



# BuntingfordTownCouncil

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Development Management Department,  
East Herts Council,  
Wallfields,  
Hertford,  
SG13 8EQ.

28<sup>th</sup> September 2023

Dear Sirs,

3/23/1447/OUT – Outline planning application for the development of 350 dwellings, with up to 4,400 sqm of commercial services floor space (Use Class E and B8) and up to 500sqm of retail floor space (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luyne Rise (but not access within the site), allotments, public open space and landscaping.  
Land East of the A10 Buntingford, Hertfordshire.

Buntingford Town Council strongly objects to the proposals on the policy grounds as detailed within this document.

The application under consideration has already been submitted on three previous occasions – 3/22/1551/FUL, application refused by the LPA, 3/14/2304/OP, this application was withdrawn and 3/17/1811/OUT which was refused by the LPA and withdrawn at appeal. Little has changed since the latter of the three applications were submitted, There is an adopted District Plan in place which does not include the site under consideration, Paragraph 6.1.7 of the East Herts District Plan states that the development of approximately 1,100 dwellings in Buntingford has been approved since 2011, therefore the development strategy for Buntingford is focused on seeking to ensure that the impact of development can be mitigated and managed within the overall infrastructure of the town.

This application is contrary to policies in the NPPF, the East Herts District Plan and the Buntingford Community Area Neighbourhood Plan, all development plans are current.

East Herts District Plan 2018.

Policy BUNT 1 – Allows for an identified figure of 1074 homes. In addition to this a further 100 homes have been built or are currently the subject of a planning application.

The application under consideration cannot be termed 'Windfall' which is normally previously developed sites that have unexpectedly become available or small sites of less than 10 dwellings.

The proposals are contrary to Policy BUNT 1.

Policy GBR2

The proposals do not qualify under any of the categories as outlined in GBR2 and cannot be described as limited infilling.

The land identified for this proposed development is designated as lying within the Rural Area Beyond the Green Belt and as such is covered by policy GBR2 of the adopted East Herts District Plan 2018.

Policy GBR2 lists the limited types of development (numbered a) to h), which may be permitted "provided they are compatible with the character and appearance of the rural area". This proposal is a large-scale speculative residential and commercial development neither of which can be regarded as exceptions within the policy

The assertion in the Applicant's Planning Statement that "the Site is not covered by any Local Plan designations but is described as being within the Rural Area outside the Green Belt" is untrue and is clearly shown on the Map. Policy GBR2 is a key policy of the Local Plan and the area affected is designated in the Policies Map. The proposals are contrary to Policy GBR2

#### Policy DPS2

No further site allocations are proposed as part of the District Plan development strategy, these proposals represent a clear departure from the strategy.

The proposals are contrary to Policy DPS2

#### Policy DES1

The application has not been part of the Master Planning process as required under Policy DES1 which states "All 'significant' development proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses; access; sustainable high-quality design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters. II. The Masterplan will be collaboratively prepared, involving site promoters, landowners, East Herts Council, town and parish councils and other relevant key stakeholders. The Masterplan will be further informed by public participation. III. In order to ensure that sites are planned and delivered".

The proposals are contrary to Policy DES1

#### Buntingford Community Area Neighbourhood Plan (BCANP)

Although the site does adjoin the Buntingford settlement, as can be seen from the EHDC Policies Map, it is located outside of the Settlement Boundary and is therefore contrary to policy HD1 of the BCANP.

The proposals are contrary to Policy HD1

#### Wastewater

The BCANP policy INFRA6 states:

Developers will be required to demonstrate that there is adequate Wastewater Infrastructure both on and OFF the site to serve the development and ensure no adverse impacts for existing or future users.

It may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing Wastewater Infrastructure.

Where there is a capacity constraint and no improvements are programmed by Thames Water, the Local Planning Authority will require the developer to provide for appropriate improvements that must be completed prior to occupation of the development.

The Flood Risk Assessment and Drainage Strategy report submitted by WSP indicates that all detailed design issues regarding Surface Water and Foul Water handling will be dealt post – application approval, therefore The proposals are contrary to Policy INFRA6

#### Biodiversity

The BCANP states that such areas will be protected and Policy ES7 in the Neighbourhood Plan requires development "to protect and enhance biodiversity in line with NPPF requirements and must demonstrate a net gain in biodiversity in an ecological report consistent with BS 42020."

The proposals are contrary to Policy ES7

#### National Planning Policy Framework

The NPPF Chapter 1 (2) states that Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

There are no material considerations indicating otherwise and the development plan is current.

The NPPF Chapter 11 (c) further states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. As indicated above, the development plan is up to date.

The NPPF advocates presumption in favour of sustainable development.

As previously stated, Buntingford has seen an unprecedented growth over the past seven years. The proposals for this application are not sustainable. Infrastructure has been slow to materialise. The town previously had two GP surgeries, but now has one. The additional patient numbers have resulted in capacity issues and residents are struggling to obtain appointments with a GP. The only NHS dental surgery is not taking new patients and cannot accommodate existing patients due to a lack of dental practitioners. The two small supermarkets do not have the capacity to fulfil the needs of a growing population and the public transport is poor, inadequate, and unreliable. The lack of anything other than basic provision has resulted in Buntingford having the highest car usage in Hertfordshire. The lack of employment opportunities means that travel to work by car is in excess of 70%. All these issues do not represent sustainability and are not economically, environmentally or socially sustainable and therefore are contrary to the NPPF.

#### Other issues

If this development gains approval it would form a substantial extension of the built-up area of Buntingford. The adopted District Plan does not require this area to be developed to satisfy the Council's objectively assessed need for housing.

The site is entirely open agricultural land forming a clear and well-defined boundary to the built-up area of Buntingford. The Agricultural Land Classification is Grades 2 and 3a which comprises "Best and Most Versatile Land" which should be maintained for agriculture to maintain food security, a high agenda item due to Climate Change.

Buntingford has suffered greatly in the last 7 years to the loss of PRoW's across open farmland, at least 4 now go through large housing estates. This would also be the case with FP's 26 and 29.

Thames Water has confirmed that there are capacity concerns in the local surface water network to accommodate surface water flows from the Site. It is not intended to undertake hydraulic network capacity modelling prior to a planning decision to determine whether any upgrade works will be required to the local sewer network because of the development. It is suggested that this capacity modelling should be undertaken pre-decision. If it is considered that surface water from the site can be discharged into the River Rib, this water must meet or exceed the quality parameters as designated by the Environment Agency for Chalk Streams.

#### Foul and Surface Water Routing

There appears to be an anomaly in the boundaries outlined within the covering letter submitted with the application. The plan shows a site boundary line that clearly encroaches on to the end of Peasmead, directly into a privately owned garden. The plan states, "full application area but not under the control of the applicant". We believe this may be for foul and surface water connections some of which will be pumped from a lower level within the site, but this must be clarified with the householder who is extremely concerned.

The use of these foul and surface water connection points to the existing foul and surface water distribution system in Luynes Rise and Aspenden Road will place the network under stress especially as this network already carries foul and surface water or a mixture of both (combined) from Monks Walk and beyond.

#### Thames Water

We refer to the response to this application from Thames Water dated 22<sup>nd</sup> August 2023. Within this response Thames Water has categorically stated that they have identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal, an inability of the existing surface water network infrastructure to accommodate the needs of this development proposal and an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal. In addition to this, Thames Water has endeavoured, without success, to contact the developer in an attempt to discuss potential impacts on amenity from Buntingford Sewage Treatment Works including, but not limited to, odour, noise, lighting and flies, this reflects Thames Water's concerns that the applicant has failed to demonstrate future occupiers of the

proposed development will have adequate amenity including odour, noise, lighting and flies. Given the development's close proximity to the sewage asset, Thames Water object to the planning application.

#### Sewer Capacity

We have concerns regarding the capacity and effectiveness of the town's sewage works to cope with any further large scale expansion. Thames Water has acknowledged this in their response to this application. They have repeatedly exceeded their discharge consent limits into the River Rib which is a protected chalk stream over the past few years, which is obviously linked to the recent and ongoing large scale expansion of Buntingford. In an EIA Screening application letter dated 22.3.2022 ref PL/0263/22, Thames Water state that the plant had a capacity in 2018 for a population of 6700, so there is already a shortfall. They envisage the proposed upgrade to have a capacity for a population of 7736 by 2026. Whilst Thames Water has stated that there will be capacity for 7736 by 2026, the population in 2023 exceeds this figure. If this development is approved this will effectively increase the population by approximately 840.

Please also refer to email correspondence dated 16/4/2014 from Hazel Izod (planning Officer) to Richard Reeve (Thames Water Waste Asset Planner North) which was investigating the capability of the waste water network to accommodate the expansion of Buntingford by approximately 1200 dwellings spread over five large sites plus smaller sites. It was stated in this email that a computer model of the Buntingford catchment would be run in order to determine what improvements to the infrastructure would be required to accommodate these additional dwellings. It was identified that there were two major 'pinch points' in the town. The first was located at the northern end of the High Street which could cause flooding if improvement works were not carried out and the second was at the junction of High Street, Hare Street Road and Station Road. Since this email exchange the network infrastructure to our knowledge has not been upgraded to accommodate at least four of the large sites. Whilst this application does not directly connect into the infrastructure mentioned, it will connect at the Aspenden Road/Luynes Rise junction, which will overload that section. We have contacted Richard Reeves' replacement at Thames Water in an effort to ascertain whether or not the modelling was carried out on the waste water infrastructure and the result of that modelling.

When this information is available, we will forward under separate cover.

#### Foul Water Treatment

In late 2022, Herts and Middlesex Wildlife Trust in conjunction with Buntingford Town Council, funded and supported by the Environment Agency, and many volunteers from the town, carried out remedial works to the River Rib from the Ford at the Causeway to the Tannery Bridge. The purpose of these works was to restore, as much as possible, the river back to a Chalkstream, one of only 200 in the WORLD.

As a result of this initiative a group of "Citizen Scientists" was formed and these volunteers carry out regular checks at strategic points along the river from its source in Therfield to a point south of the outfall of the Sewage Treatment Works (STW) located on the Watermill Trading Estate and onward southbound as far as Easneye.

The group monitor the river water for the presence of Nitrate (NO<sub>3</sub>) and Phosphate (PO<sub>4</sub>). The results of this monitoring is very detailed but an example of the measurements taken are:

Recommended levels                      NO<sub>3</sub>, 50ppm in Drinking Water – PO<sub>4</sub>, 2ppm

Normal tap water (Buntingford)-              NO<sub>3</sub>, 20ppm – PO<sub>4</sub>, 0.5ppm

Upstream of Buntingford SWT-      NO<sub>3</sub>, 3.5ppm – PO<sub>4</sub>, 0.7ppm

Outfall pipe Buntingford STW-      NO<sub>3</sub>, 77ppm – PO<sub>4</sub>, 13ppm

As can be seen from the above the STW is not stripping the NO<sub>3</sub> or PO<sub>4</sub> from the wastewater. It is generally considered that the increase in NO<sub>3</sub> and PO<sub>4</sub> is due to detergents in appliances like Dishwashers and Washing Machines. Another 350 of these appliances will only exacerbate the situation until such time as the STW can be upgraded to cope with the increase in Nitrates and Phosphates.

The group also monitor Riverfly in the river. Since the remedial work has been carried out, monitoring has shown an increase in the presence of these valuable creatures in the river upstream of the STW, but monitoring downstream of the STW has shown that there is very little, if any, sign of life.

### **Retail Framework Travel Plan**

The document submitted by WSP dated July 2023 is the same as the one submitted for the previous application with the date changed. An example of this is Page 23 of 63 Para 3.6.8, which refers to the ATF scheme in London Road, this was completed in July 2023.

Paragraph 2.3.16 Outlines TfL's Liveable Neighbourhood Programme – The public transport provision in London bears no relation to that provided in Buntingford and is irrelevant.

Paragraph 4.2.2 in the Framework Travel Plan states that the population of Buntingford is 3,620 with 2,129 households. There are now approximately 8,000 residents (ONS figures of 2020 show 6,800 residents) living in approximately 3,500 dwellings.

Data used has been taken from the 2011 Census, which bears no resemblance to the current situation in Buntingford.

Bearing in mind the level of new dwellings in Buntingford in the past 7 years, the data used for the projection of traffic levels must use data that is current.

It should also be borne in mind the level of development that has taken place in Royston that has significantly increased the level of traffic using the A10 bypass in both a northerly and southerly direction.

Should the proposals go ahead consideration must be given to creating the proposed access onto the A10 **before any other development takes place**. This will alleviate the need for construction traffic to access the site through the town centre, London Road, Aspenden Road and Luynes Rise which would cause congestion in the town and considerable inconvenience to residents of Luynes Rise and the connecting roads.

### **Public response to the application**

It is noted the significant number of objections recorded against this application on the East Herts Council planning portal. This number of objections demonstrates the serious concerns of the existing residents of Buntingford with the lack of infrastructure provided from the previously developed sites.

We believe that the lack of conformity with various policies provides enough evidence for refusing this application.


We would encourage East Herts Planning Officers to recommend refusal of this application.

### **S106 Agreement.**

Should the application receive approval either from EHDC Planning or a subsequent appeal, it is crucial that the town benefits from the addition of a further 350 dwellings.

We note the contents of the document submitted by the East Herts S106 programme Manager outlining S106 requirements to cover many aspects of activities/facilities in the town. We agree and support this document and would ask that all items identified be implemented. In addition to this, we would request that consideration be given to the provision of two full size FA compliant grass football pitches along with appropriate changing facilities and parking as the large scale expansion of the town has put pressure on our limited pitch space forcing several teams to play their home games on sub-standard pitches in outlying villages.

Yours faithfully



Mrs J.Jones  
Town Clerk

## Addendum

This addendum is copies of letters sent objecting to the original planning application for 400 dwellings in 2017 and the last application in 2022. Whilst some items contained in the letter have been superseded the contents remain pertinent to this present planning application.

Development Management Department,  
East Herts Council,  
Wallfields,

30<sup>th</sup> September 2022.

Dear Sirs,

Re 3/22/1551/FUL – Hybrid Planning application: (i) Full Planning for the development of 350 residential dwellings (Use Class C3), a new highway junction from the A10 with associate works including drainage, access roads, allotments, public open space and landscaping; and (ii) Outline Planning (with all matters reserved except for access) for up to 4,400 sqm of commercial and services floor space (Use Class E & B8), and up to 500sqm of retail floor space (Use Class E).

Buntingford Town Council strongly objects to the proposals on the policy grounds as detailed within this document.

The application under consideration has already been submitted on two previous occasions – 3/14/2304/OP, this application was withdrawn and 3/17/1811/OUT which was refused by the LPA and withdrawn at appeal. Little has changed since the latter of the two applications were submitted, There is now an adopted District Plan in place which does not include the site under consideration, Paragraph 6.1.7 of the East Herts District Plan states that the development of approximately 1,100 dwellings in Buntingford has been approved since 2011, therefore the development strategy for Buntingford is focused on seeking to ensure that the impact of development can be mitigated and managed within the overall infrastructure of the town.

This application is contrary to policies in the NPPF, the East Herts District Plan and the Buntingford Community Area Neighbourhood Plan. The LPA are able to demonstrate a five-year housing land supply and all development plans are current.

East Herts District Plan 2018.

Policy BUNT 1 – Allows for an identified figure of 1074 homes. In addition to this a further 100 homes have been built or are currently the subject of a planning application.

The application under consideration cannot be termed ‘Windfall’ which is normally previously developed sites that have unexpectedly become available or small sites of less than 10 dwellings.

The proposals are contrary to Policy BUNT 1.

Policy GBR2

The proposals do not qualify under any of the categories as outlined in GBR2 and cannot be described as limited infilling.

The land identified for this proposed development is designated as lying within the Rural Area Beyond the Green Belt and as such is covered by policy GBR2 of the adopted East Herts District Plan 2018.

Policy GBR2 lists the limited types of development (numbered a) to h), which may be permitted “provided they are compatible with the character and appearance of the rural area”. This proposal is a large-scale speculative residential and commercial development neither of which can be regarded as exceptions within the policy

The assertion in the Applicant’s Planning Statement that “the Site is not covered by any Local Plan designations but is described as being within the Rural Area outside the Green Belt” is untrue and is clearly shown on the Map.

Policy GBR2 is a key policy of the Local Plan and the area affected is designated in the Policies Map.

The proposals are contrary to Policy GBR2

#### Policy DPS2

No further site allocations are proposed as part of the District Plan development strategy, these proposals represent a clear departure from the strategy.

The proposals are contrary to Policy DPS2

#### Policy DES1

The application has not been part of the Master Planning process as required under Policy DES1 which states “All ‘significant’ development proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses; access; sustainable high-quality design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters. II. The Masterplan will be collaboratively prepared, involving site promoters, landowners, East Herts Council, town and parish councils and other relevant key stakeholders. The Masterplan will be further informed by public participation. III. In order to ensure that sites are planned and delivered”.

The proposals are contrary to Policy DES1

#### Buntingford Community Area Neighbourhood Plan

The Planning Statement states that “The Site is located in the rural area beyond the green belt but does adjoin the settlement of Buntingford and is fully contained from the wider countryside by the A10. As such the Proposal is considered to be sustainably located and in a suitable location for new development which is reflective of the character of the settlement”. Although the site does adjoin the Buntingford settlement, as can be seen from the EHDC Policies Map, it is located outside of the Settlement Boundary and is therefore contrary to policy HD1 of the BCANP.

The proposals are contrary to Policy HD1

The Buntingford Community Neighbourhood Plan state that such areas will be protected and Policy ES7 in the Neighbourhood Plan requires development “to protect and enhance biodiversity in line with NPPF requirements and must demonstrate a net gain in biodiversity in an ecological report consistent with BS 42020.”

The proposals are contrary to Policy ES7

#### National Planning Policy Framework

The NPPF Chapter 1 (2) states that Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations indicating otherwise and the development plan is current.

The NPPF Chapter 11 (c) further states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. As indicated above, the development plan is up to date.

The NPPF advocates presumption in favour of sustainable development.

As previously stated, Buntingford has seen an unprecedented growth over the past seven years. The proposals for this application are not sustainable. Infrastructure has been slow to materialise. A new first school which has planning consent, has yet to be built, this currently means some early age children are required to travel outside of the town for first school education which invariably involves the use of motor vehicles. The town previously had two GP surgeries, but now has one. The additional patient numbers have resulted in capacity issues and residents are struggling to obtain appointments with a GP. The only NHS dental surgery is not taking new patients and cannot accommodate existing patients due to a lack of dental practitioners. The two small supermarkets do not have the capacity to fulfil the needs of a growing population and the public transport is poor, inadequate, and unreliable. The lack of anything other than basic provision has resulted in Buntingford having the highest car usage in Hertfordshire. The lack of employment opportunities means that travel to work by car is in excess of 70%. All these issues do not represent sustainability and are not economically, environmentally or socially sustainable and therefore are contrary to the NPPF.

Other issues

If this development gains approval it would form a substantial extension of the built-up area of Buntingford. The adopted District Plan does not require this area to be developed to satisfy the Council's objectively assessed need for housing.

The site is entirely open agricultural land forming a clear and well-defined boundary to the built-up area of Buntingford. The Agricultural Land Classification is Grades 2 and 3a which comprises "Best and Most Versatile Land" which should be maintained for agriculture to maintain food security, a high agenda item due to Climate Change.

Buntingford has suffered greatly in the last 7 years to the loss of PRoW's across open farmland, at least 4 now go through large housing estates. This would also be the case with FP's 26 and 29.

Thames Water has confirmed that there are capacity concerns in the local surface water network to accommodate surface water flows from the Site. It is not intended to undertake hydraulic network capacity modelling prior to a planning decision to determine whether any upgrade works will be required to the local sewer network because of the development. It is suggested that this capacity modelling should be undertaken pre-decision. If it is considered that surface water from the site can be discharged into the River Rib, this water must meet or exceed the quality parameters as designated by the Environment Agency for Chalk Streams.

Foul and Surface Water Routing

There appears to be an anomaly in the boundaries outlined within the covering letter submitted with the application. The plan shows a site boundary line that clearly encroaches on to the end of Peasmead, directly into a privately owned garden. The plan states, "full application area but not under the control of



the applicant". We believe this may be for foul and surface water connections some of which will be pumped from a lower level within the site, but this must be clarified with the householder who is extremely concerned.

The use of these foul and surface water connection points to the existing foul and surface water distribution system in Luynes Rise and Aspenden Road will place the network under stress especially as this network already carries foul and surface water or a mixture of both (combined) from Monks Walk and beyond.

#### Sewer Capacity

We have concerns regarding the capacity and effectiveness of the town's sewage works to cope with any further large scale expansion. Thames Water has acknowledged this in their response to this application. They have repeatedly exceeded their discharge consent limits into the River Rib which is a protected chalk stream over the past few years, which is obviously linked to the recent and ongoing large scale expansion of Buntingford. In an EIA Screening application letter dated 22.3.2022 ref PL/0263/22, Thames Water state that the plant had a capacity in 2018 for a population of 6700, so there is already a shortfall. They envisage the proposed upgrade to have a capacity for a population of 7736 by 2026. We envisage the town's population to be very close to this level when the current sites are built on.

#### Travel Plan

We also note that two new pedestrian access points are envisaged, one onto Luynes Rise direct, which we assume is the hammer head and one through Peasmead. Are these pedestrian access points planned at the same location as mentioned above (ie privately owned land).

Chapter 3.4.9 indicates that this is explained in Chapter 4, but we are unable to find any reference to this.

Chapter 3.4.10 indicates ease of access onto PRow (27) which runs through the Watermill Trading Estate to link Aspenden Road and Luynes Rise.

To our knowledge there is no easy access onto this PRow from the application site.

Paragraph 4.3.15 states that the bus stop that serves the route 386 and 18 is in Baldock Road and is 400m from the northern end of the site. At present there is no northern access from the site, therefore the walking distance is significantly more than 400m. Also stated is the bus stop on Station Road is 700m via Luynes Rise, however this bus stop does not give full access to all 331 services. To gain full access the bus needs to be picked up in the town centre.

Paragraph 4.3.16 Outlines TfL's Liveable Neighbourhood Programme – The public transport provision in London bears no relation to that provided in Buntingford and is irrelevant.

Paragraph 3.2.2 in the Framework Travel Plan states that the population of Buntingford is 3,620 with 2,129 households. There are now approximately 7,000 residents (ONS figures of 2020 show 6,800 residents) living in approximately 3,500 dwellings. This brings into question the statistics in Table 3.1.

In the Travel Assessment Appendix J, page 8 – Main results for each time segment, there appears to be identical figures for a period 8.00 – 8.15 and 8.45 – 9.00 and identical figures for the period 8.15 – 8.30 and 8.30 – 8.45. This must surely be incorrect.

None of the data stated in the Travel Plan has any indication as to when the traffic surveys were undertaken to support the report.

Bearing in mind the level of new dwellings in Buntingford in the past 7 years, the data used for the projection of traffic levels must use data that is current.

It should also be borne in mind the level of development that has taken place in Royston that has significantly increased the level of traffic using the A10 bypass in both a northerly and southerly direction.

Should the proposals go ahead consideration must be given to creating the proposed access onto the A10 before any other development takes place. This will alleviate the need for construction traffic to access the site through the town centre, London Road, Aspenden Road and Luynes Rise which would cause congestion in the town and considerable inconvenience to residents of Luynes Rise and the connecting roads.

#### Public response to the application

It is noted the significant number of objections recorded against this application on the East Herts Council planning portal. This number of objections demonstrates the serious concerns of the existing residents of Buntingford with the lack of infrastructure provided from the previously developed sites.

We believe that the lack of conformity with various policies provides enough evidence for refusing this application.

We would encourage East Herts Planning Officers to recommend refusal of this application.

Should the application receive approval either from EHDC Planning or a subsequent appeal, it is crucial that the town benefits from the addition of a further 350 dwellings. We ask that serious consideration is given to the inclusion of the following within any S106 Agreement.

The Seth Ward Community Centre was provided by Bovis Homes as a planning gain when the original Bovis estate was built. The centre is now in need of significant refurbishment to create a 21<sup>st</sup> century facility. We anticipate that the creation of a theatre facility, dance studio, gym and kitchen upgrade to cost in the region of £750,000.

A contribution towards the Buntingford Community Area Transport.

A contribution of £100,000 towards the resurfacing of the existing Multi Games Area to a 3G surface.

Contributions towards outdoor sports facilities.

David Snell,  
Neighbourhood Services (Development Control),  
East Herts District Council,  
Wallfields,  
Hertford,  
SG13 8EQ.

31st August 2017.

Dear Mr Snell,

3/17/1811/OUT - Outline application for all matters reserved except for access comprising:  
i. Up to 400 dwellings (C3). ii. 2.0 hectares of land for Use Class B1 employment. iii. Formal and informal open spaces including children's play spaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure.

Land of Luynes Rise (to the West of Buntingford) Buntingford, Hertfordshire  
for Bovis Homes Ltd and Wattsdown Developments.

We ask that EHDC refuse this application for the reasons set out in this letter

### Introduction

Many changes have occurred within Buntingford since the original application by Bovis (3/14/2304/OP) in 2014 and this new application does not appear to take these changes into account. We note that a "Statement of Community Involvement" has not been included within this application which, bearing in mind the significant developments that are either in progress or completed within the town, is a necessity.

There have been numerous large scale planning applications granted for development in the Rural Area Beyond the Green Belt in and around Buntingford, which are well documented. The emerging District Plan is at present at examination with the Planning Inspectorate and crucially the Buntingford Community Area Neighbourhood Plan, (BCANP) has been "made" and now carries "full weight".

This application is contrary to many of the policies contained within the BCANP and these will be identified later in this document. In addition the application is contrary to several saved policies in both the Local Plan 2007 and the policies of the emerging District Plan. Although this is an outline application, we would argue that the applicant should be expected to indicate how the construction of 400 dwellings on this site is possible whilst at the same time satisfying the policies contained within the BCANP. Aware of these issues, the applicant is drawing heavily on the lack of a five-year land supply as a reason to disregard the BCANP and all saved adopted local plan policies and draft policies in the emerging District Plan. However all of the policies are well drafted, based on comprehensive evidence studies and are in conformity with the National Planning Policy Framework (NPPF). The applicant states that if the LPA are not able to demonstrate a 3 year housing land supply, Neighbourhood Plans do not carry weight. The 2016 AMR shows that EHDC has either a 3.1 or 3.6 housing land supply, dependent on which calculation method is used. These figures were confirmed by the EHDC Planning Policy Team in writing prior to the draft of this letter. Therefore the Neighbourhood Plan does carry full weight when deciding this application.

In Parliamentary Statement HCW S346 released on the 12<sup>th</sup> of December 2016 it clearly states: This means that relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites

Based purely on the reasons above this application must be refused.

### Development Strategy

The emerging District Plan, currently at examination, sets out the development strategy for Buntingford, and includes the allocation of several approved major development sites, at various locations within the Town boundary, which will provide 1354 dwellings. The site under consideration in this application is not included within the plan and is outside the Town boundary. Therefore the application is contrary to the District Council's development strategy for the town, the policy HD1 of the "made" BCANP, saved policies GBC2 and GBC3 of the adopted Local Plan and policy GBR2 of the emerging District Plan. The emerging District Plan policy BUNT1, allows for development only within the Town Boundary as defined on the policies map and the development Strategy for Buntingford in the adopted local 2007 plan, policy SD2, refers only to 'some' development being directed towards Buntingford but does not quantify that development. The high level of development that is currently being directed towards Buntingford is far in excess of what could be considered sustainable for a small market town and the proposal for a further 400 dwellings, bringing the total to 1754, would almost double the size of the town with no known planned improvements to existing antiquated infrastructure. To allow this application would potentially cause great damage to the quality of life of existing Buntingford residents, and put further strain on already overstretched infrastructure. We would refer you to the report on this application from Thames Water (EHDC website) on the Sewage works as an example, especially their comments on odour if the Sewage Treatment Works were to be extended to account for this development. We are aware that Thames Water are already sending tankers to site in the early morning to take excess effluent to Rye Mead Sewage Treatment Plant as the present plant cannot cope with the extra foul waste generated from the new major developments in the Town. We further note that there is no mention of sewage disposal in the applicant's Utility Report.

To date, East Herts Council has always stressed that each application must be assessed on its own merits and the cumulative effect of development cannot be considered. Whilst this may be the case, this application should be viewed against the situation that will prevail at the time the decision will come into effect. In this case, this means that the application under consideration here must be viewed against the background of planning permissions already granted and those currently under consideration in the appeals process.

The Interim Sustainability Appraisal Report produced by URS for East Herts Council, and dated January 2014, recognises that there are limits to the capacity of market towns such as Buntingford to grow and it supports (section 13.7 and elsewhere) East Herts planning proposals to limit growth to the levels proposed in the emerging District Plan on sustainability grounds.

The Town Council believes that development on this scale is not sustainable and the current application is therefore not in conformity with the National Planning Policy Framework.

Paragraph 196 of the NPPF states:

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.

We ask East Herts Council to consider the current application, strategically, taking into account its own vision for Buntingford and to use this to reach the justifiable conclusion that this application is unsustainable and should be refused.

### Landscape impact

The applicant's Landscape and Visual Assessment and the Design and Access Statement are wrong in saying that the land on the site lies at an elevation of between 115m and below 90m AOD (e.g. para 2.1.8 of the LVA). The topographical information provided as part of the application shows that the land to be developed rises to over 118.5m AOD and that approximately 20% of the land to be developed in Field A is above 115m AOD.

The claims made in the supplied Planning Statement (paras 5.5 and 5.6) that “no significant or valuable landscape features would be lost” or that:

”In overall terms the impact of the development on the wider landscape setting of the town would be limited having regard to its location and surrounding land uses”

re demonstrably untrue - see Appendix 1 to this letter. Allowing this development to go ahead will result in a major detrimental effect on the landscape of the Buntingford area and will be contrary to East Herts saved planning policies GBC3 and GBC14, as well as being contrary to paragraphs 109 and 61 of the NPPF. Because of the elevation of this site, approval of this application would run contrary to Para 109 of the NPPF and Policy ES1 of the “made” BCANP. Photographs taken from points to the south, east and north-east of Buntingford, and reproduced in Appendix 1, indicate the harm that this development would cause to the local landscape.

For these reasons we ask that the planning application be rejected.

### Sustainability

A recent House of Commons report on the operation of the NPPF stresses the importance of giving equal weight to each of the three dimensions of sustainable development, as required by the NPPF (paragraph 10). The social disadvantages of over stretching the resources and infrastructure of the town and the adverse environmental impact that a housing development on this site would have, cannot be justified by the proposed contribution to the District's 5 year land supply.

The NPPF defines sustainable development as that which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (paragraph 9). The NPPF also advocates in paragraph 14, that permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. One of the Core Planning Principles in the NPPF (paragraph 17 bullet point 11) is to actively manage patterns of growth to make the best use of public transport, walking and cycling, and focus significant development in areas that are or can be made sustainable. The applicants state that the development will help support and better sustain the community and its services and that the need to travel will be minimised by existing facilities in the town (Paragraph 4.26 of their Planning Statement). East Herts Council have

identified that the town's limited retail offering leads to a general outflow of shoppers and there is a high level of out-commuting for work.

The District Council recognized, in its preferred options consultation last year, that Buntingford had a number of challenges. These include: A three-tier education system that is over capacity at lower tiers and is full in middle and upper tiers. It is our understanding that there will only be a need for an additional first school if this proposed development is approved. Currently some first school pupils residing in Buntingford are being transported to schools in surrounding villages which is not ideal for their education and wellbeing. This is clearly not sustainable.

At middle school level some children from Buntingford are travelling to Ralph Sadlier School in Puckeridge, again not ideal nor sustainable, and we have been advised that the Upper School - Freman College, are reducing the number of students entering from outside the catchment area to reduce pressure on pupil intake. The health centre, which offers a variety of services for which patients would otherwise have to travel out of town, is at capacity and it is currently the norm that an appointment request will involve a wait of three to four weeks. The smaller Orchard Surgery does have some space but does not offer medical ancillary services.

The town's distance from larger settlements and lack of a rail link, coupled with a poor, irregular and unreliable bus service, means there is a lack of public transport and a well documented, high level of dependence on private vehicles to access services.

We do not believe that the development is sustainable, and contend that the adverse impacts of approving the application significantly and demonstrably outweigh the benefits. Existing infrastructure in the town cannot sustain the level of development proposed, as set out below, using evidence gathered in the neighbourhood planning process.

### Transport

The poor transport serving the town is well documented, with regular services running once an hour at best and that for only a limited number of hours during the day. The Inspector in his appeal decision for the sites North and South of Hare Street Road recognised that buses to all of the larger surrounding towns are not frequent and travel circuitous routes in order to serve isolated villages. This results in most residents travelling by car to large supermarkets and for comparison shopping. In these circumstances it would not be easy to tempt residents away from this mode of travel by initiatives resulting from Travel Plans, the Inspector concluded that this is not a sustainable outcome and weighs against any future development at Buntingford. In para 2.8 of the applicants Planning Statement they state that:

“There are regular bus services to Hertford, Royston, Hatfield and Stansted Airport”.

This statement is totally inaccurate as there is no longer a service to Stansted Airport and Hatfield and the Hertford / Royston service has been drastically reduced during the last 12 months resulting in no public transport either into or out of the town after 7.00pm in the evening and no Sunday service whatsoever. Residents cannot rely on the bus service during commuter times and the car is again the preferred mode of transport.

### Highways

Notwithstanding all of the issues raised above, serious consideration should also be given to the effects of the potential access roads. It is well documented that car ownership in Buntingford (almost 3 vehicles per dwelling) is far higher than the national average. Travel to work by car is also well in excess of 70% due to the Town's location and lack of reliable public transport.

The Town Council is of the opinion that any further large scale development will add to the already serious congestion issues being observed within the Town at peak times, especially at the Hare Street Road, High Street and Bowling Green Lane junctions and in particular the A10 southbound roundabout off of London Road. We are aware that funding may have been secured by HCC to resolve issues at this roundabout but as yet no firm plan is in place.

There is also a well-documented capacity issue with the single carriageway section of the A10 directly south of this roundabout. Several reports from HCC and EHDC (Diamond, WSP etc) have concluded that if levels of development over and above that already allocated to Buntingford this section of road would require dualling to overcome peak period congestion. We also note that this section of road suffers very high accident rates.

We note that the applicants Transport Assessment submitted by WSP although dated July 2017 on the front cover, contains data produced in October 2014. This data is now significantly out of date as a result of recent developments and should not have been used in support of this application. A new Traffic Survey must be produced which accurately reflects the current traffic situation before this application can receive further consideration.

### Access

Policy TR2, Access to New Developments, in the adopted Local Plan, says that new accesses must be in accordance with the design guidelines used by the highway authority. The corresponding policy in the emerging District Plan, TRA2 Highway Safety and Trip Generation, goes into more detail and states that new accesses must be acceptable in highway safety terms and not result in severe residual cumulative impacts.

It appears that the viability of this development is predicated on the creation of a new access onto the A10 directly from the development, in addition to an access off Luynes Rise at its western end. The proposed development of 400 houses could not safely or suitably be accessed solely off Luynes Rise.

The A10 is defined as a Primary Route (motorways, trunk roads and important A roads) in the Roads in Hertfordshire Design Guide 2011 and the Country Council's Local Transport Plan (LTP3). This document states that primary roads will rarely be modified as a result of development proposals. It also says that Primary Routes give access to Main Distributors (other A roads) and exceptionally, Secondary Distributor Roads ('B' roads). Special circumstances would need to be demonstrated for the highway authority to consider modifying the A10 to facilitate the proposed development and the new roundabout would not serve a main or secondary distributor road. The LTP justifies this assertion in order to avoid introducing delays on these roads that would discourage through traffic and HGV's from using them. It would therefore be contrary to adopted highway policy.

The applicant draws comparisons with a recent planning consent in Bishop's Stortford, however, the proposal in this application is for a new roundabout to serve a development of 400 homes, compared to the 2200 in the case of Bishops Stortford. The new neighbourhood of Bishops Stortford North is to be constructed on land previously safeguarded for development (Areas of Special Restraint 1-5 which could provide up to 3,000 dwellings). No new access has been previously proposed to the A10 Buntingford bypass, and the land has not been safeguarded or identified as suitable for development. In the case of the A120 Bishops Stortford bypass, a new access on to the A120 has been proposed since 2006 in the Bishop's Stortford Transport Plan.

Independent traffic consultants AECOM recently reviewed the A120 access proposal, with the following conclusion:

1. Without the new access there would be pressure on the existing access points.
2. Delays to through traffic would be small and probably go unnoticed and the proposed improvement to the existing A120/B1383 Stansted Road Roundabout would more than offset this delay.
3. A new roundabout would improve road safety due to speed reduction.
4. Reduction of traffic on other roads in the vicinity of the roundabout.

With regard to point 3 above, the five year accident rate from 1<sup>st</sup> Nov 2007 to 31 Oct 2012 shows that there were 20 accidents involving 49 vehicle and 33 casualties where there were two fatal, 4 serious and 27 slight. The analysis of the reasons for the accidents demonstrates that the key factors were due to speed and attempting to overtake. Introducing a new junction with a roundabout at the proposed location could improve road safety by reducing speed and discourage overtaking.

To elaborate on point 4 above, the assessment also indicates that the junction will provide relief to Hadham Road and Rye Street by reducing the amount of traffic which accesses the local road network from both the western and eastern neighbourhoods.

The highway authority accepted these four points, as constituting the special circumstances necessary that justified a new access to serve development on the A120, a Primary Route. When viewing the application for a new access onto the A10 in the context of the above it can be argued that there is no justification for special circumstances.

A new roundabout on the A10 could relieve potential pressure on existing access points from the addition of a further 400 homes on the west side of the town, but there is no data to demonstrate how other roads in the vicinity of the development would or would not benefit from this access.

The current use of the Luyes Rise/Aspenden Road Junction is restricted to occupants of Luyes Rise and users of the Seth Ward Community Centre. Put simply, the proposed development creates a need for a new access point that does not currently exist.

Congestion is not currently an issue at either end of the Buntingford bypass and the applicant does not propose improvements to either of these roundabouts to offset delays caused to traffic by an additional roundabout on the A10. This could constitute a negative effect for existing users of the A10 and cannot be considered a special circumstance to justify a new access; no access, no effect.

We have three additional concerns about a new access for 400 houses onto the A10. Firstly, that it could create a small satellite that faces away from the town of Buntingford. Secondly, notwithstanding the above, there is also concern that by creating a new access at this location will give rise to the opportunity to open up the western side of the bypass to facilitate future development. Additionally the proposed new roundabout will create a “rat-run” from other points within the town, Residents from Aspenden, Fairfield and from new and existing estates to the east of the town will use this route to access the A10 especially as the A10 / London Road roundabout becomes more congested. We believe this is contrary to Police advice regarding points of access into residential development. It is our understanding that for security considerations, Police prefer a single point of access into a residential development for effective policing and as previously stated “The proposed development of 400 houses could not safely or suitably be accessed solely off Luyes Rise.”



## Agricultural Land

The NPPF provides guidance on the use of good quality agricultural land. Paragraph 112 says that: “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” The local plan is consistent with the NPPF in this regard in its objective to protect the most versatile agricultural land (Objective 2; Greenbelt and Countryside page 26) of the adopted local plan.

The provisional Agricultural Land Classification for England shows at least part of the site to be grade 2 or 3. Natural England has requested that a detailed Agricultural Land Classification survey be carried out to ascertain the value of the land subject of this application. Subject to the results of this survey, development of the land for housing could destroy over 20 hectares of high quality agricultural land, which is contrary to national planning policy.

In addition to the value of agricultural land to the economy, East Herts District has the most significant rural economic profile in the County of Hertfordshire. Policy ED2 (Rural Economy), of the emerging draft District Plan states in bullet point iii, “Proposals that consist of a change of use of agricultural or employment generating uses will need to provide evidence that the use is no longer needed nor viable. The land is in active agricultural use with no evidence offered that it is no longer viable. The loss of this agricultural land is therefore also contrary to the thrust of local planning policy.

## Noise

The location of the development is adjacent to the busy A10. Between its junction with Baldock Road and London Road, the Buntingford by-pass is of concrete construction. Traffic, and therefore noise generated from traffic using the A10 will only increase as developments in Buntingford are built out.

The NPPF seeks to protect occupiers of new developments from environmental pollution. Paragraph 109 of the NPPF says that: “The planning system should contribute to and enhance the natural and local environment by: (bullet point 4) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;” This is strengthened further in Paragraph 123 which says that: “Planning policies and decisions should aim to: (bullet point 1) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development“

Policy ENV1 of the adopted Local Plan guides design and environmental quality in relation to new development. Bullet point D says that development proposal will be expected to “respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing;” Policy ENV25 of the same plan identifies residential development as being noise sensitive.

The applicant states in paragraph 5.4 of their planning statement that there are no overall limitations on the scheme arising from the noise environment. They refer to their own noise assessment, which they say demonstrates that the site layout and design will ensure that no

dwelling or gardens will exceed noise levels.

However, in the previous application, East Herts Council's own Environmental Health Department consider that the application should be refused on the basis that traffic noise generated by the particularly noisy ribbed concrete noise surface will result in much of the garden and amenity space in the development being noisier than the World Health Organisation limit of 50 db.

There is clearly a discrepancy here. In paragraph 8.3 of the applicants Noise Assessment, they say that the great majority of the gardens will be below 50dB's. They also suggest that set/mitigation in the form of a 2m high garden fence will be required for those properties nearest the A10. As the land rises steeply up from road level in the vicinity of the A10, the effectiveness of a 2m high fence to protect amenity space from noise is questioned. The development as proposed is clearly not in accordance with national or local policy.

### Employment Land

Whilst we welcome the proposal for the provision of employment land, there is no firm commitment from the Developer that this employment land will be developed, either by themselves or a third party. The recent planning application 3/17/1861/FUL, for 17 B1 units at the Watermill Industrial Estate is a more favourable option as this is a direct extension of an existing Industrial Estate and will involve no access through an existing residential area. The benefit of the proposed provision of this employment land is significantly outweighed by the disadvantages of a further 400 dwellings and the associated impact on the town and the existing residents.

### Planning Statement

Having read the applicant's Planning Statement, we have identified anomalies too numerous to mention within this document as the vast majority of the statement is a direct copy of the Planning Statement produced in December 2014 and obviously there have been significant changes within the town since that time and there is no reference made to those changes. An example of one of these anomalies is increased traffic, particularly on the Station Road/London Road carriageway due to the increased traffic being generated from the Taylor Wimpey, Hare Street Road North development, the Wheatley Homes, Hare Street South development and the Fairview/Sainsbury's Depot development. Additionally, there has been a significant increase in traffic volumes on the A10 by-pass due to new developments in Royston and Puckeridge.

### S106/Planning Obligations

In the event that approval is given for this planning application it is crucial that the town benefits from the addition of a further 400 dwellings and serious consideration must be given to the inclusion of the following within the S106 Agreement.

The town's Community Centre was originally provided by Bovis Homes as a planning gain when the original Bovis site was built. The centre is in need of refurbishment to create a 21<sup>st</sup> Century facility to benefit the community with adaptations to create a theatre facility, dance studio and gym. Initial enquiries estimate the cost of this to be in the region of £750,000.

A contribution of £250,000 to the Buntingford Community Area Transport to assist new and existing residents access the centre of the town. This sum will guarantee a service for 5

years.

A contribution of £100,000 towards the creation of a new cemetery as the existing cemetery is at capacity, negotiations to purchase a suitable site are already underway.

A contribution towards Outdoor Sports Facilities.

A contribution of £80,000 towards the upgrade of existing playground facilities in the own.

### Other Matters

We are of the opinion that should the proposals go ahead consideration must be given to creating the proposed roundabout on the A10 into the site before any development takes place on site. This will alleviate the need for development construction vehicles to access the site from Luynes Rise, thus avoiding significant inconvenience to the residents of Luynes Rise caused by a steady flow of construction and contractor vehicles, which is being experienced by other residents in the town who reside adjacent to existing building sites. If construction vehicles were only allowed to access the site from the A10, this would also alleviate the necessity for construction vehicles to access the site through the town centre, namely Baldock Road, High Street, Station Road, London Road and Aspenden Road. We would also recommend that the access from the western end of Luynes Rise be for pedestrians and emergency vehicles only and not for access to the development.

Yours sincerely

Mrs Jill Jones  
Town Clerk

Signed on behalf of the Buntingford Response Group incorporating  
Buntingford Town Council, Civic Society, Chamber of Commerce and B.A.R.D.

## **APPENDIX 1**

### **Planning Application 3/17/1811/OUT and The Wider Landscape about Buntingford**

#### **1. Introduction**

Several documents (Design & Access Statement, Planning Statement and Landscape and Visual Assessment) forming part of the application referred to above make the claim that the proposed development will have only minimal effect on the wider landscape around Buntingford. This is not the case and this appendix sets out the reasons why these claims are unfounded.

Following a brief section setting out the reasons why the landscape views around Buntingford should be protected, this note sets out to show, by reference to photographs taken in 2016 and 2017, that the development proposed in application 3/17/1811/OUT will have a significantly detrimental effect on this highly valued landscape. It is also indicates where some of the data provided in the Landscape and Visual

Assessment (and used to justify the statement that the proposed development will have limited effect on the wider landscape) is simply incorrect.

## **2.The Desirability of Protecting the Landscape Around Buntingford**

The nature and value of the landscape around Buntingford is well documented - see references 1 and 2. Buntingford is situated in the High Rib valley which is one of several running approximately north to south from the northern part of the area known as the East Herts Plateau (see fig.02 'Landscape Regions of Hertfordshire' in reference 1). Buntingford, despite its significant expansion since 1960, is far from obtrusive within the local landscape; the town nestles well into the Rib valley and, now that the old Sainsbury depot has been demolished, is not at all dominant in the landscape until one is very close to its settlement boundary. The overall landscape of this part of East Hertfordshire is characterised by pleasant rolling, mainly arable, farmland with scattered woodland and hedgerows. The villages, and Buntingford itself, are mainly hidden from wider view and the countryside provides a welcome contrast to the more populated southern part of East Hertfordshire and the land to the south of that.

Regarding the value of the landscape around Buntingford, Ref. 1 states "*Although data is incomplete this area appears to be one of the most highly valued in the district and this is not limited to the nationally-noted village of Westmill.*" The photographs that follow show that the development proposed in this application will obtrude into this landscape and spoil the views within this highly valued and predominantly rural northern area of East Hertfordshire.

Paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by [amongst other matters] "*protecting and enhancing valued landscapes, geological conservation interests and soil*". Paragraph 61 of the NPPF states that "*planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*". Reference 2 refers, in paragraphs 5.3.36, 5.3.44, 5.3.48 and 5.3.52, to the desirability of conserving and respecting the valley setting of Buntingford; paragraph 5.3.40 refers to the desirability of enhancing local distinctiveness by ensuring that Buntingford is contained within its landscape context. These factors should be taken into account in the assessment of this planning application.

In his report on the planning appeal regarding land to the north of Hare Street Road Buntingford in December 2013, the planning inspector recognised (in paragraph 49 of ref.3) that "Buntingford is located within a valley and for the most part its urban characteristics do not impact upon the wider agricultural landscape". Furthermore, in recognition of the desirability of minimizing the adverse impact of new development on the landscape, he imposed a limit on the roof ridge heights of those dwellings located at the higher parts of the eastern slope of the site in question in order to limit that impact.

## **3.The Proposed Development and its Impact on the Landscape**

An examination of the plans submitted with application 3/17/1811/OUT shows that a significant part of the development is to take place on land which reaches a height of just over 118.5m above sea level to the west of Buntingford. This is well up the western side of the Rib valley and is at a higher elevation than any other land on which development around Buntingford has previously taken place or for which permission to develop has been given. The impact of the proposed development can be deduced from the series of views shown in figures 2 to 4 that follow. They show that the development would significantly degrade views from the south, east and north-east of the town.

Figure 1 shows a map of Buntingford with the area proposed for housing development shaded in red. The series of views shown in figures 2 to 6 were taken in the direction of the arrows from the positions marked A, B and C respectively in figure 1 (the base of the arrow is positioned on the point from which the photographs were taken). Figures 2,3 and 4 each show a wide angle view above which is an enlargement of the area proposed for development, (all wide angle views were taken with the same lens setting). These wide angle pictures indicate the largely hidden nature of Buntingford within the Rib Valley. They also indicate the general nature of the valued wider landscape of the area.

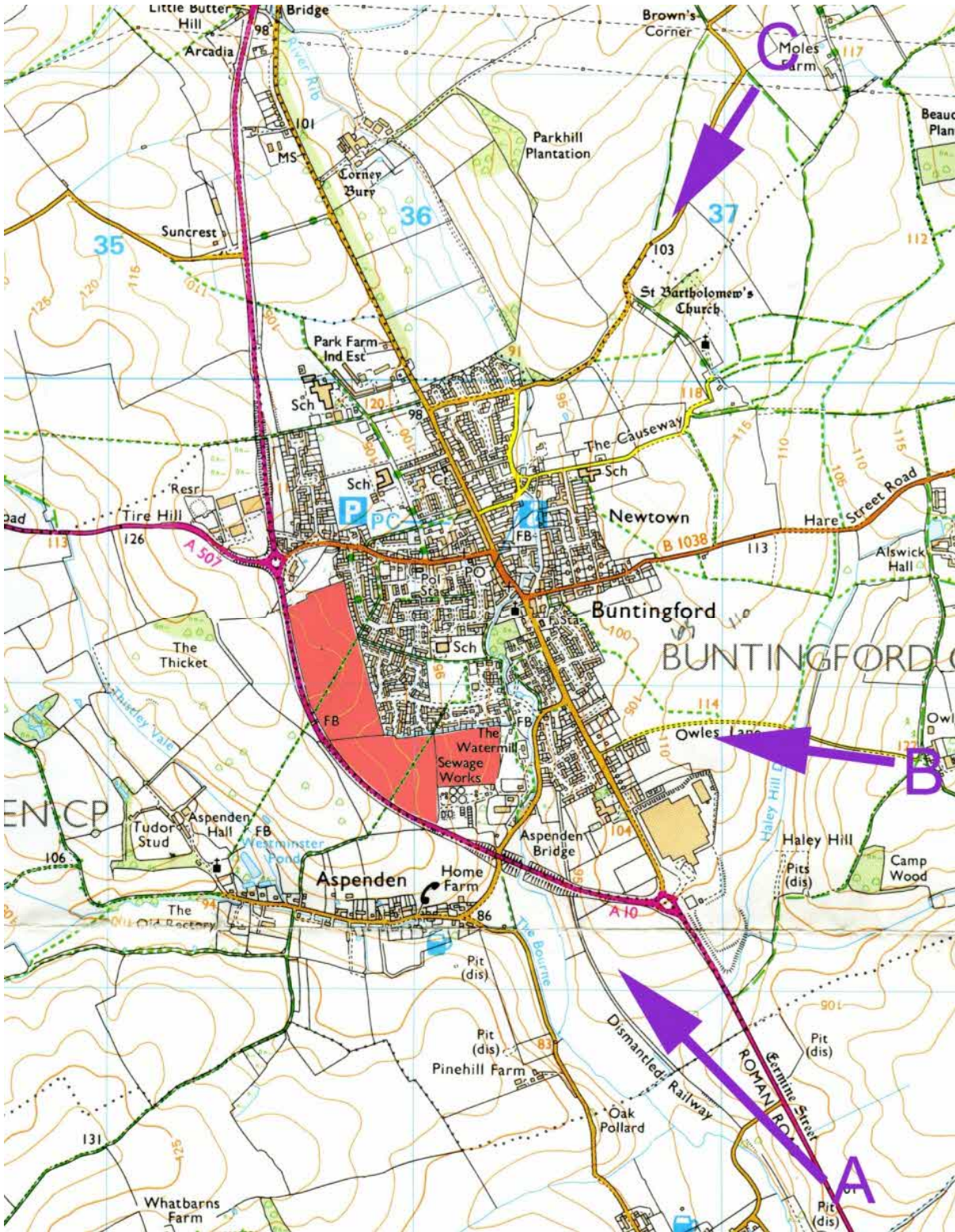


Figure 1 showing the points from which the views in figures 2to 6 were taken

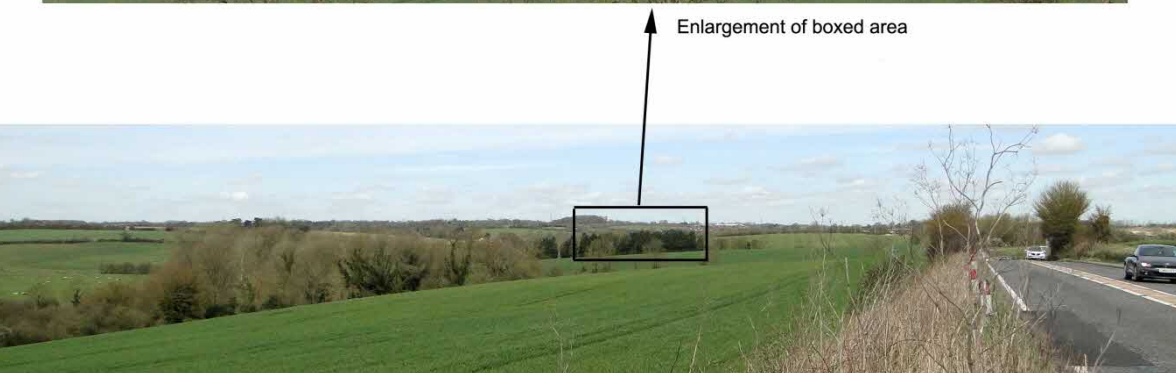


Figure 2: Views of the Proposed Site from Point A of Fig.1

This view shows that the housing development proposed for this site will stand out clearly to those approaching Buntingford from the south. Although taken from one particular position, this view is typical of that from several points along the A10 between this point and southern limit of Buntingford. The lower, wide angle view, illustrates the predominantly rural nature of the landscape. The upper picture shows the exposed elevated position of the land on which house building of up to and including 3 storeys is proposed. The red line in this upper picture shows the western/north-western extent of the proposed development area. The existing dwellings that show on the right of the upper picture are all of 2 storeys and are on land which is 10 to 15 metres lower than that on which much of the proposed development would take place. The ridge heights of some of the proposed dwellings would be up to 130 metres above sea level. This is well in excess of anything that was considered to be reasonable by the inspector in his report on the Taylor Wimpey site (see paragraph 53 of reference 3).

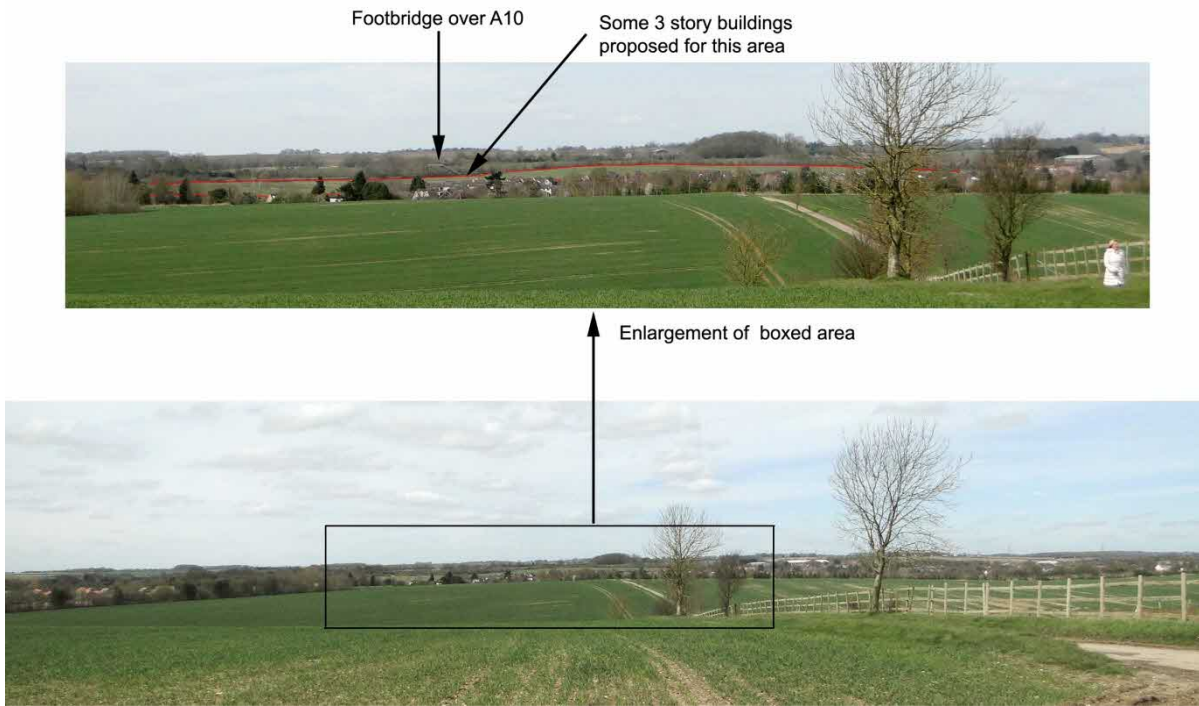


Figure 3: Views of the Proposed Site from point B of Fig 1.

This view from point B is typical of that seen by those walking in various parts of the Wyddial Plateau. In this case, the horizontal angular extent of the proposed development (as indicated by the red line in the upper view) is significantly greater than in views from the south, which will make it appear even more obtrusive from this direction.

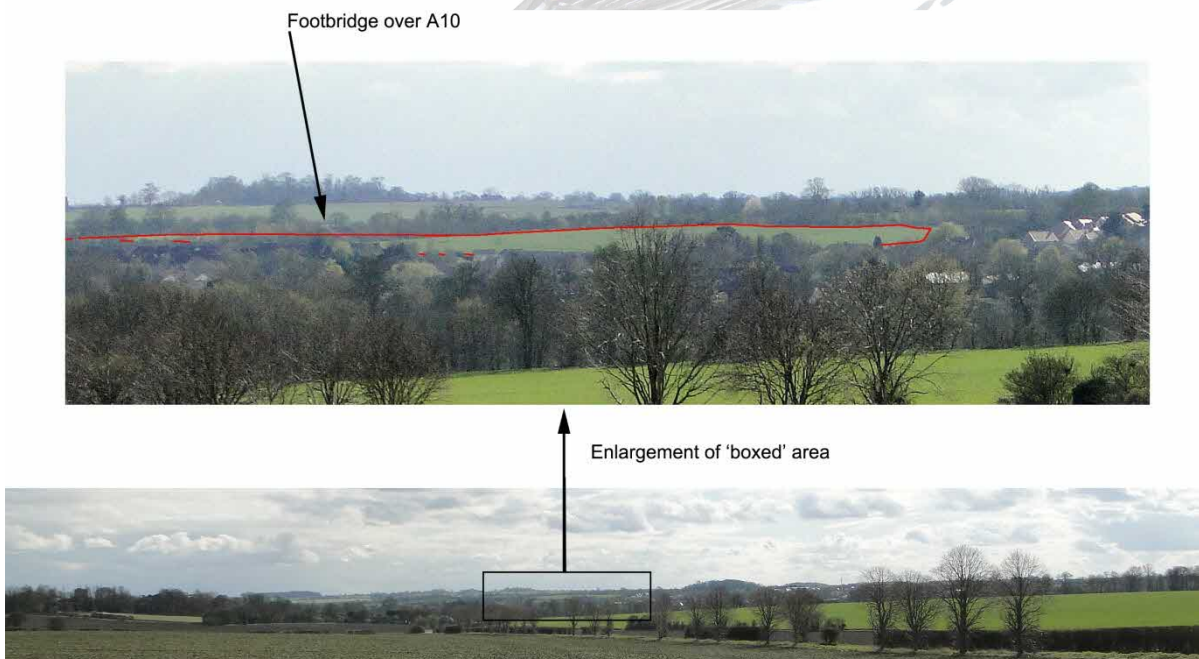


Figure 4: Views of the Proposed Site from Point C of Fig.1

Figure 4 shows the view from point C close to the road to Wyddial. Again the red line in the upper view gives some idea of the extent of the significantly adverse landscape impact that the development would have.

All the above photographs were taken in April 2016 at a time after the developments in Longmead (on the norther edge of the proposed development) had taken place. In order to see whether summer tree foliage would affect these views, visits were made to the same spots in August 2017. This showed that neither the summer foliage nor any of the other recent Buntingford developments had any significant effect on the views or the conclusions that might be drawn. Compare figures Figures 5 and 6 in relation to the enlarged areas in figures 2 and 3 respectively



Figure 5: Aug 2017 view (see Fig2)



Figure 6: Aug 2017 view (see fig 4)

#### **4. Comments on the Landscape and Visual Assessment Document (LVA) forming part of the application**

This LVA and the Design and Access Statement are wrong in saying that the land on the site lies at an elevation of between 115m and below 90m AOD (e.g. para 2.1.8 of the LVA). The topographical information provided as part of the application shows that the land to be developed rises to over 118.5m AOD and that approximately 20% of the land to be developed in Field A is above 115m AOD.

Several of the photographs (e.g. figs 4,6,19 and 20) reproduced in the LVA make clear the elevation of the land as being above the rooftops of much of the property to the east.

The LVA continually refers to the landscape value of the site itself and concludes that this is of low to medium value and tries to draw conclusions as a result. This is not the point; it is the value of the overall landscape of the area that will be reduced by the construction of houses on this elevated site that is at issue. The LVA avoids discussion of this point. This overall landscape is of much higher value.

The text accompanying fig. 30 of the LVA seeks to suggest that the proposed development would affect the landscape views in much the same way as the development on the old Sainsbury site. This is misleading as the site of the proposed development is at a significantly higher elevation.



Fig 31 and fig 32 of the LVA show views of the site from a point which is more advantageous to the applicants than the view from a point some 100 m or so to the north (see fig.2 of this document). As pointed out in the text accompanying fig.2, this fig. 2 view is repeated at other points along the A10.

The LVA continually tries to downplay the significance of long distance views of their site (e.g.in Para 2.5.21) in order to avoid the conclusion that the development would have a significantly detrimental effect on the area's landscape as a whole.

## 5. Conclusion

The photographs taken from points to the south, east and north-east of Buntingford, and reproduced in this document, indicate the harm that this development would cause to the local landscape. The claims made in the applicant's Planning Statement (paras 5.5 and 5.6) that:

*"no significant or valuable landscape features would be lost"*

or that:

*"In overall terms the impact of the development on the wider landscape setting of the town would be limited having regard to its location and surrounding land uses"*

are demonstrably untrue. Allowing this development to go ahead will result in a major detrimental effect on the landscape of the Buntingford area and will be generally contrary to paragraphs 109 and 61 of the NPPF, policies **ES1** and **HD2** of the "made" BCANP, policies **ENV1**, **GBC3** and **GBC14** of the saved East Herts Local Plan and policies **GBR2** and **DES1** of the emerging District Plan For this reason we ask that the planning application be rejected.

## 6. References

1. East Herts Landscape Character Assessment SPD available at <http://www.eastherts.gov.uk/index.jsp?articleid=24642>
2. East Herts District Plan Supporting Document Chapter 5 - Options Refinement, available at <http://www.eastherts.gov.uk/media/pdf/m/g/ERPD - Chapter 5 - first part.pdf>
3. Appeal Decisions: Inquiry Held on 10<sup>th</sup> December 2013. Appeal A Ref: APP/J1915/A/13/2205582, Appeal B Ref: APP/J1915/A/13/2205582, Appeal C Ref: APP/J1915/A/13/2199777

