

## Summary – Legal, Policy and accepted UK Guidance that will be overridden should Cala Homes Construction traffic be allowed to transit via Holwell

***FACT - 58 % of road fatalities in the UK occur on rural roads- far greater than Urban Road and Motorways. More cyclists are killed each year on rural roads than urban roads - ROSPA Fact sheet – February 2017.***

### Summary

The 8 points below highlight the legal; Policy and HCC accepted guidance breaches that will occur if Condition 6 is discharged via the Holwell in/out route. Submission 17/02807/1 should not be discharged via Holwell on the grounds of 'Safety and Efficiency'.

- 1. Failure to undertake 2-way tracking** - Section 6.5.8 of MfS (MfS - *The Department for Transport's Manual for Streets - technical guidance to assist relevant parties meet existing government policy and legal requirements – Supported by HCC - they state in their 3<sup>rd</sup> Edition Highways in Herts, Policy, Section 1.2. 'HCC supports the MfS approach..'*) states that Swept-path analysis is the mechanism to determine the ability of streets to accommodate large vehicles. The MfS states ' *The level of provision required for the movement of buses should consider the frequency and the likelihood of two buses travelling in opposite directions meeting each other on a route*' – this is no difference between two bus and two HGV's meeting each other, similar widths – the requirement is to undertaken 2-way Tracking. **CONCLUSION - Failure to undertake 2-way tracking of the entire route is to abrogate a recognised duty to ensure an acceptable level of highway safety.**
- 2. Road width below accepted minimum standards** - Road widths in the 9 places measured by Cala in Holwell are below 4.8 m (suggested standard for residential roads) and are well below 6.75 M (standard for road distribution network to allow passing heavy vehicles). Reference - MfS ((The Department for Transport's Manual for Streets (MfS)). **CONCLUSION - Holwell roads do not meet minimum government policy standards for high volumes of HGV's - regardless of road classification!**
- 3. Failure to comply with NHDC Local Plan Submission 2011-2031 – Policy T1.**  
Policy T1 is clear, it states '*Planning permission will be granted where:*  
*a. Development would not adversely impact upon highway safety; and d. ....safe, direct and convenient routes for pedestrians and cyclists will be provided.'*

It is clear that to discharge Condition 6 via the Holwell in/out route will severely, 'adversely impact' the residents of Holwell and road users if approval is given.

**CONCLUSION – NHDC Policy T1 will be breached if two-way HGV traffic from the Cala site is allowed through Holwell via the Discharge of Condition 6.**

#### 4. Breach of Section 16 – the Traffic Management Act 2004.

Under s16 of the Traffic Management Act 2004, Section (1) and Section (1) (A).. there is a duty placed on the local traffic authority to *'manage their road network with a view to achieving, so far as is reasonably practicable'*:

*'.....the expeditious movement of traffic on the authority's road network...'*.

Under Section (2)(b) *'The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing - ...*

*'...the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network....'*

The Cala CMP/TMP proposal will significantly increase pressure on the Holwell road system, in addition to creating huge danger to road users.

**CONCLUSION** - Allowing two-way HGV traffic from the Cala site to transit via Holwell turning the village into a transport corridor and putting lives at risk is contrary to Section 16, 1(a) and 2(b) of the Traffic Management Act 2004, on the basis that this situation is Reasonably Practicable to avoid. Avoidance is via the Non-discharge of Condition 6 via the Holwell route.

#### 5. Non-compliance with 'HCC - Roads in Hertfordshire - January 2011: A Design Guide, 3rd Edition, Information and General Guidance Chapter, Policy – Section 1.4', Document states that HCC support compliance with the *Department for Transport's Manual for Streets (MfS) – the accepted guide to ensuring highway safety*.

Chapter 7 (of the HCC document): Transport Assessments, states the following:

*'7.3. Transport Assessment A Transport Assessment (TA) will be required where a development has more significant transport implications. A TA is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be taken to deal with the anticipated transport impacts of the scheme.'*

**CONCLUSION** Given the HCC position that it supports compliance with the MfS, it would follow that failure to ask Cala Homes for a robust assessment of the entire route to determine if it meets the standards reflected in the MfS, is a failure to comply with its own Policy! HCC will be in contempt of its own Policy if it recommends a scheme without robust Highway safety data!

#### 6. (National Planning Policy Framework) paragraph 35 states *'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones...'*

The frequency of heavy construction traffic along Howell's narrow rural roads that will result from the proposed construction route, will discourage pedestrians and cyclists from using

these narrow roads for a period of 3 years or more and will be contrary to NPPF paragraph 35. **CONCLUSION** - Failure to heed the NPPF.

7. **NPPF duty** - For NHDC to ignore the implications of traffic passing through Holwell and allow known potentially dangerous highway conditions to arise, constitutes an abrogation of duty. It is the duty of the LPA to approve the discharge of Condition 6 if it can be sure that the safety of residents has not been put at an unacceptable level of risk. The Cala CMP&TMP documents show an absence of any measures to reduce the risk to Holwell residents without destroying the nature of the village, which in turn is not a sustainable option and contrary to the NPPF! **CONCLUSION** - Failure to heed the NPPF.

8. **Failure to meet Condition 6** - The Cala CMP/TMP states: *The purpose of the document is to ensure potential impacts that may arise from the Construction Works approved by the Council in relation to Holwell Road are actively identified, managed and minimised in accordance with Condition 6 of the outline planning permission (application reference 15/01618/1).* Condition 6 of the planning permission states the following:

*“Prior to commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area for construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details of construction vehicle routing to and from the site.”*

**CONCLUSION** - Points 1 to 7 have not been adequately addressed to any recognised standard, it therefore follows that Condition 6 cannot be discharged on the grounds of Safety and Efficiency.

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