BuntingfordTownCouncil

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

31st July 2024.

Dear Sirs,

Amendments to 3/24/1255/OUT – Outline Planning Application for development of employment land (flexible use B2, B8, E(c) and E (g), informal open space, associated works and infrastructure including new access from A507, with all matters reserved except for access.
Land South of A507, west of A10 Buntingford.

We refer to the amendments to the above mentioned planning application. The opinion of the Town Council is that the amendments have done nothing to address our initial concerns and the contents of our letter dated 5th August 2024 remain valid, (copy attached).

We would draw your attention to earlier representations from Herts Highways who object to the application on the grounds that the proposals are not sustainable and Thames Water who state that the foul water network does not have sufficient capacity to support the proposed development. We also note the contents of the submission by East Herts Planning Policy team (21st February 2025) in relationship to employment land. It is a historic fact that the new developments around Buntingford in the last 10 years which have offered employment, this element has not materialised, except for a First School located on the old Sainsbury Warehouse site. In fact, one parcel of employment land to the west of Ermine Street, adjacent to the Park Farm Industrial Estate was allowed residential development.
All of the above reinforces our opinion that the proposed development is not sustainable and is inappropriate. In addition, there is no evidence to suggest that our concerns with connectivity have been addressed.

We note that East Herts Council cannot demonstrate a five year housing land supply thus rendering development plans out of date. The Town Council are of the opinion that the decision on these proposals should not be by governed by and approved for this reason alone. The NPPF Paragraph 11 states that if development policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework, having particular regard to key policies for directing development to sustainable locations and making effective use of land. The site in question is not in a sustainable location and the proposals will have an adverse impact on the town of Buntingford and its residents, this significantly and demonstrably outweighs the benefits of the proposals.

Yours faithfully

[redacted]

Mrs Jill Jones
Town Clerk

Response 5th August 2024.

3/24/1255/OUT Outline planning application for development of employment land (flexible use B2,B8, E(c) and E (g), informal open space, associated works and infrastructure including new access from A507, with all matters reserved except for access.
Land South of the A507, West of A10, Buntingford.
This application differs from other recent development proposals in that the site falls outside of the Settlement and Parish Boundary of Buntingford. The current proposals fall within the Parish Boundary of Aspenden but are outside of and someway from the Aspenden Settlement Boundary. However, the site does fall within the Buntingford Community Neighbourhood Plan area and the proposals will have a significant impact on the town of Buntingford. Buntingford Town Council strongly objects to the proposals on the policy grounds as detailed within this document. There is an adopted District Plan in place which does not include the site under consideration. This submission of this application closely follows the submission of application 3/24/0966/OUT which is for 600 dwellings on land adjacent to this site on the opposite side of the A507 but also to the west of the A10. It is to be questioned whether this application would be considered viable by the developer should 3/24/0966/OUT not proceed.
Historically, employment land that has been included as part of development proposals has not been taken up by businesses. This was the case with development at the former Sainsbury's Distribution Centre, the proposed employment land now housing a new first school. Additionally there is currently 3ha of employment land at the Buntingford Business Park that has not been utilised.
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 VILL3
Aspenden is classed as a group 3 Village within the East Herts District Plan. Policy VILL3 states that development should be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality.
Policy VILL4
The site has not been identified as an employment area within Policy VILL4.
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 commercial development which cannot be regarded as exceptions within the policy
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)

The site is outside of the Parish and Settlement Boundary of Buntingford and outside of the Settlement Boundary of Aspenden and is contrary to policy BE2 of the BCNAP which restricts main industrial sites to five named sites and the proposals adversely affect the attractiveness of the local countryside.

The proposals are contrary to Policy BE2

Policy BE4 of the BCANP supports hubs or clusters of businesses which is aimed at small business hubs and not B8 use.

The proposals are contrary to Policy BE4.

Wastewater/ Foul Drainage/Surface Water Drainage

Our response to these issues are outlined in our response to application 3/24/0966/OUT.

Biodiversity

Whilst we do not have the expertise to comment on the Biodiversity Net Gain spreadsheet, we have requested our partners, Herts & Middlesex Wildlife Trust, under separate cover, to submit their comments to the LPA for consideration.

As per Policy ES7 of the BCANP. Bio-diversity net gain must be compliant.

National Planning Policy Framework

The NPPF Chapter Para 12 states

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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.

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 employment sites.

The proposed site would be isolated by two major Roads the A10 & A507 on the outskirts of Buntingford. In effect it would be a separate settlement extending into a rural area

The site is entirely open agricultural land forming a clear and well-defined boundary to the built-up area of Buntingford. It is noted that 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.

The Submitted Jubb Transport Assessment makes no mention of a recently implemented weight restriction on the A507 from Baldock to Buntingford which restricts vehicles above 7.5 tonnes to access only. The creation of this facility will give rise to a significant number of Heavy Goods vehicles accessing the site from Baldock, thus that undermining the implementation of the weight limit and exacerbating a situation that it was trying to alleviate.

S106 Agreement.

Should the application receive approval either from EHDC Planning or a subsequent appeal, it is crucial that the town benefits from the intrusion of development on land to the West of the A10 bypass.

East Herts District Council will be submitting itemised S106 requirements. In addition to this, the town and surrounding villages are in desperate need of a fully equipped leisure/sports centre.

This centre should include a 25m swimming pool with associated changing rooms, fully equipped gymnasium, two indoor tennis courts, café and exercise/dance studio. We would also 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.

Community Governance Review

In addition to the above, in the event that this application is approved, the Town Council will request that a Community Governance Review be undertaken to bring the application site to within the Parish Boundary of Buntingford. As previously noted, the site is adjacent to the parish Boundary of Buntingford and future residents would be reliant on all services and facilities within the town.