



Outline application reference 3/24/0966/OUT:

Land north of the A507 and west of the A10 at Buntingford

## **Proof of Evidence: Richard Lewis MRTPI MCIHT on behalf of East Herts District Council as the Local Planning Authority**

### **Active travel**

August 2026

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## Introduction

### Qualifications and Experience: Richard Lewis MRTPI MCIHT

1. I am a chartered town and transport planner with 26 years of experience in the public, private and community sectors, almost exclusively focused on strategy, forward planning and design. In 2018 I founded ActivePlanning, a micro-consultancy which specialises in active and sustainable travel, and through this I work with a wide range of partners from engineers to data analysts and GIS specialists. I am also a specialist member of three Design Quality Review Panels (Harlow and Gilston, Epping and Somerset, with some ad-hoc work for Bromley and East Hertfordshire).
2. Starting from a user perspective, my understanding of active travel network and infrastructure design, aside from the very technical details, equals or exceeds that of many or most design engineers in respect of the active travel user experience and designing out conflict. It comes from my daily experience (32 years without owning a car), specialist training (London Cycle Design Standards, various Active Travel England training events), national and international field visits (London, Paris, Netherlands, Copenhagen, Vienna), my long-term career interest in concept design, with design and strategy commissions from the Department for Transport, Sustrans, various local authorities and through researching and writing design guidance. I acutely understand the difference between good and poor / safe and unsafe design, particularly at junctions and other points of conflict. I have learned much about inclusive accessibility via a recent audit of streets in Islington led and overseen by an accredited accessibility auditor.
3. For technical contributions in this case, I defer to Kate Carpenter's proof of evidence on behalf of the Highway Authority. Planning evidence is being given by Phillip Hughes, and my evidence should be read in conjunction with both these documents.

# Summary

## Method

4. Findings in this Proof of Evidence are based on a mixture of site work, use of Google Satellite and Streetview and a policy and application literature review, as follows:

- I undertook a site visit with Neil Button in June 2026, which included extended observations at the A10/A507 junction.
- Appraisal of the proposed shared use path and associated modifications to PRow36 were undertaken as a desktop exercise benefiting from the site visit, measured against principles in LTN1/20 and the newly published Rural Design Guidance.
- Route assessment was judged against NPPF policies 115, 116 and 117 with respect to whether active travel has been “prioritised”.
- For each area selected I have expressed an opinion and estimated the balance of benefits against harm in respect of the wider proposals. This has been done against prevailing development plan and national planning policies (given the age of the Local Plan).

## Main issues

5. The main issues as I have identified them are:

- **(1) Physical Severance between the Site & Buntingford Town Centre:** The site is currently severed physically, perceptually and visually from the main settlement by the A10 and its cutting. Existing routes for walking and cycling are very limited. The farthest distance from the town centre to the western edge of the proposed development is just under 2km (approximately 1.5km to the centre of the site).
- **(2) Visual Separation between Development and Buntingford:** The transition between places emphasises the perceived and visual separation of the proposed development from Buntingford itself, with the A10 corridor and areas of undeveloped or sparsely developed land and highway infrastructure creating a very different ‘feel’ and sense of place to that of the main town and the development as proposed. These spaces add to the sense of a loss of social safety, and, in the A10 / A507 road

environment, the sense of expected driver behaviour referred to by the Highway Authority and Kate Carpenter in their evidence.

- **(3) Failure to Prioritise Active Travel:** My site visit and assessment of the proposals tell me active travel has not been prioritised and made a genuine mode choice with reference to NPPF policies 110, 115 and 117 and draft NPPF policies DP3(a), TR3(a) and TR4(l).
- **(4) Failure to provide a Safe Crossing over the A10:** The A507/A10 crossing point is acknowledged by the appellant's road safety auditor as requiring additional measures to improve safety, however, the Highway Authority's representative Kate Carpenter has more extensive concerns about safety which invoke NPPF paragraph 116 (draft NPPF policy TR6).
- **(5) Lack of Continuous Provision of Cycle Infrastructure:** The proposed route on Baldock Road west (to the red line) and east of the A507/A10 junction are substandard in relation to (a) providing for a genuine choice of modes to reduce car dependency; (b) prioritising active travel modes; and (c) making continuous provision of acceptable infrastructure for cycling all the way to the town centre.
- **(6) Shared Use provisions for pedestrians AND Cyclists at PRoW36 is not deliverable owing to third party land ownership:** The appellant proposes a shared use for pedestrians and cyclists east of the red line at PRoW36. This would require use of land currently owned by Freman College as far as Bowling Green Lane, representing in effect a 'ransom strip' over which the Appellant does not have control. In addition to this concern, there remain outstanding issues of personal safety, particularly for more vulnerable people, have not been addressed by the proposed mitigation scheme.
- **(7) The Highway Authority is also not willing to enter into landowner negotiations to change the status of the public right of way.** In this way, active travel is not made a genuine choice of transport with reference to NPPF paragraph 110 (draft NPPF TR3(a)) and has not been prioritised as required in NPPF paragraphs 115 or 117 (draft NPPF Policies TR4(1) and DP(3)a.) The situation exacerbates the actual, perceived and visual separation of the proposed development from Buntingford in the non-urban and highway spaces between the main settlement and proposed development.

## Policy references

6. In particular:

- NPPF 11d presumption in favour of sustainable development.
- NPPF paragraphs. 109, 110, 115, 116, 117, 129c.
- Draft NPPF policies DP3a, TR3(a) and (2) DfT Connectivity Tool, TR4(1) and TR6(3).
- Local Plan policies INT1, DPS2, DPS4, TR1, TR2.

## Balance of harms

7. The information collected has been used to estimate a balance of harm, as follows:

- Taken together my assessment of the walking and cycling routes (on PRoW36 and Buntingford Road including the A10 crossing) identifies both benefits and harms. However, even with recent amendments, the proposed infrastructure is highly unresolved and is an inadequate response to the severance caused by the A10 corridor. In my professional judgement the proposed infrastructure is not coherent, direct, safe, comfortable or attractive<sup>1</sup>. It will not invite, encourage and enable residents aged 8-80 and beyond<sup>2</sup> to (walk and) cycle, and so they will be dependent on their cars for local door to door journeys which are not well served by bus, resulting in increased car use. This, including the failure to prioritise active travel and therefore offer a genuine choice of transport modes, conflicts with Local Plan policy DPS1, TRA1, NPPF policies 110, 115 and 117 (plus draft NPPF policies DP3a, TR3(a), TR4(1), and TR6) causing significant harm.

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<sup>1</sup> LTN1/20 paragraph 4.2.2 and explanatory notes

<sup>2</sup> LTN1/20 paragraph 1.6.1(1)

## Summary conclusion

8. With reference to the RfR, I conclude the site is perceptually, visually and physically severed or isolated from the defined settlement of Buntingford with reference to Local Plan policy DPS2 and NPPF paragraph 110 by virtue of:

- the inadequacy of active travel measures with respect to their coherence, directness, safety, comfort and attractiveness, and the failure of the proposals to prioritise a genuine choice of modes including active travel in accordance with paragraphs 110, 115 and 117 of the NPPF, and policies TR3(a), TR4(1) and DP3 of the draft NPPF.
- Critical safety issues (NPPF paragraph 116) at the A507 / A10 junction identified by the Highway Authority's independent road safety auditor in her Proof of Evidence, which exacerbates my concerns about accessibility by non-car modes as people will not be encouraged to walk and cycle where they feel unsafe.
- Personal safety issues associated with PRoW36 and the section of proposed shared use path west of the A10/A507 roundabout which are hemmed in by shrubs, trees and fences along their length, leading people to choose other modes of transport after dark.
- A failure of the appellant to negotiate or agree changes in the status of PRoW36 with the LHA. The appellant has no control or other agreement over the land over which the public footpath runs, therefore leaving a disconnection which severs the proposed development from Buntingford.
- The A10 cutting and the unbuilt land adjacent to PRoW36 which do not convey an orienting sense of continuity of development into the proposal site.

9. Taking all the above together I conclude the balance of harm in relation to the failure to prioritise a genuine choice of sustainable modes including prioritising active travel is significant.

## Proposed development

### Appeal site

10. The appeal site is situated on arable agricultural land to the west of the A10, north of the A507 and south of Throcking Lane, to the west of the defined settlement of Buntingford in East Hertfordshire. The site's red line encompasses a section of the A507 and Throcking Lane, and a small area of land to the east of the A10 on Public Right of Way 36, which passes east-west through the approximate centre of the site.
11. The site is not situated within the defined settlement of Buntingford, but rather to the west of it, separated from the main settlement by the A10 which runs north-south. The developer also proposes an employment development to the south of the A507 (the subject of a separate appeal, currently pending), and, together, these would form an urban extension of Buntingford.

### Applicant's proposals and location

12. The proposed development is a mix of uses comprising up to 600 dwellings, 60 units of accommodation for the elderly, a mixed use local centre, first school, formal and informal open space and associated works and infrastructure including a new access from the A507, and a new cycle bridge and new pedestrian bridge over the A10, with all matters reserved except access.
13. The Appellant submitted and updated various drawings in the design and access statement and in subsequent documents. I have focused on information relating to the provision of active travel connections outside the red line expressed in Ridge drawings 0036 version P2 dated 28:01:2025 (PRoW36 amendments), 003 revision P4 dated 22:08:2025. A road safety audit and a further post-application drawing were submitted to the Highway Authority regarding the A507/A10 junction, with a missing part of the road safety audit also submitted regarding the section of shared use path between the roundabout and the town centre.
14. The site comprises 50 hectares of rolling agricultural land to the north of the A507 and to the west of the A10, most of which is in a cutting at this point. Throcking Lane provides another access and bounds the site to the north.

## Summary of areas of agreement and disagreement

15. It is agreed that the Appellant proposes, in outline, construction of some 600 dwellings, a school and local centre incorporating a mobility hub in the centre of the site. The proposals include a network of streets, a new access from the A507 and Throcking Lane, provision of extended and re-routed bus services to serve the mobility hub, a travel plan, and segregated pedestrian and cycle infrastructure within the area covered by the red-line.
16. Shared-use footway / cycleways will be provided on routes beyond the red line including a crossing at the A10/A507 roundabout, the construction of new pedestrian / cycling bridges, and conversion of a public footpath to connect the proposed development with the town centre, several schools and existing employment.
17. It is agreed that there is, in outline, proposed walking and cycling infrastructure up to the proposed bridge on RoW36. It is also agreed that the central proposed active travel bridge is safe and suitable for pedestrians, cyclists and Disabled users in wheelchairs and mobility devices.
18. It is acknowledged that the proposals include infrastructure to connect people walking, wheeling and cycling to the town centre.
19. Areas of disagreement are, in summary, as follows, with my comments indented:
  - Whether there would be appropriate quality active travel connections to services within the town.
    - This Proof of Evidence, which should be read together with Kate Carpenter's Proof, demonstrates that, although active travel measures are proposed, they are not of sufficient ambition or quality to enable most people to use them. On behalf of the Highway Authority, Kate has, in her evidence identified more than one technical and critical road safety issue at the proposed A507/A10 toucan crossing.
    - The Highway Authority has been clear that there is currently no means of facilitating cycling on RoW36. The likely potential use of RoW36 for walking and cycling has not been demonstrated; the path has no defined width and the Appellant has not proved that the highway extends between the fences (we

have used a Land Registry search to identify the landowner as Freman College). The provision of cycling could therefore not be delivered through a s.278 Agreement.

- The proposed northern footbridge would be unsuitable for disabled pedestrians.
- Whether the proposals would be car dependant (other than those private cars defined in the NPPF as comprising sustainable modes of transport, i.e. zero and ultra low emission vehicles).
  - This proof demonstrates the proposed measures may be inadequate based on an appraisal of the quality, deliverability, safety and attractiveness of the proposed active travel infrastructure, its safety, directness, comfort, coherence, attractiveness, and inclusiveness for most users (as referred to in LTN1/20), safety issues surrounding the junction of the A507 / A10, and the effect of a lack of natural surveillance on personal safety.
- Whether the proposal represents an unsustainable form of development and whether residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere.
  - By reason of the development being visually, perceptually and physically outside the settlement boundary and severed from Buntingford by the A10 (also with inadequate measures to secure long-term (including self-supporting) sustainable transport options) I conclude the proposal represents an unsustainable form of development outside the established settlement boundary where residents will be heavily reliant on their cars. Unlike other recent developments in the town, access without a car to town facilities is compromised.
- Whether the proposals fail to provide a genuine choice of active and sustainable travel modes.
  - By reasons of the coherence, connectedness, safety and attractiveness of the proposed active travel infrastructure the proposals fail to prioritise active travel and therefore to provide a genuine choice of modes.
  - The use of RoW36 as a cycle route has not been fully investigated by the Appellant and, given the Highway Authority's unwillingness regarding

proposals to convert the path to a shared use Bridleway, is unlikely to offer a practical solution.

- Whether the proposed toucan crossing across the A10 would provide a safe means of crossing for pedestrians, cyclists as well as other users of the road network.
  - As per my response in the first bullet above and Kate Carpenter's proof of evidence.
- Whether the proposed off site active travel works represent improvements to safety and will encourage active travel.
  - In my opinion, supported by Kate Carpenter's proof of evidence, the proposed works are of insufficient quality to encourage active travel due to their lack of coherence, connectedness, safety and attractiveness.

## Relevant policies and material considerations

20. The following information provides a summary of key policies with more detail about the Equality Act 2010 as “another material consideration”.

### NPPF 2024 paragraphs

- 11d, presumption in favour of sustainable development “having particular regard to key policies for directing development to sustainable locations”, with footnote 11dii referring to paragraphs 110 and 115.
- 77, in particular the phrase, “...provided they are well-located...and supported by the necessary infrastructure... (including a genuine choice of transport modes)”, noting also clause (b).
- 109, 110 considering transport issues from the outset; and focusing development in locations that are, or can be made, sustainable, offering a “genuine” choice of transport modes.
- 115a, b, e, particularly the word, “prioritised”.
- 116
- 117a, b, c, particularly the phrase, “give priority first to pedestrian and cycle movements both within the scheme and in neighbouring areas”.
- 129c, particularly “the availability... of infrastructure... their potential for further improvement and the scope to promote sustainable travel modes that limit future car use”

### Draft NPPF 2026 policies

The following information assumes the revised NPPF will be published in some form. Information will be updated following any changes.

- DP3e, “Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement... and prioritise walking, wheeling, cycling and public transport.”
- TR1b
- TR3a, d, particularly “(a). Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated,

should be in locations that are, or can be made sustainable, by... offering a genuine choice of transport modes...”

- TR4(1)a particularly, “a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...”; “b) Incorporate or contribute towards... facilities that support this prioritisation...”
- TR6(3) in relation to highway safety.

## **Local Plan 2018**

- Guiding principles, particularly the phrases, “2) prioritise... appropriate sites within the urban areas of the settlements...” and “3) promote self-containment by directing development to areas where there is reasonable proximity to services and facilities...”. This is reinforced in TRA1. Note also the LPA’s internal response from its planning policy team.
- INT1 cross-references to NPPF.
- DPS2 including the phrases, “sites within the urban areas...”, with a list of settlements but the policy principle may be reasonably applied to Buntingford and is referenced in the LP’s Guiding Principles. This is reinforced in TRA1.
- TRA1a, b, c, d, e, particularly the phrases, “a) Primarily be located in places which enable sustainable journeys to be made...”, and “d) ensure site layouts prioritise the provision of modes of transport other than the car...”.
- TRA2a (not included in the reasons for refusal), particularly “a) Be acceptable in highway safety terms”.
- CFLR3 proposals must not adversely affect public rights of way.

## **Buntingford Neighbourhood Plan 2014-2031**

- HD1 /HD2 (supports residential development within the settlement and only small scale and infill / rural exception development beyond its boundaries).

## **Government design guidance, HCC LTP4.**

- Local Transport Note 1/20 (Department for Transport, 2020).
- Rural Design Guide (Active Travel England, 2026).
- Inclusive Environments (Department for Transport, 2021).
- HCC Local Transport Plan 4 (2018).

## **Public Sector Equality Duty (Equality Act 2010)**

21. Whilst the Appeal will be determined mainly on provisions of the NPPF and the presumption in favour of sustainable development (tilted balance), a key additional material consideration is the legal requirement to deliver reasonable implementation of provisions in the 2010 Equality Act and, within that, the Public Sector Equality Duty (since the developer proposes to deliver a public good approved and adopted by the relevant local authority, the provision of which falls under the Public Sector Equality Duty as set out in s147-149). The Act has the effect of mandating a continuous improvement of accessibility for target equality groups.

22. Ways in which infrastructure adversely affects those with protected characteristics may include, for example:

- For a person with a physical disability: a lack of dropped kerbs, or excessive footway crossfalls (typically at driveways and steep falls to crossing points) would limit or prevent progress by someone in a wheelchair or who cannot walk without difficulty.
- For a person with a visual impairment: a lack of tactile information, or the perceived fear of conflict from cyclists sharing the path with them, would limit or prevent their independent travel on foot.
- For a person who identifies as a woman or girl or has other vulnerabilities: a lack of natural surveillance and / or activity would limit the times at which they can travel on foot or cycle because of fears surrounding their personal safety at dusk or after dark. This could affect their ability to travel without a car or travel independently to reach education, social or work opportunities that remain available to persons who do not share those protected characteristics.

23. Schemes implemented for the public good, whether by a public authority or private developer for adoption, should, with reference to section 149(e):

- Take steps to meet the needs of persons who share a relevant protected characteristic that are different to from the needs of persons who do not share it, for example, by modifying or removing the need for such infrastructure that causes the indirect discrimination;
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low, for example, by making the proposed infrastructure accessible and safe to use at all times of the day so that it is not an unintended barrier.

24. The intention of Section 149 is to avoid unlawful indirect discrimination in respect of section 19 of the Act, for example, a new footway which is unreasonably missing elements referenced in the Department for Transport's Inclusive Mobility guidance or a new cycleway design that is not reasonably consistent with advice in LTN1/20 may exclude people with relevant protected characteristics.

25. Infrastructure proposed that would significantly adversely affect the safety and accessibility needs of a person with one or more protected characteristics would create a barrier to achieving reasonable connectivity for most people should be considered as materially contributing to a weighted balance against the proposal.

26. Personal safety is an issue felt particularly by women and girls where a route is not well designed for their use, including a failure to fully consider the design of lighting, planting, escape routes and natural surveillance. A survey by YouGov for Active Travel England<sup>3</sup> found, in summary:

- 88% (almost 9/10) women have felt unsafe when walking at night, and 71% say they have changed their route to avoid walking in the dark during winter or darker months.
- One in three young women noted personal safety fears are preventing them from walking.
- More than half (57%) of all respondents – men and women – say they have used other modes of transport, such as taxis or being picked up by private car – instead of walking

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<sup>3</sup> [bit.ly/ATE-Women-Safety-Study](https://bit.ly/ATE-Women-Safety-Study) (2026) and a similar study by Atkins Réalis via [bit.ly/Getting-Home-Safely](https://bit.ly/Getting-Home-Safely)

due to safety concerns, but over 60% said they would prefer to walk if conditions felt safer.

A failure to address personal safety should be considered as materially contributing to a weighted balance against the proposal.

## Assessment

### Site visit – existing conditions for active travel

27. I visited the site with East Herts District Council's planning team leader, Neil Button MRTPI, on 2 June 2026. We walked from the town centre, along PRoW36 to and across the existing footpath bridge over the A10 which is roughly midway between the northern and southern extremities of the site, to the northwestern corner of the existing business park. To the north we could see Throcking Lane, the entrance to which we observed as we drove past as part of a wider exploration of context, taking in an area of recent development to the east of the A10 roughly opposite Throcking Lane.
28. We then walked between the proposed site entrance, on the A507 northern verge, to the A10 / A507 roundabout which is the site of a proposed toucan crossing and shared use path leading towards Buntingford. We walked the proposed cycle route into Buntingford to the point where it ends just east and just north of the mini-roundabout junction of Baldock Road and Bowling Green Road. During this part of the walk, we considered the existing highway envelope to understand why the proposed cycle route would be routed on the north side of Baldock Road before transferring to the south side.
29. It was clear from our visit there is very little development to the west of the A10, and so it is reasonable to expect walking and cycling activity to be very low. Existing conditions offer a very limited level of service for pedestrians and cyclists and would not meet guidance in the current LTN1/20 (2020) or new Rural Design Guidance (2026) if they were built today, and this is confirmed by the Highway Authority in their evidence. The guidance is intended to maximise accessibility for most people, consistent with the Public Sector Equality Duty.
30. PRoW36 is a public footpath only and has a rough gravel surface which varies in width. The land over which the footpath runs between the red line and Bowling Green Lane is owned by Freman College. For most of its length it is hemmed in by tall fencing and unmanaged hedges. The footbridge over the A10 is step-free but has a short section with a steep gradient at its eastern end. There is no access to the cul-de-sac except via a narrow access path between houses, although I note the appellant's red line extends to an area behind a set of parking bays at the end of the cul-de-sac.

31. On the A507 there is no existing footway, so we were obliged to use the verge to be safe. In its current state, we considered it highly unlikely pedestrians would feel safe and comfortable walking alongside the main carriageway. This is typical of rural areas, and so I agree in general that provision of safe, inviting active travel infrastructure which is suitable for most people would be an improvement to the current situation, at least as far westwards as the red line extends.
32. Starting at the Buntingford Business Park, an incomplete shared use footway / cycleway provides a minimum-standard connection eastward to an uncontrolled crossing at the A507 / A10 roundabout.
33. Our experience of crossing at the A507 / A10 roundabout on foot (several times to gain a fuller understanding) was one of having to assess the likely direction of vehicles moving, at increasing speed, towards the roundabout exit and crossing in the gaps. I noted and recorded the situation in which the central island with its trees obscures the northern exit arm from drivers approaching the roundabout from the south, and so they have little time to note and respond to pedestrians and cycles crossing. Meanwhile, I observed strong left-turning movements from the A507, with what I felt were very limited chances for drivers to respond to pedestrians and cyclists crossing having only just looked to the right to give way to circulating traffic. Whilst I am personally capable assessing traffic conditions and running across the road to be safe, I realise many people would not be able to do this due to the nature of any disability or any neurodivergency for which this would represent a high cognitive load.
34. Crossing the southbound entrance to the roundabout was easier since vehicle trajectories are more predictable. However, while we were there, short queues formed making it feel impossible to use the crossing safely until the queues had cleared. For many potential users this situation is likely to be a significant barrier that may put them off travelling actively using this route. Once again, I refer to the objective assessments prepared by the Appellant and Highway Authority.
35. For an objective verification of the above-described experience I refer to the Road Safety Audit prepared by the Appellant and further assessed by the Highway Authority's appointed practitioner, Kate Carpenter BEng CEng FICE FCIHT FSoRSA FSaRS, and to the Highway Authority's consultation responses and proof of evidence.

## Approach / method of appraisal

36. My high-level assessment is carried out in two parts, based on relevant guidance in LTN1/20 (DfT 2020) and the new Rural Design Guidance (RDG) (Active Travel England 2026). Use of Active Travel England's route tool was attempted but found to be unsuitable for this work.

37. Other guidance given some consideration at this high level of assessment includes the DfT's Inclusive Mobility document (2021) and Wheels for Wellbeing's Guide to Inclusive Design (2025).

38. My assessment of each main component is structured under the following headings, in order of the route taken on the site visit (namely PRow36, the A507 and then Baldock Road to the town centre):

- **LTN1/20 / RDG design parameters (selected)**

Suitability of proposed treatment for all users (aged "8-80"), using LTN1/20 and Rural Design Guide (RDG) advice and summary tables. I have mainly used LTN1/20 since the majority of the route is in a built-up area.

- **Safety**

Cross-referencing where applicable to the safety audit undertaken by Hertfordshire Highways, observations around the issue of personal safety and commentary on the efficacy of various provisions such as the transition to and from the cycleways on Baldock Road.

- **Opinion**

General commentary on route design drawing from LTN1/20, the Rural Design Guidance and other sources, not limited to:

- Reference to the appellant's own road safety audit and the Highway Authority's further opinion and that of their independent Road Safety Auditor.
- Reference to the Highway Authority's letter submitted as their response to the planning application for the neighbouring Appeal site to the south.
- Reference to the Highway Authority's further road safety opinion which is in addition to that supplied by the Appellant.

A conclusion about whether the situation would result in infrastructure that prioritises active travel and is accessible by most people (in the terms expressed in the Local Plan, NPPF, LTN1/20, Equality Act, and the rural design guidance) and an estimate of the balance of benefits and harms in relation to the Appeal decision.

## **Walking and Cycling infrastructure within the red line**

39. In broad terms the proposed provision of walking and cycling infrastructure is, in principle, better than what exists already alongside the A507. Other cycleways and footways will be provided within the site itself, including two new active travel bridges and associated links. The schemes as shown, subject to more detailed design, appear capable of being designed to meet the minimum standards set out in LTN1/20 so I have not provided further analysis of this aspect.

## **Proposed link via Public Right of Way (PRoW) 36**

40. Conversion of defined Public Footpaths to accommodate cycles depends on obtaining agreement from the Highway Authority and the relevant landowner together with the legal process of converting the Footpath to a Bridleway or constructing a cycle track on adjacent land, outside the footpath's boundaries.

## **LTN1/20 and RDG design parameters**

- RDG section 8.6 explains the process for converting a public footpath to a surfaced path for cycling as well as walking and wheeling. The legal process for converting a footpath to a bridleway or cycle track is a Cycle Track Order (Cycle Tracks Act), a Public Path Order or a Definitive Map Modification Order. Converting a path is easiest with landowner consent. Planning permission is required to convert footpaths which are not adjoining or within Highway land. All this assumes agreement from the landowner(s) and Highway Authority to purchase and adopt the land as Highway.
- Shared use surfaces in urban areas should be considered a 'last resort' (LTN1/20 para 6.5.4); however, the RDG is more permissive in this regard and references the conversion of footpaths to shared use paths for walking, wheeling and cycling.

- Where shared use is specified, the minimum width should be 3.0m or 4.5m depending on likely demand at peak times (exceeding 300 pedestrians per hour), with an absolute minimum of 2.5m at pinch points.
- The introduction of cycling to a defined public footpath should have a neutral or beneficial impact on the level of service for pedestrians, for example, by providing an accessible surface.
- Natural surveillance is important, with the best routes having natural surveillance from buildings and activities and suitable lighting throughout the length of the footpath, or along most of it if this is not possible. See also findings of Active Travel England's commissioned research<sup>4</sup>
- For the proposed bridge: designs should provide for a minimum 4m overall width of a dedicated cycle track to account for the effective width of LTN1/20's design cycle (including its dynamic envelope). This comprises a 3m two-way cycle track and 0.5m each side of the cycle track. The parapet should be 1.4m high (or 1.5m high on National Highways roads). LTN1/20 section 10.8.14 and RDG section 4.6.
- The width of the definitive footpath is unknown and the Appellant does not have control of the land to the east of its red line, which only encompasses the proposed bridge and a section of the footpath running behind the group of five parking bays at the end of Skipps Meadow cul-de-sac. I am unaware of any negotiations or agreement with the landowner, Freman College, that would confirm or allow modifications to the width of the right of way to accommodate shared use which would, in any case, require planning permission.
- The proposal is to convert the existing footpath to a shared use path. However, achieving this requires a complex and potentially costly process utilising the Cycle Tracks Act and it would be likely to be more pragmatic to acquire land and build a separate cycle track, subject to its availability and the willingness of Freman College to make the land available. There is no proposal in the planning application to do that.

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<sup>4</sup> [bit.ly/ATE-Women-Safety-Study](https://bit.ly/ATE-Women-Safety-Study) (2026) and a similar study by Atkins Réalis via [bit.ly/Getting-Home-Safely](https://bit.ly/Getting-Home-Safely)

## **Analysis**

41. The appellant has proposed to construct a shared use path on the existing public footpath either side of a new bridge which would separate cycles and pedestrians onto their own paths over the A10, providing active travel connectivity to the cluster of schools and the town centre to the east, and the proposed playing fields and country park within the red line. The shared use path would vary in width between 2.7m and 3.0m.
42. The existing footpath is hemmed in by dense vegetation, behind which there are no buildings which would offer natural surveillance. The Appellant has indicated this on their plans but has not approached the Highway Authority or landowner (Freman College) with a detailed view to negotiating the conversion of the Footpath to a Bridleway or constructing a parallel cycle track.
43. Even if the footpath could be converted for use by cyclists, its isolation due to a lack of natural surveillance from adjacent buildings and activities emphasises the strong sense of separation of Buntingford and the proposed development by the A10 corridor and the footpath and adjacent areas of undeveloped land.
44. A new walking and cycling route along this stretch would be isolated especially after dark, even with good lighting, and, as such, would not be considered suitable for all people, particularly those who are, or feel, most vulnerable to personal safety risks.
45. The Highway Authority is clear that it is both impractical and unrealistic to convert PRow36 to a shared use path, and therefore there remains no certainty over the process or outcome for the intended use as a genuine cycle path.
46. The Highway Authority does not know the full width of the definitive footpath, which is hemmed in by hedges. The Appellant has presented no evidence that Freman College or the Highway Authority have been formally approached nor any agreement sought to convert the public footpath to a bridleway to allow construction of a shared use cycle track or to provide a separate cycle track.

## **Balance of benefits against harm**

- Conversion of the existing public footpath to a bridleway to enable provision of a cycle track that connects the new development to Buntingford. Potentially significant benefit, subject to process and / or land acquisition.

- Provision of a direct connecting path to Buntingford which is not available to motor traffic would give active travel an advantage compared with driving. I would anticipate more children will cycle to and from school rather than being driven, and access to an existing employment / retail area north of the town centre would also be easier on foot or cycle.
- Issues of personal safety at night and inclusiveness of the path. Significant harm.
  - Even if the footpath could be converted to a bridleway or land found to build a separate cycleway, the failure to provide a route which is or feels safe at night would reduce accessibility for or wholly exclude many people, particularly women, children and disabled users of the path, contrary to NPPF paragraph 115(b), draft NPPF policies DP3a and TR4, and the Equality Act 2010. It adds further to the physical, perceived and visual separation of the proposed development from the urban area of Buntingford, contrary to Local Plan policy DPS2.
- No process of acquiring third party land (agreements) or converting the footpath to a bridleway suitable for cycling has been entered to enable provision of an accessible shared use path and thus access by walking, wheeling and cycling and access to a genuine choice of transport modes has not been prioritised with reference to NPPF paragraphs 110, 115 and 117, or draft NPPF policies DP3a and TR4 1a: Significant harm.
  - The footpath would remain open only to pedestrians, and whilst a new accessible surface can be provided, it would exclude access by people on regular or electrically assisted cycles (or result in illegal use of cycles on the path). This includes disabled people who rely on cycles as mobility aids including people who cannot walk far due to the nature of their disability for whom a cycle is essential equipment. This would be contrary to NPPF paragraph 115, draft NPPF policies DP3a and TR4 and the Equality Act 2010.
  - The absence of active travel infrastructure suitable for most people reinforces the separation and severance of the proposed development from Buntingford caused by the A10 and the 'dark gap' of the footpath connection which has very little natural surveillance.

## A507/A10 crossing

### LTN1/20 and Rural Design Guide (RDG) parameters

47. LTN1/20 Table 10-2 and RDG table 10-1 show that a signalised junction would be suitable for most people within the proposed speed limit of 40mph. However, the guidance indicates individual locations should be assessed on a case-by-case basis, and the footnotes indicate that if the 85<sup>th</sup> percentile speed is more than 10% above the posted speed limit, design solutions for the next highest speed limit should be applied. Whilst 85<sup>th</sup> percentile speeds may, or may not, be an issue (no information was submitted by the Appellant in support of their proposals), other concerns raised by the Authority's independent road safety auditor, to whom I defer, point to a recommendation not to build a toucan crossing at this location on safety grounds.

- Crossings should be designed to remove or manage conflicts between cyclists, motor traffic and pedestrians. They should be direct (reducing distance and time needed to cross), and comfortable (minimising the need to stop for separate crossings). LTN1/20 is clear in table 10-1 and paragraph 10.4.19 that cycle crossings should not be staggered. This is to avoid conflict and confusion in the restricted space on the central island between two-way cyclists and pedestrians, but a stagger would also have the effect of making a cycle route indirect. Paragraph 10.4.22 states that even if the pedestrian crossing is made in two stages [because the width of the carriageway exceeds 11-15 metres] the cycle crossing should be a single stage which would require segregation of the two users.
- LTN1/20 is also clear about the need for turning circles sufficient for its 'cycle design vehicles' as set out in Table 5-1. At this location having sufficient turning space is vital for safety and comfort of using the crossing. The issues of available space and potential conflict between cycles travelling in both directions continue on the cycleways to the east and west of the junction where land ownership constraints reduce available space without taking carriageway space.
- Shared use surfaces in urban areas should be considered a 'last resort' (LTN1/20 para 6.5.4) and may be considered acceptable for new and improved rural routes, noting the requirements of the Equality Act 2010 (RDG). The proposed infrastructure defaults to shared use.

48. Place characteristics<sup>5</sup> and highway design have an impact on user behaviour and perceptions, including personal safety and road dangers. My observation is that, beyond areas of activity, the route across the A10 and leading to the first buildings in the proposed development, would feel isolated and socially unsafe. Kate Carpenter and the Highway Authority also refer to drivers' behavioural perceptions in relation to the proposed speed limit compliance and expected highway features, contributing towards critical road danger issues for pedestrians and cyclists using the route.

## **Safety**

49. The appellant has provided a road safety audit for the A507/A10 crossings which the Highway Authority has interpreted and agrees raises concerns about the safety of the proposed design with reference to NPPF para 116 and draft NPPF policy TR6(3):

“Based on these observations the audit team accept that the provision of a Toucan crossing at this location has an overall benefit in terms of active travel movements. However, the concerns raised about drivers failing to recognise the nature of the control should be addressed as the scheme develops and appropriate signing should be provided on all approaches to warn drivers of the controlled crossing ahead. It may also be beneficial to include count down type markers for the change in speed limit and position it further to the north to allow segregation of the speed limit change from the crossing and allow for speeds to reduce on the approach to the roundabout.

“Despite the concern raised above, in the opinion of the audit teams the segregation of cycle movements from the roundabout combined with positive control of cycle and pedestrian crossing movements on the A10 is likely to enhance safety for vulnerable users supporting both a safe system approach and the change in hierarchy of need identified in the latest version of the Highway Code. The audit team also note that despite the other proposed segregated crossings of the A10 the link along Baldock Road is likely to be a significantly used link to the wider Buntingford area for vulnerable users.”

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<sup>5</sup> <https://research.manchester.ac.uk/en/publications/the-perception-of-personal-security-in-urban-parks-comparative-an/> (personal safety in green spaces)

## Analysis

50. The existing uncontrolled crossing is acknowledged by the Highway Authority as being deficient with reference to more up to date design guidance and the Government's strengthening policy direction since 2020 in support of prioritising active travel modes. Older design guidance has been withdrawn by the Department for Transport. Kate Carpenter has expressed the view the proposed new crossing design would be contrary to GG119<sup>6</sup>.
51. The Appellant's safety auditor raises concerns about the safety of the proposed toucan crossing, suggesting mitigating measures. However, the Highways Authority's road safety team has raised doubts regarding the findings of the audit; I defer to the evidence of Kate Carpenter in this respect.
52. LTN1/20 is clear that, for cycles at least, a staggered crossing is inappropriate with a single stage crossing preferred. Ms Carpenter has also observed the constrained turning circles and tight geometry of the cycle route on each side of the crossing which may not comply with LTN1/20's advice on turning space for its cycle design vehicle (a cargo-bike) set out in Table 5-1.
53. LTN1/20 and the new Rural Design Guidance are clear that, on a case-by-case basis, factors such as 85<sup>th</sup> percentile speeds over 40mph and / or and other safety concerns at roundabout junctions may lead to a requirement for grade separation as the only potential solution which is safe and suitable for all users.
54. The Highway Authority, in its response to the neighbouring Appeal site to the south of the A507, cast doubt on the safety of the proposed two-stage / staggered toucan crossing with safety concerns in addition to the 85<sup>th</sup> percentile speeds mentioned in LTN1/20.

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<sup>6</sup> <https://www.standardsforhighways.co.uk/search/html/69517ebd-ed8d-4558-b101-c1e80611000a?standard=DMRB> (online version of GG119 – Road Safety Audit, via Standards for Highways, 2025)

55. The issue of actual and subjective road dangers leading to people choosing not to walk, wheel and cycle are summed up very well by Ms Carpenter in her proof of evidence:

*“...the proposed crossing is out of context with its surroundings and as such, likely to be subject to drivers failing to stop. Such non-compliance deters users [pedestrians and cyclists] as well as endangering them, compounding the safety and sustainability problems.”*

56. The combination of the Highway Authority’s road safety opinion, the evidence of Ms Carpenter, and advice in LTN1/20 and the new Rural Design Guidance leads me to the following conclusions:

- Due to a combination of safety issues raised by the Highway Authority and its independent Road Safety Auditor, a toucan crossing in this location would not be safe and therefore it also would not be an inclusive solution allowable with reference to the Equality Act 2010. A staggered toucan crossing would be counter to all five criteria for cycle routes set out in LTN1/20, namely:
  - **Coherence:** the crossing would not contribute to making the cycle route easy to use, nor would it make it accessible for most people.
  - **Directness:** the crossing would be indirect, being in two stages, as well as creating conflicts between pedestrians and cyclists crossing in opposite directions or in groups.
  - **Safety:** the crossing would not be safe in context, and, as outlined in Ms Carpenter’s proof, its real and subjectively perceived lack of safety would deter users. There are also personal safety issues at the roundabout and on the route continuing west caused by the rural and highway place context and a lack of natural surveillance.
  - **Comfort:** The crossing would not be comfortable to use if it has to be crossed in two stages, with undetermined waits in the midst of heavy traffic and often in bad weather.
  - **Attractiveness:** The route would not be attractive or inviting and many people would avoid using it, preferring to use their cars instead for local door to door journeys not well-served by bus.

- A staggered crossing would remove the priority status given to the option of active travel as a means of reducing car dependency with reference to the NPPF paragraphs 110, 115 and 117 (draft NPPF TR3, TR4) and as described in the table and footnotes in LTN1/20 table 10-1 and RDG table 10-1.
- Because the crossing would be unsafe, additional awareness skills and cognitive load would be needed to assess whether drivers have seen the signal and would stop. This situation makes the proposed crossing unsuitable and unsafe for most users (particularly people with neurodivergencies, children travelling independently and people who cannot walk quickly due to disability or pain), with the only viable safe solution being grade separation or major changes to the roundabout and its approach geometries to reduce vehicle speeds and increase crossing visibility and compliance. Grade separation should be carefully designed to relevant accessibility standards and to minimise personal safety issues. On this basis the design as proposed may not be allowable in accordance with the Equality Act 2010.

#### **Balance of benefits against harm:**

- On the basis that the proposed provision of infrastructure within the red line is included, my opinion is the balance of benefits and harm in general would indicate “significant harm”, but the critical safety issues and non-compliance with LTN1/20 identified at the proposed crossing at the A507/A10 junction, together with the strong visual separation of the proposed development and Buntingford, reinforces my conclusion of significant harm.
- The proposals fail to make available a genuine choice of modes in accordance with NPPF paragraph 110 (draft NPPF TR3), prioritise active travel and design infrastructure suitable for most people in accordance with NPPF paragraph 115 and 117 (particularly 117a, b and c) (draft NPPF policies DP3e, TR3 and TR4(l)) and fail to create subjectively and actually safe and inclusive conditions for active travel in accordance with NPPF paragraph 116 (draft NPPF policy TR6(3)), the Equality Act 2010 and with reference to the design guidance in LTN1/20 and recently published Active Travel England Rural Design Guidance.

## **Proposed shared use cycleway into Buntingford, west and east of the A10 / A507 junction.**

### **LTN1/20 (urban cycleway) design parameters**

57. LTN1/20, the Rural Design Guidance and various toolkits published by Active Travel England are clear about the high standard of analysis and design expected for new active travel infrastructure and there is a process for assessing current conditions with a view to improvement. In basic terms, active travel routes should be suitable for people travelling independently aged “8 to 80 and beyond...[and] cycles must be treated as vehicles and not as pedestrians<sup>7</sup>”, and they should be “coherent, direct, safe, comfortable and attractive<sup>8</sup>”.

- Shared use surfaces in urban areas should be considered a ‘last resort’ (LTN1/20 para 6.5.4). Beyond the red line the proposed infrastructure defaults to shared-use throughout. With reference to LTN1/20 and RDG, I consider Buntingford within the settlement boundary to have more in common with urban than rural environments.
- A buffer should normally be provided between the carriageway and cycleway so the route is suitable for all users (LTN1/20 table 6-1). The width of the buffer depends on the prevailing speed limit. West of the A10, the buffer should be a minimum of 1.0m or an absolute minimum of 0.5m for a 40mph speed limit; east of the A10, the minimum recommended buffer is 0.5m with an absolute minimum of no horizontal separation. Additional buffer space is needed where there are disabled persons’ parking bays and bus stop bypasses. No buffers are provided along the length of the proposed infrastructure.
- Priority parallel crossings are appropriate (as shown); however, their final design should be compliant with published standards. While give way lines marking cycle priority may be acceptable at priority side road crossings, they may not be appropriate on the main route due to potential poor compliance. Parallel zebra crossings or signalised crossings may be more appropriate.
- The weakness of cycle tracks is increased conflict between cycles and motor vehicles at junctions (shown in LTN1/20 fig 10.2). Without full consideration of design, this

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<sup>7</sup> LTN1/20 paragraph 1.6.1(1-2)

<sup>8</sup> LTN1/20 paragraph 4.2.2

weakness can translate into injury collisions which may be severe depending on the circumstances. Whilst cycleways improve safety on links they often result in increased road danger at junctions. In absolute terms the cycleway may be seen to improve safety, but the risk per km of route within junction envelopes is much higher and may be higher still than without the infrastructure.

- Raised junction entry treatments are appropriate as a means of reducing the risk and severity of collisions between drivers and pedestrians or cyclists; however, deep continuous footway treatments would be preferred to deliver stronger 'self-explaining' safety response. Options are described in LTN1/20 figure 10.13.
- Cycleway transitions to and from the carriageway should be designed to minimise the risk of cyclists being hit by drivers whilst also not inconveniencing cyclists who choose to use the carriageway (LTN1/20 sections 9.2 and 9.3). The proposed infrastructure design does not show any details of how safe and convenient transition will be delivered.
- On-carriageway cycle lanes, reduced motor traffic speeds and modal filtering with bus / cycle exemptions offer alternative and additional solutions, subject to adjusting motor traffic volumes and speeds to a level which permits safe sharing of carriageway space without the need for extensive infrastructure. LTN1/20 figure 4.1 provides more information.

## **Analysis**

58. For pedestrians including wheelchair users and people with visual impairments the addition of a new and wider footway, new pedestrian crossings and raised crossing tables designed in accordance with the Department for Transport's Inclusive Mobility guidance would be a significant benefit compared with typical conditions on Baldock Road. On shared use paths, conflicts with cyclists are a negative perception but, according to LTN1/20 and the Rural Design Guide, very rarely a source of injury incidents.

59. On the assumption that the shared use footway will be delivered in accordance with published standards and guidance, the main focus of my comments is cyclists, including

Disabled cyclists<sup>9</sup> and those using non-standard cycles including recumbents, tricycles and cargo bikes.

60. A lack of available highway space constrains the ability to provide a segregated cycle track on this route (which would be consistent with Active Travel England's default preference), resulting in proposals for a shared use path on one side of the road which switches sides twice using parallel crossings.

61. Crossing points are provided to give pedestrians and cycles priority where the shared use path crosses the main carriageway. A pinch point enables the proposed shared use path to maintain its width and will provide some degree of traffic calming. This is likely to reduce the risk and severity of any collisions, subject to further design work including the introduction of formal controlled (zebra or signal) crossings in place of the proposed give-way lines on the main through carriageway.

62. Transition to the carriageway is unresolved, and so it is not possible for all cyclists to feel safe when continuing their journey. Department for Transport traffic counts on Baldock Road and Bowling Green Road (2019 estimate) both show average daily traffic levels higher than the threshold suggested by LTN1/20 for most people to feel safe and able to cycle in mixed traffic with no infrastructure at a speed limit of 30mph, creating a situation of an incomplete route.

63. The proposed infrastructure is not inclusive of Disabled cyclists. Disabled cyclists may have difficulty or pain when walking (including walking with their cycles), and it is for this reason cycles are often used as mobility aids to reduce the distance walked. According to a study by Wheels for Wellbeing, three quarters of Disabled cyclists use their cycle as a mobility aid because they find cycling easier (or, in some cases, less painful) than walking<sup>10</sup>. An incomplete safe cycle network which does not go all the way to important destinations is of little or no use to these potential users.

64. A cycling route is only as good as its weakest points<sup>11</sup>. The infrastructure as proposed is sub-optimal because it is interrupted and indirect compared with the driving route, does

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<sup>9</sup> Capitalising the term 'Disabled' refers in shorthand to the social model of disability, in which the built environment unintentionally further disables people through a lack of consideration of their needs at the design and implementation stages.

<sup>10</sup> <https://wheelsforwellbeing.org.uk/our-campaigns/campaigning/my-cycle-my-mobility-aid/> accessed 26 July 2026.

<sup>11</sup> LTN1/20 para 21.

not prioritise active travel modes, and makes no attempt to reduce car use through design. It requires cyclists to cross Baldock Road up to twice in addition to the proposed A10/A507 toucans, negotiate tight blind corners and wide junction bellmouths, and then to transfer to and from a largely unsuitable mixed traffic environment on Baldock Road and Bowling Green Road.

65. The proposed infrastructure at the points of transition fails to provide an inclusive and functional link from the proposed development to the town centre and therefore fails to offer a genuine choice of modes in accordance with NPPF paragraph 110 (draft NPPF TR3(a)), prioritise active travel in accordance with NPPF paragraphs 115 and 117, and to authorise this lack of inclusion may be contrary to the Equality Act 2010.
66. To demonstrate a clear prioritisation of active travel modes which encourages people to travel actively rather than drive, and therefore make the case for development outside of a settlement boundary where car dependency can be minimised, active travel routes need to be of exemplary and best-practice quality throughout, with reference to Gear Change (2020), LTN1/20 (2020), the Active Travel England Rural Design Guide (2026), and those routes should not 'give up' in difficult places. They should be attractive, direct, safe, comfortable, coherent (including linked to other routes) and accessible by the widest spectrum of potential users. This demands extensive design input including, at an appropriate stage, the use of Active Travel England design tools and user engagement. Their design should be based on a demonstrated process of study and design which is ambitious and eliminates the worst solutions from a range of options – the Appellant should have shown their working and justification for the measures proposed.
67. The transition to and from the carriageway at the eastern end, the A507 / A10 junction and, to a lesser extent, the indirect shared use path with no buffer – are critical weak points that make the whole scheme ineffective at achieving its stated objectives of reducing car dependency and linking the proposal site to the town centre. This demonstrates that, contrary to paragraphs 110, 115 and 117 in the NPPF, the developer has not provided for a genuine choice of modes of transport, and not prioritised active travel modes.

## **Balance of benefits against harm**

68. The following text provides my considered conclusions about the balance of harm vs benefits of the proposed development in relation to NPPF paragraph 115 (prioritising sustainable modes) and 116 (highway safety), and draft NPPF policies DP3a, TR4 and TR6.3:

- Provision of a shared-use cycleway connecting the proposed development to the centre of Buntingford: Moderate benefit.
  - Provision of a shared use footway would significantly improve conditions for walking and moderately improve conditions for cycling on the Baldock Road subject to a review of corner geometries and sight lines, provision of adequate safety buffers, testing of turning requirements for non-standard cycles, and further design improvements at junction bellmouths and crossing points. However, counter to LTN1/20's and Active Travel England's preferences, it is not segregated, and it does not appear that options to separate cycles and pedestrians, or include cyclists in the carriageway by making conditions acceptable within the criteria set by LTN1/20 figure 4.1 were considered nor any analysis undertaken to support the proposal. It therefore does not comply with NPPF paragraph 115 which requires proposals to prioritise active modes.
- Provision of transitions between the cycleway and carriageway at the eastern end: Significant harm:
  - A cycleway can only ever be as good as its weakest link. The proposals fail to adequately provide for a transition between the cycleway and the carriageway.
- Provision of a continuous cycleway between the development and the town centre:
  - The whole route is intended to create a continuous connection that is suitable for most people, but the effect of omitting the transitions means it is unsuitable for most people who would want to use the infrastructure to reach the town centre.

## Degree of conflict and harm caused by the proposals

69. In general terms, as discussed by other witnesses, the motivation for the Local Plan Policy stated principles and DPS2 to contain development within defined settlement boundaries (albeit weakly expressed)) is a good one. It enables towns to remain compact, walkable, cyclable and sustainably served by commercially viable public transport options in the long term without subsidy. It could reasonably be said that the policy is intended to at least manage or contain urban sprawl, directing major development to larger service centres and preventing the dispersal of activities which would lead to car dependence<sup>12</sup>, including preventing development hopping over significant severing features such as the A10.
70. The Appellant has, in my considered opinion, failed to address the requirements of NPPF paragraphs 110, 115, 116 and 117 (draft NPPF policies DP3, TR3 and TR4(1)) and failed to demonstrate the isolation of the proposed development can be overcome by prioritising high quality ambitious design for active travel together with any kind of restraint on car use. Furthermore, precedents for similar development in the town have not been accompanied by an obvious commitment to making the public realm genuinely inviting for people to walk, wheel and cycle although they are less car dependent by virtue of their location.
71. The harms created by bolting on active travel infrastructure rather than seeing it as an essential and ambitious component of a (preferably LPA-led) decide-and-provide vision for place-led sustainable accessibility (the 'vision-led approach') should be regarded as 'significant' in relation to the tilted balance (NPPF paragraph 11d) because the development is likely to be dependent on access by car. This reinforces and is reinforced by the actual, perceptual and visual isolation and safety issues created by the A10 and the poor social safety characteristics of the proposed active travel infrastructure, both on PRoW36 and Baldock Road west of and including the A10 crossing which together have the effect of widening the area of separation.
72. The harms would be mitigated somewhat if PRoW link could be upgraded with the Highway Authority's and Landowner's agreement, the A507/A10 crossing could be redesigned with well specified grade separation, and if the Baldock Road connection could be substantially amended, perhaps to include some car travel restraint measures. Even so, I estimate there

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<sup>12</sup> Bor, O 2026: Predict and Provide isn't the cause of car dependency – Vision led planning isn't the cure <https://pineconomics.substack.com/p/predict-and-provide-isnt-the-cause> last accessed 26 July 2026.

would still, on balance, be significant harm due to the remaining social safety issues caused by a lack of natural surveillance, the remaining physical, visual and perceptual separation of the development from Buntingford by the A10 cutting, and additional social safety issues introduced by the grade separation.

## Conclusions

73. I conclude that, if it is not possible to satisfactorily and effectively resolve the issues raised in this assessment and thereby reduce the level of harm identified the proposals will not overcome the barrier of the A10 corridor and the physical, visual and perceptual severance of the site from Buntingford. Irrespective of the design of active travel measures I consider the development would be unsustainable and contrary to NPPF paragraphs 110, 115, 116 and 117 (draft NPPF policies TR3, TR4(1), DP3 and TR6(3)) and Local Plan policies DPS2, TR1 and TR2, with reference also to other material considerations including LTN1/20, the Active Travel England Rural Design Guide and the Equality Act 2010.

- My assessment of harm would be reduced if: (1) the A10/A507 crossing could be delivered through grade separation, subject to LTN1/20 standards and any necessary accessibility requirements are met to make the crossing suitable for most people; or geometric changes were made to the roundabout and crossing that would improve safety without adding congestion to the satisfaction of the Highway Authority; and (2) if an agreement can be made to make PRoW36 suitable for active travel through negotiations with the Highway Authority and the landowner to go through a process of adopting the path as Highway and converting it to a Bridleway suitable for pedestrians, cycles and equestrians or building a separate parallel cycle track.

74. In my opinion, the proposed active travel measures if implemented as proposed are not of high enough quality or ambition, nor compliant with LTN1/20 in respect of their safety, directness, coherence, comfort and attractiveness, such that they would contribute to a genuine choice of transport modes in a way that would meaningfully reduce dependence on private cars. They should be regarded as giving rise to significant planning harm with reference to the aims and objectives of current and draft Local and National Planning Policy and the appeal should be dismissed.