



Application Decision

Site visit made on 20 April 2015

by **Mark Yates BA(Hons) MIPROW**

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 23 July 2015

Application Ref: COM638

Sandpit Lane Wastes Common, St Albans, Hertfordshire

Register Unit: CL 239

Registration Authority: Hertfordshire County Council

- The application, dated 10 November 2014, is made under Section 38 of the Commons Act 2006 ("the 2006 Act") for consent to carry out restricted works on common land.
 - The application is made by Mr Pratt on behalf of St Albans City and District Council ("the Council").
 - The works relate to the construction of a shared use leisure path for cyclists and pedestrians having a length of 200 metres (total area of 500m²). It includes the construction of tactile paving slabs and installation of traffic signal infrastructure at the crossing of Sandpit Lane. The application, as amended, also includes the extension of the existing tarmac path in front of St Saviours View for a distance of 50 metres (total area of 88m²) and installation of a kerbed upstand and staggered barriers as shown on Drawing No. HC_G-11308.81(LBP).
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Decision

1. Consent for the works is granted in accordance with the amended application and the plans submitted with it. The consent is also subject to the condition that the works shall commence within three years of the date of this decision.
2. For the purposes of identification only the location of the works is coloured red on the attached plan.

Preliminary Matters

3. I undertook a site visit on 20 April 2015 when I was accompanied by representatives of the Council and Hertfordshire County Council and interested local residents.
4. In response to the representation by Mr Tuckett, on behalf of himself and other residents of St Saviours View, the Council put forward amendments to the application. The amended application also encompasses the extension of the existing tarmac path in front of these properties. Details of the amendments were circulated to the other parties for information.

Main Issues

5. I am required by Section 39 of the 2006 Act to have regard to the following in determining this application;
 - (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;
 - (c) the public interest¹;
 - (d) any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

6. No objection has been received from the landowner and no rights of common are registered. Overall, there is nothing to show that any party occupying or having rights over the land would be adversely affected by the proposed works.

The interests of the neighbourhood

7. The path to be created would form part of a recreational route for cyclists and pedestrians around St Albans which is likely to be of benefit to local residents and members of the public generally. I also noted from my visit to the site that Sandpit Lane is fairly heavily trafficked and the proposed route, along with the controlled crossing, should assist with the safety of pedestrians and cyclists in this locality.
8. In respect of the representation on behalf of residents of St Saviours View, the installation of barriers and signage should serve to encourage cyclists to dismount when using the section in front of these properties whilst enabling other users to pass. Any additional relevant works in the future would require a separate application.

The public interest

9. As outlined above, there would be benefits arising out of the provision of a route for cyclists and pedestrians. Whilst the works would have some visual impact on the common, this has to be balanced against the urban setting of the land involved. Further, the majority of the surfacing works would consist of Breedon Gravel with tarmac only being used to extend slightly the existing tarmac path. The Council also confirms that if a particular tree needs to be removed it will be replaced as part of this scheme. There are no other issues apparent from the submissions provided or my observations of the site that impact upon the public interest.

Conclusions

10. I have concluded that the provision of a path would benefit the neighbourhood and members of the public generally. Further, I do not consider the visual impact of the works to be significant in this locality or that this issue is

¹ Section 39(2) of the 2006 Act provides that the public interest includes the public interest in: nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

sufficient to outweigh the benefits of creating the path. In the absence of any other relevant matters, I conclude that consent should be granted.

Mark Yates

Inspector