

# OTTRA

## Old Thorley and Twyford Park Residents' Association



Development Management  
East Herts Council  
Wallfields, Pegs Lane  
Hertford SG13 8EQ

5<sup>th</sup> March 2019

Sent by email

### BSS Hybrid Planning Application 3/18/2253/OUT

Dear Sir or Madam,

1. I am writing on behalf of Old Thorley and Twyford Park Residents' Association [OTTRA] to make strong objection to the amended version of BSS Hybrid Application 3/18/2253/OUT. It is difficult to make the OTTRA case for total refusal of this proposed development more clearly or more strongly than has already been done in our original letter of objection dated 6<sup>th</sup> December 2018
2. Given the remarkable strength of public opposition, how can the planners, who it is claimed act in people's best interests, choose as sole reason for re-consultation a minor road junction amendment? It is just an excuse to give an impression of engagement with affected residents prior to determining this planning application in favour of developers. This is how it appears, given also the incompetence in notifying the public.

3. To avoid excessive repetition of points made by other respondents, I copy below from the presentation I made to the town council meeting last night on behalf of OTTRA. This covers the views widely expressed and shared by the 105 local attendees at the Open Day we held at the Thorley Scout Hall.
4. OTTRA covers all of Thorley and much of South ward that is directly impacted by this application, in particular, Thorley parish, Thorley Lane, Twyford Park, Proctors Way and Thorley Park and part of St Michael's Mead. This is a wide area, covering the whole village and three neighbouring housing estates. We have very many objectors. We believe that there should be no development on this site at all because it is simply not a suitable site. This was acknowledged in 2011 by the Public inquiry Inspector whose findings in this regard were confirmed by the Minister Eric Pickles.
5. We believe that soundness of the District Plan with respect to BISH5 is questionable. Eight requests were made in August 2018 to the Secretary of State seeking his intervention. This he did on 12<sup>th</sup> October, then quickly lifted the holding after Cllr Haysey's team had engaged in direct and confidential discussions with his officials with a view to influencing his decision by producing further evidence.
6. The District Plan was then immediately adopted and the Countryside Properties planning application hastily submitted as a hybrid plan. The Examiner in her Report does not favour hybrid applications, but EH officers ruled that in this case it was a discretionary matter.
7. No attempt was made by EH or the ministry to address the concerns of the stakeholders who had originally requested the intervention. Their requests for sight of the additional evidence provided to the minister were disregarded. The EH chief executive wrote to OTTRA that information about the meeting with officials was confidential owing to the risk of it appearing that the District Plan had been re-opened. The Civic Federation received answer to their FOI request only in late January 2019. We are considering legal challenge.
8. There are two reasons for not having this development at all. Greenbelt and Category 3 Village.
9. **First.** Greenbelt removal is prerequisite solely to give effect to the aims of EH Council and developers, and incidentally the Boys High School. No exceptional circumstances have been presented as justification of the significant harm that would arise. Moreover, the claimed level of needed housing for "local people" has been reduced by 25% in government's figures [14% for EastHerts], making removal of Thorley greenbelt unnecessary. Meanwhile, the new boundary line has not been made public on any map other than the developers' own Master Plan of June 2018. There has been no

public consultation with respect to adverse impact on residents at its edges. To the south, the line of removal has simply followed the route of the bypass for desktop convenience, or to form what planners call a defensible line of urban containment.

**10. Second.** Thorley village is a category 3 village exempt from development. It is a small rural village grown up around farmsteads stretching across the parish, its people feeling a deep sense of place, identity, linkage and community. Yet planners are trying to accommodate developers' objectives by introducing the notion of village and parish as separate entities. The claim is being made that the development will take place in the parish, not the village, in which case the exemption is not valid. This is beyond belief and we believe arguable in law.

**11.** With respect to OTTRA objections to this hybrid application, the first concern is: Why are all the other objections from the public not addressed; why only the one minor exit onto Obrey Way which everyone agrees? Especially when some of us pointed out to planners the dangers of other crossings on a site visit. Will those other objections be taken into account? They cover concerns about the school's use, green spaces, Thorley Wash flood plain mitigation, utilities installation, disruption, noise and pollution from aircraft flying over schools, intolerable gridlocking of traffic flow around the whole 'island' site, no safety of passage for cyclists outside the perimeter, and much else.

**12.** The second concern is about the undesirability of hybrid planning.. Why are both parts of the application not detailed and considered as one development? Residents can't gauge what the overall impact would be on movement, way of living, access to services etc without knowing what's on offer. If permission is granted to the greater area as outline proposal only, how can residents suggest changes? Already the developers are encouraging residents to view their own published Master Plan drawn up in June 2018 as 'the done deal', and officers have reported in favour of its proposals. Post-application Master planning meetings are merely opportunities for rubberstamping by officers. Their fitness for purpose is highly questionable. And why aren't Twyford Park residents being warned now about the 150 houses and opening up of their roads to school traffic that will be of serious concern to them when the related BISH6 application is submitted?

**13.** Thirdly, the lack of infrastructure, with respect to transport and interlinked with absence of accessible health services, is far and away the area of greatest concern. Crucially the issues of transportation, in all modal forms, and provision of health clinics are being ignored, as is also the statutory

requirement that all infrastructure is in place before schools and houses are occupied. OTTRA appended to its earlier letter of objection a professional assessment of transport policies with particular reference to Pig Lane and BSS. Please refer to that document and the further submissions of the Civic Federation, Thorley parish council and individual Colin Arnott.

**14.** Finally, returning back to OTTRA's contention that Thorley is not a suitable site for this proposed new development, we wish to make the following observation. EH members and officers are describing this huge development as both "new garden village" where in one place people can live, work, play in close community and also as "town urban extension" whose new residents it is claimed will feel a sense of identity with town rather than Thorley. It can't be both.

**15.** But it will be, if this hybrid application is granted permission. Because the residents of the proposed 142 houses along Whittington Way will have no vehicular access to the new "village high street" other than first exiting onto Whittington Way and then driving on busy roads around the outside of the 'island site' to reach the main entrance/exit at a new roundabout on the bypass. These residents will go to the easily accessible Thorley Park shopping precinct, as we all do in Thorley. Here they will have chemist, post office, preschool, pet shop, cafes, pub, petrol, doctor, charity shop, children's play area. So much for the grand vision of the leader of the Council, who does not live here.

**16.** We have seen no exceptional circumstances presented that could justify the considerable and irrevocable level of harm that would result long into the future for countryside and community from this ill conceived development that in any event will not serve the purpose it is claimed to have.

**17.** We urge you to refuse this application.

Yours faithfully,

Mrs Sylvia McDonald  
Chmn OTTRA

# OTTRA

## Old Thorley and Twyford Park Residents' Association



Kevin Steptoe Esq,  
Head of Planning and Building Control  
East Herts District Council  
Wallfields, Pegs Lane  
Hertford SG13 8EQ

6<sup>th</sup> December 2018

### BSS Planning Application 3/18/2253/OUT

Dear Mr Steptoe,

1. I am writing on behalf of Old Thorley and Twyford Park Residents' Association to make strong objection to the Hybrid Application 3/18/2253/OUT: Bishops Stortford South – both to the Outline Application for the development of 750 houses, schools, employment area and other associated development and to the Full Application for 142 houses on Whittington Way.
2. We first discuss in some detail the two issues to which we have given priority, namely Community Consultation and Transportation. We next discuss the village status of Thorley, and then follow with comments on the Impact of various aspects of this hybrid application for Thorley residents, much of the latter coming from recall of the still valid evidence that Thorley parish presented to the Schools Relocation Public Inquiry in 2011.
3. On that occasion, the same applicant was appealing against refusal of planning permission to build two secondary schools on the same Thorley

greenbelt site off Whittington Way. The Appeal was lost, since which time recent adoption of the District Plan has formalised two policies allowing the Thorley site to be developed. These are removal of greenbelt and site allocation as suitable for development. But EHDC and the District Plan Examiner had failed to recognise that Thorley is a class 3 village exempt from development. Whereupon, the town council called for a Boundary Review to place the Thorley site within town jurisdiction in order to ensure development would take place. This attempt at annexation failed after strenuous opposition from Thorley parish now facing extinction. Meanwhile the developer, in cooperation with EHDC at Masterplanning meetings, prepared this hybrid planning application in readiness for the speediest possible submission.

4. To complete our letter of Objection, we then go on to comment on the strength of Thorley opposition; to emphasize the need for local knowledge to inform the Masterplanning Framework Steering Group, and to draw conclusion.
5. The thrust of our submission is that OTTRA objects primarily and outright on the grounds of non-conformity with planning development documentation with respect to Community Consultation, Transportation, and Village Status. Further, we object to all other issues having deleterious impact on Thorley community and countryside on the grounds of harm and unsoundness through unsustainability.

## **COMMUNITY CONSULTATION**

6. We object, first and importantly, on the grounds that the hybrid application does not comply with District Plan Policies DES1 and BISH5 and NPPF 2018 paragraphs 40 and 42 on community consultation and on participation and collaboration in masterplanning. For this reason alone the hybrid application should be refused in part and in full.
7. We have carried out a review of the Statement of Community Consultation [SCC], the Master Planning Framework [MPF] and other relevant documents in four areas and record our detailed findings in Annex 1 attached.
8. Meanwhile, we summarise below our review conclusions:
  - We believe that the Local Planning Authority should be satisfied that the new policy requirements of NPPF 2018 and District Plan Policies DES1 and BISH5 on community consultation and engagement on masterplanning have been addressed by the SCC and met in full before proceeding to Planning Application, and that any decision to

approve or refuse the application is premature until these requirements are met.

- In view of the applicant's failure to meet (or attempt to meet) any of the community consultation or masterplanning requirements of District Plan Policies DES1, BISH5 and NPPF 2018 paragraphs 40 and 42 since the intention was first made public on 17<sup>th</sup> July 2018 to submit a hybrid application, the Full Application for 142 dwellings on Whittington Way should be withdrawn and not resubmitted until these consultation policies have been met in full.
- We find the SCC to be incomplete and inadequate in identifying or consulting with the stakeholders most directly affected by, or likely to object to, the development and also deliberately misleading in its analysis of negative public consultation feedback on the development. The stakeholder and community consultation process on the Outline Application reported in the SCC therefore falls far short of the levels of collaboration and open debate that is required by the East Herts District Plan Policies DES1 and BISH5 and NPPF 2018 and does not provide a basis on which to proceed to an outline planning application.
- We believe that representation on the Masterplanning Steering Group and the way its work has been conducted have fallen far short of the levels of participation, collaboration and open debate that is required by NPPF(2018) paragraph 40, DES1 and BISH5, and that the resulting MPF is an incomplete and inadequate basis on which to proceed to an outline or full planning application.

## **TRANSPORT**

9. Transportation problems generated or worsened by this hybrid application are the topic of most concern to our residents, yet we see no evidence that serious attention is being given to the need for adherence to planning guidance requiring that appropriate and adequate infrastructure be put in place before completion and occupation of new housing and schoolbuilding. This topic being of such complexity and the applicant's documentation being so plentiful, it is fortuitous that our vice chairman has professional experience enabling him to carry out in-depth research and produce a report [see Annex 2 attached]. OTTRA unreservedly endorses the report and includes it as an integral part of the OTTRA submission requesting Refusal.

10. We also draw your attention to Bishop's Stortford Civic Federation's submission where, in the Transportation section, the inadequacies of the work carried out by the applicant's consultants, Meyer Brown, are discussed. We do not hesitate to align ourselves with BSCF in distrust of Meyer Brown's expertise in traffic modelling and assessment. In particular we agree with the findings reported in paras 29, 30 and 32.
11. We would further point out that the same consultant in 2011 and again in 2017 insisted that computer modelling confirmed his belief that all traffic queueing delay and gridlock problems experienced in Thorley Street and Whittington Way originated in the one unresolved problem at Thorley Hill junction related to residents' carparking on London Road near the traffic lights and the position of a bus stop.
12. At the Public Inquiry, this consultant was locked in battle for some days with the opposing party's consultant who claimed that findings were flawed due to incorrect analysis of saturation flow stemming from incomplete behavioural data being fed into the computer. [See the Inspector's Report for full detail] .
13. OTTRA's immediate concern is this . Six years later, the problem has worsened, the facts for debate remain unchanged, and the consultant is intransigent in spite of intervening town population increases affecting the situation. At the last MPF meeting, called to discuss transportation and the BSS hybrid application, he repeated unequivocally that solving the parked car problem would solve all the traffic problems at Whittington Way.
14. We request time be allowed for HCC to issue its expected report and carry out investigation into this matter if not already covered in the report , or alternatively for an independent second expert to be commissioned to give opinion.
15. Thorley residents, some 50 of whom live in Pig Lane [which has become de facto town bypass to the M11], feel very strongly that applications for development in the BSS area [as well as in other parts of town], obliged to travel eastwards out of town to the M11 via Pig Lane, should not be approved unless the issues of onward route travel and traffic flow safety have been investigated in the wider scenario. Annex 2 addresses this problem inter alia in detail; suffice it to say that the hybrid application does not.



16. With regard to vehicular, cycle and pedestrian modes of travel for the 142 new houses off Whittington Way, the hybrid application proposes 5 junctions, 2 crossings and 2 roundabouts on Whittington Way to allow car access to the houses, cycle access to schools, and pedestrian access to the Herts Way. A fourth arm on a roundabout at Bishops Avenue will give 'bus only' access to the larger site area still having Outline status. This roadway design is wholly unworkable, unsafe, unsound, and it fails to address the problems that will face car users, buses, cyclists, walkers and families crossing or turning at the junction of Whittington Way and London Road. We put these points to the developers on a recent site tour.
17. Moreover, this roadway design effectively isolates what will essentially become an overcrowded ribbon development neighbourhood area, since it prevents the 142 house dwellers from linking up with the other BSS neighbourhood areas positioned on the far side of the larger part of the site along with employment, retail and care home, all of which share a single point of access from the bypass. This supposition goes against the ideas promoted by EH Council and developers that BSS development will create a welcome new integrated village community with its own identity [a view we do not support or believe feasible].

### **THORLEY VILLAGE STATUS**

18. The narrative of District Plan 2018 policy VILL3 does not lead to the certainty or assumption or even possibility that Thorley or any part of it should be considered for development, least of all a sizeable estate such as BSS that would treble its electorate, dominate and compete with the centre of its very being within sight of the church, sever age-old linkages between hamlet dwellers in the Uplands and street dwellers in the Valley, destroy the closeness, harmony and distinctive beauty of surroundings that seep into everyone walking, riding or cycling on its bridleways, field paths and lanes.
19. The harm would be deep, for which reason BSS hybrid planning application should be withdrawn or refused forthwith and greenbelt status returned to the site to protect its rural openness for the benefit of parishioners, neighbouring townspeople and visitors alike as hitherto.
20. District Plan 2018 places much weight on Neighbourhood Plan policies to consider infill development and redress the balance between countryside enjoyment and lack of houses for the young. However, this hybrid

application is taking little notice of the local Neighbourhood Plan, and Thorley has a thriving mixture of young and old, retirees and commuters, young families, working parents, professionals and students. People love to live here. We have no balance to redress.

21. BSS development as proposed, in any case, does not comply with any of the requirements (a) through (g) listed under Policy VILL3 in the District Plan 2018. On these grounds alone, the BSS hybrid application should be refused.

### **IMPACT ON COMMUNITY: MATTERS OF FLOODING, FOUL WATER, AIR QUALITY CONTROL, WATER PIPE INSTALLATION**

22. **Hertfordshire County Council**, in a letter dated 8<sup>th</sup> November 2018 to the Director of Environment and Infrastructure, recommended refusal of planning permission with reference to **flooding and proposed SuDS measures**, comments that “Besides possible **risks to new residents** of the development, regard must also be shown to the existing residents of Thorley Village in Thorley Street. Government Ministers have recently cast doubt on SuDS on large developments”.
23. It would appear that new details are required, and we would echo HHC refusal on plans submitted.
24. With reference to a document entitled **Proposed Water Reinforcement** re Potable Water, submitted by **Affinity Water** ref NC41980, the Plan submitted indicates that 815M of 225mm **new pipe would need to be installed** from the top of **Thorley Hill** down to **London Rd**, thence for 675M along London Rd to the **Whittington Way site**.
25. Whilst it is appreciated that the effect on traffic is not permanent, the impact of these works would be very severe for much of Bishop's Stortford and Thorley. Ongoing works to utilities has already caused gridlock and huge delays to traffic due to developments in the north of town which have been poorly organised. Before any planning permission is granted a detailed and approved plan should be submitted detailing how work would be carried out, with reference to road closures, diversions, one way systems and the effect on traffic and pedestrians and residents' access. We would need to know if these works would be carried out before or during Part A or later.
26. We would draw your attention to **Air Quality Assessment** by M B August 2018, pages 15 and 16 clause 2.21 TP2, particularly section A, Hockerill and possible problems elsewhere, also sections B to H, particularly section C.

27. In view of the **air pollution by traffic** at Hockerill any increase is highly unacceptable, and even low percentage increase should not be viewed as acceptable; the accumulation effect should be the criterion for consideration.
28. Letters from **Thames Water** dated 15th November and 21<sup>st</sup> November ref DTS 59466 and 10944 reveals that there are **serious concerns** about the inability of **existing foul water network** infrastructure to cope with increased demand by Bishops Stortford South. No planning permission should be given until this is fully investigated and service to existing residents not compromised.

### **WHY IS THIS HAPPENING?**

29. The present government's demand for more houses in the M11 London Cambridge business corridor for the encouragement of economic growth has become a 'gift' for developers who look to profits for shareholders and a 'war cry' for the politically minded in EHC who choose to see government diktat as a justification of 'special circumstances' that would help push through contentious development.
30. Developers declare that more houses will lower prices, provide better quality, and allow more affordable homes, leading to benefits for all. And our elected councilors assure us that planning documents such as NPPF, District Plan and Neighbourhood plans are in place to ensure protection of people and places from overdevelopment and greed. So why are we worried? Because the system is perceived not to work like this.
31. We must continue vigilant, contribute from our standpoint of local knowledge, and hope to bring influence to bear.

### **STRENGTH OF OPPOSITION**

32. OTTRA holds a unique position as stakeholder and Thorley representative, by virtue of its membership that embraces villagers and residents in settlements and communities on both sides of Whittington Way, thus defining the whole 'Thorley area' impacted by the proposed BSS development and the new District Plan policies BISH5 and BISH6. This is a significant role that should be recognised, even exploited for the public good.
33. OTTRA uniquely is the only local grouping of residents from both town and village who are similarly affected by the hybrid proposals - both the

Outline Application for Thorley farmland development and the Full Application for 142 houses in Whittington Way on town land. OTTRA has now been invited to the Master Planning Framework Steering Group meetings, but only after I had argued to be allowed to attend.

34. Campaigning over the last few weeks by OTTRA and Thorley parish council has clearly shown that 'Thorley area' residents in large numbers have strongly-held and articulate views. Online responses to the hybrid planning application show that all 'Thorley area' residents responding recorded Objection with only 1 Neutral.
35. This strength of opposition is telling about the public concern, and is reflected in the overall online town response, which shows that 1005 responded from the total number of 2387 townspeople notified, and that all responders recorded Objection with the exception of 6 who recorded Neutral or Support. This means that out of the high turnout of 42% of all residents notified, 99% opposed the hybrid application. 13 out of 33 consultee bodies also responded [no detail to report through lack of time]
36. This remarkable outcome must be acknowledged. In particular, effort must be made by EHDC to ensure that as many residents as possible across the town must be notified, kept fully informed and consulted if or when an application is submitted for BISH6 development of 150 houses on the school site adjacent to Twyford Gardens which is expected to become vacant after the Boys High School has relocated to the Thorley Whittington Way site.

## **CONCLUSION**

37. Unarguably, two tenets of good planning are Sustainability and Community Wellbeing. Both are criteria acknowledged in national and local planning legislation as the two underpinning objectives that must be achieved for successful and impartial determination of planning applications. Only exceptionally strong 'special circumstances' should be allowed to justify the overriding of these two criteria, and then only if
  - (a) the benefits to be gained can be seen to 'considerably' outweigh the harm highly likely to occur, and
  - (b) appropriate measures of mitigation can realistically be ensured.

38. It is OTTRA's firm belief that this hybrid planning application, 3/18/2253/OUT, is ill conceived, is being processed without thoroughness, and is demonstrably unable to meet Sustainable and Community Wellbeing criteria. We have seen no 'special circumstances' put forward by the applicant nor realistic mitigation proposals.
39. Should these be forthcoming, we would urge you to inspect again the submission letters from OTTRA, Thorley parish council and BSCF submissions, also from bodies such as the Ramblers Association and Bishop's Stortford & District Footpath Association, giving attention to assessment of ***levels of harm to Thorley community cohesion, attractiveness of countryside, agreeable way of living, and potential for continuing survival.***
40. We would further urge you not to accept hurried piecemeal hybrid applications relating to BSS development, but rather a single planning application that would allow the whole picture to be considered at one time and all implications clearly thought through. We note that the District Plan Inspector in her Report did not favour hybrid applications.
41. Finally, OTTRA requests that hybrid planning application BSS 3/18/2253/OUT be refused.

Yours sincerely,

Mrs Sylvia McDonald, chmn OTTRA

Cc Thorley pc

# Annex 1 Objection on Community Consultation

## Hybrid Application 3/18/2253/OUT: BSS OBJECTION ON COMMUNITY CONSULTATION

This paper is prepared in response to the Statement of Community Consultation (SCC) and other documents prepared in support of the Hybrid Planning Application submitted by Countryside Properties (UK) Plc ('Countryside').

### Summary and Conclusion

We have reviewed the SCC, other relevant supporting documents submitted by the applicant, relevant NPPF and District Plan policies on pre-application community consultation and masterplanning and conclude that:

- **We believe that the Local Planning Authority should be satisfied that the new policy requirements of NPPF 2018 and District Plan Policies DES1 and BISH5 on community consultation and engagement on masterplanning should be addressed by the SCC and have been met in full before proceeding to Planning Application and that any decision to approve or reuse the application is premature until these requirements are met.**
- **In view of the applicant's failure to meet (or attempt to meet) any of the community consultation or masterplanning requirements of District Plan Policies DES1, BISH5 and NPPF 2018 paragraphs 40 and 42 since the intention to submit a hybrid application was first made public on 17<sup>th</sup> July 2018, the Full Application for 142 dwellings on Whittington Way should be withdrawn and not resubmitted until these consultation policies have been met in full.**
- **We find the SCC to be incomplete and inadequate in identifying or consulting with stakeholders most directly affected by or likely to object to the development and deliberately misleading in its analysis of negative public consultation feedback on the development. The stakeholder and community consultation process on the Outline Application reported in the SCC therefore falls far short of the levels of collaboration and open debate that is required by the East Herts District Plan Policies DES1 and BISH5 and NPPF 2018 and does not provide a basis to proceed to an outline planning application.**
- **We believe that the representation on the Masterplanning Steering Group and the way it has conducted its work has fallen far short of the levels of participation, collaboration and open debate that is required by NPPF(2018) paragraph 40, DES1 and BISH5, is incomplete and the resulting MPF is an inadequate basis to proceed to an outline or full planning application.**

**We therefore object to the Hybrid Application 3/18/2253/OUT: Bishops Stortford South – both to the Outline Application for the development of 750 houses, schools, employment area and other associated development and to the Full Application for 142 houses on Whittington Way – on the grounds that it does not comply with District Plan Policies DES1 and BISH5 and NPPF 2018 paragraphs 40 and 42 on community consultation and on participation and collaboration in masterplanning. The hybrid application should therefore be refused in part and in full.**

## Review of Community Consultation and Statement of Objection

Our review of the Statement of Community Consultation, the MPF and other documents has been carried out in four areas:

- New requirements of East Herts District Plan Policies DES1 and BISH5 and NPPF 2018 on Community Consultation
- Submission of a Hybrid Planning Application including a Full Application for 142 dwellings on Whittington Way
- Statement of Community Consultation on the Outline Application for the development of 750 houses, schools, employment area and other associated development
- Establishment and Operation of the Bishops Stortford South Masterplan Framework Steering Group and the Master Planning Process under District Plan Policies DES1 and BISH5

### **1. New Requirements of East Herts District Plan Policies DES1 and BISH5 and NPPF 2018 on Community Consultation**

The Hybrid Application acknowledges that it has been submitted in accordance with the requirements of the new District Plan adopted on 23<sup>rd</sup> October 2018 - 11 days after the application was submitted. With respect to community consultation and collaborative masterplanning of significant developments we note that the relevant policies of the new Plan are **DES1 and BISH5(II)**. The importance of these policies is highlighted by the fact that they were newly introduced in this form by the Inspector's Modifications which, in turn, were added in accordance with then emerging and now adopted **National Planning Policy Framework (NPPF) July 2018, paragraphs 40 and 42** on pre-application engagement with consultees and the local community. The relevant NPPF and District Plan policies are therefore:

- **Paragraph 40 of the NPPF 2018** on pre-application engagement requires local planning authorities to "encourage any applicants ... to **engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications**". The guidance to include **non-statutory consultees and the local community was specifically added to the 2018 NPPF** in addition to the NPPF 2012 requirement to engage with all statutory bodies.
- Paragraph 42 also advises that the participation of statutory bodies in pre-application discussions "should enable early consideration of all the fundamental issues relating to **whether a particular development will be acceptable in principle, even where other consents** relating to how a development is built or operated **are needed at a later stage**"
- **District Plan policy DES1** states that "All 'significant' development proposals will be required to **prepare a Masterplan setting out the quantum and distribution of land uses; access; ... necessary infrastructure; ...[which] ... will be collaboratively prepared, involving site promoters, land owners, East Herts Council, town and parish councils and other relevant key stakeholders. The Masterplan will be further informed by public participation**"
- DES1 is then applied to all other major developments in the Plan and, in the case of **BISH5**, **states that the process should involve** "site promoters, landowners, East Herts Council, Hertfordshire County Council, Bishop's Stortford Town Council, Thorley Parish Council and other key stakeholders."

We note that **the CCS makes no reference to these important policies** or the compliance with them of the consultation process adopted. Section 4.0 of the SCC sets out the policy framework for the pre-application consultation based on:

- NPPF 2018 paragraphs 16-c and 16-e but is **seemingly unaware that these relate to policies applying to local authorities in section 3 on Plan Making rather than to section 4 on Decision Making (on applications) and, in particular, on Pre-application engagement in paragraphs 39-46**
- Reference to EHC’s Statement of Community Involvement 2013 rather than newly adopted **District Plan policies DES1 and BISH5 to which no reference is made in the SCC.**

***We believe that the Local Planning Authority should be satisfied that the new policy requirements of NPPF 2018 and District Plan Policies DES1 and BISH5 on community consultation and engagement on masterplanning should be addressed by the CCS and have been met in full before proceeding to a planning application and that any decision to approve or refuse the application is premature until these requirements are met.***

## **2. Submission of a Hybrid Planning Application including a Full Application for 142 dwellings on Whittington Way**

The hybrid planning application submitted by Countryside comprises an Outline Application for the development of 750 houses, schools, employment area and other associated development and a Full Application for 142 houses on Whittington Way. The Full Planning Application for 142 houses on the area then known as Development Zone A was first publicly referred to in the Report by the Leader of the Council to East Herts Council Executive Meeting 17<sup>th</sup> July 2018 and has therefore not been (nor had the opportunity to have been) the subject of any Community Consultation at all before the planning application was submitted on 19<sup>th</sup> October 2018.

Section 1.0 above sets out the NPPF and District Plan policy framework on community consultation and masterplanning and we note that these apply in full – both jointly and separately - to the Outline and the Full Applications. Indeed Paragraph 42 of the NPPF 2018 requires participation in “early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage”

However, we note that there is no specific reference to a full planning application for 142 houses on Whittington Way or any community consultation undertaken on it anywhere in the Statement of Community Consultation. Indeed, consultation on the detailed design proposals for Whittington Way does not form any part of the terms of reference for the SCC which appears to have been largely prepared before the intention to submit a full application was made public and is not referred to in key impact assessments such as the Transport Assessment or any other assessment required under the relevant policies.

It is clear therefore that there has been no community consultation carried out on the Full Application as required by District Plan and NPPF policies. The pre-application public consultation procedures described in the SCC were completed in February 2018 and the full application was not made public until 17<sup>th</sup> July 2018. This is confirmed by OTTRA’s and Thorley Parish Council’s own consultation events and community engagement since the application was submitted and made public. There was – and still is – great confusion as to whether the application is for 142 or 750 houses, the status of a Full as against an Outline Application and the detailed design and impacts of the development on the community around Whittington Way. There has simply been no attempt or



opportunity for the Full Application to “be collaboratively prepared and informed by public participation” as required by DES1.

Within the masterplanning process, the first and only time that the form of any hybrid application including a full application for “142 houses north of Hertfordshire Way accessed directly from Whittington Way” was presented for discussion was to the MPF Steering Group 3 on 2<sup>nd</sup> August. We note that:

- a) This was after the MPF was submitted to the EHC Executive and approved as a basis to proceed to a planning application
- b) Whilst it is claimed that the MPF “sets the context for both parts of the application”, there is no reference in the MPF document to a hybrid application and no identification or quantification of what was referred to in the Leader’s Report as Development Zone A
- c) Development Zone A comprises almost entirely the small part of the site located within the Bishops Stortford Town boundary. Bishops Stortford Town Council are not represented on the Steering Group as specifically required by BISH5 and have therefore had no opportunity to participate in a decision which will have a significant impact on Whittington Way and the town.

***In view of the applicant’s failure to meet (or attempt to meet) any of the community consultation or masterplanning requirements of District Plan Policies DES1, BISH5 and NPPF 2018 paragraphs 40 and 42 since the intention to submit a hybrid application was first made public on 17<sup>th</sup> July 2018, the Full Application for 142 dwellings on Whittington Way should be withdrawn and not resubmitted until these consultation policies have been met in full.***

### **3. Statement of Community Consultation on the Outline Application for the development of 750 houses, schools, employment area and other associated development.**

We have reviewed the Statement of Community Consultation (SCC) submitted in support of the Outline Application for the development of 750 houses, schools, employment area and other associated development above in three key respects:

#### ***a) Stakeholder Identification and Engagement***

Section 5.0 of the SCC purports to identify “key stakeholders” who were given direct “access the Countryside project team” and invited to “meetings and briefings prior to the formal consultation”. We note however that:

- Key stakeholders identified comprise 3 groups of organisations which are either local government elected members directly or indirectly responsible for granting planning consent; other statutory consultees or “Community Groups” with little or no involvement or interest in the development of BSS site area affected. Specifically **excluded from this list are the very active residents associations of Thorley and Bishops Stortford** – including OTTRA which represents all of the area of the site and it’s immediate surroundings - and the Bishops Stortford Civic Federation (BSCF) which is the umbrella organisation for most of the town’s residents’ associations. Moreover, the views of BSCF and OTTRA opposing the development of BSS were clearly expressed as the only organisations (together with Thorley Parish Council)

which gave evidence to the District Plan EiP Hearings on 7<sup>th</sup> November 2017 (at exactly the same time as BSS stakeholder engagement was planned) and to the Planning Appeal Inquiry which resulted in the refusal development of the site in 2014. **It is clear that any organisation expected to oppose the development of BSS was excluded as a key stakeholder.**

- The SCC identifies a “micro-consultation zone” of 40 properties bounding the site who were sent “personal briefing letters” on 27<sup>th</sup> November and invited to an exhibition preview on 12<sup>th</sup> December 2017. When the application was submitted and statutory notifications sent to all affected households on 19<sup>th</sup> October 2018, OTTRA was approached by groups of occupiers of approximately half of the micro-consultation zone properties to the west of Thorley Street most affected claiming that they had had no previous notice of the development. None recalled receiving letters, none attended any exhibition preview and none were followed up on their views.

Section 6.0 of the SCC goes on to describes the level of engagement offered to some of these “key stakeholders” including 11 Presentations and discussions over a period stretching back 3 years from November 2015 to June 2017 including the Salvation Army, Bishops Stortford Canoe Club, Waterside Stortford, Destination Stortford and the Climate Change Group with only the most marginal interest in the development of BSS.

**We conclude that the SCC wholly misrepresents attempts to identify or consult with those stakeholders or organisations most directly affected by development or likely to express views known to be against the development.**

#### ***b) Public/Community Consultation***

Section 7.0 of the SCC describes the consultation process with the wider public community which included a website, promotional flyers, posters and press releases inviting comments and a mailshot inviting the public to 2 drop-in exhibitions. This activity largely took place in November – December 2017 nearly one year before the application and, most critically and as the response shows, when the District Plan EiP was in progress. Since the BSS site was in the Greenbelt we are aware that the consultation and exhibitions were seen primarily as an attempt to influence that process and secure Greenbelt release rather than inform the public of an impending planning application. Indeed, it was clearly stated in the Exhibition documentation that no application would be made until Greenbelt status was removed.<sup>1</sup>

The Exhibitions were the most visible part of the public consultation process but we note that:

- 2 public exhibitions were held within 2 days of each other, two weeks before Christmas, and both at venues in Bishops Stortford town centre rather than in or around the site in Thorley (for example the St Barnabus’ Centre). Opportunity to attend was also constrained by the limited time of opening – one day-time (10.00 – 14.00) / one evening (16.00 – 20.00).

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<sup>1</sup> In the event the application was submitted on 12th October 11 days before the District Plan was finally adopted (removing greenbelt status) on 23<sup>rd</sup> October 2018.

- An additional exhibition was held at Bishops Stortford High School restricted to parents and teachers – a very high proportion of whom do not live in the area impacted. The High School is recognised by the community as one of the principal beneficiaries of the development and is believed by the local community to be the source of most of the limited positive feedback from the process.

### ***c) Analysis of Feedback***

Finally, we have reviewed the analysis of Feedback presented in Section 8.0 of the SCC. We note that:

- Only 9 (4%) of the 208 analysed submissions were received from the public exhibitions which might be regarded as the most informed responses whereas 148 (72%) were website or e-mail submissions the origins of which are unknown.
- The analysis of Feedback Forms indicates that for the only “open” question Q1 on whether the 158 respondents **supported “a mixed new development on this site”** the overwhelming response was negative – **69% “No” and only 11% “Yes”**
- The follow-up leading Q2 – **“which aspects of the scheme do you welcome”** – **25% said “None”**. Of the remainder the most popular answers were 15% for “retention of footpaths” (which would also be retained by no development), and 22% support for new schools. Delivery of new homes was supported by only 10% and new employment area by only 8%.
- The analysis of Open Comment Responses (not constrained by the leading questions of the Feedback form) was overwhelmingly negative including:
  - 441 comments (47% of all comment occurrences reported) concerned traffic and transport issues – mainly congestion caused by the development, impact on the wider town traffic and access to the development and schools;
  - The next largest group of 185 comments (20%) concerned loss of greenbelt. The SCC describes this as a “misunderstanding” (on the assumption that respondents should have been aware that greenbelt status would be removed before application) failing to register the overriding public concern about overdevelopment of the town to which BSS contributes;
  - 137 comments (14%) on the pressure the development will put on community facilities and other social infrastructure; and
  - Only 97 comments (10%) on the provision, design and layout of housing – mostly on where this should be improved.
- **Despite the negative response of more than 80% of comments on the key issues of the impact on transport and social infrastructure demand and overdevelopment of the town** – and what is described as “unconstructive feedback for the proposed development” – the SCC analysis of feedback falsely concludes that **“the majority indicated support for development of facilities on the site by recommendation of what they feel is required by the community”**.

We believe that **the SCC analysis of the consultation feedback on the BSS development is a disingenuous and wholly unprofessional misrepresentation of the negative views** clearly and constructively expressed in the community consultation.

*In conclusion therefore, we find the SCC to be incomplete and inadequate in identifying or consulting with stakeholders most directly affected by or likely to object to the development and deliberately misleading in its analysis of negative public consultation feedback on the development. The stakeholder and community consultation process on the Outline Application reported in the SCC therefore falls far short of the levels of collaboration and open debate that is required by the East Herts District Plan Policies DES1 and BISH5 and NPPF 2018 and does not provide a basis to proceed to an outline planning application.*

#### **4. Establishment and Operation of the Bishops Stortford South Masterplan Framework Steering Group and the Master Planning Process under District Plan Policies DES1 and BISH5**

Section 10.0 of the SCC also briefly describes engagement in the Bishops Stortford South masterplanning process by Countryside with EHC and others through a Steering Group “established to enable the open debate of issues”. The establishment of the Bishops Stortford South Masterplan Framework Steering Group (the SG) in October 2017 appears to have been in response to the then emerging and now adopted **District Plan Policy DES1** (see section 1 above) which requires that “all ‘significant’ development proposals will be required to prepare a Masterplan (which) will be collaboratively prepared, involving site promoters, land owners, East Herts Council, town and parish councils and other relevant key stakeholders” In the case of BSS, **Policy BISH5** goes on to state more specifically that the process should involve “site promoters, landowners, East Herts Council, Hertfordshire County Council, Bishop’s Stortford Town Council, Thorley Parish Council and other key stakeholders.” **The SCC makes no reference to these policies or how the masterplanning process adopted meets their requirements.**

With regard to the membership and scope of the SG, the SCC lists three “Members Working Group Sessions” which have taken place before the hybrid planning application was submitted – in December 2017, and April and August 2018 respectively. With regard to collaborative involvement and preparation, we note that:

- The membership/attendance at these preapplication sessions was limited only to two statutory Councils – EHC and Thorley Parish – Countryside and their planning advisors. Thorley Parish were not invited until SG2 in April 2018. **Contrary to the requirements of DES1, BISH5 and the NPPF, no other statutory councils, non-statutory or other stakeholders have been invited to participate.**
- **Specifically, with regard to the mandatory participation of statutory councils** required by NPPF(2018) paragraph 40 and identified by name in BISH5, **Bishops Stortford Town Council (BSTC)** - in which area the Full Application for 142 houses in Whittington Way falls and was presented publicly for the only time at SG3 – **have not been invited to participate.**<sup>2</sup> Similarly **Hertfordshire County Council**, as the statutory and competent highways authority, **has been excluded from the SG** and therefore from informing the debate on the priority issues for the community on (see section 3c above) on traffic management and transport modelling.
- **Key non-statutory stakeholders have also been excluded from the SG contrary to policy**, including in particular Bishops Stortford Civic Federation (BSCF), Old Thorley and Twyford

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<sup>2</sup> EHC have frequently stated that some EHC members invited are also BSTC members and that they “wear two hats”. This neither meets the specific policy requirements of BISH5 or NPPF(2018) paragraph 40 nor reflects the fact that BSTC has consistently voted against the principle of development at BSS whilst EHC has consistently voted for it.

Park Residents Association (OTTRA) and other residents' associations significantly impacted by the development. None of these have been directly consulted during the pre-application masterplanning process despite the fact that BSCF, OTTRA and Thorley Parish Council were the only bodies (statutory or non-statutory) to give evidence at the District Plan EiP Hearings on Bishops Stortford and to make extensive submissions on the Modifications Consultation.

***We therefore believe that the representation on the Masterplanning Steering Group and the way it has conducted its work has fallen far short of the levels of participation, collaboration and open debate that is required by NPPF(2018) paragraph 40, DES1 and BISH5, is incomplete and the resulting MPF is an inadequate basis to proceed to an outline or full planning application.***

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Prepared 4<sup>th</sup> December 2018 by:

**Colin Arnott, MRTPI**

Deputy Chairman, Old Thorley and Twyford Park Residents Association

Planning Adviser to Thorley Parish Council

## Annex 2 Objection on Transport Assessment Impact

Please see separate document on Objection on the Assessment of Transport Impact prepared by Colin Arnott MRTPI; Deputy Chairman, OTTRA

**Hybrid Application 3/18/2253/OUT: Bishops Stortford South**

### **OBJECTION ON THE ASSESSMENT OF TRANSPORT IMPACT**

This paper is prepared in response to the Transport Assessment (TA) and other documents prepared in support of the Hybrid Planning Application submitted by Countryside Properties (UK) Plc ('Countryside').

#### **Summary and Conclusion**

We have reviewed the TA, other relevant supporting documents submitted by the applicant, relevant NPPF and District Plan policies on the transport impact of development and mitigation and conclude that:

- **It is clear that the District Plan process identified and quantified the existing and potentially unsustainable future challenges to the strategic transport network of development in the south and east of the town. However, the Transport Assessment (TA) presented in support of the hybrid application makes no reference to this strategic context and makes no attempt to address the impact of the development of BSS – both independently and cumulatively – on this vulnerable local strategic network.**
- **We believe that the TA submission is based on a wholly outdated understanding of the current local transport policy environment demonstrated by a total failure to refer to or review the significance of the current LTP4 or District Plan transport policies adopted in the past eight months – relying instead on LTP3 and District Plan 2007 policies now superseded. The Local Planning Authority and the Highways Authority should be satisfied that the new policy requirements of NPPF 2018, LTP4 and District Plan Policies TRA1 and TRA2 have been addressed by the TA and have been met in full before proceeding to a planning application and that any decision to approve or refuse the application is premature until these requirements are met.**
- **With respect to our review of the results of the TA modelling of traffic impacts we find that:**
  - *the junction analysis carried in the applicant's own TA confirms the unsustainable impact on the London Road Corridor which was first estimated by the East Herts Local Plan Support documents TRA001 and 002 and the critical failure of the system at the Pig Lane / London Road junction – including a quadrupling of vehicle delays, a reaching of 100% capacity of the junction in the morning peak and a*

*consequent tailback of 120 vehicles over 700 metres. This situation is clearly unsustainable and the development unacceptable without significant mitigation measures that directly address these impacts.*

- *it is difficult to discern the cumulative impact of the BSS development on town centre congestion from the presentation in the TA but HCC need be satisfied that the claim that the impact is marginal can be substantiated in a situation at Hockerill Junction where future capacities are expected to be unsustainable and is within an Air Quality Management area.*
- *the failure to model the junctions at the Pig Lane light controlled single lane rail bridge, the Pig Lane / Hallingbury Road Junction and junctions in Haymeads Lane represents a significant gap in the understanding of the impact of BSS on the strategic transport highway network in the south and east of the town and have been omitted because the junctions are on the fringe of the County and not well recognised. We believe they should be included in BSS junction modelling before the application is determined.*
- *in view of the applicant's failure to provide any assessment of the transport impact of the Full Application for 142 dwellings on Whittington Way - since the intention to submit a hybrid application was first made public on 17<sup>th</sup> July 2018 – the Full Application should be withdrawn and not resubmitted until the TA has assessed the strategic and local transport impact in full.*
- *In view of the clearly severe effect of the BSS development on the rural and residential character of both Pig Lane and Thorley Street and on the safety of vulnerable road users as a result of unsustainable increases in traffic flows and queuing, we therefore expect that the Highways Authority will resist the development under the terms of the recently adopted LTP4 Policy 5(g) and of paragraphs 108 and 109 of the NPPF 2018.*
- *We believe that the very limited mitigation measure proposed by the applicant to address the severe transport impact problems which they identify in the TA is wholly inadequate to meet the challenge, totally untested and therefore unproven in its ability to mitigate the identified level of impact and not implementable through a S106 agreement with the applicant alone. It therefore fails to “secure developer mitigation measures to limit the impacts of development on the transport network as required by LTP4 Policy 5(d) and does not meet the NPPF para 108 requirement that the impact has been “mitigated to an acceptable degree.” We would therefore expect the Highways Authority to “resist development where the residual impact of development is considered to be severe” (LTP4 Policy 5(d)).*

We therefore object to the Hybrid Application 3/18/2253/OUT: Bishops Stortford South – both to the Outline Application for the development of 750 houses, schools, employment area and other associated development and to the Full Application for 142 houses on Whittington Way – on the grounds that it does not comply with NPPF 2018 paragraphs 102, 108 and 109, LTP4 Policy 5 and District Plan Policies TRA1 and TRA2 on impact of development on the transport network and on mitigation of those impacts. The hybrid application should therefore be refused in part and in full.

## **Review of the Assessment of Transport Impact**

Our review of Transport Assessment (TA) and other documents has been carried out in five areas:

- Strategic Transport Context in the south of Bishops Stortford and Thorley
- Requirements of NPPF 2018, LTP4, and East Herts District Plan Policies TRA001 and 002 on Transport and Traffic Assessment
- Review of the Transport Assessment on the Hybrid Application
- Impact on rural and residential roads - Pig Lane and Thorley Street
- Mitigation

### **5. Strategic Transport Context in the south of Bishops Stortford and Thorley**

The strategic transport context within which the impact of major development in the south of Bishops Stortford must be considered was set out in the East Herts Local Plan Support documents TRA 001 and 002 prepared in January and March 2017 respectively and based on HCC Highways Comet Model run. This modelling set out, among other things, the base year traffic flows to and from Bishops Stortford, the “Do Minimum” trip generation from the BSS development and the “Do Something” trip combined distribution from the major East Herts developments proposed in the Plan.

These results clearly showed the challenges facing the strategic traffic impact of development in the south of the town and Thorley which would have to be addressed in the Traffic Assessment (TA) for the BSS development and resolved by mitigation before development could go ahead including:

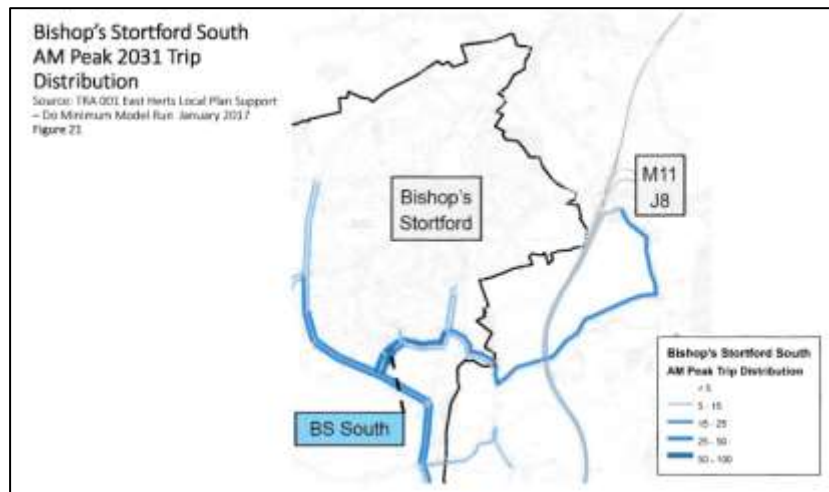
- The overwhelming east and south-east bound direction of a.m. peak outbound and p.m. peak inbound trips which TRA001 concluded “indicates that the town has a close interaction with the A120 (towards Essex) and M11 corridors .. (and) ... the interaction with the rest of the district is relatively limited.” Figure 32 of TRA001 (abstract below) clearly shows that the greatest existing a.m. peak movements of outbound movement from the town are therefore around the BSS site along London Road/Thorley Street, Whittington Way and particularly how Pig Lane / Hallingbury Road / Church Road are not “rat-runs” but now act as an informal south-eastern by-pass route to J8 and Stansted Airport.



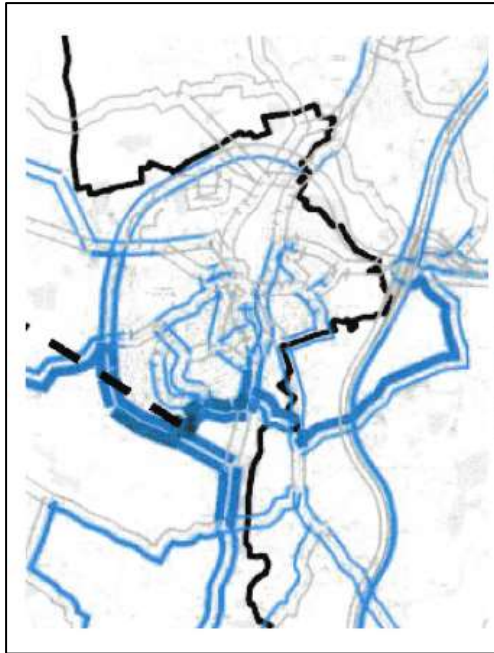


**Figure 32: AM Peak Outbound Trips from Bishop's Stortford**

- When TRA001 therefore modelled the a.m. peak distribution from the BSS site specifically the weight of the impact of traffic movements therefore predicted a similar distribution around the site to the east and south along Whittington Way, London Road and Pig Lane / Church Road – see Figure 21 abstract below.



- **When combined with the impact of other major developments in East Herts and highways improvements proposed in the Plan in the TRA002 “Do Something” model run, the predicted a.m. peak distribution from the BSS site **dramatically highlights the impact of the development on the strategic road network of the south and east of the town and Thorley** around the site – see Figure 18 abstracted below.**



Proposed Major East Herts  
Developments Bishop's Stortford  
South AM Peak 2031 Trip  
Distribution

Source: TRA 002 East Herts Local Plan Support – Do  
Something Model Run March 2017  
Figure 18

- TRA002 acknowledged the strategic impact problem stating that “the shortest route between this development and M11 J8 is through the town centre. **Congestion within Bishop's Stortford, however, encourages modelled trips to route via Pig Lane and Church Road instead**” The full unsustainability of this situation was buried away in Table 6 of Appendix B to TRA001 however which predicted that:
  - Combined **Pig Lane a.m. peak movements** are projected to more than double from an existing highly congested level of **437 vehicles to 937 vehicles**
  - Combined **Pig Lane p.m. peak movements** are projected to increase by nearly 2.5 times from an existing level of **360 vehicles to 871 vehicles**.
  - **A1184 London Road a.m. peak northbound movements** increase by 65% from **630 vehicles to over 1000 vehicles**.

The inevitable impact of this on delays, congestion and capacities on the southern, London Road, entrance to the town and the unsustainable impact on wholly unsuitable local / residential roads such as Pig lane and Thorley Street are examined below.

*It is clear that the District Plan process identified and quantified the existing and potentially unsustainable future challenges to the strategic transport network of development in the south and east of the town. However, the Transport Assessment presented in support of the hybrid application makes no reference to this strategic context and makes no attempt to address the impact of the development of BSS – both independently and cumulatively – on this vulnerable local strategic network.*

## 6. Requirements of NPPF 2018, LTP4, and East Herts District Plan Policies TRA001 and 002 on Transport and Traffic Assessment

The relevant NPPF, Local Transport Plan and District Plan policies against which the TA should be considered are:

**Section 9 of the NPPF 2018 on Promoting Sustainable Transport** requires that:

- (Paragraph 102) Transport issues should be considered from the earliest stages of plan-making and development proposals, so that ... **“the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects”**
- (Paragraph 108) In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that ... **“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”**.
- (Paragraph 109) states that development may be **“prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”**

**Hertfordshire County Council** is the statutory highways authority and in May 2018 adopted a new Local Transport Plan for the County – **LTP4 (May 2018)**. The relevant Plan Policy 5 on Development Management includes policies to work with development promoters and district councils to:

- Policy 5(d) – **Secure developer mitigation measures to limit the impacts of development on the transport network and resist development where the residual impact of development is considered to be severe**
- Policy 5(f) – Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.
- Policy 5(g) – **Resist development that would either severely affect the rural or residential character of a road ... or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users.**

Despite the fact that LTP4 became the approved Local Transport Plan in May 2018 the **East Herts District Plan** (adopted in October 2018) chapter 18 on Transport **states that “Locally, the overarching transport policy document for the area is Hertfordshire’s Local Transport Plan (LTP3)”**. It appears that **District Plan Transport policies may not therefore reflect current LTP4 policies** – particularly Policy 5. Nevertheless we note:

- Policy TRA1(Ib) states that development proposals should “where relevant, take account of the provisions of the Local Transport Plan”
- Policy TRA2 states that “Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should:
  - (a) Be acceptable in highway safety terms;
  - (b) Not result in any severe residual cumulative impact; and
  - (c) Not have a significant detrimental effect on the character of the local environment

Section 2 of the Transport Assessment (pages 10-31) sets out at length the relevant policies that have guided the Assessment including NPPF, LTP and District Plan policies. **Unfortunately**, with the exception of the review of NPPF 2018 policies, **the review of LTP and District Plan policies is wholly outdated and refers to LTP3 (superseded by LTP4 in May 2018 – see above) and to Local Plan 2007 and Draft District Plan TRA policies (superseded by the District Plan 2018 as adopted in October 2018 – see above)**. Indeed, **the whole policy review shows no signs of having been updated to**

**reflect the significant changes in current policy in the last 12 months.** This ignorance or disregard of current local transport policy affecting the area is critical with regard to:

- The significance of the new HCC **LTP4 Policy 5** (see above) on Development Management which includes **policies to work with development promoters on resisting inappropriate levels of development with severe traffic impacts and securing developer mitigation measures to limit the impacts of development.** The **failure to even identify LTP4 and this important new policy on the management of development** casts doubt on the amount of “work with development promoters” that has taken place between HCC and Countryside in the last year.
- The **level of deferment on transport policy of the new District Plan to the LTP4 policies of the highway authority.** The TA cites in full East Herts Local Plan 2007 policies TRA1 to TRA11 without acknowledging that these are now redundant. The new District Plan 2018 is much simplified on transport and contains only three transport policies TRA1 to TRA3 (none of which are cited in the TA, despite citing policy BISH5 on which the whole BSS application relies), the first of which, TRA1 on Sustainable Transport references and reflects LTP4 policies and “says development proposals should ... take account of the provisions of the LTP”

***We believe that the TA submission is based on a wholly outdated understanding of the current local transport policy environment demonstrated by a total failure to refer to or review the significance of the current LTP4 or District Plan transport policies adopted in the past eight months – relying instead on LTP3 and District Plan 2007 policies now superseded. The Local Planning Authority and the Highways Authority should be satisfied that the new policy requirements of NPPF 2018, LTP4 and District Plan Policies TRA1 and TRA2 have been addressed by the TA and have been met in full before proceeding to a planning application and that any decision to approve or refuse the application is premature until these requirements are met.***

#### **7. Review of the Transport Assessment on the Hybrid Application.**

We have carried out a broad review of the results of the TA modelling of traffic impacts using the HCC TRANSYT Model for the Town Centre, an update of TRANSYT using 2016 survey data for the London Road Corridor and a combination of LYNSYG and JUNCTIONS9 to model junction queues, delays and capacities. We note that:

- The modelling is of junction delays, queues and capacities. This principally measures the impact on road users. Peak flow data – as provided to the District Plan EiP - is needed to measure the impact on residents and other users. We understand that flow data was required to be prepared but we have not found this important information within the TA or its Appendices.
- We understand that the modelling includes “all developments included in the (East Herts) District Plan”. However, it is not clear whether planned developments in the Uttlesford District Plan are included – including in particular the assumptions about Stansted Airport expansion. Since the baseline survey dates from 2016 the modelling is particularly sensitive to assumptions made about all “future” developments since 2016 – of which there have been many
- The evening peak hour modelled around the site is usually around 5-6 pm whereas the observed peak is 3.30 – 4.30 pm and is school related.

We believe the TA should clarify the availability of the above data, results and assumptions made before it is evaluated.

Within these limitations, we have reviewed the Transport Assessment (TA) submitted in support of the Outline Application for the development of 750 houses, schools, employment area and other associated development above and the Full application for 142 houses on Whittington Way in four key areas:

#### ***d) London Road Corridor Impacts***

The strategic transport assessment carried out in the East Herts Local Plan Support documents showed (see section 1 above) the unsustainable impact of the development on the strategic road network of the south and east of the town and Thorley – in particular on the London Road Corridor – and the results of the junction modelling undertaken for the TA clearly confirms this. It shows that the main impact is on the Thorley Street, Whittington Way, London Road and particularly Pig Lane junctions. Tables 7.1 and 7.2 of Appendix G of the TA show that:

- With the growth of traffic and the impact of the BSS development the average delay turning right out of **Whittington Way** in both the morning and evening peaks grows to an average of over one minute on this important local distributor which. This however does not appear to take account of the impact of and on an additional 4 or 5 access roads direct from Whittington Way to the Full Application development of 142 houses.
- Table 7.2 dramatically highlights the impact of the development on the **London Road Corridor of the London Road / Pig Lane junction** – the critical bottleneck in the informal south-eastern by pass to the town. This includes:
  - the longest increase in delays in the system where turning right out of Pig Lane into London Road increases **from 24 seconds to nearly 2 minutes in the morning peak**. Similar doubling of waiting times occur in the evening peak.
  - Moreover **this assumes that left turns out of Pig Lane** (where waiting time also doubles) **can continue while right turners wait. This is not usually possible and never once the combined queue gets to more than 2 or 3 vehicles**. It becomes a single queue behind the right turners.
  - No assessment has been made of **the combined queue which would back up to the light controlled single lane rail bridge in Pig Lane** 100 metres south of the London Road junction. **The rail bridge lights are a junction which has not been modelled** and is already critical to operation of the Pig Lane / London Road junction in peak hours.
  - Most significantly, an increase in in the morning peak of the delay in northbound London Road and traffic turning into Pig Lane **from an existing 14 seconds without the development to nearly a minute and a half with it – lengthening the northbound London Road queue at this point from 5 to 30 vehicles**.
  - As a result of these increases Table 7.2 estimates that this junction will be at **virtually 100% capacity on average** at the a.m. peak. **This demonstrates gridlock as capacity cannot exceed 100%, average capacities over 85% are unacceptable** and those over approximately 65% are generally unsustainable with cumulative growth in the system. This junction alone shows 4 movements in the morning and evening peaks which are at 65% capacity or over.
  - Finally, it should be noted that queues, delays and capacities at each of these junctions have been modelled individually – in some cases using separate LYNSYG

and JUNCTIONS9 models. Junctions at Whittington Way, London Road, Thorley Hill and Pig Lane (including the Pig Lane rail bridge) are all within 200 metres of each other and queues will accumulate at close junctions, further reducing capacity. Although this has not been measured in the TA, the “Planning Conditions” document submitted in support of the application summarises some of the London Road Corridor impacts but (whilst measuring the additional impact of the schools) also states that the cumulative **“queue from Pig Lane (i.e. northbound on London Road to the Pig Lane junction) is predicted to be 108 vehicles with general growth and 121 vehicles with the addition of the school”**. Using HCC’s Highways standards **that represents a queue of nearly 700 metres stretching through the Whittington Way junction, through Thorley Street almost to the by-pass at St.James’ Way.**

***It is clear that the junction analysis carried in the applicant’s own TA confirms the unsustainable impact on the London Road Corridor which was first estimated by the East Herts Local Plan Support documents TRA001 and 002 and the critical failure of the system at the Pig Lane / London Road junction – including a quadrupling of vehicle delays, a reaching of 100% capacity of the junction in the morning peak and a consequent tailback of 120 vehicles over 700 metres. This situation is clearly unsustainable and the development unacceptable without significant mitigation measures that directly address these impacts.***

#### ***e) Town Centre Impacts***

At the request of HCC, Town Centre impacts have also been assessed in the TA – in particular the impact on the Hockerill Junction. It appears that absolute levels of impact of the BSS development on the junction and surrounding movements are not presented but the analysis instead focuses on the benefits of the “Smarter Choices” policy to encourage mode switching and the cumulative impact of other developments – particularly the Goods Yard development. Generally, the TA presents the “existing plus growth” impact as so high that additional BSS impact, under the Smarter Choices scenario is described as marginal. We note however that all the major junction movements north and east are at around 90 – 120% capacity a.m. and 90 – 130% capacity p.m. in the base + growth + Goods Yard case.

***We conclude that it is difficult to discern the cumulative impact of the BSS development on town centre congestion from the presentation in the TA but HCC need be satisfied that the claim that the impact is marginal can be substantiated in a situation at Hockerill Junction where future capacities are expected to be unsustainable and is within an Air Quality Management area.***

#### ***f) Unmodelled Junctions and Links***

We understand that the applicant agreed with HCC 11 junction which would be modelled as shown in Table 1.1 and Figure 1.2. of Appendix G to the TA. Based on the results of the Comet modelling of the highway network of the south and east of the town and Thorley carried out in support of the District Plan and our local knowledge of the area we believe that this list does not include key junctions and links in the network which can be expected to be critically impacted by the BSS development. The junctions include:

- **Pig Lane light controlled single lane rail bridge** – as noted in 3(a) above the traffic light controlled rail bridge in Pig Lane is an alternating single direction junction which has extensive queueing and is frequently blocked in peak hours. Despite the fact that it functions as a junction within approximately 100 meters of the critical bottleneck in the informal south-eastern by pass to the town at the London Road / Pig Lane junction – no assessment has been made of queueing, delays and capacity. It appears to have been overlooked because while the junction with London Road is a visible bottleneck in the London Road Corridor, the role of the Pig Lane link in the informal by-pass has not been recognized.
- **Pig Lane / Hallingbury Road** - Similarly the Pig Lane / Hallingbury Road Junction at the eastern end of Pig Lane has also been ignored. Lengthy eastbound queues extend back along the narrowest section of Pig Lane in the morning peak – frequently preventing westbound movements. The most easterly 10 meters of Pig Lane at the Hallingbury Road junction cross into Essex – as is Hallingbury Road and the junction with Church Road which, with Pig Lane, make up the informal by-pass link from London Road to J8 and the Airport highlighted in the diagrams in section 1 above. Hallingbury Road is a main distributor and the junction with Pig Lane is in a high speed, accident prone “dip” where there are left and right turn movements. The junction appears to have been excluded from modelling because it is in Essex but it is not clear whether it has been evaluated by ECC Highways or Uttlesford District and whether they have been consulted on this junction and the impact of significantly increased traffic movements on Church Road and on Great Hallingbury.
- **Haymeads Lane / Cavell Drive and Haymeads Lane / Dunmow Road** – The informal by-pass link from the Hallingbury Road junction also routes via Beldams Lane / Haymeads Lane to Dunmow Road and J8. We understand that it was modelled for the Goods Yard development but it is expected that delays and queues on this route will also increase significantly as a result of the BSS development. We therefore believe that the Haymeads Lane / Cavell Drive junction (including congestion at the Cavell Drive access to the district hospital) and Haymeads Lane / Dunmow Road should be modelled.

***We believe that the failure to model the above junctions represents a significant gap in the understanding of the impact of BSS on the strategic transport highway network in the south and east of the town and have been omitted because the junctions are on the fringe of the County and not well recognised. We believe they should be included in BSS junction modelling before the application is determined.***

***g) Transport Impact of Full Application for 142 houses***

The hybrid planning application submitted by Countryside comprises an Outline Application for the development of 750 houses, schools, employment area and other associated development and a Full Application for 142 houses on Whittington Way. However, we note that there is no specific reference to a full planning application for 142 houses on Whittington Way or any transport assessment of the impact of this first phase of the BSS development anywhere in the TA. Specifically:

- The local planning authority and the community has been provided with no estimate of the impact of 142 houses on the critical London Road Corridor junctions when the access to and from the development is via Whittington Way / Obrey Way rather

than St. James' Way and the existing Bishop's Stortford High School access via London Road remains in place.

- What is the impact of an additional 4 or 5 access roads direct on to Whittington Way on the functioning of the base + growth network generally and on the Whittington Way local distributor and access to surrounding communities of Thorley Park and Twyford Park.
- Are the mitigating measures proposed to alleviate the impact of the full development assessed in the TA – including for example minor improvements to the layout of the Thorley Hill / London Road – required or being offered in respect of this first phase of development.

***In view of the applicant's failure to provide any assessment of the transport impact of the Full Application for 142 dwellings on Whittington Way - since the intention to submit a hybrid application was first made public on 17<sup>th</sup> July 2018 – the Full Application should be withdrawn and not resubmitted until the TA has assessed the strategic and local transport impact in full.***

#### **8. Impact on rural and residential roads - Pig Lane and Thorley Street**

Section 1 above notes that HCC's traffic model prepared for the District Plan predicted that, in the morning peak, Bishop's Stortford South would result in a 65% increase in northbound traffic on London Road from 630 to 1040 vehicles while in Pig Lane combined east and westbound traffic would more than double from 437 to 937 vehicles. Section 3 goes on to show that the TA confirms that, without significant mitigation measures, there will be an unsustainable impact on the London Road Corridor in particular – including a quadrupling of vehicle delays, a reaching of junction capacities and a consequent 700 metre tailback.

We also note that HCC LTP4 Policy 5(g) states that the Highways Authority will “Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users”.

In these circumstances, we believe that this policy will clearly apply in the London Road Corridor to:

- **Pig Lane** – Despite its role as a key link in Bishops Stortford's informal south-eastern by-pass, Pig Lane is a residential road with distinctly rural characteristics. It has a **4-5metre combined carriageway for most of its length with two 45-90 degree bends, no footpaths and residential development with family homes fronting the lane.** It is **popular with many categories of vulnerable users including walkers, joggers and cyclists and horse riders** based at a large livery located on the south-eastern side of the lane. **The lane crosses the Stort Towpath at Twyford Lock where canoeists cross the road and there is uncontrolled parking by fisherman and other river users.** We have already noted that traffic using the western end of the lane is subject to intermittent single lane use at a **light controlled single lane rail bridge** at one of its narrowest points **which adds significantly to a.m. and p.m. peak congestion at the bridge and at the junction with London Road.** The TA engineering studies have examined whether the junction can be improved by widening or other



engineering solutions and concluded it cannot. No other mitigation has been offered by the TA and any restriction of access has not been considered because of the lane's strategic network role. The rural and residential character of Pig Lane will clearly be severely affected by combined a.m. and p.m. peak flows as a result of the BSS development of nearly 1000 and over 800 vehicles respectively – as would the safety of many groups of vulnerable residents and other users.

- **Thorley Street** – is part of a **Group 3 village settlement with nearly 50 family homes – many of them in listed buildings** – set along the A1184 Thorley Street which is part of the London Road Corridor. The TA has stressed the importance of road layout solutions which avoid increasing the flow and speed of traffic through Thorley Street. The village already has digital speed measuring and warning signs installed. However, **the TA also now estimates** that as a result of junction delays and capacities at the junctions of London Road with Pig Lane and Whittington Way **there will be an (average) 121 vehicle /750 metre queue from the Pig Lane junction** in the a.m. peak which **would stretch back through Thorley Street almost to the roundabout**. Moreover p.m. peaks would also lead to significantly increased queuing through the village and this would occur at an observed 3.30 – 4.30 pm “peak” (which has not been assessed by the TA) as a result of school pick up as well at the 5.00-6.00 pm peak measured by the TA. **The residential character of Thorley street will clearly be severely affected by a.m. and p.m. peak queues as a result of the BSS development of an average of around 750 vehicles and a queue this long will also have air quality implications for vulnerable residents and users including schoolchildren.**

***In view of the clearly severe effect of the BSS development on the rural and residential character of both Pig Lane and Thorley Street and on the safety of vulnerable road users as a result of unsustainable increases in traffic flows and queuing, we therefore expect that the Highways Authority will resist the development under the terms of the recently adopted LTP4 Policy 5(g) and of paragraphs 108 and 109 of the NPPF 2018.***

## 9. Mitigation

In view of the severe transport impacts of the BSS development on the local strategic network of the south and east of Bishops Stortford and Thorley, both NPPF and LTP4 policies emphasise the need for “*impacts of traffic and transport infrastructure (to) be ... taken into account including appropriate opportunities for avoiding and mitigating any adverse effects (NPPF para 102)* and, where they cannot, they must be “mitigated to an acceptable degree” (NPPF para 108). LTP4 is even clearer stating that the local planning authority should “**Secure developer mitigation measures to limit the impacts of development on the transport network**” and, where it cannot, they will “**resist development where the residual impact of development is considered to be severe**” (LTP4 Policy 5(d)).

The TA and the “Planning Conditions” document submitted in support of the application offer only two areas of mitigation of the severe impacts which the TA itself identifies. In the first area, **we welcome the considerable emphasis put by the applicant on “Green Travel” measures for BSS** including the promotion of public transport, cycling and other measures to encourage mode switching away from car use and which are in line with NPPF, LTP4 and District Plan policies on green travel. We note however that when applied in the TA as “Smart Choices” assessment options, **the**

**level of mode switching from car use assumed to be achieved by these policies is only 5-7% and, at this level, has only minimal impact on flows, queues, delays and capacities in the town centre. The TA is not clear whether this has been similarly applied in the severe impact results for the London Road Corridor or, if not, what further level of mitigation might be achieved by a 5-7% mode switch.**

The **only other mitigation measure proposed by the applicant** – which is mainly aimed at addressing the severe impacts which the TA identifies in the London Road Corridor (see section 3(a) above) – are **“previously agreed” minor improvements to the London Road / Thorley Hill light controlled junction** at the northern end of the Corridor (see TA Appendix G Figure 7.1) through a S106 agreement. It is evident to regular users of the junction that the improvements which comprise only a peak hour parking restriction at the southbound traffic lights and a minor bus stop relocation northbound, **will not address the existing observable or more severe future projected problem which is not, anyway, the cause of congestion further south in the Corridor.** Specifically we note that:

- The delays, queues and capacities at this junction – both with and without the BSS development – are significantly less than at the London Road / Pig Lane and Whittington Way junctions indicating that mitigation at this junction will have little impact.
- A peak hour parking restriction at the traffic lights will address only southbound queuing in the peak at the northern end of the corridor which is not a severe observed problem.
- If it did have any benefits to the northbound flow of traffic into the town centre – diverting the significant growth of traffic generated by the development away from Pig Lane for example – it would have an even more unsustainable impact on traffic routing east through the town to J8 and the Airport through the vulnerable Hockerill junction.
- The same mitigation measure was offered to the public inquiry which refused the resiting and new development for the Bishops Stortford High School in 2014 as a solution to the then significantly lower traffic impacts and was found to be unsound on examination.

Irrespective of the unconvincing benefits of this proposed mitigation, **the applicant has made no quantified assessment of the changes it would make to the severe modelled and reported impacts on queuing, delays, capacities and flows in the London Road Corridor or the town centre.** The TA includes qualitative comments that the mitigation “can be expected” to reduce “rat-running” and “might even reduce existing flows” through Pig Lane and deliver other improvements to turning movements at Whittington Way. **Without a rerun of the junction modelling with the mitigation assumed to be in place and a quantified assessment of the reduction of impacts to acceptable levels, the mitigation measure does not meet the NPPF para 108 requirement that the impact has been “mitigated to an acceptable degree”.**

Finally, it is not clear how the applicant could be made responsible to deliver this improvement through a S106. The costs involved in the improvement would be minimal but it would be the responsibility and require action by the Highways Authority, including obtaining traffic orders to implement it. The mitigation would be ineffective without the agreement of the Authority to take on this role. They have not previously indicated a willingness to do so – despite the existing problems at the Thorley Hill junction.

***We therefore believe that the very limited mitigation measure proposed by the applicant to address the severe transport impact problems which they identify in the TA is wholly inadequate to meet the challenge, totally untested and therefore unproven in its ability to mitigate the identified***

*level of impact and not implementable through a S106 agreement with the applicant alone. It therefore fails to “secure developer mitigation measures to limit the impacts of development on the transport network as required by LTP4 Policy 5(d) and does not meet the NPPF para 108 requirement that the impact has been “mitigated to an acceptable degree.” We would therefore expect the Highways Authority to “resist development where the residual impact of development is considered to be severe” (LTP4 Policy 5(d)).*

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Prepared 6<sup>th</sup> December 2018 by:

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