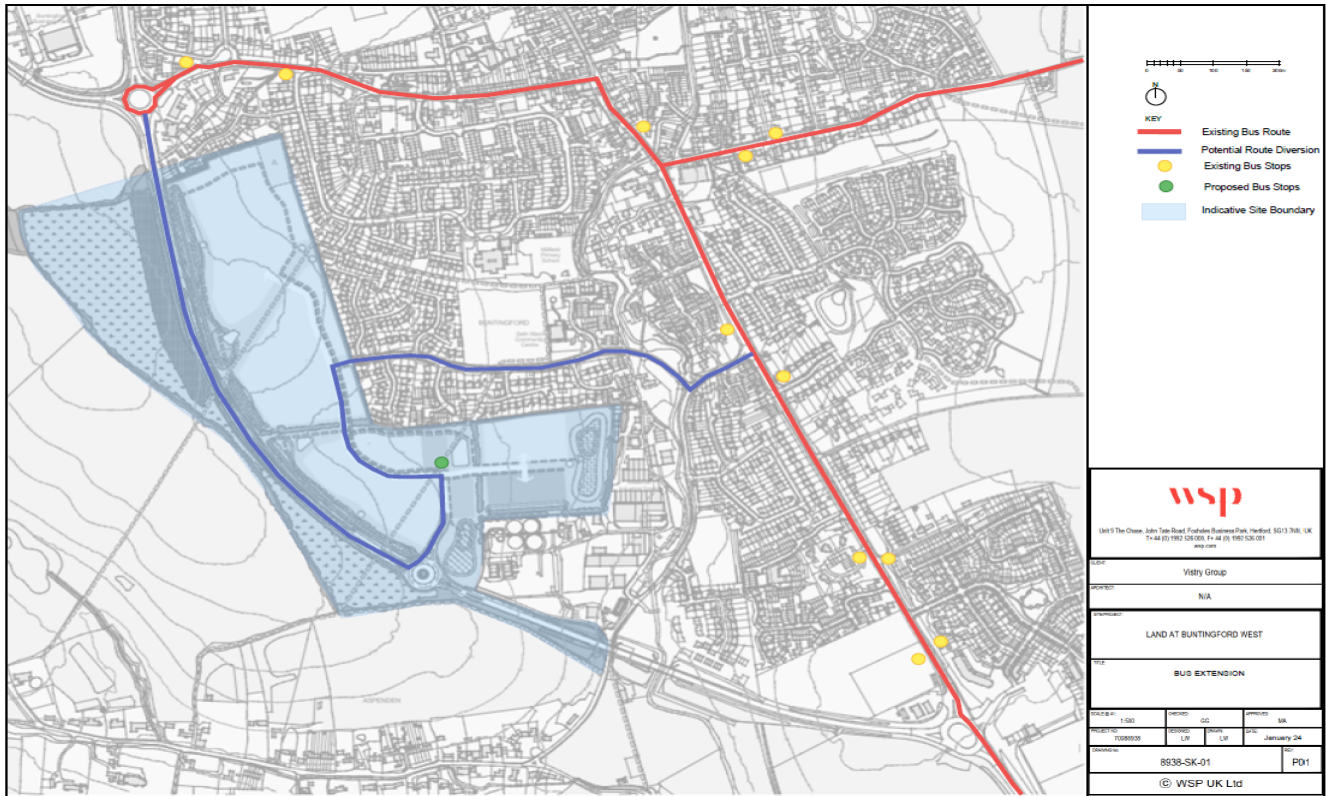
- Vertical deflection to ensure sub 20mph vehicle speeds are achieved and a 20mph TRO to enforce;
- Deliver tighter junctions through build outs at Luynes Rise/ Aspenden Road, Nut Slip/ Aspenden Road and Aspenden Road/ London Road;
- Reversed Traffic Priorities at the Luynes Rise/ Aspenden Road junction, giving priority to users of the Sustainable Transport corridor (buses and cyclists) and ensuring that industrial traffic and other entering the village along Aspenden Road have to cede priority;
- Entry treatment for Aspenden Road at London Road;
- a Toucan crossing of London Road near Aspenden Road; and
- a Positive connection to the ATF scheme on the eastern side of London Road.

Similar to the PROW Improvements all works will be delivered by S278 approved by the Local Authorities (EHDC and HCC), in order to ensure timely and cost effective delivery. It is important that works are delivered prior to occupation so that individuals embrace the habit of travelling sustainably.

Bus Route

Positive discussions have taken place between WSP and Arriva over extension of the publicly governed number 331 bus service. The hourly 331 service between Buntingford and Hertford currently operates via the A10 or the Hare Street, B1368 corridor, terminating/ originating at the Greenways (Baldock Road)/ Freman College (once per day in either direction) bus stops. The majority of services, which terminate/ originate at the Greenways stops on Baldock Road turn at the Baldock Road/ A10 roundabout.

Arriva have indicated to WSP rather than terminating at Greenways and turning at the Baldock Road/ A10 roundabout and beginning a new service on the other side of Baldock Road, the service could potentially be extended on one-way loop via the proposed development. Turning left onto the A10 southbound, entering at the general vehicle entrance and terminating at the proposed mobility hub/ local centre within. Further services would originate from the proposed hub/ local centre, before exiting the proposed development via a bus gate on to Luynes Rise and resuming its current path via London Road/ Hare Street. Due to vehicle speeds on the A10 it is considered that this wouldn't affect existing bus timings.



Whilst there are a few items to be bottomed out (perhaps by increasing the frequency of service), HCC Highways consider that an appropriate Bus Route serving the development is possible. As per the previous response it is imperative that the bus service is in place prior to occupation, to give residents the opportunity to travel sustainably and get in the habit of doing so. Whilst HCC Highways have initially considered that an £800,000 contribution will be required to support an enhanced bus service that serves the residents of the proposed site, a more refined estimate is likely to develop post planning permission.

Impact at A10/London Road roundabout

Whilst we disagree with WSP that there is no need to mitigate the potential impact of the development at the A10/ London Road roundabout given application of a 10% covid factor, we fully agree that physical roundabout geometry changes are not the way to mitigate the impact and as per the previous response, HCC Highways considers that the proposed sustainable transport mitigation measures aimed at encouraging modal shift are appropriate.

Strand 2 Contributions

It is noted that WSP and their client accept that Strand 2 contributions are required and they agree with HCC's calculation. As indicated, there is scope to reduce the Strand 2 contributions after the development of the above sustainable mitigation packages (Strand 1) where there are benefits to the wider area and not just the Proposed Development.

Signed
Adrian McHale

30 January 2024