

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

Appeal by Tarmac

***Land at Colney Heath,
St Albans***

Response to Focused Re-consultation
Prepared by Simon Tucker BSc (Hons) MCIHT
on behalf of the Appellant

PINS Ref: APP/B1930/W/23/3333685

LPA Ref: 5/2022/0599



Transport Planning Consultants



1.0 Introduction

- 1.1 As confirmed in the Council's notification letter of 3rd May 2024, the Inquiry was adjourned on 26 April 2024 to allow a further consultation to take place because of an inconsistency between the original application plans and appeal drawings.
- 1.2 The Appellant has amended their proposed detailed Access Plan (ID 16.2) and updated the Concept Masterplan drawing (ID 16.1) to be consistent and clarify that part of the existing grass verge, adjacent to the fence, is not to be retained in this area.
- 1.3 Given this change the Inspector requested a re-consultation take place with all interested parties on this narrow issue, i.e. the loss of the verge and alignment of the proposed access and pavement with the northern boundary and any specifically related issues.
- 1.4 It was specifically stated in the Council's re-consultation letter that "*the Inspector will not accept any representations that relate to matters that are not associated with this specific matter. All original representations received by the Council and Inspectorate will be taken into account and it is not necessary to resubmit comments on any issue beyond the scope of this re consultation*".
- 1.5 A number of related consultation responses have been received from various stakeholders including Hertfordshire County Council (HCC) as Local Highway Authority (LHA) and Colney Heath Parish Council (CHPC).
- 1.6 In so far as they relate to the focused changes, these are commented on below in turn. Where specific points are not addressed this should not be interpreted as the Appellant accepting any of these additional points, but rather that they either fall outside the scope of the re-consultation or are already addressed in the evidence before the Inquiry.



2.0 Hertfordshire County Council (HCC)

- 2.1 HCC responded to the focused re-consultation on 17th June 2024 and their recommendation in respect of the application remains unchanged as a result of the re-consultation. HCC have no objections to the proposed development, subject to the imposition of conditions and the previously discussed S106 requirements. For the avoidance of doubt, their request to replace the drawing reference in proposed planning condition 17 (CD 8.7) to refer to Drawing 23356-04 Rev I is agreed by the Appellant.
- 2.2 HCC have asked for clarification on street lighting. The existing lighting column present on the access road is part of the private lighting network for the car park. It is expected that as part of the detailed design for the access road, and indeed the internal layout, a scheme of lighting will need to be designed and approved. This is already covered by proposed planning conditions 17 and 26 (CD 8.7).
- 2.3 HCC have also asked for consideration of an accident which occurred on 22 August 2023. This accident was not included in the Transport Assessment as it post-dates that assessment. The details of the accident have been reviewed by the Appellant and are summarised below.
- 2.4 The accident was classified as being of 'serious' severity. Accident data is classified into three categories of severity, slight, serious and fatal. The Department for Transport provides examples of how accidents should be categorised and typical examples of serious injury are any type of fracture, internal injury, severe cuts, crushing, burns, concussion, severe shock, and/or hospital in-patient treatment.
- 2.5 In this case, the accident was a hit and run which occurred at 21:00 and involved a pedestrian being struck by a passing car which failed to stop. It is recorded as having occurred 40m north of the junction with Park Lane which would suggest it occurred immediately south of the site access junction.
- 2.6 In summary, whilst clearly all accidents are unfortunate, they are, by definition, random events, particularly where there is no cluster or commonality of cause. In this case, there is no direct or specific correlation between the cause of the accident and the existing



layout of the road.

- 2.7 The accident occurred at a time outside any peak movements that would occur as a result of the development proposals, or indeed the primary school. It can therefore be concluded that the occurrence of this accident has no material impact on the assessment of the proposed development, or indeed its acceptability in relation to traffic impact or highway safety.
- 2.8 As confirmed in my evidence at paragraphs 5.10 and 5.11 of my proof of evidence (CD 9.4), the works to be provided at the site access, including the provision of dropped kerb crossings and the widening of the footway, offer a clear and wide safety benefit in terms of pedestrian safety in this location.

3.0 Colney Heath Parish Council (CHPC)

- 3.1 It should firstly be noted that much of the CHPC response relates to matters which are new issues not previously raised as part of this Inquiry or issues not related to the matters upon which the focused re-consultation was sought.
- 3.2 For the avoidance of any doubt, the only material change to the highway access drawing was to clarify the boundaries on the southern side of the road. There is no change to the location and alignment of the kerb or footway from that submitted and the interaction of the new road and footways with access to the football club and / or storage shed are unchanged.
- 3.3 The issues raised in relation to the loss of the part of the grass strip and the impact of this on the character of the local area has been considered by the landscape witness; Joanna Ede.
- 3.4 Ms Ede concludes that the impact of the removal of part of the grass strip on local character would be negligible. Ms Ede identifies that the principal existing features of the access road and junction with the High Street which contribute to the character of the immediate area are the mature oak tree in the southern corner of the school grounds, mature vegetation along the south-eastern boundary of the school and the line of mature trees and shrubs on the south side of the access road. All of these features would be



retained with the new access arrangements.

- 3.5 Ms Ede also noted that the areas of mown grass around the proposed access route would be reduced as a result of the proposals, but that at the south-western end of the access road (i.e. the closest part to the High Street and most visible) the new access road arrangement allows for the retention of a grass verge (area hatched green in Figure 1 below). She considers that this retained grass strip along with the retained mature tree and shrub vegetation ensures that the existing character of this part of the site and the immediate surrounding area is preserved.

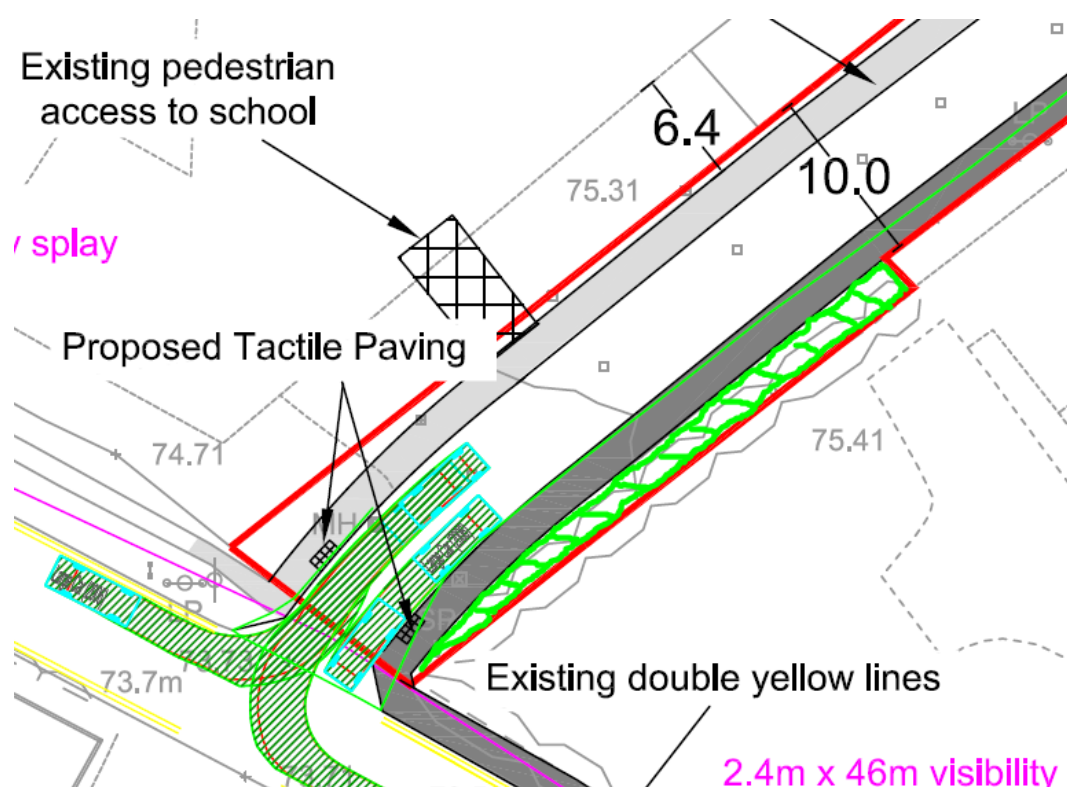


Figure 1: Extract of proposed site access (dwg23356-04 rev I) – area of retained grass verge hatched green.

- 3.6 The issue of access into the football club car park has been discussed in detail at the Inquiry. The proposed access arrangements are unaltered in respect to the distance from, or interaction with, the football club access.
- 3.7 The constraint to accessing the football club relates solely / wholly to the parking of cars



- on land owned by CHPC in the vicinity of the gates. The proposed development will have no material impact on this as it proposes no change to the parking arrangements outside of its land control. If this issue were of genuine concern to CHPC, it is within their control to address it.
- 3.8 Notwithstanding the assessment provided in respect of car parking demand at paragraph 5.4 of my proof of evidence (CD 9.4), as discussed at the Inquiry, the arrangement will allow for the retention of some parallel on-street parking on the southern side road.
- 3.9 Furthermore, as set out at paragraph 5.9 of my proof of evidence (CD 9.4), the formalisation of the access works will provide improvements in terms of highway safety for pupils of the school. It will remove the uncontrolled and ad-hoc parking on the site access road and provide safer, defined routes for pedestrians.
- 3.10 The issue of access to the recreation ground has not been raised by CHPC to date but clearly the same conclusion in terms of improvements to access can be applied to all users accessing the football club site - it will be an improvement in safety and operational terms over the current arrangements.
- 3.11 Access to the fishing lakes is, again, a new point made by CHPC. The access plan has not changed in relation to access into the site and, as confirmed by the Concept Masterplan (ID 16.1), the existing access to the fishing lakes adjacent to the site will be accommodated on the new internal access roads. This will be an improvement over the current arrangements and the detail will be secured at the Reserved Matters stage.
- 3.12 Access to and interaction with the "Storage Building" is, again, a wholly new issue being raised by CHPC. The proposed access will have no material impact on access to the building. The very occasional need for access for loading and unloading can be readily accommodated with the proposals as they are at present. The change in use of the access as a result of the development is set out in paragraph 6 of my proof of evidence (CD 9.4). The change will not be material in traffic flow terms and the improved definition in terms of pedestrian priority and car vehicle movement will be of net highway safety benefit.
- 3.13 In summary, none of the additional recommendations made by CHPC are accepted, nor



are they necessary.

4.0 Removal of Wildlife Corridor / Grass Verge

- 4.1 A number of re-consultation responses which have been submitted have suggested that the removal of the grass verge adjacent to 106 High Street will adversely affect and result in the loss of an important wildlife corridor that links habitats together and as such there will be a detrimental impact on wildlife.
- 4.2 As explained above at paragraph 3.5 the first point to note is that not all of the grass verge will be lost.
- 4.3 In relation to the potential loss of a “wildlife corridor” and adverse impacts on wildlife, the Appellant has instructed Oliver Ramm, an Ecological Consultant, for the purpose of reviewing the re-consultation responses and the letter of opinion is attached at Annex 1. The letter of opinion explains that the strip of verge which would be lost currently links a busy main road to an arable field compartment and runs along an access road which is frequented by motorists and pedestrians. The strip of verge is also illuminated with street lighting and the letter of opinion summarises that there is no evidence to suggest that this strip of intensively managed grass verge is an important wildlife corridor.
- 4.4 The letter of opinion from Oliver Ramm concludes that the site is of low ecological value and therefore the grass verge is not of significant ecological or conservation importance. The letter of opinion summarises that the impacts are nugatory and as such should not be afforded any weight in the planning balance.



5.0 Conclusions

- 5.1 It is clear from the above that the focused re-consultation on minor changes to the site access plan have had no material outcome on the assessment of the suitability of the proposed development. The geometry of the access road and new footways remain unaltered, and HCC has re-confirmed their agreement to the suitability of the proposals.
- 5.2 The highway safety improvements arising as a result of the updated proposals remain clear and valid. There is no material impact in respect of a loss of car parking. Indeed, there is now the opportunity to modestly increase the number of retained car parking spaces, as discussed at the Inquiry. In addition, access to all the facilities served from the access road (including the football club car park, local recreation ground, fishing lake and the CHPC storage building) are not materially or adversely affected as a result of the development.
- 5.3 The clarification that there will be loss of part of the grass verge on the southern side of the access road raises no new issues, either in terms of visual impact or any other material matters. Accordingly, this minor amendment to the Access Plan (ID 16.2) has no material bearing on the overall planning balance advocated by the Appellant, which continues to weigh in favour of the grant of planning permission for the Appeal proposals.

SJT – 12th July 2024

Annex 1

5 July 2024

RammSanderson Ecology Ltd
Head Office:
Oban House, 8 Chilwell Road,
Beeston, Nottinghamshire,
NG9 1EL
Tel: 0115 930 2493

The Inspector,
HM Planning Inspectorate

Issued by email only

cc. Aaron Hopley, Gateley Legal
Michael Holloway, Tarmac Trading Limited

RE: APPEAL BY TARMAC LTD OF APPLICATION 5/2022/0599 AT LAND ADJACENT TO COLNEY HEATH FOOTBALL CLUB, COLNEY HEATH, ST. ALBANS

Dear Madam Inspector,

My name is Oliver Ramm. I am a Managing Director of RammSanderson Ecology Ltd, a registered practice of the Chartered Institute of Ecology & Environmental Management, of which I am a full member also. I have 20 years experience as an Ecological Consultant, and have worked on many hundreds of planning applications for a wide range of schemes, including many housing schemes such as the proposals being considered by this inquiry.

It should be noted firstly that ecology & biodiversity matters did not constitute Reasons for Refusal in relation to application reference 5/2022/0599. RammSanderson surveyed the Appeal Site in 2021, and produced an Ecological Impact Assessment report (CD4.8 Ecological Impact Assessment (January 2022) our ref: RSE_5500_R1_V2_LECIA) which looked in detail at the ecological value of the Site, and the potential for ecological impacts the proposed development would have. The Site is an arable field compartment with field margins and boundary hedgerows; it is agreed in the statement of common ground (CD 8.6 Paragraph 12.1) that the “existing habitats on the Site are generally of limited ecological value”. The Site is not designated for any ecological value, and impacts to nearby Local Wildlife Sites north of the boundary are mitigated by a landscape buffer along the northern boundary and eastern extents of the Site. It is agreed in the statement of common ground (CD8.6 Paragraph 12.3) that “there are no impacts upon statutory designated sites anticipated from the proposals” and paragraph 12.6 of the statement of common ground provides that “based on the successful implementation of the proposed avoidance, mitigation and enhancement measures, it is agreed that the development is not anticipated to result in any significant residual negative effects on any important ecological features”.

The Concept Masterplan (ID 16.1) was assessed using the DEFRA Biodiversity Net Gain metric calculator, (v3.0, as was current at time of submission) as providing a net gain of 22.56% in habitats and 15.53% in hedgerows. It should be noted that DEFRA guidance states that the submitted metric can be used to assess Biodiversity Impacts and that there is no onus on the applicant to update between versions of metrics, as newer versions are released. At the time of submission, mandatory Biodiversity Net Gain (to 10%) was not in force, and no local policy requirement existing requiring any specific quantum of net gain. Therefore, NPPF Para 180 (d) is engaged, in requiring “Planning policies and decisions to contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity...”. This is interpreted widely across the ecological planning community as requiring a ‘no net loss’ position (BNG = >0) to be proven for applications submitted within this period of transition, whilst the Environment Bill was in legislative process until its enactment as the Environment Act 2021, and the subsequent 2 year transition arrangement. The application therefore more than adequately demonstrates this requirement.

The comments received during the appeal to date have been reviewed. There is broadly one theme on ecology & biodiversity represented in the comments, that being the removal of wildlife corridor(s) and its effect on fauna/loss of grass verge.



Removal of Wildlife Corridor/Grass Verge

A strip of modified grassland (regularly mown grass, of low distinctiveness & ecological value) is present as a roadside verge along the access road. It is wider at the Site entrance, narrowing to an approximately 2m wide strip approximately halfway along the existing access. It is understood that in the interests of pedestrian safety and traffic movements, that the proposals include the partial removal of the grass verge, with an area retained along the access, nearest to the Site entrance. This is shown on the Response to Focused Re-consultation, as prepared by Mr Simon Tucker, Figure 1 of said document is provided here, also for ease of reference.

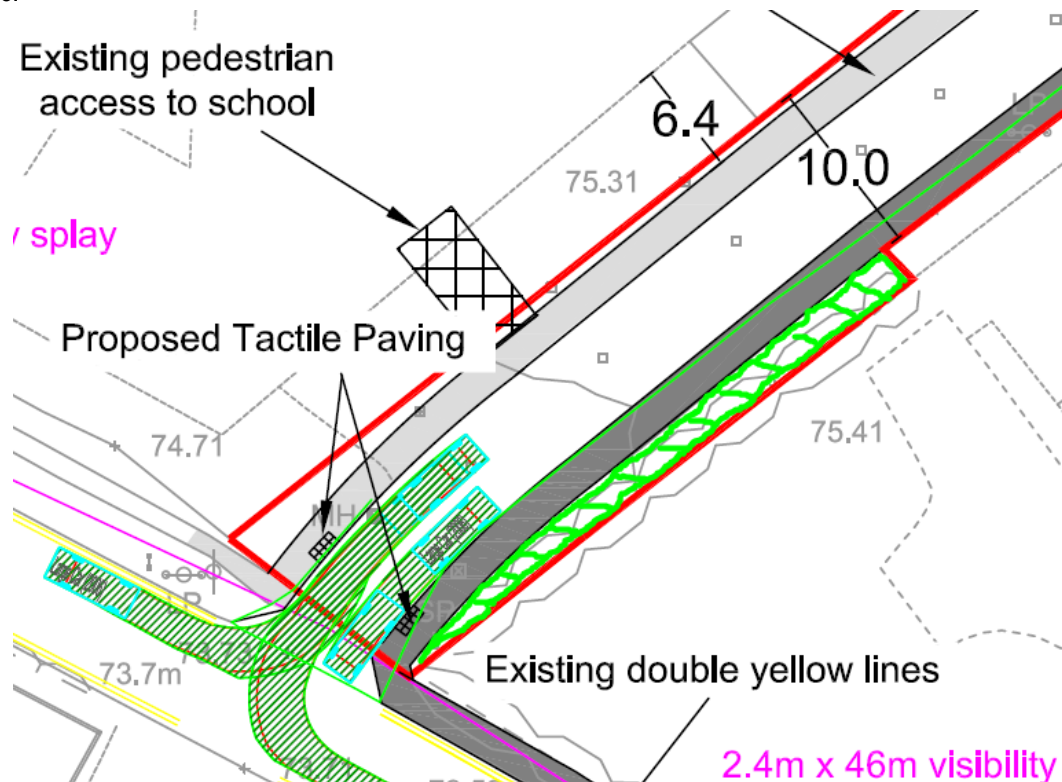


Figure 1 Extract of proposed site access (dwg23356-04 rev I) – area of retained grass verge hatched green.

Whilst several respondents eloquently and accurately describe wildlife corridors and their benefits, particularly in urban areas, there is no evidence to suggest that this strip of intensively managed grass is an important wildlife corridor. It currently links a busy main road to an arable field compartment and runs along an access road, frequented by motorists and pedestrians; it is also illuminated with street lighting. Fauna commuting between their respective rest sites and foraging grounds are therefore highly unlikely to use this roadside verge; it is an area more likely to be avoided by all but the most adaptive of 'urban fauna' (common/garden birds, foxes, and some species of insect and bat most likely), and it is an agreed statement of common ground that the Site is of limited ecological value, as cited previously.

It is not contested or attested that there are wildlife corridors around or near to the Site. However, the mown verge that exists along the existing access road, between the Site and High Street is poorly connected, and others exist in the local landscape which would be of far greater importance for local fauna species. I insert an annotated aerial photograph below to demonstrate this graphically, the width of the line, demonstrating the relative connectivity and therefore importance to nature in the vicinity of the Site:

-  ECOLOGY
-  FLOOD RISK
-  ARBORICULTURE
-  HABITATS



Figure 2 Indicative Wildlife Corridors in the local landscape of the Site. Width and length of arrow is indicative of greater/lesser importance

The Concept Masterplan [ID 16.1] shows areas of landscape planting and Sustainable Urban Drainage, particularly towards the eastern end of the Site. This includes areas of structural planting along the eastern boundary. As this establishes over time, it is considered that this will form a valuable linkage between the hedgerows forming the southern and northern boundaries, and form a wildlife corridor, as a direct consequence of the proposals being realised. This would be of greater importance and benefit than any function currently being served by the roadside verge, highlighted by several of the comments received.

For clarity, the roadside verge is shown on the image below (©2024 Google) with the approximate extents of removal shown by the blue shape. This is indicative, and not to scale, purely shown for illustrative purposes. This also serves to show how much of the verge is being retained, its current management regime, and the degree of overhanging tree canopy and shrub cover, all of which will be retained, thus retaining its function as a wildlife corridor, especially for aerial and more mobile species, if indeed wildlife do use this verge and its overhanging trees as a corridor.



Figure 3 Roadside verge along existing access road, with approximate area of removal indicated by blue shape. Note area of retained verge and existing tree & shrub cover which will be retained.


In conclusion, it is agreed that the Site is of low ecological value. The strip of roadside verge highlighted by comments as being a wildlife corridor, potentially connects a site of low ecological value to a main road (High Street). This is not therefore of significant ecological or conservation importance. Much of the verge will be retained, as will the overhanging tree canopy. If it does therefore function as a wildlife corridor in any way, much of that function will remain unaffected. There are other more important and significant wildlife corridors in the local area, and the landscaping proposed within the proposed development will serve to connect habitats north and south of the Site, nullifying the effect of any reduction in function that the roadside verge currently serves as a wildlife corridor. The impacts are in my opinion nugatory and should not be afforded any weight in the planning balance.

I trust this is to your satisfaction. Should you have any queries, or require any clarifications, please do not hesitate to call me directly.

Yours sincerely,
 Oliver Ramm MCIEEM
 Director
 Email: oliver@rammsanderson.com

For and on behalf of RammSanderson Ecology Ltd.

Enclosures: n/a



Forester House
Doctor's Lane
Henley-in-Arden
Warwickshire
B95 5AW

Tel: +44(0)1564 793598
inmail@dtatransportation.co.uk
www.dtatransportation.co.uk