

Mr C Dempster  
Principal Planning Officer – Development Management  
Spatial Planning and Land Use Unit  
Environment Department  
Hertfordshire County Council  
County Hall  
Hertford  
SG17 8DQ

**Appendix VII**  
Vincent & Gorbings letter  
02 March 2017

My Ref: RG/5135  
Your ref: PL/0822/16

02 March 2017

Dear Mr Dempster,

**3FE PRIMARY SCHOOL, LAND ADJOINING FARNHAM ROAD, BISHOPS STORTFORD.  
BISHOPS STORTFORD CIVIC FEDERATION REPRESENTATION**

Thank you for your email dated 6 February 2017 containing the representation of the Bishops Stortford Civic Federation (BSCF) in respect of the above planning application. Apologies for the delay in response as we have been examining the detail of the letter and gathering commentaries from informed parties so as to be clear about the matters raised.

Please read this letter with the benefit of the Civic Federation letter alongside as we will refer to the specific matters raised. The main thrust of the representation which seeks a withdrawal of the application is focused on:

- 1) General points (paras 1-3)
- 2) The timing of delivery (para 4)
- 3) Deliverability (para 5)
- 4) Wider implications (para 6: alternative use of education sites in ASR's 4 and 5, para 7: transport assessment, and para 8: ecological implications)
- 5) Interim arrangements (paras 9-10)
- 6) Traffic implications (para 11)
- 7) Conclusion (paras 13 and 14)

We will address each of these matters in turn having regard to the specific matters raised.

**General point and timing of delivery (para 3 and 4)**

HCC Children's Services have provided the following response to this matter:

*The County Council has a statutory duty to ensure a school place for every child in its area who wants one. It expects new developments the size of Bishops Stortford North (BSN) to provide primary schools within them to serve the needs of those new communities and has secured land and some s106 developer contributions to ensure the appropriate education infrastructure can be delivered at BSN.*

*The County Council's preferred strategy is the delivery of two larger primary schools to serve the development as a whole. Although a 1form entry primary school on ASR5 would be well located to serve the new families moving into this development, it risks long term sustainability issues in light of its size, the anticipated scale of pupil yield arising from the development (expected growth of around 4 pupils per year group in the first year of occupation, slowly rising to a peak of 0.7fe around 2027) and its geographical location on the edge of Bishops Stortford. A 2fe and 3fe pattern of primary provision offers enhanced opportunities for an improved educational offer alongside greater future sustainability for the families who will occupy the new homes in BSN, as well as better value for money in the short and longer term.*

*We continue to work closely with both Countryside Properties and the BSNC to understand both house developers' programmes to ensure that contingency arrangements are identified in line with the anticipated yield in advance of new school provision being available. The County Council is currently consulting on the proposal to enlarge St Joseph's primary school from September 2018. This will expand primary capacity in the town permanently by 0.5fe and, as this is a faith school and therefore recruits from across the town, it is anticipated it will result in a geographical spread of additional places, and ensuring sufficient places in the short term for new families moving into the Bishops Stortford North development in advance of the new schools being open. Please see attached report to Cabinet on **Additional school places 20.02.17 (attached)**.*

**Deliverability (para 5)**

HCC Estates have provided the following response to this matter:

*BSCF are quite right to point out that anyone can lodge a planning application on any site regardless of ownership as this is the case in law. That said the County Council as a public body would not engage in such an action without an understanding with the landowner that they would positively engage in discussions to acquire a site and that they were supportive that in due course a planning application would be made. That decision was reached by Hertfordshire County Council Cabinet in a report on **BSN Primary School Strategy and Proposed Acquisition of Land at Farnham Road 14.12.15** in which it was stated that the town council has indicated that in principle it would be willing to transfer ownership of the*

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*site to the County Council for education use provided that it obtains a proper value from such a transfer.*

*Since that report the County Council, using its' delegated authority from that decision, has been negotiating with the Town Council to agree terms. In the update report to Cabinet on **Additional School Places 20.02.17 attached Appendix 09A** an update was given that whilst those negotiations are still in hand recent information indicates that during 2017/18 land and planning contracts could be exchanged to enable the County Council to be able to consider formally moving...to the desired strategy of a 2FE School to serve the western neighbourhood [for which the County Council has already secured detailed planning consent] and a 3FE school to serve the eastern neighbourhood [which is the subject of this planning application].*

### **Wider implications (para 6)**

HCC Estates have provided the following response to this matter:

*The matter of what capacity the reserve school sites (ASR 3 and ASR 5) might generate should they be confirmed for residential development is not a matter for this planning application nor should it be a determining factor as to whether this application is or is not acceptable. These matters regarding capacity and alternative use are simply not material to this application and must be disregarded.*

### **Wider implications (para 7)**

Stomor Ltd (Highway Consultants in respect of the 3FE School planning application) have provided the following response to this matter:

*The TA used information from the TAs associated with the BSNC and ASR5 applications to ascertain the impact of their respective developments. The TA submitted as part of the ASR5 development assessed a residential development of up to 450 dwellings. Subsequently, the ASR5 proposals were revised to 329 dwellings with a school included, or 369 dwellings if a school is not included. Therefore, the information from the ASR5 TA for 450 dwellings is considered to be robust as it allows for the scenario where no school is developed on the ASR5 site.*

*The BSNC TA considered a development of up to 2,200 dwellings plus employment areas and two primary schools, which was modelled alongside the 450 dwelling ASR5 development. The area of the school site on the ASR3 development equated to 2ha which, based upon 40 dwellings per hectare, equates to potentially 80 dwellings. Due to the size of the BSNC development, an additional 80 dwellings is unlikely to have a significant impact on the transport model. Nonetheless, the ASR5 development TA assessed 450 dwellings compared to 369 dwellings identified on their planning application (a difference of 81 dwellings). Therefore, it can be argued that the transport model for the two developments would have overcompensated enough to allow for the potential development of houses on the previously school allocated sites.*

### **Wider implications (para 8)**

ELMAW Ltd (Ecological Consultants in respect of the 3FE School planning application) have provided the following response to this matter:

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*The BSCF open spaces statement highlighted in paragraph 8 of Wider Implications regarding BS Natural History Society's concerns regarding a nature reserve makes 'no provision for it in the application ...' is incorrect.*

*As we detailed in our response to BS Natural History Society, the application makes provision not only to mitigate impacts on protected species which includes the translocation of reptiles, but provides a large, ecologically-enhanced wildflower area (which is predicted to be colonised by reptiles) and new hedgerow planting. The application commits to the long-term management of these created biodiversity areas which will be conditioned to ensure their deliverability. Whilst we would concede that this biodiversity area will not be open to the public but would be used as an educational resource, it will be, by defacto, a 'nature reserve'.*

*It should also be noted that in their consultation response the Herts and Middx Wildlife Trust have indicated that application of the DEFRA Biodiversity Impact Calculator shows that the development achieves a net habitat gain in biodiversity units of 1.74. This calculator should be routinely applied to all appropriate development to consistently and objectively measure ecological impacts. Without it assessment is subjective and not repeatable or fair. Its application legitimises the otherwise subjective claim within the ecological report that;*

*'The proposed mitigation measures are considered proportionate and appropriate to the predicted impacts, based in part on the protective requirements of legislation, the demonstration that the development will result in no net loss of biodiversity and will provide a biodiversity gain.'*

### **Interim Arrangements (paragraphs 9-10)**

Herts CC Children's Services has provided a response to this matter:

*Over each of the last 5 years, the County Council has implemented a primary expansion programme, creating over 53 permanent forms of entry in areas experiencing a significant increase in the primary aged population, as well as increasing capacity on a temporary basis to meet peaks in demand.*

*Until recently, although pupil forecasts have indicated a close match between demand and the number of places available in Bishops Stortford, the County Council has not brought forward any plans to permanently enlarge existing schools. Instead, it's strategy has been to manage fluctuations in demand through contingency planning, with existing schools offering additional places should the level of demand from actual primary applications deem it necessary.*

*This approach has been informed by forecasts of pupil demand and sits within the wider strategy which provides for 5fe of new primary school provision within BSN in the next few years. In this context, the County Council must carefully consider its investment priorities to ensure appropriate use of valuable capital resources whilst also ensuring it plans sufficient places to meet long term need.*

*As indicated, the current proposal to enlarge St Joseph's primary school will provide an additional 0.5 form of entry from September 2018 and would assist in addressing demand from the initial occupation of new dwellings in ASR5.*

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*Countryside Properties current programme advice indicates first occupations at the end of 2018. Should this timetable be adhered to, ASR5 is anticipated to yield around 0.4fe of primary aged pupils by 2021, by which time the St Joseph's proposal (should the statutory enlargement be approved) will have been implemented and by when the new 2fe school in BSN Western neighbourhood is planned to be open. All this is caveated with the recognition that developer programmes continue to be uncertain and therefore the County Council's strategy for the provision of sufficient school places remains fluid and continues to be under review.*

**Traffic implications (paragraph 11)**

Stomor Ltd (Highway Consultants in respect of the 3FE School planning application) have provided the following response to this matter:

*As stated above, our development considered the impacts of the BSNC, ASR5 and adjacent Rye Street developments within our assessment. The school generated traffic was considered in addition to the local developments generated traffic i.e. school traffic is added to the traffic from BSNC, ASR5 and Rye Street developments, although it is considered that the majority of the school traffic would be included within the traffic generated by the developments.*

*The ASR5 TA does not include any of the BSN development primary schools and assesses the impact of a 450 residential unit development with parents travelling to the existing schools within Bishop's Stortford.*

**Conclusion (paragraphs 13 and 14)**

Herts CC Children's Services has provided a response to this matter:

*The County Council has a policy preference for primary schools of at least 2fe in order to ensure long term sustainability both financially and educationally. Small schools are at greater risk of fluctuations in demand and the subsequent pressure low pupil numbers places on resources.*

*As outlined above, the pupil yield arising from occupation of new dwellings in ASR5 is likely to grow gradually over time, not expected to peak at 0.7fe until around 2027. The County Council needs to ensure sufficient flexibility to build the school in a timely way to ensure we get the balance right of meeting demand as local as possible but at a school that will be sustainable to meet for the long term needs of the BSN development.*

We hope that this response satisfactorily addresses the matters contained in the BSCF representation and gives the necessary assurance that there are no planning matters material to the determination of the planning application that warrant a withdrawal of the application.

Please do contact the undersigned for further information if required.

Yours sincerely



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