

ITEM NUMBER: 5a

21/03793/MOA	Hybrid application for the redevelopment of land to provide up to 26,640m2 of commercial floorspace (Classes Eg (i), Eg (iii) B2 and B8) together with associated infrastructure including a new access onto Green Lane, landscaping and planting buffers, parking and circulation space. Creation of four plots for development including ground remodelling and creation of a service road.	
Site Address:	Land at Green Lane, Hemel Hempstead	
Applicant/Agent	Prologis UK Ltd/Savills	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Adeyfield East
Referral to Committee:	The application has been referred to the Development Management Committee as it comprises large scale major development requiring a S106.	

1. **RECOMMENDATION** – That planning permission is **DELEGATED** with a view to **APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

2.1 The proposals will facilitate the provision of employment space at an important site within the Hertfordshire Innovation Quarter Enterprise Zone and at the junction of Breakspear Way and Green Lane. The emerging Local Plan (HH20) seeks to allocate the site for employment use and it will facilitate the provision of significant employment opportunities for the residents of Hemel Hempstead in accordance with Policies CS14 and CS15 of the Core Strategy.

2.2 The engineering operations contained within this submission will create a number of plateaus for the development of commercial warehouses and office space and set out a number of development parameters that should ensure the high quality development of the site in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The application site is located at the eastern edge of the Borough of Dacorum and is bounded by Breakspear Way (A414) to the south and Green Lane to the east. The northern boundary abuts Boundary Way with industrial uses located immediately to the north and northwest. The western boundary of the site adjoins Woodwells Cemetery and Woodwells Caravan Storage site. The site is separated from the wider Maylands Business Park and Gateway by Buncefield Lane.

3.2 The site comprises an 'L' shaped parcel of land, approximately 6.89 ha in size. The site consists of two fields separated by a poorly defined hedge line. The northern most field has a gentle fall from north-west to south-east ranging in level from 137.60m AOD to 133.02m AOD. The southern field which links Buncefield Lane to Green Lane is relatively flat, falling from 134.60m AOD in the north-west to 132.08m AOD in the south-east. Along the eastern boundary there is a noticeable level change falling down towards Green Lane within the zone of highway land.

- 3.3 A footpath (Footpath No. 131) runs from Buncefield Lane to the west of the site and continues east joining up to Green Lane crosses the site from east to west and provides a pedestrian connection between Green Lane and Buncefield Lane. The remainder of the site is sparsely covered with vegetation throughout with thicker areas of trees and hedgerows to the perimeter of the site. A band of trees runs east-west across the southern portion of the site.

4. PROPOSALS

- 4.1 The application comprises a hybrid planning application for the development of 26,640m² of commercial floorspace together with associated infrastructure, including a new access into the site from Green Lane, landscaping and planting buffers and works incidental to the development of the site.
- 4.2 Full planning permission is required for enabling works across the entire site including the investigation and mitigation of ground contamination, the creation of the main access into the site, the creation of plateau for the development of four buildings on the site together with appropriate landscaping and access works around the boundaries of the site. A remodelling the existing site topography is required to reduce the need for material to be removed from the site and is achieved by a cut and fill balance across the development area.
- 4.3 Development Zones 1a and 1b would be constructed with a finished plateau level of some 134.350m AOD and this represents an increase in ground level height of some 2.3m adjacent to the Breakspear Lane and Green Lane roundabout. This requires the construction of a retaining wall behind the existing and proposed landscaping to this junction. Zone 2 would be provided with a plateau level of some 135.100m AOD whilst Zone 3 would have a plateau level of some 135.600m AOD.
- 4.4 Outline planning permission is required for all other matters (excluding access) and seeks to establish the principle of two development options in relation to the site. These are set out in the associated Design and Access Statement and parameters plan for the site. The site will be developed by Prologis in phases.
- 4.5 Option A (Parameter Plan) would allow for the creation of up to 4,200 square metres of office floorspace within Class E (g) (i) in Plot 1A together with Class E (g) (iii) light industrial use, B2 general industrial use and/or B8 storage and distribution uses across the remaining plots. Plot 1A would provide a highly visible and landmark office building facing the roundabout at Green lane and Buncefield Lane.
- 4.6 Option B (Parameter Plan) would provide up to 26,640m² of floorspace for uses within Class E (g) (iii) light industrial use, B2 general industrial use and/or B8 storage and distribution uses. This would be accommodated on four plots of land and is likely to comprise 5 individual buildings.
- 4.7 Both options would be accessible from a new junction on Green Lane and via an internal spine road.
- 4.8 The application was reduced in scale during the course of the application by the submission of an amended parameter plan (31325-PL-201A). The amended plan reduced the amount of development permitted in Zone 3 from 6,100 square metres to some 5740 square metres.

4.9 The site was subject to a screening opinion (21/02805/SCE) and the local planning authority determined in August 2021 that the site did not constitute EIA development.

5. REPRESENTATIONS

Consultation responses

5.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

5.2 No comments have been received from neighbouring properties.

6. POLICIES

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 – Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 - Management of Roads
CS12 – Quality of Site Design
CS13 – Quality of Public Realm
CS 14 – Economic Development
CS15 – Offices, Research, Industry, Storage and Distribution
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS28 – Carbon Emissions Reductions
CS29 – Sustainable Design and Construction
CS30 – Sustainable Off-setting
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Hemel Hempstead Place Strategy
CS34 – Maylands Business Park
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 12 – Infrastructure Provision and Phasing
Policy 13 – Planning Conditions and Planning Obligations
Policy 31 – General Employment Areas
Policy 37 – Environmental Improvements
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 60 – Lorry Parking
Policy 99 – Protection of Trees and Woodland
Policy 100 – Tree and Woodland Planting

Policy 116 – Open Land
Policy C6 – Woodwells Cemetery
Policy 118 – Important Archaeological Remains
Appendix 1 – Sustainability Checklist
Appendix 4 – Layout and Design of Employment Areas
Appendix 5 – Parking Provision

6.4 Supplementary Planning Guidance / Documents

Car Parking Standards SPD (2020)
Energy Efficiency & Conservation (June 2006)
Environmental Guidelines (May 2004)
Maylands Gateway Development Brief (2013)
Maylands Masterplan (September 2007)
Water Conservation & Sustainable Drainage (June 2005)

6.5 Emerging Strategy for Growth (2020-2038) – Single Local Plan

Overarching Vision for Dacorum's Growth by 2038
Policy SP5 – Delivering the Employment Strategy.
Policy SP15 – Delivering Growth in Hemel Hempstead
Policy SP19 – Maylands Business Park

7. **CONSIDERATIONS**

Policy and Principle

- 7.1 The site is located within the Hertfordshire Innovation Quarter (Herts IQ) and forms part of the wider Maylands Gateway Site. It is intrinsic to the delivery of the employment needs of the Borough beyond the Local plan period and to addressing a shortfall of employment land within the Core Strategy. The designated Enterprise Zone (Herts IQ) aims to attract a wide range of high value business sectors linked to environmental technologies such as off-site modern methods of construction, agricultural based technologies and digital industries to land to the east of Hemel Hempstead and extending across the boundary with St. Albans City and District Council.
- 7.2 The Core Strategy indicates that focus at East Hemel Hempstead will be on regenerating the employment area. The growth of the business park will be based on the regeneration of existing areas (as undertaken by Prologis to the west of the site) followed by expansion of the Maylands General Employment Area. This will include undeveloped sites and Greenfield land at the Maylands Gateway site as set out in Policy CS34 of the Core Strategy. Policy CS34 indicates that the priority at the Maylands Gateway site should be the development of high quality office and complimentary land uses within an open setting. This should be in accordance with the Area Action Plan (AAP) for East Hemel Hempstead.
- 7.3 A comprehensive strategy for development of the Maylands Gateway site was envisaged to be developed through the provision of an Area Action Plan (AAP) in conjunction with St. Albans City and District Council. In the absence of policy support through the AAP, the planning policies for the area are now being pursued via the new Single Local Plan work. In the intervening period development should be undertaken in the accordance with the development plan and the Maylands Gateway Masterplan and having regard to paragraph 122 of the NPPF.
- 7.4 Paragraph 122 of the NPPF indicates that in the interim (where a Council has a plan which does not reflect changes in demand for land), prior to updating a development plan,

applications for alternative uses on land should be supported where the propose use would contribute to meeting an unmet need in the area. In this case, there is a need for additional employment land to support the economic growth of the Borough.

- 7.5 The site remains subject to Saved Policy 116 of the Local Plan and Proposal C6. Saved Policy 116 of the Local Plan seeks to protect open space forming part of the urban area from development whilst Proposal C6 allows for the retention and possible expansion of the adjacent Woodwell's cemetery.
- 7.6 Even though the loss of open land would be contrary to Saved Policy 116 of the Local Plan, it is evident from the Core Strategy and Maylands Gateway Development Brief that built development is appropriate on the site. There is no need to expand Woodwells cemetery given the construction of the new cemetery and crematorium developments at Bunkers Park and in accordance with paragraph 122 of the NPPF it is no longer appropriate to carry forward such proposals in the plan process.
- 7.7 Policy CS34 and the Maylands Gateway Development Brief should be afforded significant weight in this decision and provides a clear rational for the employment led development of the site, whilst the emerging plan policies (SP5, SP15 and SP19) have limited weight in favour of further employment development at this site.
- 7.8 The site is recognised as a location for employment led growth within Policies SP5, SP15 and SP19 of the Dacorum Emerging Strategy for Growth (2020-2038) and is integral to the delivery of a significant increase in employment space over the emerging plan period. The boundaries of the Maylands General Employment Area (GEA) are proposed to be extended under the emerging plan to take in land permitted or allocated for employment growth at the Maylands Gateway and Spencer's Park sites. The site is identified as site HH20 in the schedule of Growth Areas under Policy SP15 with a view to providing some 48,000 square metres of gross internal floorspace of offices, 24,000 square metres of industrial space or a mix thereto. Draft Policy HH20 indicates that land on the corner of the site and fronting Breakspear Way/Green Lane should be developed for offices unless market evidence shows that there is no commercial interest. The level of outstanding objections for employment proposals such as this are significantly lower than with the housing proposal so 'limited weight' could be afforded to these policies in support of the proposals and in any assessment of the planning balance.
- 7.9 This land is well located to meet some of the need for small and medium sized industrial accommodation given its location by the A41 and close proximity to the M1. Land on the corner of the site fronting Breakspear Way/Green Lane should be developed for offices unless market evidence shows that there is no commercial interest in such development and this is illustrated in Option B submitted in support of this application.
- 7.10 The inclusion of two options within the application, including office development in one option, is a response to the aspiration in the emerging policy HH20 to secure office uses as part of the development. Whilst 48,000 square metres of office is unlikely to be delivered (as acknowledged in the SW Herts Economic Study Update 2019), this flexible approach to support a scenario where offices may provide a smaller quantum of development should be welcomed. It will be important, through the assessment of reserved matters applications, to test whether the sites development can incorporate office development at the important junction of Breakspear Way and Green Lane and uncertainty about the quantity of office space that might be delivered in this location.

Layout and Design

- 7.11 This application seeks to establish planning permission for the construction of four plateaus upon which to construct an employment led development of the site. Full planning permission is requested in relation to the engineering works and site preparation. The application is accompanied by a parameter plan and statement of design objectives for the site as set out within the accompanying Design and Access Statement and Design Code document. In addition, illustrative landscaping plans have been provided to show how the boundaries of the application site will be landscaped and how the development plateaus would interact with neighbouring land. The approach to developing the site is considered to be appropriate and should reduce any need to remove spoil or other material from the application site.
- 7.12 A high quality development is expected to be provided in accordance with CS12 and CS13 of the Core Strategy and the Maylands Gateway Development Brief. To fulfil the vision for the Gateway, high quality buildings, public realm and landscaping will be expected, including the treatment of parking areas. An element of good quality open space within the Gateway is also important to provide amenity value and to help create a pleasant working environment.
- 7.13 The Maylands Gateway Development Brief places significant importance on the need to create an active frontage and positive relationship with Breakspear Way in order to provide a visible sign of the regeneration of the Maylands area, as well as Hemel Hempstead as a whole. Where industrial units are proposed, those fronting Breakspear Way should provide overlooking and active elements. Parking and servicing areas should also be provided to the side and rear of the buildings proposed.
- 7.14 The submission of reserved matters applications will be expected to comply with the submitted Design Code and Parameters Plan. This sets out appropriate guidance to deliver a high quality development on the site and one which is considered to be appropriate in terms of its layout, design, bulk, scale and use of materials in accordance with Policy CS12 of the Core Strategy. Both options A and B (Illustrative Plans) incorporate an active frontage to the SW corner of the site, facing the Green Lane/Breakspear Way roundabout, which will help to meet the objectives of the Maylands Gateway Development Brief and the emerging Local Plan policy.
- 7.15 The orientation and siting of all built form across Options A and B will be designed to create strong, active frontages when viewed from outside of the site. The location of car parking, access roads and service yards within internal areas of the site are designed and located to ensure an appropriate level of separation and landscaping to site boundaries wherever possible. Likewise, the introduction of ancillary office space, predominantly on outward looking facades fronting the site boundaries (and the location of the office block in Option A) will help to activate these frontages.
- 7.16 The associated parameter plan indicates that the buildings upon the site will have a maximum height of some 15m above finished floor level. These buildings are designed to meet the functional and operational needs of employment uses. These are similar in height to those constructed at the adjacent Prologis site and are considered to be appropriate in this context in accordance with Policies CS11 and CS12 of the Core Strategy. The creation of development plateaus across this sloping site will ensure that the scale of buildings does not appear excessive when viewed from the surrounding highway network and that the buildings have an appropriate relationship and juxtaposition to each other and surrounding land uses. It is acknowledged that development in Zone 1a will be very prominent given a change in land levels adjacent to the Breakspear Way and Green Lane roundabout and therefore the detail design of this building and the landscaping at this point will be very

important in enhancing the entrance to and public perception of Maylands and Hemel Hempstead. A landmark building should be considered through the reserved matters phase to enhance the entrance to the town.

Landscaping and Visual Amenity

- 7.17 A comprehensive Landscaping Strategy has been prepared in support of this planning application together with some illustrative landscaping sections in key locations around the perimeter of the site. This incorporates a tree survey in accordance with BS5387:2012. The Landscape Design Strategy sets seven key strategic objectives to shape the environmental benefits to be brought about by the proposed redevelopment of the site: These objectives are as follows:
- a) To retain and protect the existing trees and hedges except those to be removed to facilitate the new access point and highway works
 - b) To ensure the successful establishment and retention of the landscape scheme and effective landscape buffer planting, particularly along the boundaries of the site to provide an attractive setting and backdrop for the development.
 - c) Where appropriate take opportunities to improve potential habitat biodiversity on the site with the introduction of features such as bat/bird boxes, and the inclusion of hibernacula/log piles and hedgehog gateways installed within the boundary fences.
 - d) Enhance the amenity value of the site and provide an attractive and welcoming environment sympathetic with the existing landscape character of the area;
 - e) To create a 'feel safe' environment for site users;
 - f) To consider sustainability in terms of both materials selection and maintenance; and
 - g) To take account of the future maintenance requirements by careful selection of plant species and their relationship, with emphasis on achieving good establishment whilst minimising maintenance costs
- 7.18 The key principles of the landscaping strategy are embedded in the Design Codes for the site and will need to be pursued through the submission of reserved matters applications.
- 7.19 The majority of the vegetation around the periphery of the site will be retained and protected during construction. This is clearly indicated on a tree constraints plan submitted with the application. Tree group, G17, running parallel to Breakspear Way, will be retained, managed and subject to infill planting where necessary to close up any gaps therein. The cemetery boundary will be reinforced by native planting whilst 3 large stature trees along the northern boundary of the site (T50, 51 and 52) will be retained and under planted. The proposals include a new landscape scheme at the junction of Breakspear Way and Green Lane incorporating the existing 'Welcome to Dacorum' signage. The landform is to be locally remodelled rising up to the base of a course stone faced gabion that demarcates the edge of Zone 1a plateau. An arc of formally clipped carpinus betulas (Hornbeam) instant hedging will wrap around the signage whilst the use of prairie style planting in front will create an exciting area of colour, texture and form. The proposals are not considered to be detrimental to existing landscaping features and should result in a high quality landscaping scheme to the site in accordance with Policies CS12 and CS26 of the Core Strategy. This will soften the overall appearance of this commercial/industrial development.

- 7.20 The landscaping of the site incorporates a 2.4m acoustic fence around the perimeter of the site and adjacent to the Woodwells cemetery. This is considered to be necessary to reduce any noise nuisance from industrial and commercial activities to visitors to the cemetery and to ensure that the cemetery remains a quiet place of solitude and reflection. The full details of this fence shall be provided in the submission of reserved matters applications and be constructed prior to the occupation of any of the buildings upon the site.

Access and Parking

- 7.21 The application has been subject to discussions with both Hertfordshire Highways as local highway authority and National Highways in relation to the impact of development upon the strategic highway network (M1) These discussions have been held in the context of proposed improvements to junction 8 of the M1 and in relation to proposals for the development of land to the east of Hemel Hempstead within the St. Albans City and District administrative area. Neither party has any objections to the resulting scheme subject to a number of planning conditions as set out in Appendix A. The overall conclusions are that the proposals would not have a significant and detrimental impact on the surrounding highway network in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.19 A single vehicular access to the site will be provided via a new road junction onto Green Lane with each development zone being served by the estate spine road to the rear of the development site. The design of this road junction has been designed to allow for its replacement with a roundabout junction in the event of development at land at East Hemel Hempstead. The internal access road has been designed to accommodate HGV access and appropriate loading and circulatory space. These would provide a safe means of access to the development site in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.20 Pedestrian and cycle access to the site and wider connectivity beyond the site will be enhanced through the provision of a 'quiet route' to Buncefield Lane, improvements to the public right of Way 131 across the site and by the provision of a separate 3m wide footpath and cycleway to Green Lane. This would encourage alternative means of access to the site than private car with priority around the site given to alternative means of transport in accordance with Policies CS8 and CS12 of the Core Strategy. Two proposals are presented for the treatment of Buncefield Lane and subject to the successful implementation of a Traffic Regulation Order prohibiting vehicular access. These plans and works will be incorporated within a legal agreement for the development of the site.
- 7.21 It is clear from the submitted Design Code that the parking arrangements for each individual unit should reflect the requirements of the Car Parking Standards SPD (2020) and that this will be designed accordingly. These areas are stated to be constructed in a mix of macadam and blockwork as part of the coordinated landscaping plan for the site and will be softened by soft landscaping areas. Further judgements regarding the adequacy of access to individual plots will be considered at a reserved matters stage.

Sustainable Construction

- 7.22 The application is accompanied by a Sustainability Statement by Turley Sustainability. This succinctly sets out that the Core Strategy sets a range of sustainable design and climate change requirements for new developments under Policies CS28 and CS29 of the Core Strategy whilst the Emerging Strategy for Growth sets out a requirement for development to achieve BREEAM Excellent ratings. These align with the objectives of Prologis as a developer of industrial and commercial real estate whose own objectives set out that Prologis will design new buildings in accordance with recognised sustainable building certification scheme and incorporating energy efficient lighting system.

7.23 The supporting statement indicates that the Maylands Gateway development will be designed to achieve the BREEAM Excellent standard. Whilst Building Regulations and planning policies focus on the operational carbon emissions (such as heating and lighting) Prologis also recognise that the embodied carbon of a building is a significant percentage of its lifecycle carbon emissions. Prologis are a supporter of the charity 'Cool Earth'¹ and mitigate all of the embodied carbon for new developments through financial contributions to Cool Earth for use in their work.

7.24 Prologis have indicated that at this stage in their design that a target of a 15% carbon reduction over Part L 2013 will be deliverable and that this will be confirmed through the submission of reserved matters applications. The following measures will be employed:

- Provision of roof lights to the industrial buildings to cover at least 15% of the unit roof space and to prioritise natural daylight, minimise artificial light and energy requirements
- Air tightness values lower than the Building Regulations standard of 10m³/m²/hr to less than 1.5m³/m²/hr
- Glazing being provided to office elevations with a U value of less than 1.4W/m²K.

It may be feasible for Solar PV, Solar Thermal Hot Water systems and/or Heat Pump systems to be incorporated within the final design of the proposals and subject to reserved matters applications.

7.25 The proposed development will deliver highly sustainable and resource efficient buildings capable of adapting to climate change in accordance with Policies CS28 and CS29 of the Core Strategy.

Drainage and Flood Risk

7.26 As set out in Appendix A to this report, the applicants have not been able to demonstrate to Hertfordshire County Council as Lead Local Flood Authority that there is an appropriate drainage strategy for the site. The LLFA have concluded that:

“Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site”.

7.27 The LLFA have indicated that to overcome their objection a full design of the SuDs features and associated drainage calculations would need to be provided.

7.28 Given that this application is a hybrid application, it is contended that this level of detail is excessive. The layout and arrangements for drainage are not available at this stage as an appropriate level of design work has not been undertaken. The overall arrangement of drainage routes and SuDs features may vary depending on the final design of buildings as required under a reserved matters process.

7.29 The applicants indicate that the drainage strategy for the site indicates that SuDs features such as permeable paving and swales will be included in the development of each plot and that surface water run-off would be restricted to that currently associated with a Greenfield site. A planning condition has been suggested by them that would incorporate these

¹ Cool Earth is a UK registered charity that works alongside indigenous villages to halt rainforest destruction. As part of their projects in the Amazon they have approximately 85,000 hectares of land under community stewardship. A number of tree planting schemes are being implemented globally.

requirements. This would be in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

- 7.30 Another concern from the LLFA is that the proposed drainage will not adhere to the hierarchy of surface water discharge (infiltration, water courses, sewers). This is despite assurances that the relevant permissions for such works are in progress with the associated statutory undertakers. It is accepted that on some parts of the site, infiltration of water would not be appropriate given ground conditions and in such circumstances water discharge is likely to fall to the sewer network. I would reiterate that this would be at a Greenfield run-off rate and thus no worse than the current arrangements at site. Prologis have confirmed that no part of the proposed drainage network would be adopted by either the local authority or Thames Water and would accept a condition thereon. It is indicated that a condition could be applied which would cover the need to secure the on-going management and maintenance of any drainage system. This would be appropriate in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Ecology and Biodiversity

- 7.31 The application site has been subject to an Ecological report by Ecology Solutions. This has indicated that the site has little intrinsic ecological value comprising low level grassland. It also identifies that there is a lack of evidence to suggest that the site is used by protected species such as badgers or bats (although low level evidence of foraging was found and retained trees have habitat potential) Although no formal comments have been received from the Hertfordshire Ecology team in relation to this application, they have indicated in response to the consultation on the Emerging Local Plan that they were not aware of any fundamental ecological constraints to the development of this site. This is reflected in the Ecological Surveys of the site by Ecological Solutions. It is therefore concluded that the proposals would have little impact on green infrastructure as required under Policy CS26 of the Core Strategy. The response of Hertfordshire Ecology to this proposal within the consultation draft of the Emerging Local Plan indicates that there will be a need to contribute to the off-setting of any failure to contribute appropriate biodiversity net gains in accordance with the Natural England matrix as set out in paragraph 7.34 below.

Infrastructure and Developer Contributions

- 7.32 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The proposed development is not liable for the payment of the Community Infrastructure Levy, but a number of infrastructure works are necessary as a result of the development. These are to be secured through the payment of developer contributions under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 7.33 The applicants have already paid a contribution of some £250,000 towards the carrying out of longer term improvements to the junction of Breakspear Way and Green Lane in association with planning application 4/00064/17/MFA (Comprehensive development of land to provide 54,714m² of flexible commercial floorspace within use Classes B1 c) B2 and B8 and ancillary offices at Land at Buncefield Lane and Breakspear Way). This contribution is still held with the County Council as highway authority pending the improvement of the Breakspear Way/Green Lane roundabout and wider improvements to junction 8 of the M1. It is recommended that this contribution is used in line with the latest proposals for the development of the highway infrastructure in the vicinity of the application site to ensure that appropriate highway works are undertaken to regulate traffic movements in the locality and encourage sustainable transport measures. The highway network will be further amended through the pursuit of a Traffic Regulation Order and amendments to Buncefield Lane to provide a 'quiet route'

- 7.34 A contribution is required to off-set the impact of development upon biodiversity and to provide a net gain in the biodiversity value of land of some 10% in accordance with the drafted Environment Bill and emerging plan policy. The application is accompanied by a report by Ecology Solutions that demonstrates that it is not possible to prevent a net loss to biodiversity within the site itself and therefore off-site compensation measures will need to be implemented. A payment of £250,584 would be required to offset the loss of habitat and achieve a 10% net gain in biodiversity based on the standard methodology². The Council will need to establish a mechanism and strategy for the spending of the biodiversity payments in consultation with the applicants and Herts Ecology.

Other Material Planning Considerations

Health and Safety

- 7.35 The Health and Safety Executive (HSE) has provided composite maps showing the relationship between the HSE's Land Use Planning consultation zones for the Buncefield Oil Terminal major hazard site. There are four consultation zones within which the scale of development will be controlled in the interests of public safety. The most restrictive area is the Development Proximity Zone (around 150m from the tank bunds) within which only development that is not normally occupied will be permitted such as car parking, storage etc Beyond this there are limitations regarding the height of buildings and the number of occupants of such buildings within each of the consultation zones (Inner, Middle and Outer Zones). The proposed use of land is one which would be acceptable in the Middle and Outer Zones.
- 7.36 The applicants have advised that buildings within the Inner Consultation Zone (Zone 3 on the parameter plan) would not exceed the relevant threshold (100 people/3 storey) based on the Homes and Communities Agency publication 'Employment Densities Guide 2015; particularly if this is applied to a B8 (Storage and Distribution) land use. On this basis the HSE are satisfied that they do not need to raise an objection to the scheme. Given the guidance in the HSE response it is however considered appropriate to restrict the number of occupants to buildings within this zone in the interests of public safety via a planning condition.
- 7.37 The British Pipeline Agency has advised that the development of the site will have no impact upon any pipelines within the vicinity of the Buncefield terminal and as such there are no grounds for concern in relation to the pipe network, its safety and security as a result of this proposal.
- 7.38 The buildings are not subject to a specific Fire Access Statement as they fall below the height and use thresholds. The site is accessible to fire tenders and as such is not considered to raise any significant fire safety issues.

Impact on Neighbouring Land Uses

- 7.39 The use of the site for employment purposes is considered unlikely to have any significant adverse impact on neighbouring land uses in accordance with Policy CS12 of the Core Strategy. It has been carefully design and includes mitigation measures to ensure that there is no significant noise nuisance from commercial activities to visitors to the adjacent Woodwells Cemetery.

² A figure of £12,000 per biodiversity unit has been proposed within the drafted Environmental Bill in accordance with the advice of Natural England.

Chiltern Beechwoods Special Area of Conservation (CBSAC)

- 7.40 The planning application is within Zone of Influence of the CBSAC. The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 7.41 The site will primarily provide employment opportunities for those within the Borough and surrounding areas. Its development per se is extremely unlikely to increase recreational or other pressures on the CBSAC. A screening assessment has been undertaken and no likely significant effect is considered to occur to the CBSAC therefore an appropriate assessment is not required in this case.

Air Quality

- 7.42 The application is accompanied by an Air Quality Assessment by WSP. The assessment of the potential air quality impacts associated with traffic generated by the operational phase of the proposed development has been completed in line with published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO₂), PM₁₀ and PM_{2.5}.
- 7.43 The results show that the proposed development would cause little or no discernible increase in concentrations of NO₂, PM₁₀ and PM_{2.5} at relevant nearby sensitive receptors. According to the assessment significance criteria, the residual effects of the proposed development during the operational phase are also negligible.
- 7.44 There are no objections from the Environmental Health team in relation to the impact of development on air quality and as such the proposals must be considered acceptable under Policy CS32 of the Core Strategy.

Archaeology and Built Heritage

- 7.45 The accompanying Archaeological Assessment indicates that there are no designated or non-designated archaeological assets upon the site or within the immediate surrounding area. The site was also subject to a geophysical survey which identified that it is unlikely to contain yet to be identified archaeological remains. The proposals are not considered to be harmful to archaeological remains and the historic environment in accordance with Policy CS27 of the Core Strategy.
- 7.46 The application is also accompanied by an Assessment of Built Heritage by RPS. This concludes that the site comprises a neutral element within the settings of Breakspears and Gorhambury whereby it makes no contribution to the respective significance of these heritage assets. The development would result in a negligible impact to their settings and result in no harm in accordance with the NPPF and Policy CS27 of the Core Strategy.
- 7.47 The County Archaeological Unit and their suggested conditions have been included below.

8. RECOMMENDATION.

- 8.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.2 That the following Heads of Terms are agreed:

- The reallocation of £250,000.00 secured in association with planning permission 4/00064/17/MFA towards the improvement of the Green Lane and Breakspear Way junction
- That enhancement works to Buncefield Lane are commenced in accordance with the Buncefield Lane Works Schedule (see Table 1 of the response from Hertfordshire Highways)
- A contribution of £250,584.00 is provided to undertake biodiversity improvements within the Borough.
- A contribution of some £6,000 is provided for the monitoring and evaluation of a Green Travel Plan in relation to the site.

8.3 That the following conditions are applied:

Conditions:

1. **Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2. **The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Construction Management

3. **No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. The Construction Management Plan / Statement shall include details of:**

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and**
- k. Phasing Plan.**

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan

Reason: To ensure that the M1 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to protect the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Phasing

- 4. This development may be implemented in phases or as individual development zones in accordance with the Parameter Plan hereby approved. Each development zone may be treated as an individual site for the purposes of discharging any application for reserved matters approval and may commence subject to conditions relating thereto.**

Reason: For the avoidance of doubt.

- 5. No development on Zone 1A comprising land uses within Classes EG (iii), B2 or B8 of the Town and Country Planning (Use Class Order) 1987 (As Amended) (Option B) shall take place until market evidence or an assessment of the employment land demand has been submitted to the Local Planning Authority and agreed in writing to demonstrate a lack of commercial interest in EG (i) uses or that the use is unlikely to be taken up.**

Reason: To ensure an adequate supply of employment land uses in accordance with Policy CS34 of the Core Strategy.

Access and Parking

- 6. The submission of reserved matters for access shall include full details, for each phase or development zone, of the layout of internal access roads, gates, controlled access points, parking (including cycle and EV charging locations) loading and circulation areas:**

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 7. Prior to the first occupation / use of the development hereby permitted the vehicular access to the site shall be completed in accordance with drawing number(s), 9793-WSP-XX-S278-DR-C-00101 P01 and 9793-WSP-XX-S278-DR-C-00102 P01 and in accordance with reserved matters to be submitted to and approved in writing by the Local Planning Authority. The access arrangements shall thereafter be retained in accordance with the approved details.**

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).

- 8 Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number(s) (9793-WSP-XX-S278-DR-C-00101 P01. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 9. Prior to the first occupation / use of each phase or development zone of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 30% of the car parking spaces to have passive provision for EV charging.**

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

- 10 Prior to the commencement of each phase or development zone of the development hereby permitted, a scheme for the parking of cycles including details of the number, design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before that phase of development is first occupied (or brought into use) and thereafter retained for this purpose.**

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

- 11 Prior to the first occupation / use of individual units within the development a plan agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be agreed in writing by the Local Planning Authority in consultation with the highway authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 4, 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

- 12 At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, produced in accordance with the Hertfordshire County Council Travel Plan Guidance, Mar 2020, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be based on the submitted Framework Travel Plan within (Appendix E) of the WSP Transport Assessment and updated to include:**

- **changes to relevant Government Guidance and Local Planning Authority Policies since the 2016 date of publication of the Framework Travel Plan**
- **include the measures specified in Section 6.2.4 of the WSP Air Quality Assessment report (September 2021)**

- include the collection of baseline information on:
 - awareness of Ultra Low Emission Vehicles (ULEVs)
 - ownership of ULEVs
- include resources to raise awareness of ULEVs
- include measureable targets for ULEV uptake throughout the lifetime of the Travel Plan

It shall be implemented in accordance with the timetable and target contained in 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 in consultation with the Highway Authority as part of the annual review.

Reason: To ensure the M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' the National Planning Policy Framework and Planning Practice Guidance. To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and to satisfy the requirements of Policies CS8 and CS12 of the Core Strategy.

Reserved Matters

- 13 The submission of Reserved Matters applications for appearance and scale for each phase or development area shall comply with the Parameters Plan and Design Code hereby approved and shall include details of the following matters for each development plot:**

- full elevations for the proposed buildings
- floor plans of the proposed building and
- full details of the materials to be used in the external appearance of the buildings.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

- 14. No building on the development hereby approved shall exceed 15m in height above the finished floor level.**

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in accordance with the site parameters plan.

- 15. The proposed building to Development Zone 3 shall have a maximum gross external area of some 5740m²**

Reason: To limit the size of the building in order to adhere to the Health and Safety Executives Inner Consultation Land Use Planning advice.

- 16. The submission of Reserved Matters applications for landscaping for each phase or development area shall comply with the Design Code and Landscaping Strategy for the site hereby approved and shall include details of**

- soft landscaping measures including planting plans and specifications
- the siting and design of any boundary treatment including acoustic fencing to the boundary of Woodwells Cemetery
- exterior lighting plans and
- minor artefacts and structures (bin stores, benches etc)

No development shall take place until measures for the protection of trees have been erected in accordance with plan 2036/20-03. These shall thereafter be retained for the duration of construction.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

17 The submission of the Reserved Matters application shall include details of the following matters for each development plot:

- Details of the design for the sustainable surface water management drainage for each plot which are to include SuDS features (such as permeable paving) and with surface water discharge limited to greenfield run-off rates.
- Details of any proposed drainage infrastructure crossing underneath the public highway in consultation with the Highways Authority and
- Details of any proposals for the long term management and maintenance of any SuDs or drainage systems.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an adequate drainage strategy for the site and its maintenance in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Contamination

18. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32

19. This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 19 (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme and**
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32

20 Any contamination, other than that reported by virtue of Condition 19 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Archaeology

21 a) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording**
- 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
- 3. The programme for post investigation assessment**
- 4. Provision to be made for analysis of the site investigation and recording**
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation**

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure the adequate investigation and recording of archaeology in accordance with Policy CS27 of the Core Strategy.

21 b)

- i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 21 a).**
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 21 a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure the adequate investigation and recording of archaeology in accordance with Policy CS27 of the Core Strategy.

Buncefield

22. No building within the Health and Safety Executives Inner Consultation Land Use Planning Consultation Zone for the Buncefield Oil Terminal major hazard site shall be occupied by more than 100 employees at any one period in time.

Reason: In the interests of public safety.

Approved Plans

23. The development hereby approved shall be carried out in accordance with the following plans and documents:

- 31325-PL-200 (Location Plan)**
- 31325-PL-201A (Parameters Plan)**
- SK1200-P01 (Plateau Earthworks Analysis)**
- SK1201-P01 (Plateau Contour Plan)**
- SK1300-P02 (Surface and Foul Water Drainage Layout)**
- SK1605-P01 (Site Section Sheet 1)**
- SK1606-P01 (Site Sections Sheet 2)**
- SK1611-P01 (Proposed Spine Road)**
- SK1612-P01 (Proposed Spine Road)**
- SK1613-P01 (Proposed Spine Road)**
- SK1621-P01 (Proposed Spine Road Contours)**
- SK1622-P01 (Proposed Spine Road Contours)**
- SK1623-P01 (Proposed Spine Road Contours)**
- 9793-WSP-XX-S278-DR-C-00101 P01 (Section 278 – General Arrangement)**
- 9793-WSP-XX-S278-DR-C-00102 P01 (Section 278 Agreement – Forward Visibility Splay)**
- 9793-WSP-XX-S278-DR-C-00103 P01 (Section 278 Agreement – Forward Visibility Splay)**
- 2036/20-01 (Tree Constraints Plan)**
- 2036/20-02 (Landscape Concept Plan)**
- 2036/20-03 (Tree Retention, Protection and Removal Plan)**

2036/20-04 (Landscape Concept Sections)

Air Quality Assessment by WSP (September 2021)
Biodiversity Assessment by Ecological Solutions (September 2021)
Design and Access Statement by Michael Sparks Associates (September 2021)
Design Code by Michael Sparks Associates (September 2021)
Drainage Design Philosophy by RPS Group (June 2021)
Ecological Assessment by Ecological Solutions (September 2021)
Heritage Statement by RPS (August 2021)
Landscape and Visual Impact Assessment by Barry Chinn Associates reference 2036/20/RP02 rev A
Noise Impact Assessment by WSP (September 2021)
Sustainability Statement by Turley reference PR0Z3021 (September 2021)
Transport Assessment by WSP (September 2021)

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
National Highways	<p>FINAL RESPONSE (March 2022)</p> <p>Notice is hereby given that National Highways' formal recommendation is that we:</p> <ul style="list-style-type: none">a) offer no objection (see reasons at Annex A);b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);d) recommend that the application be refused (see reasons at Annex A); <p>This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence. Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.</p> <p>Annex A National Highway's assessment of the proposed development</p> <p>National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect</p>

of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Following a review of the Transport Assessment, and subsequent discussions with the developer, we are now in a position to withdraw our holding direction. National Highways has no objection to the planning application subject to the below proposed planning condition to mitigate the impact on the M1 by the development proposal.

Condition 1

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

***Reason:** To ensure that the M1 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

Condition 2

Prior to the first occupation of the development hereby permitted, a Framework Travel Plan for the development is submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

***Reason:** To ensure the M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' the National Planning Policy Framework and Planning Practice Guidance.*

AMENDED RESPONSE (11th February 2022)

As you are likely aware, our current holding direction expires today. I have just issued an updated holding direction to allow for the completion of our review of the additional information. I have extended the holding for 5 weeks until the 18 March 2022 however, if we are in the position to change this position sooner, we will.

We will be in touch when AECOM have completed their review or if we have any further queries.

ORIGINAL RESPONSE BY AECOM/NATIONAL HIGHWAYS

AECOM have prepared this Technical Note (TN) on behalf of National Highways (NH) to document a review of the Transport Assessment (TA), dated September 2021, prepared by WSP on behalf of Prologis UK Ltd. The TA has been prepared in support of a proposed employment development at Maylands Gateway Expansion (MGE), Hemel Hempstead, Hertfordshire

The proposal comprises of a maximum gross floor area (GFA) of

27,000sqm with a mix of office and industrial land uses.

The development proposal is a hybrid planning application, with a full planning application submitted comprising enabling works on the entire site and an outline application for two alternative development options.

The proposed development site is located to the east of Hemel Hempstead town centre, approximately 600m north west of M1 Junction 8. MGE consists of the area immediately to the north of the A414 Breakspear Way in between Green Lane to the east, Maylands Avenue to the west and Boundary Way to the north.

The purpose of this TN is to conduct a review of the TA to determine whether the potential impact of the proposed development on the strategic road network (SRN) has been reasonably assessed. If appropriate, AECOM may make reference to previous Scoping Note reviews (TN01 and TN02) to determine whether any previous recommendations are still applicable.

NH are responsible for the monitoring, management, and maintenance of the SRN. The nearest point of access to the existing SRN is M1 Junction 8. The M1 is a strategic north-south route, linking London, the Midlands and the north of England and passes to the east of Hemel Hempstead. M1 Junction 8 is located approximately 600m from the proposed development and is accessed via the local highway network.

The local planning authority is Dacorum Borough Council (DBC), with the local highway authority being Hertfordshire County Council (HCC).

For ease of reference, AECOM's main comments and recommendations are presented in bold and underlined text throughout the note. Recommendations regarded as critical to the acceptability of this planning application are coloured **red**. Recommendations that are regarded as important but not critical to the acceptability of this planning application are highlighted in **amber**. The recommendations raised in TN02 that are now considered resolved are highlighted in **green**.

Policy Review

The TA states that the following national, regional, and local guidance documents have been referenced:

- National:

National Planning Policy Framework (NPPF);
National Planning Practice Guidance (NPPG); and
DfT Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development.

- Regional:

Hertfordshire's Local Transport Plan 4 (2018 – 2031), May 2018.

• Local:

Dacorum Borough Council, Core Strategy, September 2013;
Dacorum Borough Local Plan (DBLP), April 2004;
Emerging Dacorum Local Plan (2020 – 2038); and
Maylands Gateway Development Brief (MGDB), June 2013.

AECOM welcome the use of these planning guidance documents, but recommend that, when considering the impact of the proposed development on the SRN, reference be made to Highways England's 'The strategic road network: Planning for the future (A guide to working with Highways England on planning matters)'.

Existing Conditions

Site Location

The TA states that the proposed development site is located approximately 3km to the east of Hemel Hempstead, Hertfordshire. The site is bounded by Boundary Way to the north, Green Lane to the east, Breakspear Way to the south, and Woodwell Cemetery, the existing Prologis development at Maylands Gateway, and Buncefield Lane to the West.

Local Highway Network

The TA states that the proposed development site is located approximately 600m west of Junction 8 of the M1. The M1 is part of the strategic road network (SRN), linking London to Leeds. The M1 connects with the A406 North Circular at its southern end and the A1(M) at Junction 48 at its northern end.

The A414 (Breakspear Way) is the main connection from Hemel Hempstead to the SRN, connecting at M1 Junction 8. The A414 is an important regional road, running in a broadly east/west direction, connecting Hemel Hempstead to Maldon, via St Albans.

Green Lane, located to the east of the proposed development site, runs in a north/south direction, connecting the Breakspear Way to Boundary Way, leading to a number of employment sites within Hemel Hempstead Industrial Estate.

The TA states that plans are currently being developed by HCC to upgrade the A414, but that there are no detailed proposals at the time of writing.

Existing Traffic Flows

The TA states that it was required by HCC that new traffic surveys of existing conditions in the study area would be necessary. It is noted within the TA that these surveys were undertaken at a time when Covid-19 restrictions were in place, therefore, HCC provided

multiplication factors to adjust traffic counts to better reflect 'normal' traffic conditions.

AECOM request that details are provided of the factors provided by HCC, along with any explanation of how these were derived. The Covid-19 adjustment factors used are as follows:

- AM Peak hour = 1.190476190
- PM Peak hour = 1.075268817

Walking and Cycling

The TA states that a public right of way (PRoW), footpath 131, bisects the site in an east/west direction, between Green Lane and Buncefield Lane. At Buncefield Lane this path connects with footpaths 50 and 51, allowing access to the existing Maylands Gateway development.

The TA states that there a number of road routes available to cyclists, providing links to nearby public transport hubs. National Cycle Network (NCN) route 57, located approximately 2.5km north of the site, follows a former railway line and is largely traffic free between Hemel Hempstead and Welwyn Garden City. It is also understood that HCC are proposing a number of cycle upgrades in the area, including conversion of the Amazon roundabout on Boundary Way to a "Dutch style" roundabout.

Figure 4-3 of the TA shows that the town centre of Hemel Hempstead is within a 20-minute cycle of the proposed development site. It should be noted, however, that the legend of Figure 4-3 contains a misprint. Where it should say '15 – 20 mins' it instead says '5 – 10 mins'.

Public Transport

The TA states that there is a bus stop pair located on the A414 Breakspear Way approximately 400m from the proposed development site, with further bus stops located on Boundary Way, approximately 1km from the proposed development site. The services and route frequency are summarised in Table 4-1 within the TA.

AECOM do not believe that the information portrayed in Table 4-1 accurately describes the situation regarding the availability of bus services within the vicinity of the proposed development site. While the TA mentions a range of services available in the area, it does not mention that only two services (ML1 and 758) are available from the nearest bus stop mentioned previously, with only ML1 serving the further of the two bus stops. A number of the other services presented in Table 4-1 serve bus stops on Maylands Avenue, located around a 1km walk from the western boundary of the site.

In addition to the potential discrepancies regarding the number of services operating, the presented frequency of these services is also potentially incorrect. Services PB2 and ML1 are stated to have a

frequency of circa 30 minutes, however the TA neglects to mention the short operating hours of these services. PB2 operates only between 16:31 and 18:30, with only three ML1 services operating in the morning between 07:17 and 08:52 and three services in the afternoon operating between 16:11 and 17:41. AECOM, therefore, recommend that the summary of bus services be updated to accurately reflect the availability of bus services within the area.

The TA states that there are two railway stations in Hemel Hempstead, Apsley, located approximately 4.5km from the proposed development site, and Hemel Hempstead, located 5.5km from the proposed development site. It is noted within the TA that both stations are beyond a reasonable walking distance from the site.

Both Hemel Hempstead and Apsley are situated on the West Coast Mainline Line, with Hemel Hempstead seeing services to destinations such as London Euston, Milton Keynes, South Croydon, and Northampton.

As the information provided with regards to bus services in the vicinity of the site is not complete, in not providing distances from stops to the site or accurately state service frequency, it is considered that recommendation 5 of TN02 is still outstanding.

Personal Injury Collisions

The TA states that personal injury collision (PIC) data has been provided by HCC for the 5-year period from January 2016 to December 2020. The full PIC report is unable to be presented within the TA due to a confidentiality agreement between WSP and HCC. AECOM welcome the scale of this collision analysis; however, it is recommended that the five-year period preceding the Covid-19 lockdown be used to better represent 'normal' traffic conditions. It is therefore considered that recommendation 8 of TN02 is still outstanding.

Development Proposals

The TA states that the development proposal for the site is for four plots, providing up to 27,000sqm GFA for employment uses. It should be noted, however, that the application proposal available on the DBC planning portal states that the maximum GFA is to be 26,640sqm, although the likely traffic impact of this difference would be minimal.

The development proposal is a hybrid planning application, with a full planning application submitted to commence enabling works on the entire site and an outline application submitted for two alternative development options. The two development options are detailed as follows:

Option A – up to 27,000 sqm of floorspace in dual/alternative use for Class E(g)(iii) light industrial, B2 general industrial and/or B8 storage and distribution uses; or

Option B – up to 4,200 sqm of office floorspace within Class E(g)(i) in Plot 1A, together with up to 22,100 sqm dual/alternative uses within Class E(g)(iii) light industrial, B2 general industrial and/or B8 storage and distribution uses across the remaining Plots.

AECOM, therefore, consider that recommendation 1 of TN02, that a detailed breakdown of the development proposals should be included within the TA, is resolved.

The TA states that all trips to the site will enter and leave through a single access point on Green Lane; all vehicles will enter from the south and egress to the north. It is noted that an EIA scoping note has been submitted for a development on the east side of Green Lane, and that this shows a roundabout at the location of the proposed site access. It should be confirmed that the proposed site access can be accommodated with the future proposed roundabout.

AECOM recommend that the site access is checked for compatibility with the potential future roundabout.

Vehicle Trip Generation

The TA states that the network peak hours considered for assessing trip rates are 07:30 – 08:30 for the AM peak and 17:00 – 18:00 for the PM peak, being derived from observed traffic survey data. Having reviewed the traffic count data supplied, AECOM agree that the network peak hours are those stated within the TA.

Trip Rates

The TA states that the TRICS database (version 7.8.2) was used to derive trip rates for the proposed development. The trip rates presented within the TA have been summarised in Table 1 below. It should be noted that, while both development options include provision for E(g)(iii) use, no trip rates have been presented within the TA for this land use. AECOM, therefore, recommend that trip rates be provided for E(g)(iii).

Trip Generation

As stated previously, the outline planning application is for two alternative options. As such, trip generation has been presented within the TA for both options. The trip generation presented within the TA for both options is summarised in Tables 3 and 4 below and has been shown as PCUs. The TA states that a factor of 2.4 was used to determine the PCU value of HGVs. This factor is considered to be acceptable by AECOM.

Until the GFA for the different uses is confirmed, it is requested that the trip generation for a worst case scenario is calculated in addition to the two options shown. Recommend that a third trip generation option is shown with the worst case that could be provided by the 27,000 sqm being applied for.

The trip generation for the two options of the proposed development

based on the trip rates derived by AECOM is shown below in Tables 5 and 6. As with the WSP analysis there are no trips associated with any potential E(g)(iii) use, as no area for this has been provided, although it is mentioned as a part of the overall development mix.

As can be seen when comparing Tables 3 and 4 to Tables 5 and 6, the number of vehicle trips generated using the trip rates derived by AECOM is around 40-85% higher in each peak when compared to those presented within the TA.

AECOM recommended within TN02 that the trip generation for each development zone for both options should be clarified. While trip generation for each development zone has been presented within the TA, the issue raised in above means that AECOM do not consider recommendation 2 of TN02 to be resolved.

Previously Agreed Trip Generation

Previously, an expansion to the Maylands Gateway development was proposed with three phases of development, summarised as follows:

- Phase 1 – Internal access road improvements, the construction of a discounted food store and A3 restaurant / fast food drive-thru units and associated parking;
- Phase 2 – Creation of the full retail terrace and the remaining parking; and
- Phase 3 – The construction of office (Class B1) building and access to serve it.

As stated within the TA, only Phase 1 has been brought forward, with Phases 2 and 3 not being delivered. As such, the TA proposes that the number of trips associated with this development be aggregated with the trips that have previously been accepted. AECOM do not agree with this methodology as it does not take into account the difference in land uses or trip distribution, and as such, will not accurately represent the traffic impact of the proposed development. This has been mentioned previously in TN02 and has not been addressed

In order for this method of aggregating trips with previously consented trips to be acceptable, more information would need to be provided. There would firstly need to be clarification required from Dacorum BC that the previously approved development in Phases 2 and 3 could not be brought forward in the future without a new transport assessment and planning application being submitted. In addition, the distribution of the previously consented trips would need to be considered in order to produce a net impact on the Breakspear Way roundabout and M1 J8. **AECOM recommend that either further evidence is provided that would make this proposal acceptable, or that the traffic from Phase 2 and 3 are included within the junction analysis scenarios.**

Trip Distribution

The TA states that the gravity model developed and agreed

previously with HCC and NH (then Highways England) has been used to distribute trips onto the local highway network. This gravity model was used in the TAs for the original Maylands Gateway and Maylands Avenue developments, and, therefore, is accepted by AECOM.

The model used considers that 70% of the development traffic will head to/come from destinations located to the south and east of Hemel Hempstead, with the corresponding 30% heading to/coming from destinations north of Hemel Hempstead. With regards to private vehicular traffic, it is assumed that 10% of vehicles will be arriving/departing from residential areas within Hemel Hempstead, with the other 90% originating from the M1.

As mentioned previously in TN02, it is unclear as to how these trips would be assigned to the highway network. It is, therefore, recommended that details of this are provided within the TA and that the number of development trips that are predicted to route via the A414 Breakspear Way/Green Lane roundabout and M1 Junction 8 in particular is detailed. This should also include the anticipated increase in trips predicted to utilise individual slip roads, link roads and M1 merge and diverge areas to demonstrate whether or not the predicted impact would be material.

Committed Developments

The TA states that the traffic movements from a number of committed developments, which are summarised below, have been included within the assessment flows. This is welcomed by AECOM.

- Spencer's Park Phase 2 (Ref: 4/02539/16/MOA);
- 47 Maylands Avenue (Ref: 4/02981/17/MFA);
- Wood Lane End Residential Scheme including Employment (Ref: 4/0635/18/MFA);
- Maylands Avenue (Ref: 4/01922/19/MFA); and
- Maylands Avenue 66 and 72 Wood Lane End (Ref: 20/00963/MFA).

The TA also states that M1 Junction 8 is to be redesigned, with the (yet to be finalised) plans including a replacement of the A414 Breakspear/Green Lane Roundabout. As such, AECOM consider recommendation 17 of TN02 to be resolved.

Assessment Scenarios

The TA states that the assessment years will be as follows:

- 2021 – Base Year;
- 2023 – Expected Opening Year; and
- 2038 – Future Horizon Year (end of new Local Plan).

These assessment years are considered to be reasonable by AECOM. It should be noted that the 2021 Base Year flows will be the values found from traffic counts multiplied by the Covid-19 adjustment factors stated in paragraph 3.6.

The TA states that TEMPro has been used to provide growth factors

between the surveyed year and future assessment years. These growth factors are shown in Table 7.

These growth factors are deemed to be reasonable by AECOM. **Furthermore, recommendation 16 of TN02 is considered resolved.**

The TA states that following assessment scenarios have been considered to assess the impact of the proposed development:

- Scenario 1: 2021 (existing baseline);
- Scenario 2: a) 2023, b) 2038 without development (future baseline);
- Scenario 3: a) 2023, b) 2038 with development (Option A); and
- Scenario 4: a) 2023, b) 2038 with development (Option B).

The scope of the assessment scenarios is considered acceptable to AECOM.

It is noted that in TN02, alongside providing the assessment scenarios as stated above, it was recommended that flow diagrams also be provided for base flows, base + growth flows, committed development flows, proposed development flows, and total flows. These have been included within Appendix 3 of the current submission.

Travel Plan

The TA states that the approved workplace Framework Travel Plan (FTP) that is in use at the existing Prologis Park Hemel Hempstead will be extended to include visitors and staff to the Maylands Gateway Expansion site. This has been agreed with HCC and therefore is considered reasonable by AECOM.

As such, AECOM consider recommendations 11, 12, and 14 of TN02 to be resolved. However, recommendation 13 cannot be considered resolved as there is no record of discussions with local bus operators with regards to the level of bus service provision for the development.

Junction Capacity Assessments

The TA states that a number of junctions were assessed with regards to the existing and future performance of the local highway network. The analysis of these junctions was undertaken using Junctions9 and LinSig. AECOM analysis of the junction capacity assessments will focus on those that can potentially impact the SRN, these being:

- A414 Breakspear Way/Green Lane Part-time Signal Controlled Roundabout; and
- M1 Junction 8 (Off-Slips).

It should be noted that, as the plans for the upgrade to M1 Junction 8 are yet to be finalised, the junction capacity assessments have been undertaken using the existing layouts.

As the trip generation within the TA is considered to be too low, the

junction analyses cannot be accepted at this time. Therefore, no specific comments relating to the junction capacity assessments can be provided until updated analysis is undertaken. **AECOM recommend that all junction capacity assessments are undertaken with updated development traffic.**

Junction Model Review

AECOM undertook an analysis of the LinSig models provided by WSP used to analyse the capacity of the aforementioned junctions. This analysis focused on the geometry and methodology of the models provided

M1 Junction 8 Exit Slip Roads

It is noted by AECOM that there may be discrepancies between the geometric set-up of the layout of this junction and the roundabout immediately to the west, the subject of the second model. To better understand the impact of the A414 Breakspear Way/Green Lane roundabout on the continued operation of this junction, **AECOM recommend that consideration is given to producing a combined model.**

Furthermore, the existing pedestrian crossing, while being present in the model, has not been given a 'green phase' in this model.

A414 Breakspear Way/Green Lane Roundabout

Uncontrolled roundabouts would usually be modelling in ARCADY as opposed to LinSig; this roundabout has been modelled in LinSig due to the part-time traffic signals on the approach to the roundabout. However, the criteria for the operation of the part-time signals is not presented within the report. **AECOM recommend that the further details of the operation of the part-time signals are provided to demonstrate that the correct means of analysis was chosen.**

Conclusion

AECOM have prepared this Technical Note (TN) on behalf of National Highways (NH) to document a review of the TA, dated September 2021, prepared by WSP on behalf of Prologis UK Ltd.

This TN has identified some recommendations which are summarised in the Executive Summary. AECOM's recommendations regarding these concerns are highlighted by the use of bold underlined text throughout this document. Recommendations regarded as critical to the acceptability of this planning application are coloured **red**. Recommendations that are regarded as important but not critical to the acceptability of this planning application are highlighted in **amber**. The recommendations raised in TN02 that are now considered resolved are highlighted in **green**

ORIGINAL RESPONSE

National Highways has been appointed by the Secretary of State for

	<p>Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Our formal response to this application requires a full review of the Transport Assessment that is currently taking place.</p> <p>For this reason, we require additional time to fully assess the proposed development and allow for any follow up discussions with the applicant. We therefore recommend the application be not determined before 11 February 2022. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.</p>
<p>Hertfordshire County Council – Highways</p>	<p>Decision</p> <p>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:</p> <p>RECOMMENDED PLANNING CONDITIONS</p> <p>1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> i) Roads, footways. ii) Cycleways. iii) Foul and surface water drainage. iv) Visibility splays v) Access arrangements vi) Parking provision in accordance with adopted standard. vii) Loading areas. viii) Turning areas. <p><i>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</i></p> <p>2) Prior to the first occupation / use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number(s) (31325-FE-54B/55, 9793-WSP-XX-S278-DR-C-00101 P01, 9793-WSP-XX-S278-DR-C-00102 P01 and 9793-WSP-XX-S278-DR-C-00103 P01) 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.</p>

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).

3) Within the first 6 month of occupation/use of the development a highways improvement/mitigation scheme for the section of Buncefield Lane from the Woodwells Cemetery access to the A414 Breakspear Way as agreed by the LPA in consultation with the Highway Authority shall be completed. The appropriate scheme will be determined prior to commencement. If the LHA has secured a Traffic Regulation Order to prohibit motor vehicles using the section Option 1 (Vehicle Access Removed) will be progressed. Without a TRO in place at this stage, Option 2 (Vehicle Access Retained) will be selected as the appropriate scheme.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Provision of Forwards Visibility Splays – Dimensioned on Approved Plan

Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number(s) (9793-WSP-XX-S278-DR-C-00101 P01). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 30% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Parking Standards Supplementary Planning Document (November 2020).

6) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the number, design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme

shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

7) Construction Management Plan / Statement

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

8) Servicing and Delivery Plan

Prior to the first occupation / use of individual units within the development a plan agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be agreed in writing by the Local Planning Authority in consultation with the highway authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 4, 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

9) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, produced in accordance with the Hertfordshire County Council Travel Plan Guidance, Mar 2020, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target 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 in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE 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) 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.

AN2) 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>

[pavements/business-and-developer-information/business-licences/business-licences.aspx](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) 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.

AN4) 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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN6) 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.

AN7) 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>

AN8) 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 or by telephoning 0300 1234047.

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

COMMENTS

The existing Prologis Maylands Gateway (warehousing and distribution centre) in Hemel Hempstead is located circa 900m directly east of junction 18 of the M1 (a 1.6km drive via Green Lane) and is situated immediately north of the A414 (Breakspear Way) and west of Buncefield Lane. The current proposals are for a further 27,000sqm of commercial floorspace, with two options applied for (Modelled Option A is entirely Class E(g)(iii) / B2 / B8 units and modelled Option B includes 4,200sqm of E(g) (i) offices as well as Class E(g)(iii) / B2 / B8 units) to the east of Buncefield Lane on land to the south and east of Woodwells cemetery. This response considers the site and specifically the supporting Transport Assessment (TA) and Framework Travel Plan (FTP) prepared by WSP. The location of the existing and proposed developments, on the eastern outskirts of Hemel Hempstead and close to the junction 18 of the M1 concurs with Policy 16 of LTP 4 (2018).

Policy 16: Freight and Logistics

The county council will seek to manage freight and logistics traffic, by:

- a) Encouraging HGV's to use the primary route network.
- b) Providing clear advice to local planning authorities in respect of highways and freight implications of new development proposals.
- c) Encouraging a shift from road-borne freight to less environmentally damaging modes, including rail, water and pipelines.
- d) Supporting the formation of Quality Partnerships between interested parties.
- e) Monitoring changes in HGV and LGV activity to inform possible solutions which reconcile the need of access for goods and services with local environment and social concerns.
- f) Supporting improvements in HGV provision in the county, including overnight parking, in appropriate locations.
- g) Utilising traffic management powers, where appropriate to do so, to manage access and egress from specific locations.

Access Proposals

The proposed vehicular access as shown in the conditions drawings (9793-WSP-XX-S278-DR-C-00101 P01 etc) is via a left turn left out priority junction onto Green Lane, circa 210m north of the Breakspear Way roundabout and circa 115m south of the Boundary Way roundabout. The location of the road access has been discussed in detail with HCC and our road safety team has raised no initial concerns relating to the initial scheme.

The vehicular access arrangement has been aligned with the 'current proposal' to develop land at East Hemel (also known as Project Breakspear). If Project Breakspear is developed in the future it has been demonstrated that the applicant's access proposal can be incorporated into one of the roundabout junctions which has become an established element of the PB layout.

Preliminary pedestrian/cyclist movement to/from the site is provided by an upgrade of the existing Public Right of Way (HEMEL HEMPSTEAD 131) which runs along the southern border of the cemetery and west to east through the site between Buncefield Lane and Green Lane. As part of this proposal the PROW will be maintained on its current alignment, surfaced, widened to 3.0m and a 'zebra' crossing will be provided in site to ensure its continuity when crossing the internal estate road. The route will provide high profile/quality connections to the existing cycle, pedestrian and public transport networks.

The section of Buncefield Lane between the cemetery access and A414 Breakspear Way runs along the western boundary of the site. It is a particularly important area because it represents an intersection between footpath 131. Buncefield Lane is also an important recognised route from residential area south of Breakspear Way, across Breakspear Way via the new controlled crossing, to the industrial/employment sites within Maylands and newly constructed residential areas to the north. HCC has worked closely with the applicant to prepare an in principle design which shows what may be introduced in the section of Buncefield Lane in vicinity of the site should the application be granted. There are two Options, 1 and 2. Option 1 is designed alongside a successful Traffic Regulation Order which will prohibit motor vehicles using this section. Option 2 is designed around retaining current unrestricted access. An impression of what may be delivered in this area is included as Appendix 1 to this report. The recommended planning condition (Condition no.3 within this report) describes how the different triggers apply should planning permission be granted/implemented. Table 1 describes how the process would work.

Table 1 Buncefield Lane process

Buncefield Lane Works Schedule			
Option 1 (add ref/No.) (Favoured Option)		Environmental improvement scheme, Buncefield Lane between Cemetery and A414 Breakspear Way. Option 1 requires Traffic Regulation Order (TRO) that prohibits vehicles traffic.	
Option 2 (add ref/No.) (Fallback Option)		Environmental improvement scheme, Buncefield Lane between Cemetery and A414 Breakspear Way. Option 2 does not require a TRO , it has been designed around current unrestricted access.	
Stage	When	Responsible	Action
1	ASAP	HCC	HCC prepare and promote TRO process in support of 'Option 1' a scheme which includes prohibition of vehicular traffic from Buncefield Lane between Cemetery access and A414 Breakspear Way.
2	ASAP	HCC/DBC	HCC revise previous assessment of Prologis planning application to include recommendation of planning condition that requires: <ul style="list-style-type: none"> 1. Option 1 to be delivered if TRO process is successful and available to be sealed on implementation of planning permission. 2. If the TRO is not be available to be sealed in support of Option 1 at implementation of planning permission the developer will proceed with delivery of Option 2 <p>In both cases, Buncefield Lane works will be completed within 6 months post occupation of development.</p>
3	Prior to implementation of planning permission	Developer	Developer to contact HCC to establish status of TRO. Subject to status, proceed with either Option 1 or 2.
4	Post implementation of planning permission	Developer	Prepare detailed design based on final Buncefield Lane option - submit s278 agreement.
5	Prior to 6 months post first occupation	Developer	Completion of s278 scheme (HCC to issue Completion Certificate). Discharge planning condition.

Table 1 Buncefield Lane process

Secondary pedestrian and cyclist access will be via Green Lane. A new 3.0m wide shared footway/cycleway (offset by a 1.5m verge) will run along the eastern boundary of the site,

Secondary pedestrian and cyclist access will be via Green Lane. A new 3.0m wide shared footway/cycleway (offset by a 1.5m verge) will run along the eastern boundary of the site, connecting Breakspear Way to the south and Boundary Way to the north. HCC previously consider that in line with the councils' policies aimed at encouraging sustainable travel there is however, a need to connect this new shared use path from Green Lane roundabout into the existing facilities south of the existing Maylands Gateway site by upgrading the existing footway south of the proposal site to a 3.5m wide shared use foot/cycleway. HCC accepts the applicant's argument that by upgrading footpath 131 the development has supported/encouraged walking/pedestrian access to the site. However, the applicant has agreed to relax the current restrictions in place on the financial contribution attached to the Prologis Gateway development. Previously this contribution had been restricted to funding capacity

improvements at Green Lane roundabout, Prologis has agreed that the contribution can be used for improvements to environmental or sustainable transport within Buncefield Lane and/or Breakspear Way that provide sustainable transport benefits to accessing the sites.

Car Parking

Details of car parking are yet to be developed but WSP envisage that they will be according to the parking ratios agreed previously for the main Maylands Gateway site. These rates were agreed prior to the adoption of Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020) and will require to be re-agreed. However, HCC Highways agree that this can be revisited at the Reserved Matters stage.

Personal Injury Collision (PIC) Analysis/ Road Traffic Accidents

WSP have undertaken an analysis of the Personal Injury Collisions in the vicinity of the proposed development that have occurred over the last 5 years and have found no significant accident clusters or types determining that: 'the majority of incidents were caused as a result of driving with undue care and attention similarly cannot be attributed to inadequate highway design'. After a review of the data HCC Highways are satisfied that the development will not negatively impact upon road safety.

Trip Generation and Modelling

HCC Highways has reviewed the trip generation for the proposed development and considers the approach outlined in the TA acceptable. HCC notes that the majority of additional trips attracted to the proposed Prologis Green Lane site are offset by that which was previously consented for a retail development at Maylands Avenue (4/03157/16/MFA).

Mixed use sites – Framework Travel Plan

Whilst at this stage in the planning process the submitted Framework Travel Plan (FTP) for the entire Maylands site is acceptable, prior to occupation of individual units, individual travel plans bespoke to them and the Green Lane site will be required. Each land use exceeds the thresholds as laid out in the Hertfordshire County Council's Travel Plan Guidance will be required to submit their own Travel Plan demonstrating clear correlation to the agreed Framework Plan.

A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation.

A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

S106 Measures/ Contributions

HCC Highways operate two levels of s106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 s106 agreement and those items mitigating the wider cumulative impact of the developer addressed in a Strand 2 s106 agreement.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a site of this nature could create between 550 and 720 new jobs depending upon the specific land uses. Therefore, in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £232,100 to £303,840.

However, HCC recognizes that the developer has committed to deliver via a s278 agreement significant cycle route along Green Lane, a suitable highways improvement/mitigation scheme for the area of Buncefield Lane from Woodwells Cemetery access to Breakspear Way and permit relaxation on the restrictions that currently cover the previous Prologis gateway development. The relaxation of the previous restriction covering the contribution will allow greater flexibility to how the funding can be used but still within the standard requirement to support and encourage sustainable access to both developments.

Option 1 - Vehicle Access Removed



Option 2 - Vehicle Access Retained



NB: These diagrams will be included in the presentation to DMC in order that associated text may be legible.

Hertfordshire County Council – Archaeology Unit

The proposed development site is unmanaged grassland/scrub, situated on gently sloping land c400m to the east/south-east of the Scheduled Wood Lane End Roman Temple Complex (SM 27921), a nationally important Romano-British site. The Hertfordshire Historic Environment Record [HER] for the surrounding area also records several later prehistoric and Roman and medieval sites nearby, including those identified during the widening of the M1. In addition, archaeological investigations at 'Spencers Park', to the north of the industrial estate, have identified very significant Roman archaeological remains dating to the 1st – 3rd centuries A.D. Archaeological investigations at Maylands Gateway (4/00064/17/MFA) just to the west identified significant Roman remains, including a Roman corn-dryer and kiln, and Roman

ditches/gullies, pits and post-holes, and also evidence of late Neolithic/early Bronze Age pit and Late Iron Age activity.

An archaeological desk-based assessment and non-intrusive geophysical survey of the site have been carried out, in consultation with this office, and I note that these reports have been submitted with the application.

The authors of the geophysical survey report (Geophysical Survey Report Green Lane, Hemel Hempstead Magnitude Surveys, June 2021) concluded that while 'no anomalies indicative of significant archaeological activity were identified' (7.2.2), 'anomalies of undetermined origin were detected. These are considered likely to relate to modern or agricultural activity; however, an archaeological explanation cannot be entirely ruled out' (8.3).

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1 .A programme of archaeological field evaluation prior to the commencement of the development.

2. Such appropriate mitigation measures indicated as necessary by the above programme of additional archaeological evaluation.

These may include:

a) the physical preservation of any archaeological remains in situ, if warranted, by amendments to the design of the development if this is feasible,

b) the appropriate archaeological excavation of any archaeological remains before any development commences on the site, with provisions for subsequent analysis and publication of the results,

c) the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate,

d) and such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2021), and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning

	<p>consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation 3. The programme for post investigation assessment 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. <p>Condition B</p> <ol style="list-style-type: none"> i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A. ii) The development shall not be occupied until the site investigation and post investigation assessment 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, publication and dissemination of results and archive deposition has been secured. <p>If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p>
<p>Hertfordshire County Council – Growth and Infrastructure</p>	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p>

	<p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p>
<p>Hertfordshire County Council – Lead Local Flood Authority.</p>	<p>FURTHER COMMENTS – 23rd March 2022</p> <p>The following additional information has been reviewed:</p> <ul style="list-style-type: none"> • Spreadsheet: Hemel Drainage Comments 08022022 • Pre-Planning Enq response for Land off Green Lane, Hemel Hempstead • NK020545-RPS-SI-XX-DR-D-SK1350 <p>It is noted from the FRA that proposed discharge rate is 12.6l/s or 2l/s/ha. The LLFA expect the greenfield discharge rate for the site be maintained and carried forward to the next design iteration of the site.</p> <p>We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.</p> <p>Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site.</p> <p>Therefore, we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:</p> <p>Key Issues:</p> <ul style="list-style-type: none"> • Feasible sustainable surface water management drainage strategy. • Evidence of a permitted permanent point of discharge has not been provided. <p>Detailed Comments:</p> <p>The applicant has provided information in the form of a spreadsheet addressing the below re-iterated points. These are addressed in italics below.</p> <p>The arguments put forward in the spreadsheet are descriptive and are not evidence based. At this stage of the design iteration the fundamentals of the scheme should be known and be demonstrated</p>

in the form of calculation files, concept layout, surface water drainage strategy in accordance with HCC Standards and industry best practice as detailed within CIRIA C753. The applicant must justify to the LLFA why it is felt this level of information cannot be provided.

Reasons for Objection:

The drainage strategy is based on traditional piped system; this approach is not aligned with the HCC Local Standards and Guidance for Sustainable Drainage. NK020545-RPSSI-XX-RP-C-0001-P03-Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, dated 29th September 2021 does not appear to have been updated to take account of Local Standards and Guidance, nor the previously iterated comments, as repeated below.

The FRA and Drainage Design Philosophy Report are descriptive with little evidence of where and how SuDS methodologies will be implemented

As this is a hybrid application, part of the site appears to be for a full application (assuming the spine road) and part of it is outline. In this case this needs to be clearly show on a plan. *Submitted information accepted*

Calculation files have been included within NK020545-RPS-SI-XX-RP-C-0001-P03-Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, dated 29th September 2021. These are acceptable for a site wide strategy, however, should the site be brought forward in phases each phase should be modelled separately and calculations submitted for further review. *Spreadsheet explanation rejected. At this stage of design iteration conceptual calculations for phases should be provided to evidence the design intent of the proposal.*

Discharge is proposed into a public sewer located some distance from the site and located outside of the red line boundary. This may require a third party landowner agreement to cross their land. No agreement has been submitted, which has the potential to result in the sewer discharge not being a viable discharge mechanism. The LLFA appreciate that in due course it will be probably given for adoption to TW. *Spreadsheet explanation rejected. A confirmed point of discharge must be proved to enable the site surface water to drain.*

Exceedance flow paths have not been demonstrated on plan. *Spreadsheet explanation rejected. A basic mitigated surface flow path plan should be provided to give a conceptual evidence base for flow paths.*

There is no evidence of proposed SuDS layout on site. A concept layout plan for the SuDS system must be provided for assessment.

It should be clearly demonstrated where attenuation will be provided. It should be noted that the LLFA are unlikely to accept buried

attenuation unless robust justification for its usage can be provided.

There are proposed design issues that are of concern to the LLFA. Namely, use of oil interceptor, this should be designed out and a treatment and management train approach to water quality applied. Oil interceptors often have a high maintenance requirement. Use of slot drains has the potential for future maintenance liability. Water should be conveyed on the surface using open channel methods. Impermeable hardstanding will only be accepted in the areas designated for frequent HGV usage.

Site layout plan detailing areas of permeable paving to be submitted for review. All hardstanding should be of permeable construction

Should the scheme be proposed to be phased the LLFA expect to see a phasing plan providing evidence of surface water management for each individual phase during construction

It is noted that the site is in a SPZ, therefore, infiltration is unlikely to be permitted due to possible contamination of potable water. However, no justification is provided to evidence that this option of surface water discharge has been fully explored. *Spreadsheet explanation accepted.*

Overcoming our Objection:

As a result of the above comments, we would suggest the applicant needs to re-evaluate the surface water drainage strategy for the site, so that the surface water discharge mechanism proposed is demonstrated to be sustainable and aligned with HCC Guidance.

For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>

This link also contains the LLFAs policies on SuDS within the Local Flood Risk Management Strategy 2 (LFRMS2).

Informative to the LPA

We ask to be re-consulted with the above addressed. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

Please note, if the LPA decides to grant planning permission, we wish to be notified for our records.

ADDITIONAL COMMENTS – 11th January 2022

The applicant has provided the following information in support of the application:

- AFFINITY_WATER-1242899
- APPENDIX_E.4-1239667
- DRAINAGE_DETAILS_-_SHEET_1_-_TYPICAL_MANHOLE-1239682
- DRAINAGE_DETAILS_-_SHEET_2_-_PENSTOCK_AND_NON-1239681
- DRAINAGE_DETAILS_-_SHEET_3_-_GULLY_AND_TRENCH-1239679
- DRAINAGE_DETAILS_-_SHEET_4_-_SLOT_DRAIN_AND_K-1239680
- DRAINAGE_DETAILS_-_SHEET_5_-_TYPICAL_INTERCEP-1239686
- DRAINAGE_DETAILS_-_SHEET_6_-_SUDS_DETAILS-1239685
- FLOOD_RISK_ASSESSMENT_PART_1-1239660
- FRA_PART_2_REGIONAL_GUIDANCE-1239668
- GEOPHYSICAL_SURVEY-1239622
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_3-1242694
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_5-1239662
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_6-1239663
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_7-1239661
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_8-1239666
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_9-1239664
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239684
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239687
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239688
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239689
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239690
- SITE_SECTIONS_SHEET_1-1239670
- SURFACE_AND_FOUL_WATER_DRAINAGE_LAYOUT-1239693
- SURFACE_AND_FOUL_WATER_MANHOLE_SCHEDULE-1239692

In addition to the above document reference NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1 dated September 2021 has been reviewed.

It is noted from the FRA that proposed discharge rate is 12.6l/s or 2l/s/ha. The LLFA expect the greenfield discharge rate for the site be maintained and carried forward to the next design iteration of the site.

We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site.

Therefore, we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:

1. Feasible sustainable surface water management drainage strategy

Reasons for Objection:

The drainage strategy is based on traditional piped system; this approach is not aligned with the HCC Local Standards and Guidance for Sustainable Drainage. NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands 29th East, version P01.1, dated September 2021 does not appear to have been updated to take account of Local Standards and Guidance, nor the previously iterated comments, as repeated below.

The FRA and Drainage Design Philosophy Report are descriptive with little evidence of where and how SuDS methodologies will be implemented. As this is a hybrid application, part of the site appears to be for a full application (assuming the spine road) and part of it is outline. In this case this needs to be clearly show on a plan.

Calculation files have been included within NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, 29th dated September 2021. These are acceptable for a site wide strategy, however, should the site be brought forward in phases each phase should be modelled separately and calculations submitted for further review.

Reference is made to Thames Water agreement for discharge rates, but only submitted TW asset search. The applicant will need provide TW agreement in principle for the proposed discharge rate and connection.

Discharge is proposed into a public sewer located some distance from the site and located outside of the red line boundary. This may require a third party landowner agreement to cross their land. No

	<p>agreement has been submitted, which has the potential to result in the sewer discharge not being a viable discharge mechanism. The LLFA appreciate that in due course it will be probably given for adoption to TW.</p> <p>Exceedance flow paths have not been demonstrated on plan.</p> <p>There is no evidence of proposed SuDS layout on site. A concept layout plan for the SuDS system must be provided for assessment.</p> <p>It should be clearly demonstrated where attenuation will be provided. It should be noted that the LLFA are unlikely to accept buried attenuation unless robust justification for its usage can be provided.</p> <p>There are proposed design issues that are of concern to the LLFA. Namely, use of oil interceptor, this should be designed out and a treatment and management train approach to water quality applied. Oil interceptors often have a high maintenance requirement. Use of slot drains has the potential for future maintenance liability. Water should be conveyed on the surface using open channel methods.</p> <p>Site layout plan detailing areas of permeable paving to be submitted for review. All hardstanding should be of permeable construction.</p> <p>Should the scheme be proposed to be phased the LLFA expect to see a phasing plan providing evidence of surface water management for each individual phase during construction.</p> <p>It is noted that the site is in a SPZ, therefore, infiltration is unlikely to be permitted due to possible contamination of potable water. However, no justification is provided to evidence that this option of surface water discharge has been fully explored.</p> <p>Overcoming our Objection:</p> <p>As a result of the above comments, we would suggest the applicant needs to re-evaluate the surface water drainage strategy for the site, so that the surface water discharge mechanism proposed is demonstrated to be sustainable and aligned with HCC Guidance.</p> <p>For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.</p> <p>Informative to the LPA</p> <p>We ask to be re-consulted with the above addressed. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.</p>
Contaminated Land Officer	There is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been

considered and where it is present will be remediated.

This is considered necessary because the application site is close to land with a potentially contaminative land use history (Buncefield) and as such the possibility of ground contamination cannot be ruled out at this stage, therefore, the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1

	<p>encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative:</u></p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on “Development on Potentially Contaminated Land and/or for a Sensitive Land Use” in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers</p>
Environmental Health	<p>Having reviewed the application documents, in particular the WSP Air Quality Assessment (project number 70069793, no.001) dated September 2021, and having considered information held by the ECP Team, I am able to confirm that there is no objection to the proposed development on local air quality grounds.</p> <p>However, because the application is for a large scale commercial development, in relation to its potential to impact upon local air quality, it is recommended that the following conditions are imposed on any permission that is granted.</p> <p><u>Local Air Quality Conditions:</u></p> <p><u>Condition 1 – Construction Environmental Management Plan:</u></p> <p>No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a Construction Environmental Management Plan that includes, as a minimum all, of the mitigation measures listed within Section 6.1 of the WSP Air Quality Assessment report (project number 70069793, no.001) dated September 2021, plus a Construction Vehicle Emission Commitment that specifies EURO V as the minimum acceptable engine standard for HDV and LDV that are contracted to the development.</p> <p>Reason: To ensure that the local air quality standards are maintained throughout the area in accordance with Core Strategy (2013) Policy CS32 and Emerging Local Plan Policy</p>

	<p>DM35.</p> <p><u>Condition 2 – Operational Phase Travel Plan:</u></p> <p>At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site, based upon the Framework Travel Plan submitted within (Appendix E) of the WSP Transport Assessment (Project No. 70069793-001) but updated to:</p> <ul style="list-style-type: none"> • take account of changes to relevant Government Guidance and Local Planning Authority Policies since the 2016 date of publication of the Framework Travel Plan • include the measures specified in Section 6.2.4 of the WSP Air Quality Assessment report (September 2021) • include the collection of baseline information on: <ul style="list-style-type: none"> • awareness of Ultra Low Emission Vehicles (ULEVs) • ownership of ULEVs • include resources to raise awareness of ULEVs • include measureable targets for ULEV uptake throughout the lifetime of the Travel Plan <p>Reason: To ensure that the local air quality standards are maintained throughout the area in accordance with Core Strategy (2013) Policy CS32 and Emerging Local Plan Policy DM35.</p> <p><u>Informative to Condition 1 and Condition 2:</u></p> <p>The above conditions are considered to be in line with paragraphs 105, 174(e) and 186 of the NPPF 2021.</p> <p><u>Additional Comment:</u></p> <p>It is assumed that Electric Vehicle charging provision will be dealt with by the parking standard related agreements or planning conditions, but if this is not the case please let me know and I will word an EV charging planning condition</p>
Rights of Way Officer	We would support the upgrading of path 131 to the same specification we gave as the previous paths on the Maylands Gateway development
Health and Safety Executive	<p>AMENDED COMMENTS – 3rd December 2021</p> <p>The HSE is a statutory consultee for relevant types of planning developments within the consultation zone of major hazard sites and major accident hazard pipelines by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is to ensure that planning authorities give due weight to the nature and severity of risks from major accidents in their planning decisions.</p> <p>The relevant types of development include:</p>

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or developments which are otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

HSE's Land Use Planning advice team can confirm that the proposed development site lies within the HSE LUP consultation zones for the Buncefield Oil Terminal major hazard site at Green Lane, Hemel Hempstead, with part of the site being within a Development Proximity Zone (DPZ).

HSE's comments on the application for outline planning permission are as follows:

1. As the Buncefield Oil Terminal site is a large scale petrol storage site this consultation has been considered using SPC/Tech/Gen/43 – 'Land use planning advice around large scale petrol storage sites' (https://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm) as well as HSE's land use planning methodology (<http://www.hse.gov.uk/landuseplanning/methodology.pdf>).

2. The information in the outline planning application from Savills (Ref 21/03793/OUT) for Options A and B, and the information subsequently provided in an email from Savills to Dacorum Borough Council on 19 November 2021 have been taken into account in providing HSE's advice. In particular these comments are based on the understanding that:

- all of the units will be used as workplaces and will not be specifically intended for workers with disabilities
- the number of occupants of building 4 will be less than 100
- the number of occupied floors in building 4 will be less than 3

3. HSE has provided composite maps showing the relationship between the HSE's LUP consultation zones for the Buncefield Oil Terminal major hazard site and the proposed developments under Options A and B (see Annex A and B respectively). From these composite maps it is clear that:

- part of the area assigned to landscaping at the extreme north of the site lies in the DPZ
- unit 4 of the development and some associated car parking and access roads lie in the inner consultation zone
- unit 3 and part of unit 2 and some associated car parking and access roads lie in the outer zone, and
- part of unit 2, and all of units 1 and 1A and some associated car parking and access roads lie outside of the consultation zones

4. HSE considers that due to their proximity to Large Scale Petrol Storage Sites, new developments within a Development Proximity Zone (DPZ) should meet the criteria of being "Not Normally

Occupied". The landscaping area at the extreme north of the development site is considered to meet these criteria.

5. HSE would advise against a workplace providing for 100 or more occupants in any building or 3 or more occupied storeys in height where it is located in the inner consultation zone. However HSE would not advise against a workplace in the inner zone if each workplace building provides for less than 100 occupants and is less than 3 occupied storeys in height. This is based on the understanding that a working population can be organised for emergency response in the event of a major accident provided that there are not too many people and that they have a short escape route. HSE does not advise against workplaces in the middle and outer consultation zones.

6. In summary, based on the information provided, including the clarification of the proposed number of people working in building 4, HSE's Land Use Planning advice team does not advise against the proposed outline development (21/03793/OUT) on safety grounds. We recommend that Dacorum Borough Council consider setting a planning condition to limit the number of people normally present in building 4 after its construction.

7. In the case of outline planning applications where the proposed layout and the scale of the development may only be indicative, it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice is obtained again before reserved matters are determined.

ORIGINAL COMMENTS – 1st November 2021

Thank you for the email of the 14th October 2021 to the HSE's Land Use Planning advice team requesting comments on the application for commercial development of 4 plots of land at Green Lane, Hemel Hempstead (21/037/93/OUT)

The HSE is a statutory consultee for developments in the vicinity of major hazard sites by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposal has been considered on the basis of the outline application with all matters reserved except access as submitted to Dacorum Borough Council by Savills, in particular the information in the illustrative site layout plans 31325-PL202 and 31325-PL-203.

HSE's Land Use Planning advice team can confirm that part of the proposed development site lies within the HSE consultation zone for the major hazard site at Buncefield Oil Terminal, Green Lane, Hemel Hempstead.

Major hazard sites are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could

have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for the planning process to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority) then the maximum quantity of hazardous substance that is permitted to be on the site is used as the basis for the HSE's assessment.

As the Buncefield Oil Terminal is a large scale petrol storage site this consultation has been considered using the SPC/Tech/Gen/43 – 'Land Use Planning Advice around Large Scale Petrol Storage Sites' This is available at

https://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm

The HSE's land use planning methodology is available at: <http://www.hse.gov.uk/landuseplanning/methodology.pdf>

HSE understands that options A and B involve setting up workplaces (including light industrial, general industrial, storage and distribution uses, offices) with some parts of the development being assigned to parking facilities for workers, landscaping, access roads and enabling works.

HSE's Land Use Planning advice team has identified that:

- an area of landscaping to the north of unit 4 lies within the Development Proximity Zone (DPZ) of Buncefield Oil terminal
- Unit 4 lies within the inner consultation zone
- Unit 3 lies mainly within the outer consultation zone
- Unit 2 lies mainly within the outer consultation zone with a small proportion outside all of the consultation zones
- under Option A Units 1 and 1A lie outside all of the consultation zones
- under Option B Units 1 and the 3-storey office at the south-east of the site lie outside all of the consultation zones

Unit 4

Under HSE's Land Use Planning policy HSE does not advise against planning permission for workplaces in the inner consultation zone where each building provides for less than 100 occupants AND has less than 3 occupied storeys. However HSE does advise against planning permission for a workplace in the inner consultation zone where a building provides for 100 or more occupants AND/OR has 3 or more occupied storeys.

From the information provided in the outline planning application, it is currently not clear to HSE whether or not Unit 4 of the development will provide for 100 or more occupants AND/OR will have 3 or more occupied storeys.

	<p>Under HSE's Land Use Planning policy, HSE would not advise against other aspects of the development as currently proposed.</p> <p>In response to the request from for HSE's comments on outline application 21/03793/OUT, HSE would not advise against planning permission if Dacorum Borough Council were able to confirm that Unit 4 will provide for less than 100 occupants AND will have less than 3 occupied storeys.</p> <p>(b) However we note that Unit 4 is associated with 75 car parking spaces - this indicates that the number of occupants in Unit 4 may exceed 100. We can confirm that HSE would advise against planning permission if Unit 4 of the development provides for 100 or more occupants AND/OR has 3 or more occupied stories.</p> <p>If the development meets the criteria in paragraph 9(b) above and you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – Handling development proposals around hazardous installations, published by the Department for Housing, Communities and Local Government.</p> <p>This requires a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government calls in the application for his or her own determination. The advance notice should be sent by email to HSE's Major Accidents Risk Assessment Unit via luppadhici5@hse.gsi.gov.uk.</p> <p>In the case of outline planning applications where the proposed layout and the scale of the development may only be indicative it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice should be obtained again before reserved matters are determined.</p>
British Pipeline Agency	Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
National Air Traffic Safeguarding team (NATS)	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p>

	<p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>
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