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

<b>Director of Planning</b> Welwyn Hatfield Borough Council The Campus Welwyn Garden City Hertfordshire AL8 6AW	District ref: 6/2021/0516/VAR HCC ref: WH/5872/2021 HCC received: 18 August 2021 Area manager: James Dale Case officer: Adrian McHale
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**Location**

Land North East of Welwyn Garden City Panshanger Welwyn Garden City AL27 2QJ

**Application type**

Variation of Condition

**Proposal**

AMENDED PROPOSAL

Variation of conditions 3, 4, 5, 6, 8, 11, 13, 18, 24, 28, 30, 31 & 32 on planning permission (6/2018/0873/OUTLINE)

**Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

**CONDITIONS**

- 1) Prior to the first occupation of the development hereby permitted the vehicular access on to Herts Lane shall be completed and thereafter retained as shown on drawing number (4250 Rev P3) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

- 2) Prior to the first occupation hereby permitted the vehicular access improvements at the vehicular access on to Panshanger Lane, as indicated on drawing number (4262 Rev P2), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 3) Prior to the first occupation of the development the internal junction arrangement shown on drawing 30588/AC/013, previously approved at the outline planning stage will be redesigned and the details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

#### COMMENTS

The outline planning conditions are shown below with the proposed changes shown in **red** and HCC Highways comment follows in *italics*.

#### 3) Phasing Plan

No development shall commence until a Phasing Plan for the application site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall not be carried out other than in accordance with the approved phasing contained within the Phasing Plan **unless otherwise agreed in writing by the LPA**. The Phasing Plan must:

- a) identify the phases within the application site;
- b) set out the programme of construction of the development including the proposed sequence of works;
- c) identify which phases shall accommodate play facilities and open space;
- d) outline the roads and access ways running through the application site including a clear hierarchy and programme of construction; and
- e) outline the green infrastructure network running through the application site and on land which is outside of the application site but identified on Landscape Parameter plan ~~ID06905-04-050-Rev1~~ **D2972\_433** and Indicative Proposed Landscaping plan ~~5705-E-02C~~ **D2972\_435**.

REASON: To make clear how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation measures are provided in the interest of proper planning.

HCC Highways notes that the proposed landscape plans introduce a new phase of development within a blue line boundary to the north of the red line boundary that does not appear to have been assessed in the original Transport Assessment (TA) that supported the previous application. Whilst HCC Highways do not wish to restrict this variation, if the land within the blue line is to come forwards in an application the transport impacts of this must be considered in a TA or TS (Transport Statement).

#### 4) Approved Drawings

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
ID06905-04-003	F	Site Location Plan	8 July 2019
<del>ID06905-04-052</del>	<del>F</del>	<del>Land Use Parameters Plan</del>	<del>8 July 2019</del>
<b>D2972_432</b>		<b>Land Use Parameters Plan</b>	<b>17 February 2021</b>
ID06905-04-049	H	Density Parameters Plan	8 July 2019
ID06905-04-048	I	Heights Parameters Plan	8 July 2019
<del>ID06905-04-050</del>	<del>I</del>	<del>Landscape Parameters Plan</del>	<del>8 July 2019</del>
<b>D2972_433</b>		<b>Landscape Parameters Plan</b>	<b>17 February 2021</b>
<del>ID06905-04-080</del>	<del>D</del>	<del>Access &amp; Movement Parameters Plan</del>	<del>8 July 2019</del>
<b>D2972_434</b>		<b>Access &amp; Movement Parameters Plan</b>	<b>17 February 2021</b>
<del>30588/AC/009</del>	<del>D</del>	<del>Proposed access from Herns Lane</del>	<del>23 July 2018</del>
<b>4250 Rev P3</b>		<b>Proposed access from Herns Lane</b>	<b>7 July 2021</b>
<del>ID06905-04-086</del>	<del>G</del>	<del>Illustrative Masterplan</del>	<del>8 July 2019</del>
<b>D2972_202</b>	<b>C</b>	<b>Illustrative Masterplan</b>	<b>3 August 2021</b>
<del>5705-E-02C</del>		<del>Indicative Proposed Landscaping (amended)</del>	<del>18 December 2018</del>
<b>D2972_435</b>		<b>Indicative Proposed Landscaping</b>	<b>January 2021</b>
<del>30588/AC/009</del>	<del>E</del>	<del>Proposed access from Herns Lane</del>	<del>14 February 2019</del>
30588/AC/012	A	Proposed access from Bericot Way	14 February 2019
<del>30588/AC/013</del>		<del>Proposed access from Panshanger Lane</del>	<del>4 April 2018</del>
<b>4262 Rev P2</b>		<b>Proposed access from Panshanger Lane</b>	<b>28 May 2021</b>
30588/AC/013		Panshanger Lane and movement control junction general arrangement	4 April 2018
30588/AC/014		Proposed access from Halifax Way	4 April 2018
ID06905-04-027	E	Design and Access Statement	4 April 2018
		Flood Risk Assessment, Price & Myers – 22110	4 April 2018 and Addendum 29 October 2018

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### Herns Lane – 4250 Revision P3

Prior to the revision of the drawing to P3 HCC had a number of concerns regarding road safety with regards to the P2 revision listed below:

- HCC considers that the currently proposed layout for vehicles traveling west to east is unnatural and the natural path due to the bend will see them cross over the central hatched area and conflict with right turning vehicles.
- HCC also have concerns regarding vehicles exiting the development not being separated appropriately this may result in a vehicle exiting to the right being in the inside lane and turning across the path of vehicles in the outside lane.
- HCC also has concerns over the large radii of the proposed junction which will allow vehicles travelling westbound on HERNS Lane to turn left into the development at speed, potentially masking a closely following vehicle from the view of drivers exiting the development resulting in a collision.

The subsequent to the revision to P3 addressed some of these concerns however, there remains concerns as to vehicles exiting the revised junction layout junction. However, it is considered that this and any other identified road safety issues can be addressed at the detailed design stage, hence the need for Condition 1) above.

#### Panshanger Lane – 4262 Revision P2

HCC considers that as per the previous Road Safety Audit advance warning of this junction on the Panshanger Lane approaches needs to be provided. However, as with the HERNS Lane access HCC considers that this and any other road safety issue can be resolved at the detailed design stage, hence the need for Condition 2).

A full road safety analysis of the proposed Panshanger Lane junction is currently being prepared by officers of the HCC Road Safety Team.

#### Movement Control Junction/ G&T Accesses – 30588/AC/013

The applicant originally proposed updating the proposed arrangement to the G&T accesses and movement control junction shown on drawing (30588/AC/013) to the drawing 4280 Rev P2, however the HCC road safety team identified a number of road safety concerns regarding the updated drawing:

#### Easternmost junction

- Left turn only from the side road junction is highly unlikely to be observed, especially as other traffic is permitted to travel to the west. This will likely result in unorthodox vehicle manoeuvres around the physical traffic islands.
- Lack of physical measures to prevent eastbound motorists is likely to result in those motorists passing the wrong side of the central traffic island to access Panshanger Lane to the east.
- One-way signage is proposed which indicates that no on-coming traffic should be expected. However, emergency vehicles are permitted and the road layout for all intents and purposes will function as a two-way road regardless of signage.

#### Westernmost junction

- Lack of signage could lead to motorists wishing to travel east passing the traffic island on the wrong side of the road.

#### General

- The proposals appear to sever access to community facilities for those living within the access road.
- The proposed highway layout and environment could lead to misuse and potential for inappropriate vehicular speeds along the one-way road.

In response to this the applicant has reverted to the original drawing (30588/AC/013) which was previously approved at the outline planning stage. The majority of the identified major road safety issues however, apply to the original drawing also. Particularly a road appearing as two-way, being signed as one-way. However, given that the previous drawing was approved at outline it is not considered HCC can object at this stage but does consider that the issues must be addressed at the detailed design stage and prior to development, hence the need for Condition 3).

## 5) Urban Design Statement

An Urban Design Statement must be submitted with each reserved matters application for each relevant phase to demonstrate how the design is in general accordance with the Design Principles set out in the approved Design and Access Statement reference ID06095-04-027 Rev E dated March 2018 and to ensure consistency of appearance, form, layout and materials throughout the development. Unless otherwise agreed in writing or superseded with an updated/revised Design Document.

REASON: To ensure a satisfactory standard of appearance of the development which reflects Garden City design principles and in the interests of the visual amenities of the area.

*The transport consultants for the proposed site have explained that the proposed wording is to allow the development spine road to be constructed prior to the main development if necessary and HCC Highways accepts this modification.*

## 6) Landscaping

The landscaping matters reserved for subsequent approval by condition 1 for the first residential phase shall include details of the landscaping and biodiversity features to be provided on land which is outside of the application site but identified on parameter plan ~~ID06905-04-050 Rev 1~~ D2972\_433 and plan ~~5705-E-02C~~ D2972\_435. These features shall be designed to mitigate biodiversity impact and visual impact of the development hereby approved.

REASON: To ensure the landscape, open spaces, habitats and species are safeguarded and where appropriate enhanced in accordance with Policy R11, R28 and RA10 of the Welwyn Hatfield District Plan; Policies SP1, SP9, SP10, SP11, SP12, SP18, SADM14, SADM15 and SADM16 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework and the requirements of the Conservation of Habitats and Species Regulations 2010.

*As with the original condition 3 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

## 8) Site Wide Strategies

No development shall commence on each phase of development until the following site wide strategies have been submitted to and approved in writing by the Local Planning Authority for the relevant phase. Thereafter, the development must not be carried out other than in accordance with approved strategies. The Site Wide Strategies must include, but is not be limited to the following:

- a) Movement Strategy – including detail of connections to the cycle and footpath networks, Green Corridor, Panshanger Park and Moneyhole Lane Park;
- b) Public Realm Strategy – including hard and soft landscaping, lighting, street furniture;
- c) Operational Waste management Strategy; and
- d) Drainage Strategy.

REASON: To ensure a satisfactory standard of development in the interest of proper planning.

*As with conditions 3 and 6 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

11) Landscape and Ecological Management Plan No development shall commence **on the relevant phase** until a Landscape and Ecological Management Plan (LEMP) **for that phase** has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved LEMP. The content of the LEMP must be consistent with the approved “Biodiversity Offsetting and Open Space Management Plan” (FPCR Rev C 24/01/2019) and include the following:

- a) Description and evaluation of features to be managed;
- b) detailed designs and/or working methods to achieve stated objectives for establishment and management phases;
- c) extent and location/area of proposed works on appropriate scale maps and plans with agreed target biodiversity impact assessment calculator scores and descriptions assigned to each habitat parcel;
- d) type and source of materials to be used, e.g. native species of native provenance;
- e) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP must also include details of the legal and funding mechanism(s) **for each phase** by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan must also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

REASON: To ensure the landscape, open spaces, habitats and species are safeguarded and where appropriate enhanced in accordance with Policy R11 of the Welwyn Hatfield District Plan; Policies SP9, SP10, SP12, SP18 and SADM16 of the Draft Local Plan Proposed Submission August 2016; the National Planning Policy Framework; and the requirements of the Conservation of Habitats and Species Regulations 2010.

*As with conditions 3, 6 and 8 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

### 13) Archaeology

A) No development shall commence **on the relevant phase** until an Archaeological Written Scheme of Investigation has been submitted ~~to~~ **for that phase** and approved in writing by the Local Planning Authority. The scheme must include an assessment of archaeological significance and research questions; and:

- i) The programme and methodology of site investigation and recording;
- ii) the programme and methodology of site investigation and recording as suggested by the evaluation;
- iii) the programme for post investigation assessment;

- iv) provision to be made for analysis of the site investigation and recording;
- v) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi) provision to be made for archive deposition of the analysis and records of the site investigation;
- vii) nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The development must take place/commence **within each phase** in accordance with the programme of archaeological works set out in the Written Scheme of Investigation **for that phase** approved under condition (A).

C) ~~The~~ **Each phase of the** development must not be occupied/used until the site investigation and post investigation assessment **for the relevant phase** has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy R29 of the Welwyn Hatfield District Plan; Policy SADM15 and SP18 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

*As with conditions 3, 6, 8 and 11 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

#### 18) Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development **of that phase** (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved remediation strategy.

REASON: This is to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site. Also, to prevent further deterioration and facilitate recovery of groundwater quality within the Upper Lee Chalk WFD groundwater body in accordance with Policies R2 and R7 of the Welwyn and Hatfield District Plan 2005 and the National Planning Policy Framework.

*As with conditions 3, 6, 8, 11 and 13 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

#### 24) Access

No part or phase of the development hereby approved shall be occupied prior to the construction and bringing in to use of the access points to the site in accordance with approved Plan Numbers: ~~30588/AC/009 Rev E;~~ **4250 Rev P3**; 30588/AC/012 Rev A; ~~30588/AC/013;~~ **4262 Rev P2** and 30588/AC/014.

REASON: To ensure that appropriate access is provided to the site in the interest of proper planning and highway safety.

*As discussed in response to the original Condition 4 HCC still has road safety concerns regarding the proposed Hern Lane and Panshanger Lane accesses, hence the requirement for the conditions 1) and 2) detailed previously. However, at this stage subject to detailed design HCC accept the proposed access locations, the HERN Lane access having been relocated circa 55m to the west.*

#### 28) Internal Layout

~~No part of phase~~ **No residential phase** of the development hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the streets within the relevant phase or phases have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the streets shall be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.

REASON: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.

*The transport consultants for the proposed site have explained that the proposed wording is to allow the development spine road to be constructed prior to the main development if necessary and HCC Highways accepts this modification.*

#### 30. Travel Plan

A. No development above ground level **damp-proof course of any dwelling/building** in any phase (as identified in the Phasing Plan reserved for approval under condition 3) shall take place **within that phase** until an Interim Travel Plan for the relevant phase or phases has been submitted to and approved in writing by the Local Planning Authority.

B. No **residential** phase of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan **relevant to that phase** referred to in Part A of this condition.

C. Prior to the occupation of ~~the 500th dwelling~~ **75% of dwellings within the relevant phase**, a Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition **for the relevant phase** shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

REASON: In order that the development promotes public transport, walking and cycling, and limits the reliance on the private car to reduce the impact of travel and transport on the environment in accordance with the National Planning Policy Framework.

*The transport consultants for the proposed site have explained that the proposed wording is to allow the development spine road to be constructed prior to the main development if necessary and HCC Highways accepts this modification initially. However, a travel planning 'evaluation and support' fee is £1,200 p.a. (index-linked RPI May 2014) should be secured from the first occupation until 5 years post full occupation.*

#### 31) Accessible and Adaptable Homes

No development shall commence within any **residential** phase (as identified in the Phasing Plan reserved for approval under condition 3) until a scheme setting out the arrangements for the delivery of accessible housing within the relevant phase or phases has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant part, phase or phases of the development be carried out in accordance with the approved scheme. The scheme must include the following:



- a) A schedule of units, together with appropriate plans and drawings, shall be submitted to and be approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010;
- b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures;
- c) All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- d) The person carrying out the building work must inform the Building Control body which requirements apply; and
- e) Written verification of the completion of all dwellings in accord with b) and c) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1, H10 of the Welwyn Hatfield District Plan 2005 and SP7 of the Draft Local Plan Proposed Submission and the National Planning Policy Framework.

*The transport consultants for the proposed site have explained that the proposed wording is to allow the development spine road to be constructed prior to the main residential development if necessary and HCC Highways accepts this modification.*

### 32) Refuse and Recycling

A full detailed refuse and recycling proposal **for each residential phase** shall be submitted to and approved in writing by the Local Planning Authority within each reserved matters application **for the relevant phase of development**. The proposal must include detailed tracking diagrams and detailed property information so that a calculation of requirements and costs can be made. Thereafter, the development must not be operated other than in accordance with the approved Refuse and Recycling Plan.

REASON: In order that the Local Planning Authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general in accordance with Policy D1 of the Welwyn and Hatfield District Plan 2005; Policy SADM12 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

*As with conditions 3, 6, 8, 11, 13 and 18 HCC Highways request clarity of any additional quantum of residential development in a 2<sup>nd</sup> Phase and would require additional development to be supported by TA or TS, however HCC Highways has no objection in principle to this amendment.*

### INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Roads to remain private: The applicant is advised that all new roads marked on the submitted plans associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN7) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including

run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN8) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN9) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN10) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

AN11) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

## AN12) Degradation and Repair of Highway - Bond Payment under s106 Agreement - Minerals

A Section 106 agreement will be required to secure a Condition Survey, in order to assess the condition of the highway within the vicinity of the site before development commences. Periodic and other Condition Surveys will also be required throughout the construction and operational phases of the development and an updated version of the Condition Survey will be required at the completion stage.

Where the Highway Authority reasonably considers that the development, as a result of its construction and/or operation, is likely to cause or increase road degradation, a highway bond of £30,000 should be secured via a Section 106 agreement prior to the commencement of development on site.

The payment of a bond of £30,000 per 5-year period of the development would be required to cover any degradation of the highway surface in the vicinity of the site arising during, and associated with any part of, the construction and operational phases of the development. The bond shall be fully re-compensated to (the applicant/relevant party\*) after each five-year period if the Highway Authority agrees that no repairs are necessary as evidenced by any relevant Condition Survey. If repairs to the highway are deemed to be necessary within any five year period, as evidenced by any relevant Condition Survey, the £30,000 shall be used for this purpose and any balance re-compensated in favour of (the applicant) at the end of each five-year period.

“Condition Survey” means a survey undertaken to assess the condition of the Hems Lane between the roundabout with Moors Walk and the B1000; the B1000 between the junctions with Hems Lane and Panshanger Lane and Panshanger Lane between the junctions with the B1000 and the A414.

The Condition Survey is to be undertaken at the following stages: (i) prior to the initial site preparation as shown on drawing D2972\_202 Rev C; (ii) periodically, as and when reasonably required by the Highway Authority throughout the construction and operation of the development; (iii) at the end of each five (5) year period starting at the first occupation and continuing throughout the lifetime of the development; and (iv) at the completion stage.

**Signed**

Adrian McHale

20 August 2021