

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY HELIOSLOUGH LIMITED IN RELATION TO
LAND IN AND AROUND THE FORMER AERODROME,
NORTH ORBITAL ROAD, UPPER COLNE VALLEY
HERTFORDSHIRE**

**STATEMENT OF CASE ON BEHALF OF THE HIGHWAYS
AGENCY PURSUANT TO RULE 6(6) TOWN AND COUNTRY
PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES
2000**

PINS Appeal Reference
APP/B1930/A/09/2109433/NWF

Draft 29 September 2009

**Highways Agency
Woodlands
Manton Lane
Bedford
MK341 7LW**

SEPTEMBER 2009

1. INTRODUCTION

- 1.1 This Statement of Case has been prepared on behalf of the Highways Agency ("the Agency") in relation to the planning appeal (PINS Ref: APP/B1930/A/09/2109433/NWF), submitted by Helioslough Limited ("the Appellant") against the refusal by St Albans City and District Council (the Council) to grant outline planning permission for the development described in planning application, reference 5/2009/0708 ("the Application").
- 1.2 The Application proposes the development of the land in and around the former aerodrome as a Strategic Rail Freight Interchange ("SRFI") comprising an intermodal terminal with rail and road served distribution units (331,665 sq m in Use Class B8, including ancillary B1/B2 floorspace), together with associated road, rail and other infrastructure facilities and works in a landscaped setting with further landscaping and other works for publicly accessible open land and community forest.
- 1.3 The Transport Assessment ("TA") submitted in support of the Application does not fully detail the effect of the development impact the Strategic Road Network. In accordance with its duties to manage, maintain and improve the Strategic Road Network in England on behalf of the Secretary of State for Transport, the Agency needs to be satisfied that the proposal would not have an adverse impact on the Strategic Road Network. The Agency considers that the TA does not demonstrate satisfactorily that the proposals would not have an adverse impact on the Strategic Road Network.
- 1.4 Consequently, in discharging its duties to the Secretary of State for Transport, the Agency issued a TR110 Holding Direction on the outline planning application due to insufficient information. The Agency continues to maintain this stance as to date it has not yet obtained sufficient information to be satisfied that the proposals will not have an adverse impact on the Strategic Road Network.
- 1.5 In this Statement the Agency will outline those matters that remain of concern to the Agency.
- 1.6 The Agency's concerns relate to traffic impact that is anticipated to arise from this development and its potential effect on the operation and safety of the Strategic Road Network. The proposal is for a major development including of 331,665 sq m of warehousing plus related use floor space and expected to employ 3,385 employees.

The Appellant's own estimate is that the development would generate 697 two-way vehicle movements in the morning peak hour (08:00-09:00) and 675 two-way vehicle movements in the evening peak period (17:00-18:00). Given the magnitude of the increased number of vehicle trips on the road network surrounding the appeal site, the Agency is concerned about the potential impact of the proposal on the Strategic Road Network.

2. BACKGROUND

- 2.1 The Agency was first consulted on the pre-application documents which included a Transport Assessment ("TA") prepared by WSP Group dated 28 April 2009. The Agency was consulted on the Application on the 19 May 2009 and the Agency wrote to the Council on the 21 May 2009, stating that it would require sufficient time to review the TA.
- 2.2 The Agency issued a TR110 Holding Direction pursuant to Article 14 of the General Development Procedure Order ("GDPO") on the 21 May 2009, the purpose of which is to safeguard the Secretary of State's interest, directing that planning permission must not be granted for a specified period as there is insufficient information to determine whether the proposed development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part of the national system of routes for through traffic and with safety of traffic on the trunk road. The direction is to be maintained until such time that sufficient information has been received enabling the Agency to form a view.
- 2.3 The Agency sent a further letter to the Council on the 9 June 2009 providing further explanation of the Agency's reasons for issuing the Holding Direction, which indicated the Agency's intention to undertake its own reviews and assessment of the proposals to determine whether any material changes in circumstances had occurred since the Appellant's previous appeal, proposing identical development, was dismissed by the Secretary of State which could result in an unacceptable impact to the Strategic Road Network.
- 2.4 The Application for the development of the SRFI was considered by the Council's Planning Referrals Committee on 20 July 2009. At the meeting the Committee refused the Application, stating 14 reasons for refusal. One of the reasons for refusal cited by the Council reflects the Agency's consultation response to the Application, as follows:

'Insufficient information has been submitted by the applicant to enable the Highways Agency to determine if there have been any material changes in circumstances in relation to the impact of the proposed development on the strategic highway network.'

- 2.5 An appeal against the Council's refusal to grant planning permission was submitted by Helioslough Limited and registered on 24 July 2009.
- 2.6 A technical meeting took place between representatives of the Agency (including AECOM, the expert consultants retained by the Agency), Hertfordshire County Council (Highways), WSP, CgMs Consulting and Intermodality on 4 August 2009. The Agency informed the Appellant's consultants, WSP, of the assessment work undertaken by AECOM, on behalf of the Agency, and the remaining potential areas of concern relating to the impact of the development on the M25 Junction 21a Roundabout and the M25 Junction 22 South Eastern Roundabout.
- 2.7 Subsequent to this meeting, WSP informed the Agency in a letter dated 27 August 2009 that:
- [...] the issue of Junction 21A and 22 was considered by the last Inspector. Notably, he concluded in paragraph 16.73 of his report that 'no further information was required on network capacity or the impact of the development of M25 junctions 21A and 22. Footnote on the same page explains that this was because of an expectation of improvements to Junctions 21A and 22 and I acknowledge that there are now no planned improvements to 21A and 22 [...].'*
- 2.8 Within the same letter WSP concluded that, in advance of the upcoming Inquiry, it is necessary to assess the potential for impact on M25 Junctions 21a and 22 and review possible options for any mitigation measures that may be required. WSP considered that any such mitigation measures could be secured by imposing a suitable planning condition. WSP also expressed the view that based on observation the queuing that currently occurs may be addressed by partial or full signalisation.
- 2.9 Within an email message sent to the Agency on 3 September 2009, WSP stated that they intended to carry out traffic surveys of M25 Junction 21a and Junction 22 and further assessment work in order to determine the impact of the proposed SRFI will have on these junctions. Traffic surveys were subsequently carried out on behalf of the Appellant at M25 Junctions 21a and 22.

- 2.10 WSP's letter of 27 August 2009 also confirmed that the Appellant would accept a condition which controls peak hour HGV movements to/from the site. The Agency has continued to work with the Appellant to assess whether mitigation measures are necessary and the form and content of appropriate planning conditions.
- 2.11 The Agency is committed to co-operating with the Appellant in an attempt to resolve, or at the very least narrow, the outstanding areas of disagreement and continues to discuss relevant matters with the Appellant's representative to that end.
- 2.12 The Agency and the Appellant have agreed to prepare a Statement of Common Ground on Strategic Highways matters for the assistance of the Inspector and the Secretary of State.

3. THE AGENCY'S CASE

- 3.1 The TA submitted in support of the Application does not fully address the impact of the proposal on the Strategic Road Network. In particular, it does not present suitable traffic impact analysis to ascertain the effect of the impact of the proposal on the operation of M25 Junction 21a Roundabout and M25 Junction 22 South Eastern Roundabout.
- 3.2 It is acknowledged that the previous Inspector considered the impact of the proposal on these junctions and reported that agreement was reached between the Appellant's highway consultants and the Agency. The Inspector's review is however qualified by the following footnote:
- 'It is my understanding that this agreement reflected in part the Agency's intended widening of the M25 through Hertfordshire and an expectation that this would include improvements to Junctions 21a and 22.'*
- 3.3 The Agency's scheme proposals for widening of the M25 Motorway near to Junction 21a are limited to widening of the mainline carriageway and alterations to onslip cross-sections, merge and diverge layouts. The M25 Widening Scheme at this location is not anticipated to improve the capacity or operation of the M25 Junction 21a Roundabout.

- 3.4 Observations of the existing M25 Junction 21a roundabout reveal that the junction is operating in excess of capacity. The TA prepared by WSP adds a significant number of new trips to this junction. It is logical that an increase in trips to a junction which is observed to currently be overloaded will result in an exacerbation of existing and future congestion levels.
- 3.5 The Agency's scheme proposals for widening of the M25 Motorway near to Junction 22 are limited to widening of the mainline carriageway and alterations to slip road cross-sections, merge and diverge layouts. The alterations to the westbound offslip cross-section could bring benefits in terms of the approach capacity to the South Eastern Roundabout of Junction 22. It is unclear however if this junction would operate within capacity for the full Review Period up to 2019. The TA prepared by WSP adds a significant number of new trips to this junction. There is the potential for this increase in trips to the junction to exacerbate congestion levels which could exist.
- 3.6 With respect to M25 Junctions 21a and Junction 22, once 'without' and 'with' capacity assessments have satisfactorily been carried out, the Agency will be in a position to consider the effects of the impact arising from the development. The Agency will then be able to consider if there is a need for mitigation measures which would ensure that the Strategic Road Network will be 'no worse' with the development than if it had not taken place.
- 3.7 The Agency is not in a position to consider the need and form of mitigation measures at M25 Junction 21a and Junction 22 at this stage as analysis has yet to be completed. WSP has indicated its intention to carry out this analysis to test the capacity of these junctions and the effect of the impact of the SRFI. The Agency is working with the developer's consultants to complete these assessments and agree the results.
- 3.8 A pre-requisite for consideration of mitigation measures is a robust assessment that meets the requirements of the Agency and until the Agency has obtained sufficient information to be able to make an informed judgement, the Agency maintains the stance which resulted in the issue of the holding direction.

4. Role of the Agency and Targeted Programme of Improvements

- 4.1 The M25, A414T, M1 and A1(M) are the responsibility of the Secretary of State for Transport. The Agency, as the executive

body of the Department of Transport (DfT), carries out the highway authority functions of the Secretary of State for safe and efficient operation, maintenance and improvements of the strategic road and motorway network in England. It aims to maintain, operate and improve the Strategic Road Network in support of the Government's integrated transport and land use planning policies.

- 4.2 The M25, M1 and A1(M) are the adjacent motorways to the proposed site and are likely to be used by the traffic generated by the proposed development.
- 4.3 The A414T Park Street Roundabout, M25 Junction 21a, M25 Junction 22 and A1(M) Junction 3 would be the first points of interception between the proposed SRFI and the Strategic Road Network. M1 Junctions 7 and 8 are also in the vicinity of the proposed SRFI.
- 4.4 The M10 between M1 Junction 7 and Park Street Roundabout was despecialised and renamed the A414T on 1 May 2009, incorporating the parallel interchange links between M1 Junction 7 and Junction 8 which were constructed as part of the M1 Junction 6a-10 widening programme. This despecialisation does not constitute a change in the function of this section of highway in relation to the national trunk road network and it remains the responsibility of the Agency.
- 4.5 The M25 is a principal strategic motorway designed to allow strategic traffic to bypass London and along its entire length is of a three-lane dual carriageway standard with four lane sections at locations where the average daily traffic is in the region of 125,000 vehicles per day. In November 2002, the London Orbital Multi-Modal Study (Orbit MMS) made recommendations for a long-term strategy to address congestion and traffic growth on the M25. The study recommended improvement works to the M25 including widening parts of the motorway between Junctions 16 and 30, between Junction 1b and 3, and between Junctions 5 and 7. This includes widening between Junctions 16 and Junctions 23, referred to as Section 1.
- 4.6 The widening schemes including Section 1 entered the Agency's Targeted Programme of Improvements (TPI) following the Ministerial announcement in April 2004. Widening works commenced on 27 May 2009. Works are programmed for completion in Spring 2012 and comprise of alterations to the mainline carriageways only.

5. Policies and Guidance Relevant to Motorway, Trunk Roads and Strategic Road Network

- 5.1 In reviewing the impact of a proposal on the Agency's network, it would mainly be guided by the DfT Circular 02/2007. The Transport Assessment submitted in support of the planning application should be prepared in accordance with Guidance on Transport Assessment (DfT, March 2007) and other planning policy guidance and local authority policies will also be of material consideration to making a decision.

DfT Circular 02/2007

- 5.2 In line with Government policy to discourage unrestrained traffic growth, the Agency will work with the developers and expects proposals to include ways of reducing the traffic impact of the development. Developers can no longer expect that all the traffic they might produce will be allowed without restraint.
- 5.3 There will be cases where new capacity and or other improvements are required and in such cases mitigation measures will also need to address any existing problems at those locations, unless the Agency has a firm commitment to do so.
- 5.4 Demand management measures should be implemented. This should be done with due regard to the guidance set out in PPG13, paragraph 89, where developers, working in partnership with local authorities, must submit plans for implementation and maintenance measures that will minimise the traffic generated by their development.
- 5.5 The capacity of the local motorway and trunk roads must be compared with the overall forecast demand including traffic from planned developments, background traffic and additional traffic generated by the development. Assessments should be carried out for the opening year of a proposed development and for the 10th year after the date of registration of the planning application. This is known as the Review Period. The exception to this is where a proposal is of a long term nature and the completion will be phased over a number of years, in which case assessment years will need to be established on a case by case basis.
- 5.6 If the capacity of nearby local roads of concern is adequate to cope with the overall demand throughout the Review Period, developments will normally be allowed to go ahead without the need for improvements to the network. However, requirements to

mitigate cumulative impacts of multiple development proposals should be considered where applicable. In a case where extra capacity is needed to cater for the overall demand throughout the Review Period, necessary improvements will normally be provided at the expense of the developer to ensure that the conditions on the local network concerned will be no worse throughout the Review Period than if it would have operated without the development. The means of providing this is normally through the provision of a Section 278 agreement.

- 5.7 Where the above provision cannot be met to provide the extra capacity needed to cater for the overall forecast demand with the demand from the proposal, the Secretary of State may direct that planning permission is not granted. However, sustainable development delivered through access control and demand management techniques may be allowed to proceed, provided that such measures ensure that agreed capacity levels are not breached.
- 5.8 Local Planning Authorities need to ensure that the measures required to deliver sustainable development are delivered through planning conditions or planning obligations. These would embrace travel demand management measures including public transport initiatives, parking restraint, employee travel plan, freight management plan etc.

Guidance on Transport Assessment (DfT, 2007)

- 5.9 The Guidance on Transport Assessment includes information on providing data, assessing impact and determining mitigation, a suggested initial assessment form and guidelines on thresholds for categories of assessment. It provides guidance on preparing a Transport Assessment.

Planning Policy Guidance 13 (PPG 13)

- 5.10 PPG 13 provides guidance on achieving the integration of planning and transport policies at national, regional and local levels. Developments should encourage sustainable transport choices, promote accessibility by forms of travel other than motor vehicle and minimise the need to travel by single occupancy car.
- 5.11 To achieve its aims to maintain, operate and improve the trunk road network in support of the Government's integrated transport and land use planning policies, the Agency would work closely with the Local Planning Authority to ensure that this is fulfilled in a way

which is consistent with the strategic aim of maintaining, operating and improving the trunk road network. These objectives need not always be delivered by securing increased road capacity. Indeed, the contribution that other modes of transport can make towards meeting the transport needs of the development should form a key element of a TA to demonstrate that the development is sustainable. Demand Management measures to deliver sustainable development should be approached with due regard to the guidance set out in PPG13, paragraph 89.

Adopted Local Plan and Local Development Framework

- 5.12 The Adopted Local Plan formally 'expired' on 27 September 2007 as part of the changes to the planning system introduced by the Planning and Compulsory Purchase Act 2004. On 14 September 2007, the Secretary of State issued a formal Direction to the Council under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. This Direction saves specified policies in the District Local Plan Review 1994 so that they are still formally recognised as part of the development plan for St Albans.
- 5.13 The Council released the Emerging Core Strategy for consultation on 3 August 2009 as part of the Local Development Framework. The Emerging Core Strategy indicates that the Council will not endorse any major new warehousing development at the site because it will not provide employment which matches the highly skilled workforce of the area. The Emerging Core Strategy also states that the Council does not support the release of any Green Belt land within its administrative area for B8 warehousing uses.

Regional Transport Strategy ("RTS")

- 5.14 The RTS seeks to ensure that the investment programmes of local authorities, transport providers, and other key stakeholders in the transport sector complement the regional objective of delivering sustainable development. The Agency supports the principles of demand management on the Strategic Road Network for delivering sustainable development.
- 5.15 The RTS supports the efficient and sustainable movement of freight by rail and the provision of at least one strategic rail freight interchange with good access to the strategic rail routes and the strategic highway network.

6. Witnesses and Evidence

- 6.1 The Agency will appear at the Inquiry and will give evidence which will include the following:
- Detailed review of the information submitted by the Applicant;
 - Review of relevant transport policy and how these apply to the proposed development;
 - Analysis of the impact of the proposed development on the operation and safety of the M25 Junction 21a and Junction 22; and
 - Mitigation measures (both Demand Management measures and improvement schemes) and conditions specifying the monitoring and control of HGV trip generation during the peak periods.
- 6.2 The Agency will submit evidence and call two witnesses to deal respectively with:
- Policy; and
 - Technical Matters.

7. Documents

- 7.1 In addition to the documents produced by the applicant, Local Planning and Highway Authorities and third parties, the Agency will use other published documents in presenting evidence to the inquiry. As matters stand, the documents it intends to use are set out in Appendix 1.

Appendix 1

Strategic Rail Freight Interchange (land in and around the former aerodrome) Planning Application Documents

Transport Assessment: Former Aerodrome, North Orbital Road, Hertfordshire, March 2009

Transport Assessment - Technical Appendices: Former Aerodrome, North Orbital Road, Hertfordshire March 2009

Planning Policy Report: Proposed Strategic Rail Freight Interchange at land in and around the Former Aerodrome, North Orbital Road, Upper Colne Valley, Herts, March 2009

Design and Access Statement, March 2009

The Needs Case for a SRFI, March 2009

Planning Referral committee Report for Monday 20 July 2009, dated 10 July 2009

National and Regional Planning Related Documents

DfT Circular 02/2007 - Planning and the Strategic Road Network (March 2007)

DfT, Communities and Local Government - Guidance on Transport Assessment (March 2007)

Design Manual for Roads and Bridges, The Agency, Scottish Office Development, Welsh Office, Department of the Environment for Northern Ireland.

Road Transport Forecasts 2008, Department for Transport (2008).

TEMPO Planning Data Version 5.4 Guidance Note, Department for Transport, February 2008.

DfT – Transport Analysis Guidance - WebTAG

The Highway Agency reserves the right to alter or amend this list of documents dependent on matters raised by other parties in their statements of case or otherwise.