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8 December 2022

**Your ref:** 22/1071/OUT

**Our ref:** P0169

**Submitted via email – [consult.planning@hertsmere.gov.uk](mailto:consult.planning@hertsmere.gov.uk)**

Dear Ms O'Brien

**RE: Outline planning application for residential development at Land East of Little Bushey Lane and North of the Squirrels, Little Bushey, Herts  
Planning Application Reference: 22/1071/OUT**

## 1. Introduction

- 1.1 We write to make representations on behalf of the Little Bushey Community in connection with the above outline planning application.
- 1.2 These representations are made with reference to the originally submitted planning application documents (received and validated on the 20 June 2022). We note that further documentation has been uploaded as part of the consideration of the application which we may comment on separately supplemental to this letter.
- 1.3 Having reviewed the application documentation, including the supporting information and reports, we have the following areas of concern:
  - a) The Green Belt
  - b) Highways and Transport
  - c) Character and Appearance
  - d) Ecology
  - e) Archaeology
  - f) Primary School Provision
  - g) Application Type
  - h) Planning Balance
- 1.4 These are dealt with in turn below.
- 1.5 As a result of the significance of these issues and the absence of any evidence that they can or will be resolved we **object** to the application and submit that it should be refused.

## 2. The Green Belt

### Strategy

- 2.1 The applicant seeks to make the case that the Site formed part of an allocation for housing as part of the now 'set-aside' Regulation 18 Hertsmere Local Plan as Site B1: East of Little Bushey Lane, Bushey, for a residential-led development of 350 dwellings. The delivery of this allocation would have removed the Site from the Green Belt.

- 2.2 The decision was made unanimously at a Full Council meeting on the 27 April 2022 to 'set-aside' the previous version of the new draft Local Plan.
- 2.3 The Leader of the Council identified the following at the meeting:
- "It is clear from an initial analysis that a key theme was an objection to the level of development proposed in the draft plan, in particular that related to housing, and the impact on the Green Belt from that proposed growth". (webcast link)*
- 2.4 It must be acknowledged that the previous Local Plan (which proposed to allocate the Site for development) has been set-aside and is no longer being progressed. **It is therefore premature to assume that release of land from the Green Belt is an acceptable strategy.** Particularly in the context of the reasons for setting-aside the plan which included an objection to the level of proposed growth and the impact on the Green Belt.
- 2.5 The strategy of releasing land from the Green Belt to accommodate any growth has not been tested or examined and considered appropriate as part of the Local Plan preparation process.
- 2.6 The previous draft allocation of the Site therefore cannot be relied upon and should not be given any weight as part of the decision-making process.
- 2.7 The most up to date Housing and Economic Land Availability Assessment (HELAA) was published in 2019 and formed part of the evidence base for the emerging Local Plan (which has been set aside).
- 2.8 The Site is assessed for its suitability for development in the HELAA under Site reference HEL201: Land at Little Bushey Lane.
- 2.9 The HELAA considers the Site against Green Belt purposes as supported by a four stage Green Belt Assessment undertaken by Arup (2016 and 2019). Stage 1 and 2 are relevant here.
- 2.10 A Stage 1 Green Belt Assessment was undertaken in 2016 within which the Site was assessed as part of a wider area referred to as Parcel 6. The assessment found that the parcel scored strongly with regards to preventing neighbouring towns from merging and is particularly important for maintaining narrow gaps between Watford, Bushey Heath/Bushey Village, North Bushey and Elstree.
- 2.11 A Stage 2 Green Belt Assessment was undertaken in 2019 by Arup. The Site formed part of Sub-Area SA-57 as part of this Assessment.
- 2.12 The Stage 2 assessment concluded that the sub-area would meet the Green Belt Purpose Assessment criteria moderately and was recommended for further consideration.
- 2.13 With regards to Site suitability, the HELAA acknowledges that there is a conflict with existing policy by virtue of the Sites location within the current Green Belt. It further notes that the Site is not suitable for residential use under current policy.
- 2.14 The conclusion of the HELAA regarding the suitability of the Site for development and the conflict with current policy is an important one. At the time of writing, as representing the time at which the application shall be determined, the status of the Site as forming part of the Green Belt is unchanged. Further, it does not form part of an adopted or examined spatial strategy within which its removal from the Green Belt has been accepted. This position will not change in the short to medium term given the status of the now set-aside Local Plan.
- 2.15 The suitability of releasing the Site from the Green Belt must be appropriately assessed as part of the Local Plan process and as part of considering a wider spatial strategy for the Borough. This does not currently exist. The previous position as presented in the set-aside Local Plan is not of relevance as the plan was never examined independently.

- 2.16 In policy terms the core objective that of Green Belts is that they should be permanent (paragraph 137 NPPF). Paragraph 138 of the Green Belt states that they serve five purposes including part a) to check unrestricted sprawl of large built up areas and part e) to assist urban regeneration by encouraging the recycling of derelict and other urban land.
- 2.17 A full assessment of other locations suitable for development needs to be undertaken. The assessment needs to review brownfield land and provide very clear reasons why other Sites, which may be in a more sustainable location and are within urban areas cannot be brought forward. An assessment needs to be brought up to date and an up-to-date call for Sites process needs to be undertaken as some time has passed since the past emerging plan assessments were undertaken.
- 2.18 It is acknowledged that the Borough is constrained by Green Belt, however rather than releasing land from the Green Belt to inappropriate development the Borough should look to be working with neighbouring Authorities to facilitate the delivery of an identified need.
- 2.19 The other urban settlements in the Authority could be better placed to accommodate growth and development without impacting on the Green Belt.
- 2.20 We question the appropriateness of identifying Bushey as an area for growth as it is unclear in any evidence whether there is in fact an identified need for growth. The supply of recently developed new homes needs to be considered to identify whether there are market demands for new homes in this location. Have homes recently been constructed and sold for instance?
- 2.21 As set out above, it is clear that it is premature to assume that release of land from the Green Belt is an acceptable strategy.

### Relevant Planning History

- 2.22 Paragraphs 2.14 to 2.18 of the applicants Planning Statement identify a number of planning applications within the vicinity of the Site that they contend are relevant to the application proposals. For the reasons set out below, this is misleading as the context within which the stated applications were determined is markedly different from the context of the application Site and they do not comprise comparable situations demonstrating the suitability of the area for residential development, as is contended.
- 2.23 Land at Rossway industrial Estate (Ref:14/0727/FUL) – This Site formed part of an allocation within the Site Allocations and Development Management Policies Plan. The Site was therefore assessed and considered appropriate for Green Belt release as part of a Local Plan that had been through independent examination in 2016. The preparation of the evidence base which would have assessed the acceptability of this sites release from the Green Belt was undertaken pre-2014 and under very different market considerations. The same situation is not applicable to the application Site.
- 2.24 Land East of Rossway Drive (Ref: 17/2081/FUL) – The proposals approved under this application comprised the demolition of existing buildings on the Site and the acknowledgement that the Site was, for the most part, previously developed land. This represents a very different situation under which the impact of the proposals on the Green Belt would have been assessed.
- 2.25 22 Wayside Avenue, Bushey (Ref: 21/1503/FUL) – The application comprised the provision of four houses following the demolition of two existing properties. The Site not of a scale to be comparable to the application proposals. That Site was acknowledged by planning officers as being well located in relation to existing dwellings, and located within the built-up area of Bushey. The application Site is neither.
- 2.26 It is therefore misleading to state that the applications identified demonstrate the suitability of the provision of residential development in this location.

## Inappropriate development

2.27 Policy 13 of the Hertsmere Local Plan Core Strategy 2013 states, inter alia:

*"There is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the NPPF."*

2.28 Policy SADM26 of the Site Allocations and Development Management Policies Plan 2016 states that, inter alia:

*"The Council will assess all applications for development in the Green Belt in accordance with Core Strategy Policy 13 and to ensure they comply with the following principles:*

*i) developments should be located as unobtrusively as possible and advantage should be taken of Site contours and landscape features in order to minimise the visual impact;*

*ii) the scale, height and bulk of the development should be sympathetic to, and compatible with, its landscape setting and not be harmful to the openness of the Green Belt."*

2.29 Policy 13 of the Core Strategy and Policy SADM26 of the Site Allocations and Development Management Policies are generally consistent with the NPPF and should therefore be given substantial weight in the decision-making process.

2.30 The NPPF itself should be given substantial weight as a material consideration on the determination of the application.

2.31 The applicant has provided an assessment whether the area of Green Belt containing the Site would fulfil the functions of such land, as set out at paragraph 138 of the NPPF. The provision of such an assessment has no bearing on whether the proposals would be inappropriate development in the Green Belt.

2.32 Paragraph 149 of the NPPF sets out the specific exceptions to the provision of development in the Green Belt. None of the exceptions listed under paragraph 149 would apply to the application Site which are as follows:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception Sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - *not have a greater impact on the openness of the Green Belt than the existing development; or*

- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning authority.*

2.33 The proposals therefore comprise inappropriate development in the Green Belt and would conflict with Policy CS13 of the Core Strategy and the NPPF.

### Openness

- 2.34 Paragraph 137 of the NPPF identifies openness as one of the essential characteristics of the Green Belt.
- 2.35 The Site comprises open grassland at the edge of the settlement of Bushey. The provision of residential development on the Site would cause substantial spatial harm to the openness of the Green Belt in this location.
- 2.36 The application proposes potential development areas right up to the Site boundary on Little Bushey Lane. The extent of 'setting back' within the Site is not sufficient to soften the significant visual impact of the provision of development on what is open land. Further, if any landscaping or planting were to be proposed, this would take time to establish and would not alter the significant impact.
- 2.37 The proposals would inevitably have a greater impact on the openness of the Green Belt. Therefore, the proposals would constitute inappropriate development in the Green Belt for the purposes of the NPPF and Policy 13 of the Core Strategy. By definition, inappropriate development is harmful to the Green Belt (NPPF paragraph 147).

### Five Year Housing Land Supply

- 2.38 It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing Sites. Recent decisions suggest there to be a provision of circa 3.24 years of deliverable housing Sites.
- 2.39 The lack of supply dictates that Paragraph 11(d) of the NPPF should be applied.
- 2.40 Part i of Paragraph 11 (d) sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including Green Belts, provides a clear reason for refusing the development proposed.

### Very Special Circumstances

- 2.41 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight.
- 2.42 The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 2.43 The very special circumstances needed to justify the proposals do not exist.
- 2.44 As part of Section 8 of this letter we undertake a detailed review of the 'benefits' that have been purported by the applicant as part of the submission.
- 2.45 The proposed benefits put forward by the applicant do not clearly outweigh the totality of harm that would be caused to the Green Belt in this location. As such, the very special circumstances necessary to justify the proposals do not exist.

- 2.46 The proposals would result in harm to the Green Belt and would conflict with the applicable paragraphs and policies of the NPPF and Local Plan, providing a clear reason for refusing the development proposed. As we will expand upon, a presumption in favour of sustainable development does not apply.

### **3. Highways and Transport**

- 3.1 On behalf of our client, Velocity Transport Planning have reviewed the submitted application documents and have prepared a note setting out their concerns on transport and access matters which is appended to this letter.

#### **Suitability of Location**

- 3.2 It is strongly disputed that the Site is a sustainable location for the proposed development.
- 3.3 The adopted Core Strategy identifies Bushey as one of four major settlements in the Borough. As such, it is considered as an accessible settlement by road and public transport containing a range of shops, employment opportunities and services.
- 3.4 The application Site is located at the edge of Bushey beyond the identified development boundary (as identified in the adopted Local Plan).
- 3.5 The Transport Assessment itself identifies that the site is not in a sustainable location with respect to walking. Table 3.3 of the TA identifies that, except for Bushey Meads School and one existing bus stop, all other local facilities are located significantly over 1,000m away and in many cases several kms away. This means all but one school, all food retail, all non-food retail, all health care facilities, all leisure and all employment opportunities are beyond a reasonable walk.
- 3.6 The Site is not in a location where it would be easy to make regular journeys on foot, by bike or by using public transport. Future occupants would not have convenient and practical travel choices and would therefore be reliant upon private travel to access services and facilities.
- 3.7 In reality, future occupants would be highly likely to rely on a car as the most convenient means for carrying out their day-to-day activities. Even if residents did make use of the town's facilities and walked to them from time to time, it is considered that they would usually find it more convenient to access most of them by car.
- 3.8 The application identifies two bus stops in Little Bushey Lane and that the bus operator will divert a bus to provide an hourly service on the 306. The bus operator has not been approached and neither they or Hertfordshire County Council regard the road suitable for buses by virtue of the road humps and speed tables. This aspect cannot therefore be relied upon.
- 3.9 The Site is therefore not in a suitable location for residential development and would be contrary to the objectives of planning policy at all levels.
- 3.10 There may be other Sites that could provide development in a more sustainable location than the application Site. This is an assessment and process of consideration that would form part of the emerging Local Plan. It is premature for the Council to consider the release of Green Belt land in this location in advance of a full independent examination.

#### **Highway Design and Safety**

- 3.11 The proposed site access arrangements are considered to be unsafe. They fail to demonstrate that they can provide suitable visibility for a 30mph as identified in the accompanying Transport Note.
- 3.12 Further, the proposed location of a new bus stop and bus cage would severely impact highway safety as it would block a lane of the carriageway and encourage vehicles into the path of

oncoming traffic. The position of the bus stop would also compromise the visibility of drivers emerging from other roads in the vicinity.

### **Trip Generation**

- 3.13 The applicant has failed to consider the true impact of the proposals by not taking into account the effect of 'first mode' trips. The proximity of the site to Bushey Railway Station (1.9 miles) and Watford tube station (3.8 miles) are beyond the limit of a reasonable and regular walk for commuting. Given the lack of reasonable alternatives to access these stations, it is reasonable to assume that people will drive to the stations as their 'first mode'.
- 3.14 This would result in additional two-way vehicular trips during the morning and evening peak hours which have not been accounted for. This would amount to an uplift on the applicants stated vehicular trip generation of 27% which is significant.
- 3.15 The applicant has significantly under-estimated the true vehicular trip generation of the proposed development. This underestimation has been carried forward into the highway capacity modelling which already shows the development will lead to significant capacity constraints on the network.

### **Highway Capacity Modelling**

- 3.16 The capacity modelling of the Little Bushey Lane / B462 signal junction has been carried out incorrectly as set out in the accompanying Transport Note. No calibration and validation of the model has been undertaken. Further, even without this the model results show severe impacts that would be exacerbated with the first mode travel trip generation uplift accounted for (27%).
- 3.17 The proposed mitigation for the impact on this junction is not adequate and would bring about a suggested improvement in capacity that would not be sufficient to offset the severe impact of the proposals. The assumptions that have been made have not been confirmed with the highway authority.
- 3.18 An assessment of the impact on Junction 5 of the M1 is absent from the TA and should be undertaken given the junction frequently experiences significant queuing and delays. With more than half of the site's vehicular trips expected to use this junction the impact cannot be dismissed without assessment.
- 3.19 It is considered that the application should be refused on transport grounds.

## **4. Character and Appearance**

- 4.1 The Site currently comprises open agricultural land (Grade 3) with the predominant character being open countryside to the south east, north east, and east of the Site.
- 4.2 It is inevitable that there will be a total change in landscape character within the Site as well as changes to the wider landscape character and views over the open countryside. The existing agricultural land will either be built upon or re-landscaped and will remain in very close proximity to new buildings and associated infrastructure.
- 4.3 The Site is clearly visible from Little Bushey Lane. The existing views from the west of the Site are of attractive open land. The provision of development on the Site would have a suburbanising influence in an area that has a predominantly rural character.
- 4.4 The proposals would have a detrimental impact on, and would harm, the existing landscape character and appearance of the Green Belt in this location.
- 4.5 The following comments that have been received from the Place Service Senior Landscape Consultant are of particular relevance:

- a) For development of this scale and nature a Type 3 (Photomontages) would have been advised – not Type 1 (Annotated Viewpoint Photographs) as have been used (our underlining).
  - b) The assessment underestimates the likely effects of the proposed development on landscape character and visual amenity.
  - c) The LVIA, as currently presented, does not conclusively state what judgements have been afforded to the individual factors and we would therefore expect that the LVIA should provide a more robust assessment of the individual factors, components or particular landscape features pertaining to the Site and its immediate surroundings.
  - d) It still needs to be acknowledged that the proposed development would adversely affect this particular landscape by introducing dwellings, road infrastructure, parking areas, fencing, lighting and the culmination of associated paraphernalia, which in turn, would substantially change the character of the landscape and the perceived sense of place.
  - e) We consider the judgements of sensitivity, susceptibility and value, as currently presented, are either too low or unclear and further supporting information should be provided for review. Because of these judgements, there is concern that the landscape receptors' magnitude of change and the overall significance of landscape effects may also differ from that stated.
  - f) We would judge the adverse impacts to be greater than currently judged within the LVIA and that we would also deem 'moderate' adverse effects as significant.
  - g) We are of the judgement that the proposed development, in conjunction with the other notable schemes will have a significant adverse impact on both landscape character and visual amenity.
  - h) From a landscape perspective, and as currently presented, the proposed development would be contrary to the aforementioned Policies of the Hertsmere Local Plan and therefore at further conflict with the NPPF and PPG.
- 4.6 The detrimental impact of the proposals on the character and appearance of the landscape should be afforded significant weight.

## 5. Ecology

- 5.1 Part 6.2 of the Ecological Appraisal deals with Biodiversity Net Gains and identifies opportunities for net gains at the Site.
- 5.2 A draft Biodiversity Net Gain Report has been submitted. We would expect that where net gains in biodiversity are contended, that a full Biodiversity Net Gain Report would be prepared to form part of the application submission. The report should assess the level of Biodiversity Net Gain within the Site with due consideration to the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM) in relation to Biodiversity Net Gain.
- 5.3 The Report would utilise the Biodiversity Metric 3.1 Calculation Tool to calculate a pre-development baseline position (in unit terms) and calculate the number of habitat units that would result from the development proposals, in turn generating a percentage net gain in biodiversity figure.
- 5.4 The planning policy position as set out within Section 15 the NPPF is clear. Paragraph 174 states that, inter alia:

*“Planning policies and decisions should contribute to an enhance the natural and local environment by:*



*d) **minimising impacts on** and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”*

- 5.5 The purported ‘opportunities’ for biodiversity net gain cannot be given any weight where this has not been assessed in the context of the pre-development baseline position. While an assessment has been submitted we understand that the Council’s ecologist and Natural England are yet to respond as statutory consultees.

## 6. Archaeology

- 6.1 It is noted that comments received on the 16 September 2022 from the Historic Environment Advisor state that further archaeological survey work is required beyond what has been submitted as part of the planning application. It is recommended that an archaeological trial trenching evaluation is carried out prior to the determination of the application.

- 6.2 Paragraph 200 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck Sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

- 6.3 Footnote 68 which supports Paragraph 200 identifies that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

- 6.4 Insufficient information has therefore been presented in relation to a possible impact on a designated heritage (as per Footnote 68). It is imperative that this information is presented prior to the determination of the application. Dependent on what is found and the extent of harm that may result, such harm / loss may only be acceptable in wholly exceptional circumstances.

- 6.5 The potential impact on assets of archaeological interest should be afforded significant weight.

## 7. Primary School Provision

- 7.1 The provision of a school on the Site formed part of the allocation within the set-aside Local Plan. As part of the abandoned Local Plan, the Council identified a school on the Site to accommodate pupils from a number of the draft allocations identified within the draft Local Plan. This position is acknowledged within the first set of comments received from the County Council Growth and Infrastructure Unit dated 7 October 2022. The comments identify that the proposed school Site ‘will mitigate the impacts of anticipated future growth in the settlement’ (Bushey).

- 7.2 However, importantly, the County Council stated that they are unable to commit to when the school may be delivered as it will be dependent on future pupil yield and the timing and delivery of housing in Bushey. This position remains uncertain given the status of the set-aside Local Plan, including proposed levels of future growth which of course will impact on the need for the school.

- 7.3 A spatial strategy has not been set and the level and location of any future growth remains uncertain given the Local Plan status. This is important because the provision of a school needs to be considered alongside spatial strategy and growth.

- 7.4 The future need for growth in Bushey has not been established, evidenced or examined. Until a certain quantum of growth has been set and examined it cannot be founded that the school is needed to serve either the existing community or 'future growth'.
- 7.5 Limited weight should therefore be afforded to the provision of the school as part of the application proposals.

## 8. Application Type

- 8.1 It is noted that the application has been submitted in outline form with all matters reserved, save for access.
- 8.2 The absence of more detailed information, as would be required for a full application, makes it impossible to determine the acceptability of the Scheme at the current time.
- 8.3 The information that has been submitted cannot be relied upon in its current form. Matters of detail are crucial to the determination of this application given the sensitives and constraints of the Site and surrounding context as set out in this letter. A certain level of detailed information is required to be able to make a judgement regarding the acceptability of the proposals in planning terms.
- 8.4 The Site is highly sensitive to a number of constraints and an application in outline form does not provide sufficient understanding or the certainty required to be able to grant planning permission.

## 9. Planning Balance

- 9.1 The application does not include an assessment of Paragraph 11 of the NPPF which deals with a presumption in favour of sustainable development. The applicant has not gone through the relevant sections of Paragraph 11 and explained why Footnote 7 does not apply in this instance (as providing a clear reason for refusing the development proposals given the Sites Green Belt location).
- 9.2 The presumption first and foremost is to protect areas or assets of particular importance, which includes the Green Belt and heritage assets (including those of archaeological interest). The applicant should have assessed the proposals against Paragraph 11 of the NPPF. It is not clear why this has not been provided.
- 9.3 We have undertaken an assessment of the application of Paragraph 11 of the NPPF below.

### Does the NPPF Paragraph 11 presumption in favour of sustainable development apply?

- 9.4 The starting point for determining planning applications is the Development Plan. Section 38(6) of the Town and Country Planning Act (TCPA) 1990 provides that planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 9.5 Turning to address whether the presumption in favour of sustainable development applies and whether the titled balance is therefore engaged, this section demonstrates the route taken through Paragraph 11 of the NPPF having regard to footnotes 7 and 8 in the context of the Green Belt location, heritage assets and a lack of housing supply.
- 9.6 Policy SP2 of the Core Strategy relates to the presumption in favour of sustainable development and states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.
- 9.7 NPPF Paragraph 11 c) provides that there is a policy presumption in favour of development that accords with an up-to-date Development Plan. In this respect, the NPPF thus makes clear that it does not change the statutory position which makes the development plan the starting

point in any determination. Many aspects of the development plan are consistent with the NPPF when read as a whole. However, it is acknowledged that, by reason of the failure of the LPA to demonstrate a 5-year supply of deliverable housing land, those Local Plan policies relating to housing need and supply can be deemed to be out of date (Policy CS1 (The supply of new homes) and Policy CS2 (The location of new homes)).

- 9.8 In accordance with NPPF Paragraph 11 part c), Policies SP1 (Creating sustainable development) and SP2 (Presumption in Favour of Sustainable Development) of the Core Strategy are considered to be consistent with the Framework's approach to locate development according to the range of facilities available within settlements and the need to encourage the use of sustainable modes of travel to access them.
- 9.9 There are no policies in the Local Plan or Core Strategy which favour development in this location. As there would be conflict with all the other up to date policies, the proposal would be contrary to the development plan as a whole, including Policy SP2 of the Core Strategy which promotes sustainable development.
- 9.10 The proposals do not comply with up to date parts of the development plan. Conflict with up to date development plan policies carries significant weight and thus, it is considered that Paragraph 11 part c) does not apply and the proposals should be refused in accordance with the TCPA 1990 Section 38(6). Nevertheless, if a contrary view is taken, we set out an assessment against the subsequent relevant sections of Paragraph 11 below.

#### **Paragraph 11 part d) limb i) and limb ii) of the NPPF – Housing Land Supply**

- 9.11 Paragraph 11 of the NPPF part d) states that where there are 'no relevant development plan policies or the policies which are most important for determining the application are out-of-date', applications should be granted unless, limb i) the policies within the NPPF that protect areas and assets (including Green Belts and heritage assets) provides a clear reason for refusing the development. Only once limb i) has been assessed in accordance with footnote 7, does one then move to limb ii) which states that permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 9.12 Limb (i) of Paragraph 11 d) refers to policies in the Framework that protect areas or assets as defined in footnote 7. These include the Framework's policies relating to the Green Belt and protect heritage assets including those of archaeological interest.
- 9.13 The Site is located within the Green Belt. Therefore, its impact on the Green Belt needs to be considered as set out in the relevant policies of the NPPF before Paragraph 11 d) as a whole can apply and the tilted balance in favour of granting permission be invoked.
- 9.14 Additionally, there is potential for archaeological remains, this hasn't been assessed by the applicant. However, should there be potential for archaeology then the applicant must carry out an assessment of significance and assess the level of potential impact.
- 9.15 Only if the outcome of both assessments demonstrates that there is no clear reason for refusal can the presumption in favour of development be applied.
- 9.16 The NPPF is clear that when considering the impact of a proposed development on the Green Belt, Local Planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As set out in this letter, it is considered that the proposals will cause significant harm to the Green Belt and there have been no substantial public benefits set out to outweigh the harm caused.
- 9.17 The NPPF is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (paragraph 199

NPPF). Paragraph 200 says that any harm to or loss of the significance of a designated heritage asset (from its alteration, destruction or from development within its setting) should require clear and convincing justification. Part b) of paragraph 200 states that “assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional” and refers the reader to footnote 68 which includes “Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”

- 9.18 It is therefore considered that the proposals should be refused in accordance with NPPF Paragraph 11 part d) limb i) and the tilted balance in favour of sustainable development does not apply (Paragraph 11 d) ii).
- 9.19 Even if the application were to comply with all other up to date parts of the Local Plan and it were considered by the Council that the impact on the Green Belt was not substantial and that there was no loss of archaeology of heritage significance - we are of the view that Paragraph 11 part d) limb ii) also does not apply as explained in the following section. One can only move onto Paragraph 11 part d) limb ii) should earlier parts of Paragraph 11 be met.

**Paragraph 11 d) limb ii) of the NPPF - are there any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the Framework?**

- 9.20 Applying limb ii of Paragraph 11 d), a qualitative assessment is required to decide whether any adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits having regard to the NPPF when taken as a whole. The Applicant has set out a number of suggested benefits.
- 9.21 In making the planning balance assessment, weight should be given to the various benefits and potential adverse effects. In the table set out below we have attributed weight (out of 3) to the suggested benefits of the proposed scheme set out at Paragraph 3.28 of the submitted Planning Statement. We have provided an explanation as to how we have arrived at the weightings given.

<b>Benefit</b>	<b>Weight</b>	<b>Consideration</b>
The early delivery of much needed housing, including land for a primary school on a suitable Site.	0	Early delivery cannot be assumed. The application is submitted in outline, reserved matters and conditions will need to be submitted, consulted upon and approved before any development is undertaken. It is well known that developments over 100 units can easily take at least 4 years to deliver on implementation – that is even with an allocation which of course this Site is lacking ( <i>Lichfields, Start to Finish second edition, Feb 2020</i> ). Further this letter identifies that the Site is not suitable for development. This is not therefore considered to be a benefit.
The proposed development will contribute towards meeting the objectively assessed need for new homes in the Borough	1	The existing housing land supply and delivery position within the authority is acknowledged as being below five years. Notwithstanding this, the delivery and uptake of existing housing within the local housing market area is not presented and could be slow. The weight that can be afforded to the provision of housing in this location can therefore not be considered as being substantial. In addition, the proposals would still need to accord with other up to date parts of the development plan – which it does not.
The provision of 40% affordable dwellings which is in excess of with Policy CS4	2	The provision of affordable housing as an identified benefit is not disputed. We do not however consider

(Affordable Housing) of the Core Strategy's requirement of 35%		the provision to be 'significant' to outweigh harm. 35% represents compliance with the development plan. An additional 5% provision above this requirement is not considered to be 'significant'.
A mix of dwelling types will be provided to assist in improving house choice within the local area;	0	It is not considered that this can be given substantial weight as a benefit at this stage given the proposals are in outline form only.
An overprovision, in policy terms, of self-build plots (5%);	2	This is not disputed but not considered to be significant.
Promotion of the development in a sustainable location adjacent to existing built form, which is well located for public transport connections and to promote pedestrian and cycle trips;	0	The Site will not provide residential development in a suitable or sustainable location as set out in earlier sections of this letter.
Positive contribution to a strong and vibrant community and additional expenditure within Bushey;	1	This can only be afforded limited weight. The existing local services and facilities are well served.
A contribution to the economy through local construction jobs during the construction phase of the development. Furthermore, the use of local tradespersons and services along with materials, will help to sustain the local economy through supply chain multipliers;	1	This is a limited benefit.
The creation of new green infrastructure for residents, as well as contributing land for a two form entry primary school, and community facilities / mobility hub;	1	This is a limited benefit given the need for the provision of these facilities is dependent on the levels of future growth with are currently unknown and have not been examined.
Additional landscaping and planting throughout the Site;	0	This cannot be considered a benefit in the context of the existing Site as open land.
The opportunity for a net gain in biodiversity.	1	An appropriate assessment of net gain has not been undertaken. In the absence of an assessment against the pre-development baseline position, only limited weight can be afforded to this.

9.22 To complete the balancing exercise, we must turn to the potential adverse effects of the development proposals set out within the earlier parts of this letter.

9.23 We have considered the proposals in terms of the Green Belt, location, highways and transport and character and appearance, and consider that adverse impacts in relation to these issues can be substantiated when taking the policies of the NPPF as a whole and the up-to-date parts of the development plan.

THE BALANCING EXERCISE				
Benefit	Weight		Weight	Adverse Effect
Early delivery of the proposals on a suitable Site	0	<b>Tipping Point</b>	3	Development in the Green Belt
Housing delivery	1		3	Impact on character and appearance of the landscape
Affordable housing provision	2		3	Not in a sustainable location
Mix of dwellings	0		3	Archaeology impact not adequately tested
Self-build plot provision	2		3	No measurable biodiversity net gain identified
Sustainable location	0		3	Deficiencies in traffic modelling
Increased local expenditure	1		3	Highway Safety
Job opportunities and increased economic activity	1		2	Underestimation of trip generation
New green infrastructure	1			

Additional landscaping	0			
Biodiversity Net Gain	1			
<b>Total Weight</b>	<b>9</b>		<b>23</b>	<b>Total Weight</b>

9.24 Once the adverse impacts identified in this letter are given reasonable weight, as above, the planning balance clearly tips in favour of the adverse impact outweighing the applicants identified benefits.

9.25 The adverse impacts of the proposals would outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply and the application should be refused.

### **NPPF Paragraph 11 Conclusion**

9.26 With regards to the consideration of Paragraph 11 of the NPPF the following conclusions are made:

- i. The proposals do not accord with those elements of the Development Plan that are up to date. Paragraph 11 c) is not therefore engaged and the application should be refused.
- ii. It is acknowledged that some of the of the most relevant policies are out of date due to the confirmed land supply being under 5 years. Even if Paragraph 11 part c) was engaged and the development did accord with other policies we have assessed the proposals against limbs i and ii.
- iii. With regard to limb i, it has been recognised that the Site is located within the Green Belt. Our assessment is that the proposals represent inappropriate development and the benefits do not outweigh the harm to the Green Belt. Therefore, limb i prevents the engagement of the tilted balance. Additionally a full assessment of potential archaeological interest has not been carried out.
- iv. Even if the Council were to conclude that the harm caused to the Green Belt was not substantial we have assessed the proposal against limb ii. It is considered that the benefits do not outweigh adverse impacts when the proposals are assessed against the NPPF as a whole.

9.27 As such, the presumption in favour of sustainable development (the tilted balance) does not apply to this application.

9.28 **For the reasons set out in this letter we object to the Scheme.**

8.24 We trust this provides a clear summary of our concerns and position. We request that Officers keep us updated on how this application is being progressed.

Yours sincerely



**Samuel Palmer**  
**Director**

On behalf of Chroma Planning and Development Ltd

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Enc.

**Appendix A – Transport Note prepared by Velocity Transport Planning**

TECHNICAL NOTE			VELOCITY		
Client	Daren Nathan		Page No.	1 of 12	
Project	Land at Little Bushey Lane		Project No.	22-195	
Subject	Technical Review		Document No	TN01	
Prepared By	CT / SF	Checked and Authorised By	SF	Date	November 2022

## 1 INTRODUCTION

- 1.1.1 Velocity Transport Planning has been appointed by Daren Nathan to carry out a Technical Review in respect of transport and access of the outline planning application (ref: 22/1071/OUT) at Land at Little Bushey Lane. The application was submitted by Redrow Homes and was supported by a suite of transport reports prepared by Vectos.
- 1.1.2 The application is for:
- “Residential development (up to 310 units) with access from Little Bushey Lane, and land reserved for primary school, community facilities and mobility hub (Class E) along with car parking, drainage, and earthworks to facilitate drainage, open space and all ancillary and enabling works. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).”
- 1.1.3 We have undertaken a technical review of the applicant’s Transport Assessment (TA) and Travel Plan (TP) and have identified several a shortcomings.
- 1.1.4 The remainder of this Technical Note discusses each of these shortcomings in turn dealing with:
- ⦿ Site Location
  - ⦿ Highway Design and Safety
  - ⦿ Trip Generation
  - ⦿ Highway Capacity Modelling



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## 2 SITE LOCATION

2.1.1 The applicant has asserted that the site is in a sustainable location in respect of transport. At paras 3.12 to 3.14 of the TA the applicant appears to indicate that the site could form part of a walkable neighbourhood and that having to walk more than 800m for everyday needs and facilities does not mean the site is in an unsustainable location. See the following extracts:

3.12 With consideration for the above, it is noted that paragraph 105 of the NPPF recognises different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural locations. Moreover, Manual for Streets (MfS) identifies 'walkable neighbourhoods' as being:

*"characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot."*

3.13 However, it is important to recognise that MfS does not consider 800 metres to be a maximum walking distance. Indeed, MfS contends that walking can be used to access a variety of destinations within a range of up to 2 kilometres.

3.14 More recently, there has been an emergence of 20-minute neighbourhoods, based on a design ethos of creating complete, compact and connected neighbourhood, where people can meet their everyday needs within a short walk or cycle. This concept builds upon the notion of walkable neighbourhoods and places designed at pedestrian scale and is supported by a 20-minute neighbourhood guide published by the Town and Country Planning Association in March 2021. The idea of the 20-minute neighbourhood presents multiple benefits including boosting local economies, improving people's health and wellbeing, increasing social connections in communities, and tackling climate change.

2.1.2 We would argue that applying the 20-minute neighbourhoods principles to an urban extension is questionable. The 20-minute neighbourhood principles are focused on designing and creating places holistically where all facilities are within 20 minutes' walk, rather than to justify development of site with poor accessibility which is what the applicant appears to be attempting here.

2.1.3 The applicant, by their own admission, demonstrates the site is not in a sustainable location with respect to walking. Table 3.3 of the TA identifies that, except for Bushey Meads School and one existing bus stop, all other local facilities are located significantly over 1,000m away and in many cases several kms away. This means all but one school, all food retail, all non-food retail, all health care facilities, all leisure and all employment opportunities are beyond a reasonable walk. Whilst some may be within a cyclable distance, not everyone can or wants to cycle and the applicant has failed to propose any measures to make cycling to these facilities easier or safer.

2.1.4 It is likely therefore that residents and visitors of the proposed development will be heavily reliant upon private cars as a means of travel.

2.1.5 The applicant has suggested that a new bus service could be provided to residents by re-routing alternate services of the 306/306A. This would simply create an hourly service and reduce the frequency on part of the existing half-hourly route. This will not produce additional public transport provision and an hourly service is arguably, not particularly convenient for a development of this scale.





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### 3 HIGHWAY DESIGN AND SAFETY

#### 3.1 PROPOSED SITE ACCESS

3.1.1 The proposed site access includes several features which we consider to be unsatisfactory and may lead to a deterioration in road safety. The proposed site access arrangement is shown on Vectos drawing numbered 172919C-A02, contained within Appendix B of the TA.

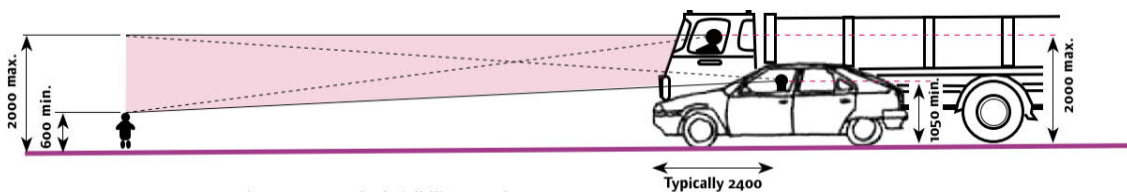
3.1.2 The drawing includes visibility splays drawn with a Y distance of 40m. This is the equivalent to a 30mph design speed according to Manual for Streets (Table 7.1) which is in line with the speed limit of the road and observed 85<sup>th</sup> percentile speeds. However, the drawing does not allow for the additional 2.4m bonnet length as recommended by MfS (see Table 7.1 and para 7.6.4). Extracts of the relevant parts of MfS are provided below for reference. This should be allowed for in the site access design.

**Table 7.1 Derived SSDs for streets (figures rounded).**

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43	45	59

Additional features will be needed to achieve low speeds

7.6.4 The SSD figure relates to the position of the driver. However, the distance between the driver and the front of the vehicle is typically up to 2.4 m, which is a significant proportion of shorter stopping distances. It is therefore recommended that an allowance is made by adding 2.4 m to the SSD.



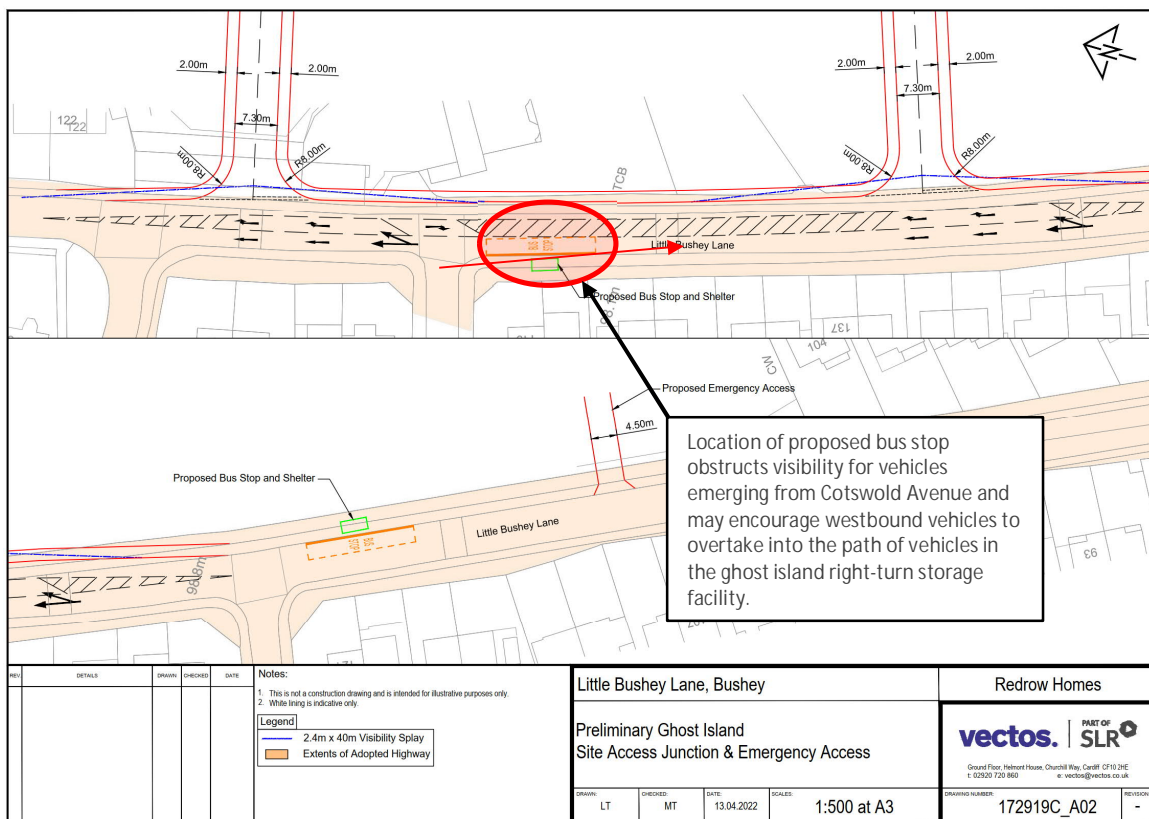
**Figure 7.17 Vertical visibility envelope.**

3.1.3 More concerning, however, is the impact of the proposed bus stop and shelter on the northbound side of Little Bushey Lane. With a bus in situ in the bus cage, it would effectively block the entire northbound lane. This would have the effect of encouraging following drivers around the bus into the chevron markings and into the opposing right-turn storage. There is therefore a significant risk with this arrangement of head-on collisions between opposing vehicles.



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3.1.4 In addition, the presence of a bus at the proposed bus stop would obscure visibility for vehicles waiting to emerge from Cotswold Avenue onto Little Bushey Lane. These problems are illustrated below:



## 3.2 STAGE 1 ROAD SAFETY AUDIT

3.2.1 The Stage 1 Road Safety Audit (Appendix C of the Transport Assessment) has been prepared by Vectos, the same consultancy to have prepared the highway designs on behalf of the applicant. Whilst we recognise that the individuals who have prepared the RSA are suitably qualified, we consider that it is inappropriate for the same organisation to carry this out as they share the same commercial interests. The RSA should not therefore be considered independent in this regard as the applicant has indicated it is at para 4.5 of the TA.

3.2.2 It is of note that none of the issues identified above were picked up by the safety audit.

## 3.3 SWEPT PATH ANALYSIS

3.3.1 Para 4.15 of the TA states that the site and its access have been designed to enable delivery and service vehicles to enter and exit the site in a forward gear. Reference is made to a review of the proposed access being provided in Appendix B but not such review is available. Appendix B contains an outline site access junction layout. There is no evidence of any swept path analysis having been carried out.

3.3.2 The applicant has therefore not demonstrated how the proposed site access and emergency access would operate for a range of design vehicles including the local authority's refuse collection vehicle and a fire tender.



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## 4 TRIP GENERATION

4.1.1 Trip generation is discussed in chapter 5 of the TA.

4.1.2 Whilst the residential trip rates appear to be reasonable, the applicant has failed to consider the true impact of the proposed development by not considering the effect of ‘first mode’ trips. Table 5.1 sets out the proposed multi-modal trip generation of the residential element of the proposed development. The applicant has drawn upon the Travel to Work data from the 2011 Census for the Hertsmere 013 super output area. The dataset deals in the main mode of travel. The question from the 2011 Census questionnaire is provided below:

**41 How do you usually travel to work?**

➔ Tick one box only

➔ Tick the box for the longest part, by distance, of your usual journey to work

- Work mainly at or from home
- Underground, metro, light rail, tram
- Train
- Bus, minibus or coach
- Taxi
- Motorcycle, scooter or moped
- Driving a car or van
- Passenger in a car or van
- Bicycle
- On foot
- Other

4.1.3 The key element here is the guidance above the question which emphasis the longest part, by distance, of the journey. The Census does not consider the first mode of travel, for example, how someone would travel from the home to a bus stop or rail station and back again.

4.1.4 The applicant has forecast 6% of residential trips will be via train and 12% via underground (see Table 5.2 of the TA). These two modes along represent 18% of the total residential trip generation, the equivalent of 53 two-way trips during the morning peak hour and 53 during the evening peak hour.

4.1.5 The location of the site is at least 1.9 miles on foot from Bushey railway station and 3.8 miles on foot to Watford tube station. These distances are arguably beyond the limit of a reasonable and regular walk for commuting. Each of these stations provides a reasonable volume of commuter parking and further parking is available nearby. Given the lack of any reasonable alternative it is entirely probable that commuters from the site travelling by rail or underground as their main mode of travel will drive to the stations as their first mode.

4.1.6 This would mean the proposed development is expected to generate an additional 53 two-way vehicular trips during the morning and evening peak hours which the applicant has not taken account of.



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4.1.7 In this respect, the applicant has significantly under-estimated the true vehicular trip generation of the proposed developed. This underestimation has been carried forward into the highway capacity modelling which already shows the development will lead to significant capacity constraints on the network.



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## 5 HIGHWAY CAPACITY MODELLING

### 5.1 JUNCTION OF LITTLE BUSHEY LANE / ALDENHAM ROAD / BUSHEY MILL LANE / B462

- 5.1.1 The junction of Little Bushey Lane/Aldenham Road/Bushey Mill Lane/B462 is a signalised junction c. 2.3km north of the proposed development. The B462 leads directly to the A41 and Berrygrove Interchange, linking to the M1.
- 5.1.2 It is understood that surveys were undertaken at the junction in March 2022, which is not a neutral month for traffic surveys. Therefore, it is not possible to interrogate the survey data. Paragraph 6.23 of the TA refers to the modelled queues being marginally higher than the observed queueing, but no queue surveys have been provided or, indeed, any information on how these queues were observed.
- 5.1.3 Queue surveys should have been conducted at five-minute intervals throughout the survey period to enable the signal junction model to be properly calibrated and validated. There is no evidence that this process has taken place and such the results of the junction modelling should be viewed with caution.
- 5.1.4 Furthermore, it is noted that the junction model has been set up without using signal specification data which would be provided by the highway authority. Instead, the likely operational timings have been determined by using Traffic Advisory Leaflet 1/06 General Principles of Traffic Control by Light Signals. This is a substandard means of assessing the impact of the proposed development on the junction as the model is not reflecting its current operation.
- 5.1.5 Given the absence of information provided in the TA in the form of surveys and the method used to determine the signal times at the junction, it is impossible to determine how the junction operates in the observed conditions.
- 5.1.6 Comparing queues alone is not sufficient to determine whether a model is a good representation of how the junction is operating, a much better metric would be Degree of Saturation of each lane.
- 5.1.7 The junction is a main connection to the A41 and M1 and as such is likely to see significant volumes of traffic in the peak periods, it should therefore be of the utmost importance to calibrate and validate the model using Degree of Saturation with signal timings as observed on-street during the surveyed period. Without this the impact of the development cannot be determined and the appropriate mitigation at the junction is unknown.
- 5.1.8 Notwithstanding these significant shortfalls, the applicant has presented modelling results which would suggest the impact of the proposed development on the junction would be severe.
- 5.1.9 The results of the junction modelling are presented in Table 6.5 of the TA and suggest the junction will operate with a DoS significantly over 90% during the 2027 with development and 2027 sensitivity scenarios. Even in the base model the DoS reaches 94.2% as shown by the extract below summarising the modelling results.



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Base 2022	AM Peak			PM Peak		
	Queue	Delay (s)	DoS	Queue	Delay (s)	DoS
B462 (n)	30.8	59.7	93.4%	30.6	43.5	89.6%
Little Bushey Lane	22.9	82.1	94.2%	16.0	83.2	90.4%
B462 (s)	19.1	39.0	77.2%	17.1	30.6	73.4%
Bushey Mill Lane	10.0	107.8	88.9%	9.5	103.3	87.4%
<b>PRC All Lanes</b>	<b>-4.7%</b>			<b>-0.4%</b>		
2027 With Development	AM Peak			PM Peak		
	Queue	Delay (s)	DoS	Queue	Delay (s)	DoS
B462 (n)	47.7	130.9	102.5%	35.1	46.2	35.1%
Little Bushey Lane	37.9	132.9	102.0%	36.6	243.7	36.3%
B462 (s)	21.1	47.2	84.4%	40.6	159.1	40.6%
Bushey Mill Lane	17.0	228.9	104.2%	20.1	272.9	20.1%
<b>PRC All Lanes</b>	<b>-13.9%</b>			<b>-20.7%</b>		
2027 Sensitivity	AM Peak			PM Peak		
	Queue	Delay (s)	DoS	Queue	Delay (s)	DoS
B462 (n)	53.5	160.6	104.6%	39.6	55.2	95.5%
Little Bushey Lane	42.8	156.8	103.9%	43.3	292.9	112.2%
B462 (s)	22.9	52.4	87.9%	76.5	314.2	116.3%
Bushey Mill Lane	13.6	164.0	98.6%	23.0	311.4	110.6%
<b>PRC All Lanes</b>	<b>-16.2%</b>			<b>-29.2%</b>		

- 5.1.10 For signal junctions, 90% DoS is widely considered to be the acceptable limit of operating capacity. Where approaches exceed this threshold, queues and delays increase exponentially. This can be exacerbated by local conditions but as the applicant has failed to provide any observed queue data, saturation data and evidence of calibration and validation, we have to treat these results with caution.
- 5.1.11 In both 2027 scenarios, the DoS on all but the B462(s) approach significantly exceeds 90%, peaking at 104.2% and 116.3% in the with development and sensitivity scenarios, respectively. The approach queues increase significantly from the 2022 base model. In the with development scenario the queues increase from a peak of 30.8 PCUs in the base model to 47.7. In the sensitivity scenario the peak is even higher at 76.5 PCUs.
- 5.1.12 Another measure of capacity, Practical Reserve Capacity (PRC) also evidences a significant impact from the proposed development, dropping from -4.7% in the 2022 to base model to -20.7% and -29.2% in the two future models.
- 5.1.13 The applicant has not indicated how such severe impacts on a critical junction could be mitigated. They do suggest that the installation of MOVA (Microprocessor Optimised Vehicle Actuation) controls at the junction could result in around a 10% improvement in capacity. There are several shortcomings with this short conclusion:
- ⊙ It fails to test the impact of MOVA controls on the junction. LinSig, which is the modelling package the applicant has used, allows the user to optimise the model to take account of similar benefits that MOVA may bring about. They have failed to do this.
  - ⊙ As they have not investigated how the junction currently operates, they are not able to rule out the possibility that it already operates using an optimised rather than fixed controlled. If they have, they have failed to provide any evidence of this.



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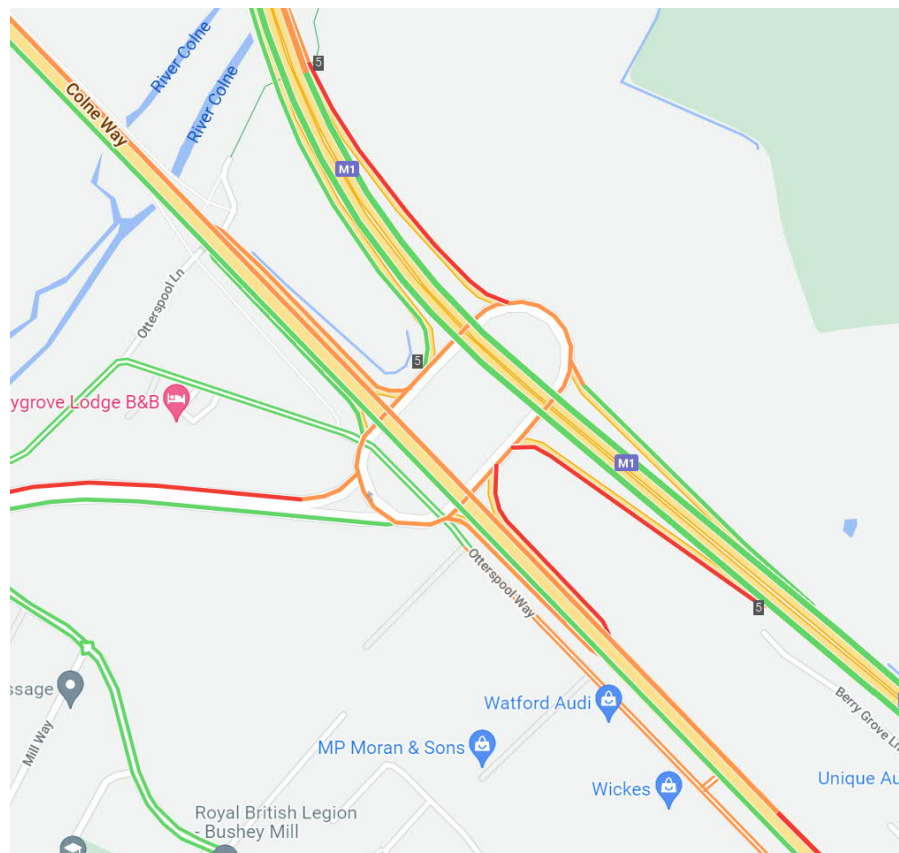
- ⦿ The 2027 with development models use vehicular trip generation from the site which significantly underestimates its true trip generation potential due to the failure to consider first mode trips. As additional 53 two-way vehicular movements during each peak hour associated with first-mode travel have not been accounted for. These increase the site's vehicular trip generation by 27%.

5.1.14 Based on the above, the applicant has failed to properly assess the impact of the proposed development on the junction. What they have presented significantly under-estimates the impact but still shows it would be severe and unacceptable. The true impact would be even more severe.

## 5.2 M1 JUNCTION 5 INTERCHANGE

5.2.1 The applicant has not provided any assessment of the impact of the proposed development on the operation of M1 Junction 5. This forms part of the strategic road network managed by National Highways. The junction is only a short drive from the site and given its strategic importance is likely to carry a significant volume of traffic from the site. The applicant's own assessment indicates 51% of vehicle strips from the site would route via Junction 5. As we know from our earlier analysis of the mode share data, this is already underestimated.

5.2.2 We know from a site visit carried out by VTP, from the anecdotal evidence of residents and even from typical traffic data from Google, that Junction 5 regularly experiences queues and delays on the circulating carriageway, the mainline carriageway and the on and off slips. See below Google Maps extract for a typical weekday morning (amber indicates slow moving queues, red indicates stationary queues).



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5.2.3 The applicant needs to carry out a full assessment of the impact of the proposed development on Junction 5. We note that National Highways has made similar comments and we would draw their attention to the failings of the applicant's trip generation exercise before considering any subsequent capacity assessment the applicant may carry out.





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## 6 SUMMARY

6.1.1 VTP has carried out a review of the proposed development at Little Bushey Lane in the context of transport and access. Although the application is submitted in outline, access is not reserved and as such it is incumbent upon the applicant to fully assess the impact of the proposals on the transport network and present credible mitigation measures. The applicant has failed to do this for the following reasons:

- ⊙ The site is not located in a suitable location for sustainable development. The lack of local public transport provision and amenities within walking distance mean that residents and visitors of the site will be heavily reliant on the use of private cars.
- ⊙ The applicant has failed to gather the necessary baseline information to carry out a proper assessment. Whilst some traffic survey data is presented, it has been collected in a non-neutral month for traffic surveys. More concerning though, is the lack of evidence of queue data, saturation data and signal timing data which is necessary to calibrate and validate junction capacity base models.
- ⊙ The proposed site access arrangements are unsafe. The applicant has failed to demonstrate they can provide adequate visibility for a 30mph road. The proposed location of the new bus stop and bus cage would severely impact highway safety as it would block the northbound lane of Little Bushey Lane and encourage following drivers into Chevron markings taking them directly into the path of oncoming vehicles in the ghost island right turn storage facility. It also severely restricts the visibility of drivers emerging from Cotswold Avenue which risks nearside to front end collisions.
- ⊙ The Stage 1 Road Safety has been undertaken by the applicant themselves. Although there is no question of the qualifications of the individuals involved, we do not consider the audit can be considered independent having been carried out by the Design Organisation who share the same commercial interests. It is of note that neither of the two significant safety deficiencies above were identified by the safety audit.
- ⊙ The forecast of the site's vehicular trip generation fails to take account of first mode trips to public transport, all of which will likely be by car given the distance to stations. This would add an additional 53 two-way vehicle trips during each peak hour, equivalent to an uplift on the applicant's residential vehicular trip generation of 27%. This means the forecast vehicular trip generation and associated highway impact are significantly under-estimated.
- ⊙ The applicant's capacity modelling of the Little Bushey Lane / B462 signal junction has been carried out incorrectly. There is no calibration and validation of the model against observed queues and saturation flows and the applicant has not used the junction's control sheet to set it up. Notwithstanding this, their own modelling results show severe impacts on the junction from the proposed development. These are likely to significantly under-represent the impact of the proposals given the residential vehicular trip generation figures should be 27% higher than what has been presented.
- ⊙ The applicant's proposed mitigation for the impact at the junction is to implement an optimisation control mechanism (MOVA). However, by their own admission this might only bring about a 10% improvement in capacity which would not be sufficient to offset the severe impacts of the proposals. The applicant can neither be certain the junction does not already operate with such a controller as they have failed to obtain the control sheet or provide evidence of discussions with the highway authority which might confirm their assumptions.



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- ⦿ The applicant has failed to undertake any assessment of the impacts on Junction 5 of the M1. We know anecdotally this junction frequently experiences significant queueing and delays and with more than half of the site's vehicular trips expected to use it, the impact cannot be dismissed without assessment.

6.1.2 We consider, based on the shortcomings presented above, the application must be refused.

