

# **Appendix 13:**

## **Representations by Right School Right Place**



Right School Right Place  
c/o Downs Solicitors LLP  
15a High Street  
Cobham, Surrey  
KT11 3DH

(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Spatial Planning

Date: 9 October 2017

Ref: PL/0866/17

Dear Sirs,

I write to you in connection with the Planning Application (reference above) which has recently been submitted to the authority.

I write as both resident and Chairman of a Residents Group, Right School Right Place (RSRP), which has been concerned about the proposals that have led to this application since the Council first declared publicly its intentions (September 2013). There is a specific matter which our organisation wishes to bring to your immediate attention and this communication is primarily concerned with that – it does not cover aspects which we are collectively and individually reviewing and it is our intention to make full representations in due course. If this communication in any way precludes subsequent representation, you should return this letter to us immediately along with guidance on the nature of how you accept representations.

The reason for the communication at this time is that we have concerns about a specific aspect of the application, which if correct have significant consequences and therefore, in our view, should be addressed immediately.

In our review (of the submitted material) to date we have noted the Application at sections 25 and 26 contains a declaration by Mrs Ruth Gray of Vincent and Gorbing in the capacity of Agent for the Applicant. There is a declaration date attributable to Mrs Gray of 11<sup>th</sup> September 2017. Section 25 entry, entitled Certificates, asserts that Mrs Gray, in her capacity as Agent, certifies that nobody except The Applicant was the owner of any part of the land to which the application relates 21 days prior to the declaration date i.e. on 21 August 2017 this condition was fulfilled.

We would expect Land Registry records to reflect this ownership. This was not the case in late September – the land identified by HCC for possible acquisition in 2013/2015 falls under title number HD453098 and at the time of submission of the Planning Application showed different registered Owner(s) than the Applicant.

Separately I submitted a Freedom of Information request to the Council, via [whatdotheyknow.com](http://whatdotheyknow.com) where the request and response are visible in the public domain, the response to which was made on 21 September 2017, HCC Reference

EIR/RAP/09/17/14182, and stated that HCC purchased the land concerned on 25<sup>th</sup> August 2017.

It therefore follows that if HCC purchased the land on 25 August 2017, it was on this date that it became the owner and that it was NOT the owner 21 days before the declaration date of 11 September 2017. As such the certification appears to be false, under which circumstances the Planning Authority – in this case Hertfordshire County Council – should not have accepted the Application.

I, on behalf of both RSRP and individually, therefore ask that you immediately investigate this apparent breach of conditions of application and if found to be correct then act with immediate effect to prevent the progression of what would be an illegal application.

It is our view that the minimum response called for in such circumstances is the immediate withdrawal of the application (PL/0866/17), following which we would expect that the Applicant has a choice to re-submit, either with or without modification to the suite of supporting documents, or to abandon its application. We note there is an associated lack of definition about the applicant within the application and web declaration. The latter identifies the applicant as "HCC", the form identifies the applicant as "Hertfordshire County Council / Educational Skills Funding Agency". Apart from the two differences of identity of the Applicant we are taking this opportunity to draw your attention to an apparent error in the submission in box 1 in so far as we are not aware of any public body called the 'Educational Skills Funding Agency' - we believe that this may be a simple error for Education and Skills Funding Agency, which although minor is unfortunately indicative of the manner in which this application has been brought forward and potentially would also invalidate an application. It should also be noted that the Katherine Warrington School, the operating name for the proposed development chosen by the operating Trust – Harpenden Secondary Education Trust (HSET) – has, on its website, published information stating that it together with the ESFA has submitted plans to the County Council, creating the impression that HCC is not an applicant.

We would further draw your attention to the submission under a Call for Sites to St Albans District Council in mid-2016, a developer identification of part of the site in question as potential housing. Neither the Council's previously published material, nor the description at section 4 of this Application identify this element.

We are also aware that the notification process associated with this application has been fraught with notifications apparently being made on various dates between 26 September and, to date, 6 October – the first being the first recorded reference on the Council's planning portal – two weeks after the application declaration date while the last being the posting of official notices on the site boundary (which are dated 6 October). There has been further confusion over the consultation period with a closing date of 31 October 2017 having been initially declared on web, prior to making available supporting documents through to 14 November 2017 which has multiple consultation periods depending on which means of notification applies but resulting in approx. 5½ weeks for last notifications. On the basis that the ownership issue requires withdrawal and re-submission we would ask that HCC provides much clearer and consistent notification and consultation periods, preferably identifying the duration of any consultation and the period over which it is expected to run.

Given the volume of material published, the fact that a consultation of sorts has commenced and that there may be a legal obligation to withdraw and resubmit we would further ask that the Council makes absolutely clear what the status of the documents supporting any application are – in particular if these are identical (and therefore do not require those who

have examined submitted documents to do so again), whether there are any changes to specific documents and the status of any comments submitted to date to PL/0866/17 application. We specifically note that notification has gone out to other public authorities, in some cases requiring generation of related legally binding documents. In particular we are aware of St Albans District Council's obligation to produce a matching registration of the application, which will be rendered invalid if PL/0866/17 is invalid. We expect the County Council to advise SADC and any other such body it has so notified of any changes that are required as a consequence.

It is our expectation that as a matter of good practice that appropriate action will be instigated. We note that this includes potential fine to an applicant for false declaration and we would expect that HCC would wish to fully investigate how its processes have apparently failed in this matter. We would be grateful if you could respond to us identifying what specific action the Council is taking in respect of the application, any penalty it intends to impose and any internal/external review it is commissioning as a result, along with proposed timetable. Assuming that such actions can be seen to address any issues within Council process for such matters, we expect that it would not be necessary for us to raise a formal complaint, but we reserve our position on this aspect. We confirm that we are happy to provide further information if this is of benefit to the Council.

We are enclosing copies for both Spatial Planning, who we understand to be handling the Planning Application, and for Legal Department / Monitoring Officer given the apparent failure of process.

As per our recent related complaints (which have a clear link in subject matter) we are asking for your responses to be directed to our representatives, who will ensure we are notified.

Yours Faithfully



David Cairns (Chairman Right School Right Place / Hertfordshire resident)



18 OCT 2017

Right School Right Place  
c/o Downs Solicitors LLP  
15a High Street  
Cobham, Surrey  
KT11 3DH

(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Spatial Planning

Date: 18 October 2017

Ref: PL/0866/17

Dear Sirs,

I write to you in connection with the Planning Application (reference above) which has recently been submitted to the authority.

I write as both resident and Chairman of a Residents Group, Right School Right Place (RSRP), which has been concerned about the proposals that have led to this application since the Council first declared publicly its intentions (September 2013). The following relates to specific matters which our organisation wishes to bring to your immediate attention and this communication is primarily concerned with that – it does not relate to aspects which we have previously raised (in our letters of 9, 16 October) nor does it preclude matters we may note while we are continuing our collective and individual reviewing and it remains our intention to make full representations in due course. We note that no responses have been received to date in respect of the previous letters above, and therefore we consider this, and any subsequent communication do not preclude further communication / representation in this matter.

The reason for the communication at this time is that we have further reviewed some documents and believe there are further very significant potential errors and omissions in the current information that potential preclude full and fair evaluation of the proposals for the purposes of consultation. These relate to one area and are addressed in one specific document, with two other documents covering a related aspect. We believe these errors/omissions are sufficiently significant as to warrant drawing these to your attention now.

**Education Needs Statement** (Harpenden education needs statement September 2017 110917 FINAL)

At the time of writing (18 October) no apparent changes – additions or amendments – have been made to the above document. The version in the supporting documents is dated 14 September 2017, 10.46am, while the 'date filed' shows 28 September. We understand this to be the date on which the document would have been made publicly available.

We note section 1.10 which states "This document has been prepared to support a detailed planning application for a new secondary school on land to the north of the Lower Luton Road

Harpender". We further note that no historic Needs Assessment, in particular any Needs Assessment produced in support of either the reports into this matter published in January 2011 or February 2015 have been presented in support of the application. Similarly no Needs Assessment has been published relating to the area at the time Hertfordshire County Council initiated proceedings to give authority for land purchase related to this matter (Summer 2013). We therefore conclude that HCC, in their role as Applicant / Joint Applicant, are submitting this evidence as the sole evidence on which it is basing its case of Need.

Section 2 of the document outlines the function of HCC and that it has specific forecasting model which it has used for some time for the purposes of determining shortfalls and surpluses in school places. We acknowledge that this methodology has been employed by HCC in this way and would go further in saying that HCC place high reliance on the model for projects across the County – the direct output of the forecast modelling has been produced and made public for many years and submissions to the Local Planning Authority reference both the model and its public publication.

Sections 3.5 – 3.10 address the Demand for the school, which has previously been addressed as direct output from the forecasting model above. For this application HCC (as Applicant) has departed from its established practice as noted in sections 3.9, 3.10 which state "It is therefore necessary to consider the level of demand which would have been shown, if different trend data had been used in the calculation." The evidence submitted then states that HCC has adjusted its forecast for the purposes of this planning application.

We note that no supporting evidence of the scale of the adjustment proposed by HCC (as Applicant) has been provided. In essence an unspecified number of pupils have been added to this forecast. This represents a departure from accepted practice and separately we can find evidence of approval – through the applicant's established processes of Cabinet Panels – of a change in modelling method. Further we see no evidence that any Panel has authorised departure from standard practice to be delegated to Officers, and there is no specific approval in a Panel for these figures. The matter is compounded in so far as the routinely produced forecasts are radically different – the current forecast on the Applicant's website being described as 'Summer 2016-17' forecast. In practice HCC would, by now, have published its 2017-18 forecast and, as of time of writing this has not occurred.

We consider that while the information in the standard forecast should accompany this application, along with a quantified statement of any non-standard changes affecting the application support material, there would be a secondary comparison of the base information for the year had HCC published its full forecast. This is particularly pertinent as there change affects adjacent areas according the description provided. Normally the forecasts are available from June/July each year, and are subject to an Autumn update – therefore not only is 2017-18 forecast significantly overdue, the previous forecast has not benefited from its Autumn update.

We therefore submit that it is impossible to form a judgement for the purposes of submission of representation about this matter when fundamental information has not been provided by the Applicant (HCC). In this instance this goes to the heart of the matter in respect of Very Special Circumstances which is reliant on demonstration of Need. This is therefore a foundation stone for the whole application.

Please be advised that we consider this is an unacceptable failing on the part of HCC as an applicant and will be pursuing this matter directly with the Council. The range of interpretation of the actions of the applicant (HCC) include whether the applicant has knowingly permitted unsubstantiated evidence to be submitted to the Planning process.



Unless the Spatial Planning department is fully satisfied that this is not the case then the criticality of the evidence to the case would suggest that the application be withdrawn and not resubmitted until such times as a substantial base of evidence is made available. We therefore ask you give this matter your immediate attention.

The question of need also cascades into the issue of location of need, which HCC (as Applicant) appears to have chosen to address in the Transport / Traffic sections. It is our belief that the local Need question should in fact appear in the Needs assessment area and that there is prior evidence within HCC that this is the appropriate forum for its consideration (reviewed under prescribed Scrutiny processes). HCC (as Applicant) has however chosen to address this within the transport section. The document Katherine Warrington School TA Final Issue is one of two that identify where pupils will travel from (section 6.1.2) with source identified: "The full methodology utilised by HCC Children's Services is described in the 'Forecast of pupil places for Transport Appraisals' (HCC, 2014b) report, with the projected pupil distribution shown on the plot included as Appendix 7 ...." As we have already pointed out Appendix 7 is missing, furthermore the supporting reference is not included with the Planning Application documents and the same document indicates, like the Needs modelling above, that the method of analysis is untested "In order to predict the catchment area of the proposed school, a bespoke methodology was assembled by HCC Children's Services department and informed the 'Highway and Access Feasibility Study' (Stomor, 2015b) undertaken for the site." (section 6.1.1) Again the reference is not readily available to the application.

In essence there are therefore two fundamental matters which are characterised by unsupported evidence and represent departures from standard practice. This reinforces the case for immediate consideration.

### ***Other Content***

As per previous indication we are continuing to review documents and note that the application falls in two wards – Harpenden North East, which is identified and Harpenden Rural (Wheathampstead Parish) which is not identified and apparently the local Member is uninvolved. The Northern aspect, abutting a Conservation area, is the affected segment.

We consider the above matters are sufficiently significant to warrant discontinuance of the current process.

As per our recent related complaints (which have a clear link in subject matter) we are asking for your responses to be directed to our representatives, who will ensure we are notified.

Yours Faithfully



David Cairns (Chairman Right School Right Place / Hertfordshire resident)



**Letter of 16 October 2017:**

Right School Right Place  
c/o Downs Solicitors LLP  
15a High Street  
Cobham, Surrey  
KT11 3DH  
(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Spatial Planning

Date: 16 October 2017

Ref: PL/0866/17

Dear Sirs,

I write to you in connection with the Planning Application (reference above) which has recently been submitted to the authority.

I write as both resident and Chairman of a Residents Group, Right School Right Place (RSRP), which has been concerned about the proposals that have led to this application since the Council first declared publicly its intentions (September 2013). The following relates to specific matters which our organisation wishes to bring to your immediate attention and this communication is primarily concerned with that – it does not relate to aspects which we have previously raised (in our letter of 9 October) nor does it preclude matters we may note while we are continuing our collective and individual reviewing and it remains our intention to make full representations in due course. We do not consider this communication in any way precludes such subsequent representation, if you consider otherwise you should return this letter to us immediately along with guidance on the nature of how you accept representations.

The reason for the communication at this time is that we have reviewed some documents and believe there are potential errors and omissions in the current information that potential preclude full and fair evaluation of the proposals for the purposes of consultation.

In our review (of the published material) to date we have noted the following in relation to specific documents:

***Education Needs Statement*** (Harpenden education needs statement  
September 2017 110917 FINAL)  
A – Missing section 3.1 within the document

It is our expectation that as a matter of good practice that appropriate action will be instigated. We note that this includes potential fine to an applicant for false declaration and we would expect that HCC would wish to fully investigate how its processes have apparently failed in this matter. We would be grateful if you could respond to us identifying what specific action the Council is taking in respect of the application, any penalty it intends to impose and any internal/external review it is commissioning as a result, along with proposed timetable. Assuming that such actions can be seen to address any issues within Council process for such matters, we expect that it would not be necessary for us to raise a formal complaint, but we reserve our position on this aspect. We confirm that we are happy to provide further information if this is of benefit to the Council.

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David Cairns (Chairman Right School Right Place / Hertfordshire resident)

*Developments (9 October 2017 matters)*

- *Certificate A issue – additional Certificate B added 26 October 2017. This certificate (B) is dated 13 October 2017, but is presented as having been checked as part of complete application which retains a signature from Ms Ruth Gray dated 11 September 2017, some 5 weeks before the date attributed to Certificate B and a further 2 weeks before publication. This fails to address the issue of ownership in accord with requirements.*
- *The application was not rejected or withdrawn in response to this error. A revised issue did take place on 26 October 2017, with a shorter 21 day period for consultation. This was attributed to a different reason.*
- *Correct identification of the Education and Skills Funding Agency (a co-applicant) was made on 26 October by way of amendment to frontsheet of application.*
- *No comments received on role of Katherine Warrington School, the Trust – HSET. Or the structure of the relationship between co-applicants has been noted*
- *Confusion over the end of consultation was initially clarified then amended, but not in all areas, to 16 November 2017 (from 14 November 2017). No explanation has been offered for the variety of commencement dates between 28 September 2017 and 6 October 2017 (site boundary notices). It is noted that 'new commencement dates of 26 October 2017 only appeared in Press and site notices.*

of identity of the Applicant we are taking this opportunity to draw your attention to an apparent error in the submission in box 1 in so far as we are not aware of any public body called the 'Educational Skills Funding Agency' - we believe that this may be a simple error for Education and Skills Funding Agency, which although minor is unfortunately indicative of the manner in which this application has been brought forward and potentially would also invalidate an application. It should also be noted that the Katherine Warington School, the operating name for the proposed development chosen by the operating Trust – Harpenden Secondary Education Trust (HSET) – has, on its website, published information stating that it together with the ESFA has submitted plans to the County Council, creating the impression that HCC is not an applicant.

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which we are collectively and individually reviewing and it is our intention to make full representations in due course. If this communication in any way precludes subsequent representation, you should return this letter to us immediately along with guidance on the nature of how you accept representations.

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It therefore follows that if HCC purchased the land on 25 August 2017, it was on this date that it became the owner and that it was NOT the owner 21 days before the declaration date of 11 September 2017. As such the certification appears to be false, under which circumstances the Planning Authority – in this case Hertfordshire County Council – should not have accepted the Application.

I, on behalf of both RSRP and individually, therefore ask that you immediately investigate this apparent breach of conditions of application and if found to be correct then act with immediate effect to prevent the progression of what would be an illegal application.

It is our view that the minimum response called for in such circumstances is the immediate withdrawal of the application (PL/0866/17), following which we would expect that the Applicant has a choice to re-submit, either with or without modification to the suite of supporting documents, or to abandon its application. We note there is an associated lack of definition about the applicant within the application and web declaration. The latter identifies the applicant as "HCC", the form identifies the applicant as "Hertfordshire County Council / Educational Skills Funding Agency". Apart from the two differences

Evidence that forms RSRP responses to the planning application or other communications is therefore collated and presented from the many ways our membership and participants feel able to have their say. This includes collating letters, notes, conversations, hand-written comments or opinions expressed in public fora. A more detailed collation of planning and information responses from these wide ranging sources is being prepared for inclusion in a subsequent RSRP planning response submission.

<http://www.rsrp.co.uk/>

## **Appendix 2**

A number of letters have been submitted to Spatial Planning by our group covering matters in the application. The majority were to Spatial Planning alone, though some were to Spatial Planning and other departments of HCC. The letters are repeated below, along with an update of changes including any responses or additional material provided to the Application data. Items are dealt with chronologically.

### **Letter of 9 October 2017:**

Right School Right Place  
c/o Downs Solicitors LLP  
15a High Street  
Cobham, Surrey  
KT11 3DH

(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Spatial Planning

Date: 9 October 2017

Ref: PL/0866/17

Dear Sirs,

I write to you in connection with the Planning Application (reference above) which has recently been submitted to the authority.

I write as both resident and Chairman of a Residents Group, Right School Right Place (RSRP), which has been concerned about the proposals that have led to this application since the Council first declared publicly its intentions (September 2013). There is a specific matter which our organisation wishes to bring to your immediate attention and this communication is primarily concerned with that – it does not cover aspects

## **Appendix 1**

**Right School Right Place (RSRP)** is a group made up of concerned residents in the wider Harpenden Schools Planning Area who support the need for a new district school (or other appropriate and sustainable routes to timely school place provision). RSRP is committed to sharing impartial information on the new school debate with a focus on community engagement, analysis, dissemination and transparency.

Centralised or internet-based engagement potentially excludes large sectors of our community. Significant effort is therefore put into delivering equal access to information and participation in order to reduce the effect of potentially discriminatory practice by others. RSRP recognises that potential members and participants are from a variety of backgrounds is committed to equality of access and participation. RSRP acts as a voice for communities and residents, including those who may be described as hard-to-reach. This includes helping members access, process or respond to information made available by County or other school-related organisations/groups, including the very large amount of planning documentation currently coming into the public domain.

Founded in 2013, RSRP membership is currently significantly over 1,000 active participants (that we can identify) with high concentrations in East and North Harpenden, Wheathampstead, Kimpton and villages to North East of Harpenden. There is a formal committee, a defined set of agreed terms, regular meetings and AGM with audited accounts and other formalities associated with a properly formulated not-for profit organisation. Membership is measured via a number of criteria:

- Committee members
- Individuals who sign in to one of our events
- Volunteers who help and support our work
- Members of the public who take part in our events, activities and on-line presence.
- Petition signatories including those who have joined in as a result of third party initiatives
- Members of our on-line discussion group
- People who have openly backed our activities in a range of 3<sup>rd</sup> party contexts

**RSRP in the community:** Since 2013 RSRP has organised many community engagement events and activities, including formal public meetings, information dissemination drop-ins, petitions, coffee sessions, table-top sales, plant sales, toy tombolas, quiz nights, newsletters, leaflets and more. We've been a visible presence at events such as Larks in the Parks and Wheathampstead Village Day. In addition to information collation and analysis, since 2013 RSRP has worked in a variety of ways to overcome potential bias from internet-based activities. Of particular value is our role in local information sharing and engagement, specifically where County or other interested parties have declined to bring information and events into affected communities.



The detrimental effect on highways (safety and convenience) is briefly discussed elsewhere, although there appears to be no request for comment/consultation from traffic police or similar. Site access proposals will lead to potential additional safety hazards. Proposals for internal circulation on the site, lack of adequate parking, external access issues, mismatched transport planning and the poor match to local need will create safety hazards, nuisance and additional parking in local streets. Nearby roads are already narrow and constricted and there is already a busy thriving primary school in the area. The proposal would lead to additional and parked vehicles on adopted highway verges/road which will further restrict road widths to the detriment of other road safety, users and neighbouring settlements, including access by emergency vehicles.

While the proposals appear to be for 6FE, school hours only, with no sports lighting, other parts of the planning documentation call for lighting at the top of the hill and state the intention that the school will be in used in and out of school hours, 7 days a week. These conflicts and lack of specification/effect on the community are not clearly defined.

For the above reasons we urge the council to refuse the application.

### **Summary**

At this stage it is our conclusion that there are significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. These are of sufficient scale that the Council has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and submit our follow up representation as indicated above.

Submitted by David Cairns, Chairman Right School Right Place, on behalf of members of our organization.

District Archaeologist, CPRE, recent HCC reporting, a third party letter from Cambridge, Wheathampstead Parish Council and potentially others as attention grows. There is also the issue of potential significant structures/finds identified in the lower portion of the field (in the area potentially allocated for car parking or for excavation as a flood mitigation pond). Given the growing body of evidence, it is essential that all archaeological interventions are completed fully in accordance with national guidance and best practice (something that the District Archaeologist himself has been involved in developing) before any consideration can be given to the validity of the planning application.

For the above reasons we urge the Council to reject the application.

- **Overlooking, loss of privacy, visual amenity, noise, disturbance and other matters**

Our concerns in this matter, which will be expanded within our further representation, include:

The contents of this planning application affect a wide geographic area, given that the site is a prominent green belt site on the edge an otherwise quiet village/residential settings and settlements. The proposals clearly describe something that will have an adverse on the area, including noise, disturbance, overlooking, loss of privacy and overshadowing, traffic and nuisance, to name a few. For example, sports noise and potential lighting at the top of the hill will have direct impact on the listed building that is closest to the sports facilities, and wider impact across the valleys.

The school is a high impact build, highly visible across a wide area, but in particular the sloping site and large building proposed in close proximity to an existing residential setting will be overbearing to nearby houses. The local setting is of historic housing, mill, listed buildings and established housing on sloping sites. Visibility and other impact is not therefore restricted to houses along Common Lane. The modern box structure will be completely out of context, in size and demeanour. In particular, there is unspecified expansion to 8FE which can only add to the size, bulk, overshadowing and more. The buildings are very high in comparison to neighbouring properties, with immediate visual impact in the immediate vicinity and also across a wide area of the rest of Harpenden.

A school in what is essentially a small village will irrevocably affect the character of the neighbourhood from one that is predominantly quiet to one that is potentially busy all day, every day. The design, including bulk, mass and materials shows no evidence of sympathy with the green belt setting or wider community built environment. It is overbearing, out of scale and out of character with the existing development. The loss of views over a wide area of Harpenden is very poorly described within the planning application, and will affect the residential amenity over a wide area. It will have an adverse effect on neighbouring listed or conservation area building and their specified views.



RECEIVED  
27 OCT 2017

Right School Right Place  
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15a High Street  
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KT11 3DH

St Albans District Council  
Civic Centre  
St Peter's St  
St Albans  
AL1 3JE

FAO Planning

Your Reference: 5/2017/2733

Date: 26 October 2017

Planning Application Ref: PL/0866/17 (Hertfordshire County Council) / 5/2017/2733 (St Albans District Council – Proposed Secondary School)

Dear Sirs

We are a residents group formed in 2013 following an announcement by Hertfordshire County Council of its intent to acquire land in Balford, Harpenden for the purpose of establishing a new secondary school. Our members are overwhelmingly residents in the District and are largely based in Harpenden East, Wheathampstead or Harpenden North Wards. We have for some time been campaigning for proper public hearing of the case for a school through a number of channels, including the Local Plan process in St Albans, and there is considerable interest among our members and the local population.

You will probably be aware that for some time Hertfordshire County Council representatives have stated locally that they expected the Planning Application to be brought to District Council in line with similar previous applications. In the event it has now been submitted by HCC as an applicant in conjunction with the Education and Skills Funding Agency (part of DfE) to HCC as a Planning Authority. It is understood that District and Town/Parish Councils will be consulted also and that this would be through the standard cascade process that allows for, and indeed encourages, localised representation.

Our organisation held an open day on Saturday 14<sup>th</sup> October following the publication of notices relating to the application. At this stage HCC had published details, the mirror application in your own portal had been published (ref 2733) with, it has to be said, little to differentiate it as a "consultee" application to the untrained eye. We did clarify that this was the role of SADC prior to our meeting but it was equally our understanding that as such SADC's role in relation to the Planning Authority was akin to that of a Town or Parish Council in relation to when District is the Planning Authority and as such it is open to, and indeed would encourage, resident input to the process. Over and above this basic concept many of our visitors on the 14<sup>th</sup> specifically said they expected a proactive role from District, given the background, the topic and what many felt was a feeling of isolation from the HCC process.

We have had a significant follow up response in the form of multiple letters with common themes from our visitors and others who have heard of the matter subsequently.

We therefore have a total of 87 responses, based on a series of core themes that we had been able to identify from the published information ahead of 14 October, which our members and visitors wish to be brought to the attention of SADC and taken into account in the considerations of SADC consultee process. A number of our members were also puzzled at the apparent exclusion of Wheathampstead Parish Council as a formal consultee when the site is partly in Harpenden East and part Wheathampstead ward with significant works and, arguably very significant impact on the Ward. We note HCC identified Harpenden North East as the sole Ward (and similarly excluded Harpenden Rural), however the neighbour notification list included many Wheathampstead addresses

We note the recently posted comment on the SADC website in the Planning section, to the effect that SADC clarifies its position as a consultee and points out that representations should be made to HCC as part of its hearing process. However as indicated above our members are of the view that their District Council should be aware of their views and incorporate these within their considerations, all the more so when it appears other representation through lower tier authorities will be potentially frustrated through exclusion, or in the case of Harpenden Town Council, delay – HTC announced at their Plans A meeting on 24<sup>th</sup> that they would take the proposal to full Town Council, the next meeting of which is 27<sup>th</sup> November i.e. coincident with your own Planning Referrals Committee where it is understood you will hear this matter. At best this is confusing for members of the public who are left wondering how their concerns will be conveyed by their representatives to the appropriate meeting. We therefore ask that you accept these representations in the spirit in which they are being submitted.

Regards



David Cairns

Chairman RSRP (Right School Right Place)

Encl. 86 representation letters + one envelope believed to contain representation letters



Right School Right Place  
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15a High Street  
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St Albans District Council  
Civic Centre  
St Peter's St  
St Albans  
AL1 3JE

FAO Planning

Your Reference: 5/2017/2733

Date: 27 October 2017

Planning Application Ref: PL/0866/17 (Hertfordshire County Council) / 5/2017/2733 (St Albans District Council – Proposed Secondary School)

Dear Sirs

We are a residents group formed in 2013 following an announcement by Hertfordshire County Council of its intent to acquire land in Batford, Harpenden for the purpose of establishing a new secondary school. Our members are overwhelmingly residents in the District and are largely based in Harpenden East, Wheathampstead or Harpenden North Wards.

We recognise the role of St Albans City and District Council is that of a Consultee in the matter of this application and have focused the detail of our comments on matters that we believe relate to District considerations. It is our intention to make a more substantial representation directly to application process, although we would ask you to note that the sheer volume of information is, in our view, beyond that which it is reasonable to expect lay readers to assimilate. We ask you to note that at time of writing we have raised numerous omissions in the evidence presented in support of the application and that to date none of these have been addressed by the Planning Authority.

We are aware that the requirements for Very Special Circumstances apply to this application, which, if granted, we understand will require removal of land from Green Belt. The requirements of VSC are quite onerous and we are aware that the whole reason for the site being identified and an application being brought forward is driven by an assessment of Need (for school places). Such assessments are provided by Hertfordshire County Council and only by HCC – there is no independent source such as DfE. HCC has declared over years of submissions in support of school expansions and for consideration of Local Plans that its principal source of information is Forecasts produced by Schools Planning, usually produced in early Summer each year and updated in Autumn. These are published on HCC website and have until recently the current version has been 'Summer 16-17 Forecast', however a new version has been added late this week. This forecast also appears to have

the same file title as previous version, but on opening shows 2017-18 interim. The forecasts can be accessed at [www.hertfordshire.gov.uk/services/schools-and-education/at-school/school-planning/school-planning.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_2](http://www.hertfordshire.gov.uk/services/schools-and-education/at-school/school-planning/school-planning.aspx#DynamicJumpMenuManager_1_Anchor_2). The 'current version' that had been displayed for over 12 months and was originally expected to be published in June/July 2016, it was live at the time of HCC's presentation to SADC's PPC in September 2016. The new version, declared (at 27 October) as Summer 16-17 forecast contains different information from previous publications by HCC. The general practice for these forecasts (at Secondary level) is to produce 11 years forward information, albeit that the initial year is often issued after all applications have been processed. The previous forecast followed this format – the interim forecast, noted today, has only 4 years forward data for most of the County – the exception being Harpenden Planning Area for which 10, rather than 11 standard, years are shown. The accompanying 'Meeting the Rising Demand' reports – published on the same page of HCC website – currently (at 27 Oct) retain the 2016/17 Summer planning data – these outline HCC plans and recent changes.

The forecasts are produced in areas, which are different to Priority areas that are used to guide the allocations process. In this instance the Schools Planning area is HCC reference 11, which is centred on Harpenden; the priority area for residents is larger and is based on St Albans District, and includes the 'St Albans' Planning Area, which effectively is the Southern half of the District. There are therefore three sets of current figures relating to the Planning Application that are in circulation – the Rising Demand forecast – as published at time of submission of Application to HCC; the Interim forecast – as published on or about 27 October and severely curtailed from standard practice and the figures that are published in the Application. These are shown in Appendix 1 to enable comparison – the figures submitted in support of the Application are contained within section 3 of the Education Need Assessment provided as a support document.

There are wild variations in the forecast information provided. Overall HCC have previously claimed figures are accurate to 1%. In practice HCC have declared that they have had to amend the forecasts for the Application – the reasoning is outlined in sections 3.5-3.11. HCC (as co-Applicant) has departed from its established practice as noted in sections 3.9, 3.10 which state "It is therefore necessary to consider the level of demand which would have been shown, if different trend data had been used in the calculation." The evidence submitted then states that HCC has adjusted its forecast for the purposes of this planning application.

There is no supporting evidence for the scale of the adjustment proposed by HCC. In essence what appears to be an unspecified number of pupils have been added to this forecast. This represents a departure from accepted practice and separately we can find no evidence of approval – through the applicant's established processes of Cabinet Panels – of a change in modelling method. Early analysis of the newly released data suggests this is no more than a crude percentage (we deduce 8.69%) added to the forecast model run for 2017/18 in HCC's standard manner – the derivation of the figure is not given.

In section 3.7 of the Needs Assessment HCC identify a move of pupils from Harpenden to St Albans as a major contributory factor to change of dynamic. In practice there is an underlying factor for children who attend particular types of school – single sex, particular Faith etc – which are only available in St Albans and serve the whole Priority Area, including Harpenden, e.g. St Albans Girls School, and the regular demand for such places is not differentiated. It is known that short term places were provided at Sandringham School for the past three years – 25 places were offered in 2015 & 2016 and 55 places were offered in 2017 – however these were initially offered to Wheathampstead resident pupils in the first two years and in 2017 40 were ring fenced for Wheathampstead, 15 for Harpenden – of

these 31 were taken up by Wheathampstead and 4 from Harpenden. (see Appendix 2 for extract from HCC published Allocations data – after Continuing Interest Round 2 2017-18 entry).

This highlights another issue – how much of Harpenden is in Harpenden Town? In practice HCC's Planning Area includes two out of District areas – Hemel Rural North (Dacorum) and The Waldens (North Herts). HCC directs pupils from these areas towards Harpenden for schooling. In the course PPC meetings for the formulation of the Local Plan, RSRP brought to the Council's attention that HCC figures indicate over 700 pupils from these areas are directed towards its Harpenden Schools Planning area, i.e. that more than half a school comes from out of District – a point that SADC stated (in PPC) that it was aware of, but not aware of the scale of. The Wheathampstead allocations to Sandringham were instituted because Villages outside Harpenden Town were suffering much poorer admission rates to Harpenden schools than was the case – 80% getting a preferred (ranked) choice (one of four) compared to over 95% in Harpenden Town. In practice Kimpton and villages further North were getting lower success rates than Wheathampstead pupils.

It is our contention that the allocation rules applied by schools adopting HCC's standard lead to disadvantageous outcomes for pupils at distance from a school. In the Harpenden planning area nearly 40% of pupils are resident outside the Town, either in Villages in St Albans District or in villages in adjoining districts / Boroughs. The larger share of these are in the two main villages in the North of the district – Redbourn and Wheathampstead.

We therefore ask 'what is the purpose of the forecast system?' – it is to accurately predict where demand will come from so that resources can be planned to match. Each year HCC produces summary statistics of the ACTUAL applications it received for Primary and Secondary school entry. Appendix 3 shows extracts for the St Albans District as presented by HCC for 2017 entry. What can be seen is that Harpenden Town accounts for around 400-450 pupils - a figure that includes (at secondary) applicants who choose to go to school outside Harpenden's three current schools. In practice our analysis of HCC data shows that there has been a drift up from around 360-380 pupils to around 420-430 in the Town, and there is a short term peak where numbers rose higher. HCC's statistics drawn up for its work by Vincent & Gorbing in 2014/15, analysis of which was submitted by RSRP to PPC between July and October 2016, identified that a 'greater Harpenden' figure peaked at just under 500 resident pupils based on a forecast demand of 820 in peak year – a figure that subsequently reduced to 749 in the last full forecast, of which Harpenden Town's share is approx. 450 (peak). The plans for the school envisage lifting Harpenden based secondary capacity to 750 – essentially meaning 300 pupils per year will be required to travel in to the Town. Over 7 years of schooling this equates to a net inward movement of 1,700 pupils per day.

There are two key issues with this – large numbers of pupils drawn onto very specific traffic corridors when there are more sustainable alternatives if alternative sites are considered; Secondly any change in demand – upward to squeeze places and downwards to threaten removal of what would become excess capacity - will see a return to the disadvantage experienced by distant pupils who will continue to be last in the queue for places due to the distance rules in the allocation system. Due to the physical locations of schools in Harpenden the effects of remoteness are experienced more by pupils to the East than to the West, though both have issues obtaining places.

Under HCC's broad brush approach Wheathampstead was quickly eliminated from consideration for a school, despite, like Redbourn, having been the site of a previous school. Its pupils and those beyond it in Kimpton and Whitwell have suffered repeated bouts of poor

admission success depending on both local demand and on influx of pupils from Out of area when excess places had been available (such pupils can generate Sibling rights which have preference in later years and can lead to displacement of local pupils). SADC is charged with maintaining and promoting the interests of all its residents and those who are dependent upon it under neighbouring practice. It is committed in its policies to providing equality of access – the establishment of a school in close proximity to other schools, all operating similar distance based selection criteria will inevitably perpetuate disadvantage. To meet VSC conditions all reasonable options must have been considered. It is our contention that they have not, they have been artificially excluded by HCC's methodology.

When looking at how HCC has presented supporting information it is clear that it has not analysed its demand and the impact of its proposal to the detriment of large groups of SADC citizens and their children and those of neighbouring Boroughs who are reliant in them. Further analysis of PPC and related matters will show significant unanswered questions about information HCC presented to the Council in September 2016 in support of its claim to have the site added to the DLP – including further deviation from its accepted forecasting practice – this was last reported to PPC in July 2017, when after many years there is still no answer from HCC on the local nature of demand and how this is accounted for.

The question of locality of demand and its impact on Planning / Forecasting has been previously considered by HCC. A county-wide issue has been identified and acknowledged on the basis of a review of Harpenden Education Planning Area undertaken following difficulties. The "Secondary School Place Planning Topic Group" in HCC reviewed the matter from April to September 2006, reporting to HCC's Childrens Schools and Families Scrutiny committee of 11 October 2006. Recommendation 3 within section 5 of the Scrutiny final report called for more granular planning – to parish level - due, amongst other reasons, to risk of error and misrepresentation arising from higher level forecasting in 'hotspot' locations. The recommendations were fully accepted by HCC, changes promised, and indeed lack of progress highlighted in subsequent meetings, but no visible change occurred in the modelling of forecasts either in quieter times or in specific occasions where in effect the findings deemed such change essential. In essence there were reasons why this level of planning was identified and accepted by HCC a number of years ago, but there has been a failure to implement and the current circumstances represent the greatest risk of error and long term irreparable damage through ill-informed decision making that can arise in such circumstances. RSRP has effectively campaigned through public questions to PPC for SADC to demand the level of information identified, but not delivered, by HCC over the past four years as it believes SADC deserves appropriate evidence on which to base a decision which RSRP expects would be wholly different in nature and have greater beneficial outcome for its residents with the benefit of the correct evidence.

It follows that if the school progresses in the wrong place the consequences identified by many other objectors will follow – be this loss of Green, Visual impacts, loss of farming (which has already occurred in part) and very significant traffic issues of both safety and amenity. As VSC requires the root case to be properly prepared and alternatively fully evaluated we ask that SADC insist on this for the greater benefit of its residents in the long term. To do so requires rejection of this application as it stands.

David Cairns

Chairman RSRP (Right School Right Place)

For purposes of local identification my home address (within the District) is 37 Common Lane, Harpenden, Herts AL5 5BT



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(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Chay Dempster, Principal Planning Officer, Spatial Planning

Date: 2 November 2017

Ref: PL/0866/17

Dear Mr Dempster,

Thank you for your letter of 1 November, received this morning. I write to you in response to that letter and again with further matters in connection with the Planning Application (reference above) which has recently been submitted to the authority.

I write as both resident and Chairman of a Residents Group, Right School Right Place (RSRP), which has been concerned about the proposals that have led to this application since the Council first declared publicly its intentions (September 2013).

I appreciate your candour in your response of 1 November, and note the matters raised in previous letters are being addressed. In no particular order, those matters which we consider have been addressed now are:

- Joint Applicant name – the correction of the minor error noted (ESFA now correctly identified)
- Transport Assessment – Appendices 22-28 now located however it is noted that these were loaded under an identity that did not favour ease of identification – having had files listed in sequence part 1, part 2, etc. to suddenly switch to a totally unrelated descriptor '170248-EV-2017369-V1\_Part2' is confusing and offers lessons for future.

I cannot find any trace of the balance of Appendices (3-8) from Transport Assessment and, as attached print of documents shows, there is no change to the original zip folder date, nor any documents listed as 'further information'. A review of those documents with recent dates has not revealed the missing Appendices, which the sequence would have suggested was expected to have been '...part 3'. If these are present can you identify where in the publicly accessible documents associated with the application.

I note the other comments regarding omissions and the actions taken to address these omissions. I note further that this accounts for a substantial proportion of the missing elements and that, by definition, they remain absent from the material publicly available, with over 4 weeks elapsed in the process.

I am further concerned that having spoken to our advisors there is an apparent disregard of Section 327A of Town & Country Planning Act, which I understand states that as a Planning

Authority you should not have entertained an incorrect application. This reinforces our initial submission to you where the remedial action would appear to be simple – withdraw and resubmit as a new application. I further understand that this element of the Act was introduced a few years ago for exactly this type of circumstance.

I am considering this point further, along with the balance of your letter, but thought it worthwhile to advise my views on the above in the interim.

The following relates to specific new matters which our organisation wishes to bring to your immediate attention which are similar in nature (in part) to those raised in our letter of 16 October. It does not preclude further matters we may note while we are continuing our collective and individual reviewing and it remains our intention to make full representations in due course. The reason for the communication at this time is that we have reviewed some documents and believe there are potential significant errors and omissions in the current information that preclude full and fair evaluation of the proposals for the purposes of consultation.

In our review (of the published material) we have noted the following in relation to specific documents:

***Landscape and Visual Impact Assessment and Green Belt Impact Review (FS0448 – TLP-ZZ-XX-RP-L-0810\_LVIA Greenbelt Impact Review)***

- 1) The document references at 6.1.12 on page 23 regarding visual impact that the worst-case scenario of the views was considered, this section further states 'the viewpoint locations were reviewed on site in July 2017'. At no point in the document does it explain how these views were chosen, by who and why they are considered worse-case scenarios.
- 2) On page 3 of the same document in the methodology and assumptions section at 2.1.1 it states, 'The detailed application of these Guidelines, the criteria and categories used, and the assumptions and limitations applied are set out at Appendix 1: Methodology.' This document **does not exist** in the material presented within the application.
- 3) There multiple questions marks on why some points where selected and others were not when assessing visual impact. There were no photos taken from any of the bus stops in direct view of the site which are natural gathering places for people, for example the bus stop on Milford Hill near its junction with Tallents Crescent. Similarly, there are no views from any point on the footpath which borders the eastern site boundary, but there are views from a parallel footpath much further east. It is difficult to comprehend the logic of such choices in the absence of any statement of guiding methodology.

***Architecture: Elevations***

- 4) Particularly concerned that if you followed point 3 (for example) and the assumptions listed in section 2.2.1 on page 3 it draws you to a specific drawing which purports to represent building locations but requires reference to other drawings to assess the height of the buildings proposed. When seeking to do this it is apparent that the drawings with height annotations on them are not to scale, as the scales provided would suggest for example the sports hall is in excess of 20m high, yet the reference levels suggest it is more like 10m (ref 210-06-11-P0479-0210 rev 06 sports centre elevations, which can be found in the elevations section of the architecture set of zip files). However, as the reference levels do not align accurately with build heights on

the plans, it is impossible to form a view. Furthermore, the build height referencing uses ground level heights for the finished development and does not specify the changes to existing levels and therefore it is unclear how any visual assessment within the report can relate to the existing topography. This would appear to be a fundamental omission from the LVIA work.

On checking the information provided as drawing 'FS0448-TLP-ZZ-XX-DR-L-0100' in HCC Document pack, this differs from the information provided as the same drawing number in the copy of the application registered with St. Albans City and District Council (5/2017/2733). The latter provides detail of site contours as existing and post development – unfortunately much of the information is barely legible when opened in a standard screen as a pdf file.

We consider the discovery of further matters (see our letter of 16 October) of a similar nature are sufficiently prevalent and numerous to warrant being beyond an acceptable level of minor checking errors for such a submission, and as such require withdrawal of the application.

We note that despite an immediate need to address such issues identified, those addressed to date have taken 2 weeks to be responded to, and in most cases are not fully resolved. The discovery of further significant gaps in the information provided means it is unlikely that the council will address these before closing consultation. As such we consider we have no alternative but to reinforce our earlier complaint about a similar matter to the Council, and trust that you will pass a copy to your complaints manager, who we understand is within the department. We are unsure if this will classify as additional material in our existing complaint, or will constitute a new complaint – please advise or ask the investigating officer to do so.

As per our recent related complaints (which have a clear link in subject matter) we are asking for your responses to be directed to our representatives, who will ensure we are notified.

Yours Faithfully

A handwritten signature in black ink, appearing to be 'David Cairns', with a long horizontal flourish extending to the right.

David Cairns (Chairman Right School Right Place / Hertfordshire resident)



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(please mark response FAO H Kershaw)

Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
FAO Kathryn Pettitt, Monitoring Officer  
Chay Dempster, Principal Planning Officer, Spatial Planning

Date: 6 November 2017

Ref: PL/0866/17

Dear Ms Pettitt & Mr Dempster,

I wrote to you on 2nd November with initial response to Mr Dempster's letter of 1st November, received on 2nd November. In that response, which addressed some immediate matters, I indicated I would continue my review of the points raised. On further reflection, I write to further complain about several points.

I have attached a copy of the supporting document listing for the Application ref PL/0866/17. As of today, 6 November 2017, there are no further additions of supporting material, such as those referred to your letter of 1st November. In particular Appendices 3-8 relating to the Transport Assessment are still missing, and it is also clear that no new document has been added directly in the application documents zip files or under the generic title given for the missing appendices / documents. On the basis your comments refer to publicly viewable material there are only two plausible explanations:

- a) You were not aware that the "Appendices 3-8 were uploaded to the website last week" (as stated) had not been successfully uploaded, or
- b) You were aware that said documents were not present at the time you stated they were.

The first option could be plausible if, for example, you had been misinformed by colleagues that documents had been uploaded, but, particularly in the circumstances, could be considered negligent in failing to check. The second alternative is a greater concern as, if deliberate, it implies dishonesty and a willingness to mislead. Both are very serious matters and warrant further investigation, as is the apparent failure to check this matter before sending out the letter dated 1<sup>st</sup> November.

You go further in your letter in regard to the missing documents to say that consultation has been extended by 2 days to accommodate 21 days to allow further comments to be made on the new material – "I confirm that the consultation period given on the site notice, press notice and website has been extended to 16 November to allow 21 days for comments to be made". There are several issues arising from this statement, particularly:

- A) Given the documents have not been upload, by your stated rules, a minimum of 21 days should be given to allow comments to be made on said documents **when** they are finally uploaded on the website. The earliest this can be true is 7<sup>th</sup> November, which means, as a minimum, consultation should run until at least 28<sup>th</sup> November if the documents are uploaded then.
- B) Can you explain why it is only a minimum of 21 days and not 6 weeks which you identify in the 5<sup>th</sup> paragraph of your letter, and, as pointed out in my previous letters<sup>1</sup>, is appropriate to a major development project of this nature.

As indicated in the previous letters we consider that that the scale of error and omission, as yet uncorrected for the most part, is such that the integrity of the application process has been lost. Having re-read Mr Dempster's letter of 1<sup>st</sup> November we would expect that the Council by its own standards would be obliged to suspend the current 21 day consultative period until missing data is presented publicly – at this point the consultative period would resume at the beginning of the 21 day period. We ask you to do this as a minimum now.

We further ask that you respond to the apparent change of rules from 6 weeks to 21 days and provide justification for a shorter resumed application. As we have indicated on a number of occasions recently this is a very serious matter and we expect all questions to be answered. We remain of the view that the most practical means of addressing the clear failings of process in this matter is to withdraw the current application pending re-submission, if appropriate, in a complete form under a new application number.

We are aware that the responsibilities of the Council are potentially two-fold in this application – they are potentially applicant as well as the Planning Authority in this matter. The status of applicant is further clouded by having joint applicants and by the use of an agent, declared as Vincent & Gorbing Associates. For the avoidance of future doubt I would be grateful if you could clarify the roles of the key parties in this matter in order that we avoid confusion over responsibilities. Our current understanding is that Spatial Planning are fulfilling the role of Planning Authority, and therefore the department's responsibilities exclude the content of the information submitted, but do include assessment of that information for compliance and the dissemination of information to those involved in the Application's assessment (including public for consultation). The applicants are named as HCC and ESFA – their naming separately implies there is no joint single body established for this project, is this correct?, and are individual entities responsible for different aspects or are both entities equally responsible for every activity? Our impression is that no other body has a direct responsibility in this consideration, all others are contractors, agents, etc, – again is this correct? The only other named party is Vincent and Gorbing – are they the only party with a formal role in the application process, and which of the applicants are Vincent & Gorbing engaged by?

As indicated above I (on behalf of the Group I chair) am requesting that you investigate the circumstances which led to the incorrect information being disseminated and treat this as a formal complaint – either an extension of existing complaint or new as best fits your internal processes. Please advise how this is to be dealt with.

Yours Faithfully



David Cairns (Chairman Right School Right Place / Hertfordshire resident)

<sup>1</sup> On 2 November two letters were sent to Hertfordshire County Council – one to Mr C Dempster which concentrated on Spatial Planning matters, the other to Ms K Pettitt which referenced the letter to Mr Dempster, addressed points of a more legal nature

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Hertford  
FAO Kathryn Pettitt, Monitoring Officer  
Chay Dempster, Principal Planning Officer, Spatial Planning

Date: 13 November 2017

Ref: PL/0866/17

Dear Ms Pettitt & Mr Dempster,

I write to you on behalf of Right School Right Place, of which I am Chairman. For purpose of clarity, Right School Right Place (RSRP) is a residents association, formed specifically in response to Hertfordshire County Council (HCC)'s announcement of intent in September 2013 to purchase land for establishing a new school. This has since become the Planning Application for the Katherine Warrington School under the reference number above. The core of our membership are residents in HCC wards of Harpenden North East and Harpenden Rural (formerly St Albans Rural). On a personal basis I am a Hertfordshire resident, which is, I understand, a pre-requisite for some dealings with the Council.

On this occasion I write to follow up my letters of 2<sup>nd</sup> and 6<sup>th</sup> November 2017, the latter to both of you, the former being two individual letters highlighting different points. I believe that the current position is, as it was on the 6<sup>th</sup> November 2017, such that matters of Spatial Planning Protocol and Legal Department / Monitoring are so closely entwined that it is not possible to separate these.

Specifically in relation to the 6 Appendices from the Transport Assessment section of the Planning Application above, I note these have now been added to the Planning Portal, dated 7<sup>th</sup> November 2017 and noted 8<sup>th</sup> November 2017 alongside five additional / revised transport elements (dated 8<sup>th</sup> November 2017). I therefore draw your attention to points made in my letter 6<sup>th</sup> November 2017:

*" You go further in your letter [Mr Dempster's letter of 1<sup>st</sup> November 2017] in regard to the missing documents ... "I confirm that the consultation period given on the site notice, press notice and website has been extended to 16 November [2017] to allow 21 days for comments to be made". There are several issues arising from this statement, particularly:*

- A) *Given the documents have not been uploaded, by your own stated rules, a minimum of 21 days should be given to allow comments to be made on said documents **when** they are finally uploaded on the website. The earliest this can be true is an upload date of 7<sup>th</sup> November [2017], which means, as a minimum, consultation should run until at least 28<sup>th</sup> November [2017] if the documents are uploaded then."*

I am therefore surprised not to have seen any alignment of the consultation period to the actual date that these missing documents were made available. There is no visible change in date from the 16<sup>th</sup> November 2017 on the planning portal; nor has there been any receipt of an indication that one is expected. In essence the Council appears to declare a protocol under which such matters would be addressed, only to appear to break their own protocol two weeks later.

As a matter of urgency, given the remaining time on the current declared consultation period, can you advise if it is the Council's intent to change the date of the close of consultation, and if so, until what is the new date and when will this be declared in the public domain? The urgency of this arises as there are less than 4 working days until the declared conclusion.

It is further noted that material with bearing on the Education Needs was also added, this time late on 10<sup>th</sup> November 2017. Again it is unlikely that anyone, other than those constantly checking your web-site, would have any indication of the existence of the response - which appears at first glance to contain significant new information -, and accordingly would have insufficient opportunity to assimilate this and make informed comment in the 4 working days available in the consultation. Such a process is patently unfair as it disadvantages valid critique through time starvation, and further disadvantages those who have been obliged to make a less than fully informed commentary due to time constraints and non-availability of relevant material.

Yours Faithfully

David Cairns (Chairman Right School Right Place)





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Hertfordshire County Council  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford,  
Hertfordshire. SG13 8DN

F.A.O. Mr. Chay Dempster

Your ref: PL\0866\17

16 November 2017

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

We are writing in connection with the above planning application to strongly object to the proposals.

We are a residents group, representing over 1,000 local residents, with high concentrations in East and North Harpenden, Wheathampstead, Kimpton and villages to North East of Harpenden. Further details are provided in Appendix 1.

We note that the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions. We have previously drawn your Council's attention to a number of these as our reviewers discovered them and asked for such matters to be corrected. For those errors and omissions where we believe review and analysis was compromised we have identified a need for mitigation on response times to allow proper consideration of matters. Details of identified errors and omissions are included in Appendix 2.

It is further noted that significant new material was added close to the submission date (from 7 -13 November 2017), i.e. with one week or less remaining and it is

our view that the very limited time available does not give anyone sufficient time to review a number of key aspects of the application.

Given the lack of time afforded, as mentioned above, it is our intention to continue our analysis of the material and to make a further submission or submissions when we have properly reviewed the recently added material, both individually and in the context of the application. We would aim to complete our further review by 30 November 2017. We also note that, as at today, 16 November 2017 (the last declared date for closure of consultation), some significant evidence is still missing. This means we are left with no option but to apply a high level of assumption to our review, and that will be noted on our comments.

Our objections are as follows:

### **Entertainment and Management of the Application**

- **Section 65(5) of the Town & Country Planning Act 1990 (TCPA)**

This section of the TCPA states that a local planning authority shall not “entertain” any application for planning permission where requirements laid out in Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 are not satisfied.

Hertfordshire County Council (HCC) entertained and subsequently validated this application on 12-09-2017 and assigned the reference number PL\0866\17 to it. At this time Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 were not satisfied. RSRP made HCC aware of their error and HCC attempted to correct it by issue of a replacement page and a retrospective alternative certification (added to Planning Portal circa 26 October 2017) but, in our view, failed to do so. Nonetheless however, application PL\0866\17 was still left live which is contrary to the Policy and therefore should be refused.

The subsequent errors and omissions highlighted elsewhere and in Appendix 2 constitute sufficiently significant omissions to warrant practical assessment by an member of the interested public impossible. We submit that the application should have ceased until such omissions were corrected and a full period for determination re-instituted.

### **Impartiality of Hertfordshire County Council**

It has been confirmed that the land being the application site has been recently unconditionally purchased by Hertfordshire County Council. The same Council had stated publicly in letters from its Director of Education and Early Learning in November 2013, at exhibitions held in December 2013 and elsewhere, its intent to only complete the purchase the land when planning permission was granted. Further HCC appears to have paid “hope value” for the site, i.e. land as a school and not as agricultural land (its existing use), and are now seeking to determine the

planning application citing ownership as a key factor in the viability of the application.

The nature of the application management style adopted, including the failure to discontinue the consideration of the application by requiring its withdrawal, or by extending the consultation period to provide appropriate consultation time, creates an impression that the deadline for completion of the application process is of far greater importance than the quality of the application, abidance by HCC of its own policies and compliance with planning laws.

Given the relationship between HCC as both co-applicant and as planning authority hearing the planning application, we suggest that there should be an even greater responsibility for HCC be seen to be impartial. We do not believe this has been achieved. The impression held by many of our members, given their exposure to years of refusal by HCC to discuss this matter is that the outcome of the process has been predetermined, and this impression has not been dispelled by the management of the application process.

### **National Planning Policy Framework and Very Special Circumstances**

The planning application calls for land to be released from Green Belt to be developed. The relevant Local Planning Authority for the application site itself is St Albans City and District Council for which the last Local Plan was adopted in 1994, with a review of saved policies in September 2007. This review recognizes the saved policies of the Local Plan to include Policy number 1 relating to Metropolitan Green Belt. This saved policy does not identify the application site for release for any form of development and therefore this application contravenes that current policy. In the absence of clear designation within a Local Plan, any proposal for development of Green Belt land must pay regard to national planning guidance, in this case contained within Section 9 of National Planning Policy Framework (NPPF). Paragraph 89 of the NPPF instructs a Local Planning Authority to regard the construction of new buildings in the Green Belt as inappropriate development. This proposal constitutes inappropriate development. It further fails to meet any of the exceptions for buildings defined in paragraph 89 of the NPPF and therefore requires that for a proposal to succeed for any such development it must demonstrate 'Very Special Circumstances' – paras 87 and 88 prescribe the requirement and state that the presumption must be in favour of inappropriateness of development in Green Belt when considering any such proposal. It is our contention that Very Special Circumstances have not been proven in this application. On this basis we submit that the application should be refused.

We note that the applicants' argument for Very Special Circumstances stems from its arguments of Education Need, the cornerstone of which is the Forecasts of School Places produced by one of joint applicants – HCC. At the outset of this planning application, for which public notification was given in late September 2017, HCC had published on the Schools Planning pages of its website forecasts that had been generated in August 2016. Such forecasts were in the form of data

tables and reviewed in summary reports entitled 'Meeting the Rising Demand (for school places)' which have been produced annually for nearly a decade. As noted in Appendix 2, RSRP drew attention to the radically different information attributed to HCC in the application. The application further stated – in the section entitled "Education Needs Assessment" – that HCC had considered it necessary to apply adjustments to the forecast data presented in support of the application. No quantification of the adjustments was presented at time of submission. HCC subsequently provided supplementary information to the application documentation by means of a letter dated 8 November 2017, which was posted on the application's support information folder on the 10 November 2017. The revised/additional information is core to the case that has been presented in support of Very Special Circumstances and all other aspects of the application stem from this source; it is our contention that the presentation of such significant information at such a late stage of the consultation period prohibits reasonable evaluation and critique of the proposal by the prescribed date for closure of consultation. This lack of due time has been further aggravated by failure of the Planning authority to notify our group that a response (from HCC) had been added, despite referencing the source of the question as our organization.

Our concerns in this matter, which will be expanded within our further representation, include:

- Forecasting Process flawed in multiple aspects
- Previous reviews of the Forecasting process identified a systemic risk of failure, as indicated in a formal Scrutiny review by HCC (2006): The outcomes, in particular the risk of systemic failure for 'hotspots' and the need for a more granular analysis of demand, were accepted by HCC, yet no evidence exists of such changes being implemented and therefore the risk has not been mitigated. (This matter appears compounded by the announcement approximately 60% of the way through the consultation period that HCC had introduced a new forecasting model for 2017-18 forecasts which has not incorporated such method change and has failed to produce longer term forecasts, resulting in the withdrawal of the 'Meeting the Rising Demand reports for the current year')
- Evidence of similar gross failings of the forecast in other areas of Hertfordshire
- A failure to analyse information used to make adjustments to numbers which are loosely claimed to be pupils from Harpenden being allocated places in the adjacent St Albans area when HCC's published pupil allocations show that for the St Albans school which agreed to provide additional places, the overwhelming allocation of such places over the three years provided to date was to pupils originating from Wheathampstead 77 (95%) while pupils from Harpenden number only 4 (5%)

The majority of the above affect the aspect of Needs, but also have clear implications for transport and travel and further concerns exist in respect of:

- The nominal allocation of pupils to the school, which fails to reflect the likely dominance of children for whom the school would be the 'nearest' in the priority area (and the associated lack of clarity on where other children are expected to be educated, and the overlapping transport considerations)
- Diligence of the site selection 're-fresh' in the application
- Failure to take account of changes in school admission rules as part of refresh

It is our view that the new material presented is unlikely to provide evidence that would change our initial assessment that it has not been demonstrated that this site is the most appropriate that causes the least harm to the Green Belt, and therefore there is no case for that considerations will outweigh Green Belt and other harm.

### **Green Belt**

- **National Planning Policy Framework and SADC Strategic Local Plan Policy 1 Metropolitan Green Belt and all other relevant planning policies.**

Our concerns in this matter, which will be expanded within our further representation, include:

We accept that further school place provision is needed and that if a new school is to be constructed it is likely to be on the Green Belt. However, there are many potential routes to delivering additional sustainable school places that were not impartially considered in initial/early site selection processes. In addition, routes to school place provision that do not involve any or such large-scale Green Belt usage have not been adequately considered.

Site F fields form a significant proportion of the narrow gap that performs the general Green Belt protective role of preventing urban sprawl and preventing merging between the settlement of Batford and the Parish of Wheathampstead. A school on this site would further extend the urban fringe beyond existing built areas, in particular considering that the Wheathampstead/Harpenden boundary runs through the proposed site. The arrangements of Common Lane and Batford Farm Fields currently present a simple boundary between settlements.

As one example, SADC Policy 1 states that any development shall integrate with the existing landscape. While certain of the planning documents advocate that the school would present an open landscape consistent with Green Belt function, there is a speculative strip, ostensibly for housing. In addition the nature of the school design, including landscape restructuring and the potential for fencing and lighting do not integrate with the existing landscape and are clearly irreversible development that is out of keeping with Green Belt function and the natural landscape. It would be difficult to argue that this land could ever be returned to open farmland.

The proposed development does not meet any of the exceptions listed in Policy 1. For example, it is not a small scale facility for participatory sport, it is not a use appropriate to a rural setting. In relation to Policy 2, it is not a local facility or service needed by the settlement.

East Harpenden architecture, historic buildings, archaeology and green spaces around the River Lea appear to receive far lesser recognition and protection, despite their local, national and world-wide importance, as recognised in a range of local and national policies, reports and research documents. In particular, this East Harpenden green wedge meets more Green Belt functional requirements than any other green belt land surrounding Harpenden, yet it is the most at risk from development.

Within the context of existing primary school place provision, brown field sites, cooperation between existing senior schools and potential available sites, Green Belt use could be significantly reduced or removed by any or all of the following:

- Amalgamation of 6<sup>th</sup> forms into a single location, for example, at Rothamsted, the Harpenden Academy or some other site to free up space at all existing schools for flexible expansion of up to 3FE each. It would have the benefit of centralising and improving access to A Level or other appropriate 6<sup>th</sup> form studies without the current burden of travel between schools and curriculum juggling that currently occurs. This would also improve 6<sup>th</sup> form access and opportunities for many families across the school planning area and potentially reduce travel burdens.
- Expansion of existing schools where currently those schools have chosen not to expand. School extensions and renovations are actively planned by all three schools for a variety of other purposes, and there is arguably space on all sites for considered and targeted beneficial development.
- Other open discussion around innovation in school place provision that would genuinely provide choice an opportunity rather than replicating an existing model which does not suit everyone.
- Reduced Green Belt intrusion by re-using existing school playing fields in Wheathampstead alongside a much smaller land development for school buildings.
- Reduced Green Belt intrusion by using flatter, less prominent sites that are closer to pupils in need. This includes Rothamsted or other sites, where any intrusions into the Green Belt would result in less damage according to the various green belt purposes.

For the above reasons we urge the Council to reject the application.

#### • **Site selection process**

Our concerns in this matter, which will be expanded within our further representation, include:

- The area of search of the original study by V&G removed viable and alternative sites.
- There are other sites which have not been considered...

The recent addition of Needs information (10 November 2017) is being reviewed in this context, however in absence of time to assess, if the Council is minded to progress there is insufficient information to enable acceptance of alignment of local need and for the above reasons we urge the Council to reject the application.

### **Landscape and Visual Impact**

- **SADC Strategic Local Plan Policy 104 Landscape conservation and all other relevant planning policies.**

The planning application includes a Landscape Visual Impact Assessment (LVIA) for the proposed development site. The alternative viable sites A, D, E, G, H, I/J, and K do not have a LVIA and therefore Very Special Circumstances have not been demonstrated by the applicant.

At the time of writing this objection the information available on HCC's website is incomplete and therefore when this becomes available we will review and update this objection for resubmission.

The LVIA includes photographs which they label as "representative viewpoints" of the site. . The viewpoints chosen are not representative in all cases. The site is prominent and visible across a wide area of Harpenden, confirmed by the wide area of Harpenden that is visible from the site. Several key viewpoints were omitted from the LVIA. In the absence of Appendix 1 to provide methodology of assessment any analysis is by definition provisional and if the Council is minded to permit the application then we would urge the Council to reject the application on the current lack of supportable evidence.

The LVIA states:

"The road sits below the level of the site, and a grass embankment on the northern side of the road means the site itself is less noticeable from the road than might otherwise be the case."

This is a more representative viewpoint than the Viewpoint labeled A in the LVIA. The site is prominent from the road and footpath.



**This is a more representative viewpoint than the Viewpoint labeled B in the LVIA. The site is prominent from the road and footpath.**



**This is a more representative viewpoint of the than the Viewpoint labeled D in the LVIA. This view will no longer exist under the proposals in the planning application since this area of the site is to be raised by over 2m in height to form the playing fields.**



**This is a more representative viewpoint than the Viewpoint labeled E in the LVIA. This view will no longer exist under the proposals in the planning application since this area of the site is to be raised by over 2m in height to form the playing fields.**





The LVIA states:

**"A belt of dense vegetation on the eastern site boundary effectively screens views into the site from this direction."**

The photograph below was taken from the highway verge on Common Lane and as can be clearly seen in places the site is prominent from the Eastern boundary.



The LVIA states:

**"The proposals seek to accommodate level changes in a subtle and sensitive manner. Sports fields have been accommodated by extending the natural plateau areas in the south-west and north-eastern areas of the site, to minimise the effects on landform. These sports fields have therefore been accommodated without introducing any obvious artificial landforms."**

The proposed development raises existing ground levels at the natural plateau by 2m (6 feet) and the sides of the existing natural slope by up to 6m (18 feet) to create the sports field plateau of over 100m x 100m. This terracing and re-modeling of the natural landform will introduce an artificial terrace at the highest part of this very visible site.

Whilst no flood lighting is shown in the application, Sport England (a consultee in the planning application) has requested lighting to be provided to the sports areas. It is likely that lighting will be provided in the future and therefore this very unnatural terrace at the top of the valley will be visible and floodlit.

The proposed earthworks does not "minimise effects on landform" it destroys the natural form and replaces it with a higher, more prominent, artificial sports field of significant size. This proposal should be refused planning permission.

With regard to the proposals, the LVIA states

**"Particular attention has been given to views from the south as this is the main direction from which the new building, access road and car park can be seen."**

In the south western corner the proposal show a large and deep pond which forms part of the surface water drainage for the development. The deep water will, for health and safety reasons, undoubtedly have high fencing around it and this fencing will dominate the views into the site from the south. The LVIA has not considered any fencing and therefore it is incorrect for the LVIA state "New tree and hedgerow planting would also enhance the setting of the buildings and

soften views.”

Views from the south will be affected by the proposed road widening and vision splays for the proposed development. The LVIA does not take account of this.

For the above reasons the LVIA falls short in assessing the visual impact of the proposed development and we urge the Council to reject the application.

### **Landscape conservation**

Our concerns in this matter, which will be expanded within our further representation, include:

Within the context of the SADC Local Plan Policy 104, this site falls within a Landscape conservation area that SADC will seek to preserve and enhance. The proposed development will arguably adversely affect the high landscape quality, widely visible across Harpenden.

The fields provide a soft edge to the settlement at Batford into the Green belt. In particular they are narrow steeply sloping sites, with some infrastructure already in situ (e.g. telegraph poles, power lines), with a public footpath/right of way. They are part of what was an active and working farm (bordered by a historic sunken single track road with nearby historic woodlands) until very recently when the tenant farmer was given notice to quit. Farming up to that point was completely in line with the low density management described and promoted in Herts County Councils own Area 33 Landscape Character Assessment.

Any build will encourage further development and likely damage existing historic hedgerows and woodlands. It will also increase coalescence between Batford (Harpenden) and (Wheathampstead Parish) hamlet settlements, as parish boundaries cut through these fields. This contradicts a prime Green Belt function which is to ensure separation between and prevent merging of distinct settlements.

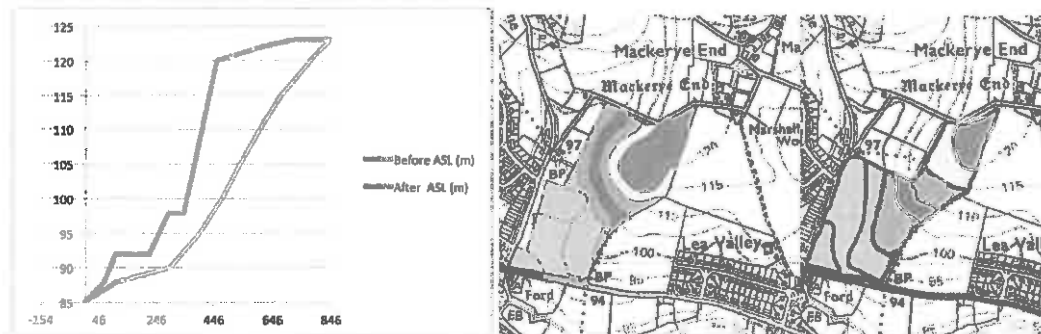
The fields are within Landscape Conservation Area 33 – where the over-riding recommendation is that these valley landscapes with their low density farming/management must be protected, conserved and improved, and where Green Belt Development is to be resisted. The landscape form is described as prominent with a coherent visual unity. The low density farming with hay crops is an important characteristic. This and other landscape and conservation assessment also cites the importance of the vegetation and wildlife and clarifies the importance of narrow, deep-set lanes in the area.

The fields abut Kimpton/Whitwell landscape conservation areas where the importance of these landscape forms is also noted and the recommendation is to improve and conserve, and resist green belt development. They are also designated ‘protect, conserve, improve’ in national landscape character assessments. This school development is in direct conflict with the management and development strategies listed in the Area 33 assessment.

These fields are within the context of local, Lea Valley and Hertfordshire flood plain management strategies with building along the flood plain to be resisted. The importance of these areas (including the neighbouring fields) for overwintering wildlife is recognised, and recommended to be preserved. Visiting wildlife/birdlife in these areas is well documented and development here will be counter-indicated. In addition, national flood risk management policies preclude flood plain developments. The area nearest the Lower Luton Road, and the narrow lanes around the sites are prone to flooding, despite valuable flood prevention action of these sloping fields. Therefore further (natural) flood defence erosion (by over development) is contra-indicated. See, for example, national and Hertfordshire Flood Risk Management strategies.

They are adjacent to Batford Springs Nature Reserve, home to one of only 180 chalk streams in the world, with important wetland features. Batford Springs, recently extended with Marquis Meadow, including the historic Mill and Ford are in very close proximity to the proposed development. The rest of the river valley towards Luton and Wheathampstead are important locations where further expansion and protection of the river plain/flood plain is in progress. Herts and Middlesex Wildlife Trust, in discussion with various councils are running a long term programme to improve the Lea and associated flood plain up towards Luton Hoo.

In particular, the landscape remodeling proposed in the planning application will severely disrupt the landscape characteristics with the construction of relatively steeply sided plateaux. Again, this is in contradiction to local landscape policies.



For the above reasons we urge the Council to reject the application.

- **SADC Strategic Local Plan Policy 102 Loss of agricultural land and all other relevant planning policies.**

The policy states development of such land will “...normally be refused. An exception to the policy may be made if there is an overriding need for the development and there is no alternative land of a lower quality which could be reasonably used.”

Within the context of the SADC Local Plan Policy 102, this site is Grade 3 land where loss of this land would normally be refused. While exceptions could be if there is an overriding need for development (see needs assessment and also site evaluation discussions), that is not the case for this site. Indeed removing the farmer and dividing the fields for speculative development add further risk of loss of farmland. In considering whether there is alternative land of lower quality, that is bound up within needs and site selection, however, there are plenty of alternatives that avoid loss of farmland altogether.

The site part of what was an active and working farm (bordered by a historic sunken single track road with nearby historic woodlands) until very recently, when the tenant farmer was given notice to quit. Farming up to that point was completely in line with the low density management described and promoted in Herts County Councils own Area33 landscape character assessment. The lack of current farming cannot be a material consideration to approve planning, given that the owners removed the farmer expressly for the purpose of obtaining planning permission.

In particular, Hertfordshire is a net importer of agricultural produce, something that the County is seeking to address. The farming practiced, cattle with hay meadows, has multiple benefits that also overlap landscape, wildlife and flood related policies, amongst others.

For the above reasons we urge the Council to reject the application.

- **SADC Strategic Local Plan Policy 106 Nature Conservation, Policy 84 Flooding and river catchment management and all other relevant planning policies**

The Policy 106 states the Council “...will refuse proposals which could adversely affect: (Part (v)) ...the natural regime of either surface or ground water in river valleys and their wetlands”

The application documents include a Flood Risk Assessment carried out by MLM referenced NDA/668388/JG.

The FRA states:

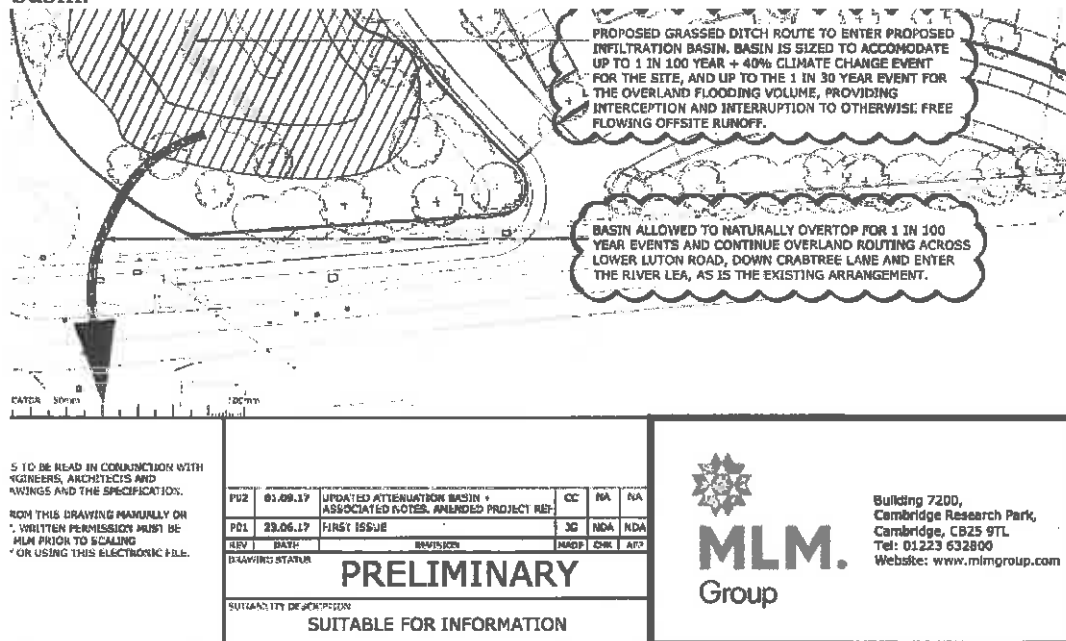
“The proposed surface water strategy does not increase runoff rates in comparison to existing. Any increase in runoff volume will be mitigated through infiltration contained within the SUDS features.”

“soakaways may be feasible in some areas, but would not be feasible for all locations. Further testing will be required during detailed design stage, after topographical re-profiling.”

The viability of the proposed surface water drainage is therefore not certain and the drainage details in the application should not be relied upon.

For this reason the application does not prove there will not be an increase in flood risk arising from the development.

The proposed surface water runoff drainage philosophy allows (at peak flows) surface water to discharge onto the Lower Luton Road from the infiltration basin.



The FRA states “there will be no significant increase in flood risk due to the construction of the proposed development...” which suggests there is an increase in flood risk.

For the above reasons we urge the council to reject this application.

- **SADC Strategic Local Plan Policy 34 Highways considerations in development control and all other relevant planning policies.**

Our concerns in this matter, which will be expanded within our further representation, include:

The Stomor report prepared for HCC reference ST2152/HAFS-1501-Site F Revision 0 details the mitigation measures required for this site and these have been costed by HCC’s consultant at c.£6.5 million. This report is not part of the planning application but it is relevant to this site and the proposed development.

The proposed traffic mitigation measures proposed are woefully inadequate for the traffic that will be using the Lower Luton Road. And appear to be recognised as such in conversation with project staff at exhibition meetings.

In addition, documentation appears to be at odds with other prior traffic data that confirms the road is over-capacity. There is some doubt as to the validity of application-supplied traffic data in that on several occasions surveys have been

observed during periods of road closure (for road works, floods and more) or during school holidays.

For the above reasons we urge the council to refuse the application.

- **Archaeology (emerging evidence – to be reviewed)**

Our concerns in this matter, which will be expanded within our further representation, include:

Archaeological evidence and information related to the planning application has, in places, been contradictory, but recently a more consistent narrative response is emerging. Earlier archaeological surveys (A. Thomas, entirely unrelated to the planning application) indicated significant potential within a lower portion of the field relative close to the Lower Luton Road. Later planning-related investigatory trenching lead to potentially significant discoveries of human remains and artefacts. It would appear from planning documentation that parties with an interesting the development proposal were minimising archaeological potential within and around the site. This is also apparent from conversations at exhibition meetings where one of the project team declared (before trenching) that they were planning a damning report to dismiss earlier surveys.

More recent impartial archaeological contributions are more consistently recommending refusal in some form. Rather than repeat the findings and survey reporting here it is worth just noting the growing body of evidence in the public domain. Opinion has been voiced that because the remains were found in an area outlined to become sports fields, they would be best left in situ. However, extensive landscape remodelling planned as part of the application. Also the potential within, under or between pits is unknown, and there is real danger that artefacts at unknown locations/depths could be destroyed by that landscaping, the built environment or by structures and facilities planned or in the future the sports fields.

Given that the potential is now recognised as rare finds of national importance, full excavation would appear essential for both for study and conservation. It is critical that the extent of the cemetery is accurately established – whether it extends under buildings and car parks or indeed under the ‘set-aside’ land. Soft sites such as burial grounds could be at risk of damage and therefore more investigation would appear essential. There is also the risk of exploitation/ damage from speculative treasure-seekers.

The farm fields are adjacent to the Lea River, which is thought to have been navigable up to Coldharbour. This puts the finds in an increasingly historic setting, including the historic Batford Mill, Ford and listed Thatched Cottage in very close proximity to the proposed development, indeed the proposed development overlooks them. The listed public house – The Marquis of Granby is across the ford. The historic Batford Mill complex is listed in the Domesday Book, along with Wheathampstead Mill and the now demolished Pickford Mill.

Refusal in some form on archaeological grounds has been recommended by the



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F.A.O. Mr. Chay Dempster

Your ref: PL\0866\17

~~16 November 2017~~ January 2018

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

Further to our letter of 16 November 2017, we wrote to you identifying:

- We are a residents group, representing over 1,000 local residents - details provided in our letter of 16 November 2017.
- We strongly object to the proposals.
- That the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions.
- A need for mitigation on response times to allow proper consideration of matters arising from errors and omissions.
- Significant new material was added close to the submission date (between 7 -13 November 2017), for which we considered there was insufficient review time
- Our intention to continue our analysis of the material and to make a further submission(s)
- We have no option but to apply a high level of assumption to our review, and that will be noted on our comments.

We have since written to you with further representations, identified as Topic 1, and dealing primarily with the basis on which HCC translated Need into a Site Preference. We now write to you with further elements of our representation. These come from continued analysis, much deriving from the Education Needs Assessment, and where appropriate we will reference this representation or Appendices submitted with it.

We have reviewed the additional material provided, found that it falls short of a complete answer to the questions raised, which has obliged us to research other material and where necessary make assumptions for gaps in the support material. As such we maintain our view that inadequate information has been provided, that this is prejudicial to a fair assessment of the application and therefore have to maintain our objection to the application. In our main response we linked this matter to the Transport assessment – this response deals solely with the Education Needs – the relationship for transport requirements remains as stated and this matter will be addressed as a separate topic. The assessment of the new material and the consequent reasons for our objections are set out below.

## **Topic 2: Transport Assessment**

As noted in previous submissions, various elements of the Transport Assessment were originally omitted from the published pack. It is noted that a series of Appendices were eventually added dated 7<sup>th</sup> November alongside some further transport related information related to bus survey work carried out in October 2017 and was published on 8<sup>th</sup> November. As noted in previous submissions the transport assessment included reference to other work – “On page 34 of 77, 6.1.1 there is reference to ‘Highway and access feasibility study (Stomor 2015b)’ this is neither presented as an Appendix nor listed as one of the reference documents in section 1.2.2” (ref. Appendix 2 of RSRP Topic 1 additional representation) – this does not appear to have been published in the Application material subsequently and remains absent. Similarly material presented in the Application included two (HCC) Highways reports both marked ‘Draft’ – these have not been confirmed as Final versions and as such are capable of being amended after submission – an unsatisfactory basis for making a planning judgement.

It is noted that in the Draft reports there are common elements highlighting numerous problems; the nature of the reports suggest that an initial report was drawn up in August 2017, with a further report later the same month. Both contain diagrams of road arrangements in the immediate vicinity of the proposed school entrance, however the diagrams show differing junction formats for the Common Lane/Lower Luton Road one with and one without a roundabout. Both reports suggest a roundabout, introduced as a safety feature a number of years ago, should be retained. It is further noted that when emerging plans were exhibited in July 2017 the roundabout had been removed, suggesting the Audit would have been informed of this proposal prior to August 2017. It is unclear therefore which proposal is current and which assessment (in draft



form) is the definitive version. As a precaution it is suggested ALL points made in both reports are considered, that the application is not considered until written (and published) confirmation of report completions is obtained from Herts Highways (HCC) and that, if necessary, further audit work is commissioned and published to cover changes in proposals. (Note for the avoidance of doubt the commentary above does not change the views expressed in our previous submission that it is unacceptable for information to be presented in Draft format for a Planning Application).

The material presented in the added Appendices included the basis on which pupil attendance was to be determined, and in particular Appendix 7 showed an estimate of pupils by area. This appears to be the exact same methodology that HCC used for generation of likely attendees for the report published in early 2015. The document 'Forecast of Pupil Places for Transport Appraisals' was not published with Transport Appraisals or the Needs Assessments in the Application, but has been submitted as part of RSRP evidence under its Additional Representation Topic 1 submission as Appendix 6b. (Please refer to that submission for referencing). Appendix 7 of the Transport Assessment appears to be Appendix H(i) of the previous (2015) document and commentary indicates that the same source data was used. As noted in the Needs Assessment commentary there were significant changes in schools admissions after the submission of the (free school) application and the 2014/15 HCC work – in essence this saw the application preferences become more geared to Harpenden Town and will have a progressive effect on allocations, broadly with more Harpenden Town pupils receiving places at the expense of village and out of area pupils. The school making the change was St George's, also a member of the overarching Trust for this school. To make no attempt to include this change throws doubt onto the predictions of the attendance base for the new school.

The situation is further clouded by the statements made as part of the exhibitions held by the applicants to present the (then) emerging planning application material. This included display boards which summarized the situation – these are referred to in the "Statement of Community Involvement", section 4.10 with reference to Appendix 5 – No Appendices have been provided in the Application data (this was brought to the attention of the Planning Authority in our letter of 16 October 2017, and reiterated in our submission of 16 November). In respect of the missing information the boards displayed (which should form the relevant missing Appendix) identified:

- (01) There will be a considerable amount of work (to develop the scheme)
- (02) HCC was updating forecasts – reinforced by HCC schools planner who stated that the Needs Statement previously used (2015 – the only one) was considered outdated and therefore its relevance to transport was also out of date.
- (07) Confirmed that no Transport Assessment had been carried out when the exhibitions, which were to form the basis of the Statement of

Community Involvement (SCI), were held. It was indicated that a scope for a Transport Assessment had been agreed with HCC (Highways) but no details were provided

- (07) It was indicated that the current modal split (for travel) experienced at the schools in Harpenden would be adopted for the new school. The existing schools draw from the population of Harpenden EPA for the most part – material provided in support of the Needs Assessment on 10 November 2017 indicated for the last 5 years of confirmed entrants between 530 and 556 pupils (against a PAN of 572) came from Harpenden EPA; it is also further noted that 60% of school attendees in the EPA are from Harpenden Town and that success rates in Wheathampstead and Kimpton are substantially lower than Harpenden Town. In essence this indicates current attendees at the three existing schools are in the order 65% from Harpenden Town. These are typically within 2km and the applicants indicate an expectation of 26% within 2km for this school – to adopt a modal split from schools achieving 2 in 3 pupils from within 2km and apply it to a school where only 1 in 4 are expected to be within this “walking” distance is nonsensical.
- (07) The plans identify a parental drop off area on site, along with bus/coach parking – part of a loop through design with 79 car parking spaces (plus 18 elsewhere on site). The need for this had clearly been decided before the pupil location profile was known. In addition to the point above there is a current comparator with a very similar schools proposed at the same time as this school in Hertfordshire with similar property involvement from HCC and applicant involvement from ESFA. This parallel project is for Croxley Danes school in Croxley Green, Hertfordshire and is currently subject of a Planning Application to Three Rivers District Council. The application form is included as Appendix 1 of this document. Attention is drawn to sections 3, 10 and 19 which specify the number of pupils (1206 vs 1150 in this application), the number of FTE staff (94 vs 95) and the number of car and cycle spaces – 175 + 9 disabled and 220 cycle spaces. These figures compare to 97 total car spaces (disabled not specified) and 111 cycle spaces. The schools are theoretically the same scale – however as noted in our topic 1 submission Croxley Green have indicated 76% of pupils are within 2km – i.e. one third have longer distances to travel compared to this application – for which greater car provision would be expected.

In summary material presented at the SCI events indicates that wholly unrealistic assumptions were being made in relation to transport. The formal submission that appeared with the application reinforced this approach, deriving the basis for its assessment from the 2015 published work. When that work was originally published (February 2015) HCC, who had commissioned Vincent & Gorbing to prepare the work, stated (in their Enterprise Education and Skills Cabinet Panel of 13 February 2015) that work had been prepared in support of the application for the Free School to the DfE and that it was being handed over to ESFA (the EFA); it was to be noted only (by Members of the Panel) – HCC went on to decline all

questions relating to the content unless or until a Planning application was made. Additionally a proposed exhibition of material from the work, announced at the time it was commissioned, was cancelled and no public commentary has been accepted (by HCC) on the content for 2½ years. As HCC has referred commentary and questioning to Planning Application and has not provided a route to cover this before submission it is appropriate that any reliance on material produced in these reports is open to question at this application. In this section the Forecast of pupil places for transport Appraisals (noted above) is considered:

- The document identifies a methodology for determining an estimate of pupil base and allocation to a new school. When originally prepared this was for an 8FE school, however the transport appraisal indicates that HCC has pro-rated this to a 6 FE school.
- Section 2.1 identified a series of areas into which pupils would be grouped. The report carried a statement “STOMOR TO PROVIDE ADDITIONAL INFORMATION ON HOW THESE BOUNDARIES WERE DEFINED” – in the absence of ability to question any aspect this information was never published. It is noted that there are 7 numbered areas that appears to be essentially Greater Harpenden Town; 10 areas that are named by settlement and, when examining the output an 18<sup>th</sup> area relating to Welwyn and East which was not indicated on either map or the grid in 2.1. The absence of explanation for groupings is frustrating, although it is suggested to reflect likely travel routes from source area. What is apparent is that there is no adherence to County, EPA or Schools (Allocation) Priority area boundaries in the data assignment, for example Markyate – a significant settlement within the EPA is lumped in with Hemel Hempstead (West and South) – which is, for the most part, in a separate EPA and would receive different prioritization at allocation. Some areas of ‘Greater Harpenden Town’ extend into other administrative areas, notably Area 3 which covers Batford, Mackerye End and Marshalls Heath, with more than half its territory in Wheathampstead; Area 7 which similarly extends into Wheathampstead and Area 2 which has a substantial part of North Harpenden Town but extends across town and county boundaries into Central Bedfordshire and includes areas considered for new housing development outside the County. The interpretation of Area 2 in the Transport Assessment in the Application is that it is centred on New Mill End and East Hyde – omitting mention of Harpenden and naming only locations that are out of County (with inherent lower priority as lead role on provision of places falls on a different LEA)
- Section 2.2 (A,B) identifies data sources, of which the prime source is identified as School Census January 2014 to provide locations of (then) current primary school attendees that would be expected to be prime candidates for transfer to secondary in relevant years. This provided relevant information for the first 4 years of expected entry to a new school and was supplemented by ‘allocation’ data (at June 2014) to provide information for a fifth year – this gave a base for 2017-2021 entry. The start year has now changed – to at least 2018 on a temporary basis and 2019 in earnest as a fully operational school. Three years additional data is theoretically available – School Census January 2015, 2016 and 2017

which would allow up to date forecasting of 2019-2023 (based on primary entry 2012-16). HCC has clearly chosen not to update, either as a cross check or as a basis for a new casting of pupils sources for transport.

- Section 2.2 (C) was used to produce a forecast demand for the whole EPA. The rationale is that which is applied to the use of forecasting in general – it provides a basis to plan forwards. However in this instance HCC projected the maximum year in the near future – then (in 2014) a 2019 entry at a predicted 820 pupils, for which it proposed a new local school that would lift EPA capacity to 812 (PAN at 572 + 8FE). The methodology failed to address the impact of excess place availability in quieter years – in essence a key contributory factor in the current apparent shortfall whereby excess places at popular schools are filled by people willing to travel and then the distant pupils acquire sibling rights and effectively lock out places for local children in busier years. This has been the case in recent years, when despite local demand being at or about the notional capacity of the schools, trailing sibling rights have prevented local applications from succeeding. As indicated in previous submissions the effect is felt more according to distance from a school within both EPA generally and ‘nearest school’ meaning remoter EPA villages, particularly to the East / North East have experienced greatest difficulty in securing places. In practice Harpenden Town success rates (in obtaining 1 of 4 preferences) have been above County average. There are two inherent errors in the HCC allocation process – the inability to reflect significant variation in success within the EPA (as concluded by the HCC Scrutiny committee identified in our Topic 1 Additional Representation) and in the simple logic of failing to address how to manage out of area applications and their Sibling effect – the typical admissions as measured by school census suggest 580-590 pupils per year at the 3 schools, with 530-550 from local EPA – essentially even in times when places are difficult to secure 30-60 non EPA places are given each year.
- Section 2.2 (D) states HCC applied the ‘admissions preference profile of the cohort which applied for a secondary school place as part of secondary transfer for September 2013’ and goes on to say this is ‘adjusted for some groups to account for the existence of a new school’. It amplifies this by stating it allows for the ‘current’ pattern of parental preference to be taken in to account. There are many failings with this approach:
  - The school is being established as a long term project to work alongside the three other schools in the area for the foreseeable future. The promoters have been at pains to point out that the school will achieve parity of esteem i.e. will aspire to have at least an equally as high reputation as other schools in the area. The underlying ethos has similarities to the other local schools and in essence the medium – long term the school would be expected to draw pupils on a largely geographic basis. The application of an existing preferential preference, particularly where the choice is essentially a single geographic location (Harpenden Town) for all existing schools as well as the new one takes no account of provision of choice to parents is essentially a no choice situation and there is no rational approach other than the geographic bias inherent in the

admissions process (where at times of strong demand the realistic choice will be determined by territory of the 'nearest' school. Any attempt to cloud the assessment with likely preference at time of start-up is exactly that – a method will fail to reflect the medium – long term aspiration of the school (to achieve parity of esteem).

- Early application of Sibling preference will be unrepresentative until the school has built up a regular pupil base, including trailing sibling effects that will probably continue to divert pupils away from the school for between 5 and 10 years.
- The preference system does not take any account of parental preference for different education choices (such as single sex schools).
- The outcome of the exercise is illogical in that it leads to an exceedingly low and unrepresentative proportion of pupils from the eastern villages at a school which will be defined as their nearest (and therefore most likely to achieve entry. The forecast suggests that 225 pupils will attend from Wheathampstead – about one third of the projected Wheathampstead secondary school population. This is illogical and begs two questions – where will the other 450 pupils attend school (to which the modelling suggests other Harpenden Town schools) and what will the impact be on transport – in essence the transport prediction should include ALL projected journeys on the key corridors from villages to the sole source of secondary education – the main such corridor being the Lower Luton Road.

In summary the basis for pupil allocation is ill thought out and its full ramifications are not evaluated – under the scenario described ALL pupils outside the Town – 40% of the secondary schools combined population – will be obliged to travel into Harpenden with key routes being Lower Luton Road and the B487 Redbourn to Harpenden road. It is also likely that any western village children will have to fully traverse the town if attending the proposed school.

One change noted is the increased emphasis on 'sustainable' transport defined as walking /cycling distance of 2km or less. The proposal identifies 26% of pupil base in that definition – an exceedingly low proportion for an area with reasonable density of population in both Harpenden Town and large village settlements. Alternative sites considered in the 2010/11 studies included other sites to South and South East of Harpenden where additional catchment within the sustainable range will be considerably higher. In essence some sites are closer to Wheathampstead and as our group has pointed out a site in Wheathampstead itself would capture the highest number of additional homes within the sustainable range. In practice homes brought within 2km range of a secondary school comprise a small portion of Lea Valley estate, Lower Luton Road homes from Lea valley estate to just short of Wheathampstead village and some hamlets and isolated houses in Marshalls Heath – no significant concentrations of housing are brought into sustainable range by this choice of site. It is estimated that the additional number of dwelling captured within sustainable range will account for less than one Form of Entry per annum at the school (compared to existing), while

other site choices would offer over 50% (of 6 Forms of Entry) within the sustainable isochrones boundary.

It is therefore our view that the Transport Assessment is wholly inappropriate as it starts from a base assumption, provided by Herts County Council, that both fails to reflect long term (due to being assessed from incorrect perspective) and fails to account for material changes that have occurred since the methodology was postulated. As such if the information base is radically wrong the outcome of any assessment based on the source information is wholly unreliable and should be rejected. The transport assessment is critical to the success of the project and flawed information is such that the application should be refused until suitable assessment base(s) are provided.

Due to the failings in this area the LPA is obliged to refuse the application.

### **Topic 3: Site Search**

As indicated elsewhere the site search was initially undertaken under inappropriate conditions. As indicated in the Needs Assessment topic submission the applicant (in form of Herts County Council) had previously determined that greater granularity was required in forecasting, which in turn identified Needs. HCC did not undertake such granular assessment as it had effectively determined as necessary. The initial site selection process was undertaken with limited forecast input and artificially constrained to exclude areas of significant need. In practice no Needs Assessment was produced and provided in the evidence base of that report. The subsequent review of the site selection (referred to elsewhere in submissions) undertaken in 2014/15 was launched without a Needs Assessment and was produced in report form with a draft Needs assessment that was only issued at the conclusion of the report. Nonetheless that report removed one short-listed site (from the restricted choices) and replaced with another (Site G for Site D). The logic for this change was based on two assessment criteria where relative to site F (the subject site of this application) the removed site was stated to have greater Green Belt and Greater Landscape 'worth' than site F. At the time St Albans District Council had published an independent comprehensive review of Green Belt land as part of its emerging Local Plan work. The report (by SKM) identified no significant differences in Green Belt 'worth' between the two sites (if anything Site F was marginally more valuable as Common Lane provided a well defined boundary for urban development. Further work indicated no significant landscape considerations that would warrant different designation of the two sites (G and F). In practice however the work submitted with the 2015 reports (already referenced) included work by consultants Stomor under HCC/Vincent and Gorbing direction, that indicated Site G had substantially higher proportions of likely pupils from within sustainable travel distance criteria than any other site under consideration at that time (11 sites around Harpenden Town). It had the further advantage of being more accessible to any Western village pupils without having to traverse town centre or River Lea crossing (Station Road / Lower Luton Road). Similarly for any pupils in Southdown area of Harpenden affected by Sibling allocations, the site provided a more reasonable accessible walk to school (no main road crossings). The logic of the exclusion requires detailed examination

by officers in an independent manner to fulfill the proper consideration of alternatives as required by Very Special Circumstances considerations.

In the current application the applicants state that work was undertaken to refresh the site selection process. This would logically have been the first step in the process towards preparation of Planning Application. In practice the refresh process consisted of asking previous or new consultants if they considered any factors would change their previous (2015) recommendations. As a first comment this refresh request was not apparently requested until late in the application process – certainly not until after the applicant's agents had approached HCC Spatial Planning for Screening opinions on the chosen site. As a minimum this sequencing is farcical – there is no sign of any intent to pay any heed to potential recommendations i.e. it has all the appearances of a façade. In practice no heed was taken of the change of emphasis of the sustainable transport objectives – which would have led to reconsideration of better suited sites from this perspective. However one consultant – Lambert Smith Hampton – noted that there was a significant change in the price of the land of one of the three sites shortlisted – Site F was declared as bought for £1.7m, site D was a little more expensive as a possible purchase price while site A was given a price tag of £35m – effectively doubling the development cost (and lifting way above Pick Everard estimates of DfE/EFSA guide prices). In essence this change made site A undeliverable and as such a true refresh process would have removed this from the short list and brought in the next potential site – Site G which had been removed in the circumstances declared above. At the time of initial HCC decision to pursue 'site F' the Land Registry attributed a value of £1.9m to Site G i.e. between the value of Sites D and F subsequently declared, and therefore it would have been in same scale of financial attractiveness as the short listed sites. Additionally the site has less contours and topographical difficulties than site F and would therefore have been a viable candidate for evaluation as an alternative. However the applicant chose not to amend the short list and undertake an appropriate evaluation of a highly suitable alternative site

As such we consider the site evaluation flawed and the site refresh unfulfilled. As evaluation of suitable alternatives is a requirement for Very Special circumstances it is clear that the applicant has neither achieved nor attempted such alternative evaluations when evidence clearly identifies a significant failing in one of the short listed sites to be deliverable.

As this represents an unfulfilled condition the Planning authority should reject the application until suitable alternative site evaluation is undertaken.

#### **Topic 4: Statement of Community Involvement**

A substantial amount of information has eventually been published – while this appears to support RSRPO's expressed concerns, the timing of the release of information (which was brought to the Planning Authority's attention over 2 months prior to the supply of information) does not permit full evaluation. We therefore reserve the right to make further representations about this topic.

## **Topic 5: Noise assessment**

On review of this document we have noticed the following.

In document at page 5 there is reference that "The period associated with day or night, for the purposes of the standard, are considered to be 07.00 to 23.00 and 23.00 to 07.00 respectively"

It goes on to state a page 8 "In the morning on Monday 10<sup>th</sup> July 2017 construction work was taking place on site and therefore measurement data at MP3 after 7 a.m. has not been used in this assessment"

Further in the appendence at page v there is table showing data from MP3 daytime (weekdays only), in the table it shows data collected from 7<sup>th</sup> July 2017 and 10<sup>th</sup> July 2017. As was explained on page 8 the data from 10<sup>th</sup> July is invalid and is therefore not being used. This leaves only the data from 7<sup>th</sup> of July as valid data. The table states that sound data was only taken from 3pm till 11pm that day. As defined above on page a day is considered between 07.00 to 23.00. Given the application that applies for a school that is open from 8.30a.m. till 3.30pm there is only half an hour of data that has been obtained for what would be considered its normal opening hours.

On page 14 the document concluded that "....Measurements are considered suitable to set noise emission criteria from any plant associated with the new building. If noise emission criteria is adhered to, no adverse impact is anticipated". As a maximum there is only half a day's data from the 7<sup>th</sup> July, but more concerning the is only 30 minutes of data applying to when the school is expected to be operational.

Based on the above information this document is whole inappropriate for judging the noise impact, as it does not have a complete day of normal data and the data it does have mainly falls out side school hours and no weight should be put on the document. It would be impossible from the information that "no adverse impact is anticipated"

### **Summary**

At this stage it is our conclusion that there are significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. These are of sufficient scale that the Council has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and submit our follow up representation as indicated above.





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(please mark response FAO H Kershaw)

Hertfordshire County Council  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford,  
Hertfordshire. SG13 8DN

F.A.O. Mr. Chay Dempster

Your ref: PL\0866\17

9<sup>th</sup> January 2018

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

**This letter includes additions to our original interim document, submitted in November 2017 and should be read alongside that and any/all other associated documents submitted by RSRP.**

We are writing in connection with the above planning application to strongly object to the proposals.

We are a residents group, representing well over 1,000 local residents, with high concentrations in East and North Harpenden, Wheathampstead, Kimpton and villages to North East of Harpenden. Further details have been provided elsewhere.

We note that the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions. We have previously drawn your Council's attention to a number of these as our reviewers discovered them and asked for such matters to be corrected. For those errors and omissions where we believe review and analysis was compromised we have identified a need for mitigation on response times to

allow proper consideration of matters. Details of identified errors and omissions are included in Appendix 2.

*It is further noted that significant new material was added in December 2017. The revised consultation end date of 9<sup>th</sup> January does not allow anyone sufficient time to review additions, especially given that half the extension was over the traditional Christmas shut down period from Friday 22<sup>nd</sup> December to Tuesday 2<sup>nd</sup> January. We strongly object to this rushed and ill-considered approach. It would also appear that essential documents are still missing from the planning portal.*

Given the lack of time afforded, as mentioned above, it is our intention to continue our analysis of the material and to make a further submission or submissions when we have properly reviewed the recently added material, both individually and in the context of the application. Some significant evidence still appears to be missing. This means we are left with no option but to apply a high level of assumption to our review, and that will be noted on our comments.

Our additional objections are as follows:

#### **Entertainment and Management of the Application**

- **Section 65(5) of the Town & Country Planning Act 1990 (TCPA)**

The timescale for additional comments relating to December-added materials is unreasonable, given the volume of additions, the time of year (with some 50% the response time during Christmas and New Year holidays), and the fact that this is arguably a major development.

The subsequent errors and omissions highlighted elsewhere and in Appendix 2 constitute sufficiently significant omissions to warrant practical assessment by any member of the interested public impossible. We submit that the application should have ceased until such omissions were corrected and a full period for determination re-instituted.

For the above reasons we urge the Council to shut down and only re-start the application if all procedural and otherwise conflicting issues have been properly resolved.

#### **Impartiality of Hertfordshire County Council**

Herts County Council, in response to various requests have failed to adequately demonstrate impartiality and independence between various Council departments, groups, contractors or other associates. This includes apparent confidential or project information made available to certain interest group(s) but not to RSRP.

The nature of the application management style adopted, including the failure to discontinue the consideration of the application by requiring its withdrawal, or by extending the consultation period to provide appropriate consultation time,

creates an impression that the deadline for completion of the application process is of far greater importance than the quality of the application, abidance by HCC of its own policies and compliance with planning laws.

Given the relationship between HCC as both co-applicant and as planning authority hearing the planning application, we suggest that there should be an even greater responsibility for HCC be seen to be impartial. We do not believe this has been achieved. The impression held by many of our members, given their exposure to years of refusal by HCC to discuss this matter is that the outcome of the process has been predetermined, and this impression has not been dispelled by the management of the application process.

Numerous procedural and administrative errors within this planning application, and the fact that County do not seem willing to correct those errors is a clear illustration of both lack of impartiality and intent to proceed without due attention to material considerations. The most recent example of this being documents added to the portal in December 2017.

For the above reasons we urge the Council to reject the application.

### **Impartiality of St Albans District Council**

St Albans District Council submission appears to have failed to forward objections received in the period leading up to the report submitted to HCC. SADC also failed to accurately describe RSRP and failed to list a large number of individual objections. In also inaccurately describing HPG it appeared to give undue weight to that description and submissions from that group. It also appeared to take into account confidential information that HPG arguably does not hold or have access to, yet claims as part of its evidence.

SADC report appears to have omitted a number of objections issues included in the initial report submitted to the planning referral committee of 27<sup>th</sup> November.

SADC reporting is misleading in that they appear to claim that they assessed HCC information in potentially allocating the location as a possible site in their earlier/discarded DLP proposal. This is misleading in that they have no evidence that they received or assessed accurate information from HCC. The potential allocation is therefore seriously flawed.

The potential allocation of this site is a pepper-pot allocation - a form of development officially rejected by SADC according to the current planning portfolio holder, as presented in Harpenden earlier in 2017. Pepper-pot developments involve placing a development somewhere without any evidence that they relate to a local area need. They are not in tune with existing infrastructure and therefore cause harm by the additional stress they place on a local environment. They are considered dangerous precedents by SADC according to the Portfolio Holder and should be rejected. The preferred infrastructure development would be additional school places to match areas that are not well served at the moment, for example, Wheathampstead and

Southdown/Cross Farm, where that population growth and housing development was not supported with matching infrastructure. According to SADC preferences, a school development in Batford should be refused because it does not resolve a local need but brings a surplus into an area at the same time as creating a severe transport infrastructure.

For the above reasons we urge the Council to reject the application.

### **Impartiality of Harpenden Town Council**

Harpenden Town Council appears to have failed to forward objections received in the period leading up to the report submitted to HCC. HTC also failed to demonstrate a decision based on material planning concerns, giving undue weight to inaccurate emotional content apparently provided by HPG to the council. Evidence for this is in the records of HTC's council meeting of 27<sup>th</sup> November.

While at the outset, the members appeared to state that they would only consider material planning considerations, almost all responses demonstrated that there had been no assessment of need, traffic, archeology, environmental, Impact or other considerations. The council also failed to identify items missing from planning documentation. The Council also apparently failed to consider the very large number of objections delivered to the council in various forms and there is, according to the HCC web site, no record of those objections or related correspondence being passed to Herts County Council.

There was no evidence of realistic and considered discussion of the actual harm inherent in this planning application, indeed the potential harm was mocked as were the opinions of residents throughout Harpenden and the villages who understand that the school proposal is in the wrong place.

At one point, evidence of an apparent largescale housing development that does not exist and has not featured in SLP or planning applications work was apparently used as a reason why the school should go ahead. Developments that do not exist or are not in planning are not material to an existing planning application. In addition, this mention implies that HCC have come to some agreement with a developer in a way that is not in the public domain. This in itself is questionable on many levels.

If imagined or un-documented developments are now material to planning, then HCC must by preference take the more certain Hemel/ Redbourn Crown Estate proposals that include secondary school place provision and would negate the need for a new school in the Harpenden planning area at all.

One HTC argument was that there should be school places for anyone who wanted to move to Harpenden. This in itself is a) unsustainable and b) not a planning consideration c) demonstrated that the Council had not scrutinised school place need information from HCC. If they had scrutinised that need, they would understand that it is not in HCC remit to a) deliver limitless migration to

Harpenden or b) guarantee limitless school places. In addition, had HTC scrutinised need data, they would understand that a) there is now a growing surplus of primary places in Harpenden that will lead on to a surplus of secondary places b) further significant housing development to the North of Harpenden that may occur as a result of a revised SLP is over a large number of years and would not yield enough secondary pupils to warrant a school (Harpenden and area is not scheduled to grow by the 1/3 needed to warrant a new school) c) housing in the north of Harpenden will just accentuate the school place problems that exist today where pupils in the villages and South Harpenden are always disadvantaged by their geographic location.

If Harpenden Town Council had considered material planning information properly, they would have recommended refusal. In one other example, a member of HTC stated that there was no traffic problem on the Lower Luton Road. If they had read the various traffic reports, or even visited East Harpenden during the morning, evening or during the day, they would see that the road really is dangerous and seriously over-capacity, as stated in various formal traffic reports.

It is unknown whether HTC has even considered or assessed more recently added planning documentation.

For the above reasons we urge the Council to reject the application.

#### **National Planning Policy Framework and Very Special Circumstances**

No additional comment within this document.

For the above reasons we urge the Council to reject the application.

#### **Green Belt**

- **National Planning Policy Framework and SADC Strategic Local Plan Policy 1 Metropolitan Green Belt and all other relevant planning policies.**

No additional comment within this document.

For the above reasons we urge the Council to reject the application.

- **Site selection process**

Our additional concerns in this matter include:

- The area of search of the original study by V&G removed viable and alternative sites.
- There are other sites which have not been considered...

The recent addition of Needs information (10 November 2017) is being reviewed in this context, however in absence of time to assess, if the Council is minded to progress there is insufficient information to enable acceptance of alignment of local need and for the above reasons we urge the Council to reject the application.

Many Harpenden residents and councillors have previously confirmed that the area of need in Harpenden is in the South (Southdown) and a major area of need is Wheathampstead. They have also publicly stated in meetings and in correspondence that they would like the school to be in the south, where there arguably is a need. A very large proportion of the population would also like to see the school in the South *where it would take traffic off the roads*. Cllr David Williams (now HCC Leader) has on more than one public occasion expressed his preference that a new school be located in the south, not north of the town. For example, Harpenden Society meeting 26th February 2016: 'I would love a site in the south as that's where the children are'. He added that such a site would not be in his Ward.

The preference for a South Harpenden, Wheathampstead or Redbourn site for the proposed new secondary school to cater for the wide area Harpenden Secondary Planning Area is highly visible in parent discussions on social network sites, including Harpenden Parents Group and their associated discussion group Support a New Secondary School. HCC lists area of need amongst their criteria for establishing a new school while others quote the need for planning permission and yet more identify timescales. Many still question why HCC continue to ignore County-owned sites in Wheathampstead and the South of Harpenden. Not to mention the underused secondary school in Redbourn where arguably there are no green belt, planning or timescale issues at all.

A 4th monolithic school in this location leaves many village residents with their nearest school still not being in the Harpenden Secondary Planning area, which means they will remain at risk of not getting a preferred place in the area. The plot below highlights that the better place for pupils, traffic, geography, cost, easy of build and other reasons remains South Harpenden of the disused school fields in Wheathampstead.



For the above reasons we urge the Council to reject the application.

## **Landscape and Visual Impact**

- **SADC Strategic Local Plan Policy 104 Landscape conservation and all other relevant planning policies.**

Additional information includes:

Document Landscape Comments additional info KW, recently added to the planning portal, states:

- Landscape comments have previously been submitted in a report dated 10<sup>th</sup> November 2017.
- The submitted additional information does not address the landscape issues raised within the previous report, they therefore remain outstanding.

A quick review of other documentation cannot locate the 10<sup>th</sup> November document mentioned, confirming that planning portal documentation is not complete. In addition, it confirms that the planning application does not address landscape concerns.

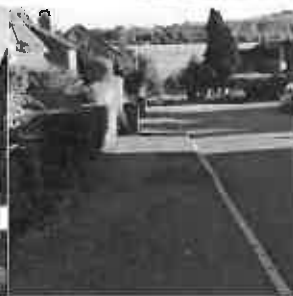
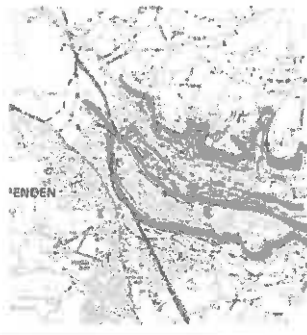
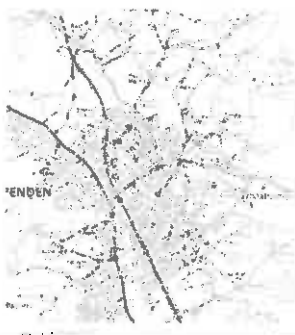
The LVIA omits a consistent narrative about the visual impact from the wide area of Harpenden that the site is visible from: Significant views include from Aldwickbury, Manland/Sir John Lawes, Station Road, Crabtree Lane, Milford Hill, Sauncey Wood School. A rough check on maps that include roads and contour lines confirm that from all of these locations not only will the potentially floodlit playing fields be widely visible across the town, but the school buildings will also be widely visible from several common locations and roads. The hand-coloured sample maps attached illustrate this.





These confirm both a flawed LVIA/Environmental assessment but also confirm impaired amenity and more across a wide area of Harpenden and Batford. In addition, they completely negate one of the apparent selection criteria (that this is an enclosed site that cannot be readily seen). Photographs clearly show wide-ranging site visibility, and in some instances, the in-progress trenching that was carried out also confirms that visibility.

Unfortunately, the planning application does not contain consistent and contiguous contour/relief maps that show site contours in the context of the wider landscape. RSRP has therefore had to obtain maps from other sources. The images below are rough indicators only, but do also confirm a lack of rigour and accurate information in original assessments,





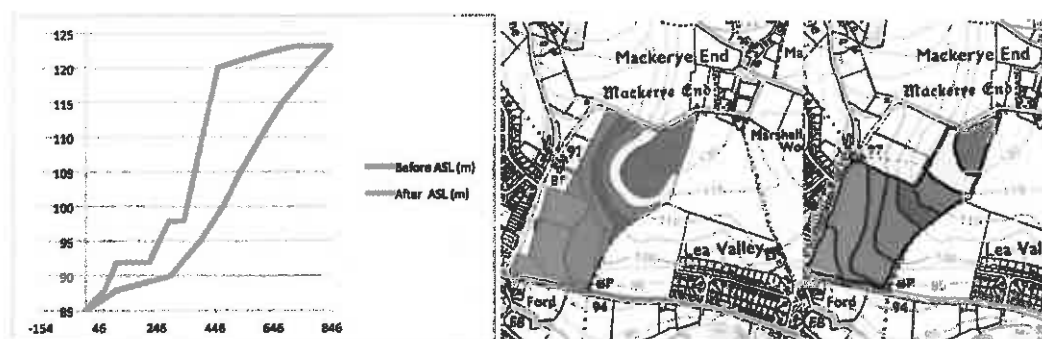


For the above reasons the LVIA falls short in assessing the visual impact of the proposed development and we urge the Council to reject the application.

### **Landscape conservation**

In particular, the landscape remodeling proposed in the planning application will severely disrupt the landscape characteristics with the construction of relatively steeply sided plateaux. Again, this is in contradiction to local landscape policies.

Planning documentation has yet to provide accurate contour/related data that is contiguous on/off the proposed site.



For the above reasons we urge the Council to reject the application.

- **SADC Strategic Local Plan Policy 102 Loss of agricultural land and all other relevant planning policies.**

The policy states development of such land will “...normally be refused. An exception to the policy may be made if there is an overriding need for the development and there is no alternative land of a lower quality which could be reasonably used.”

For the above reasons we urge the Council to reject the application.

- **SADC Strategic Local Plan Policy 106 Nature Conservation, Policy 84 Flooding and river catchment management and all other relevant planning policies**

The Policy 106 states the Council "...will refuse proposals which could adversely affect: (Part (v)) ...the natural regime of either surface or ground water in river valleys and their wetlands"

In addition, water voles and other wildlife in the vicinity of the ancient ford would be seriously impacted by additional traffic.

Each year, the river and ford form part of the local area flood defense, flooding over the banks and yet safely dissipating. This is in addition to the usual flood prevention inherent in the arable landscape itself. Additional flash water arrivals from ducted water management up on the hillside will risk damaging the river and its natural function, make this flood worse and effectively remove natural mitigation potential.

The whole river floods over into the shallow flood plain, but again, if there is ducted water arriving at the ford this will provide a major alteration to the natural flow of this river and the ability of the land and banks to naturally manage flood risk.



For the above reasons we urge the council to reject this application.

- **SADC Strategic Local Plan Policy 34 Highways considerations in development control and all other relevant planning policies.**

Additional concerns in this area include:

The traffic assessments also appear to ignore earlier analysis that concluded the road situation would likely not lead to a successful planning application. Again, the lack of accurate traffic data and planning appears to highlight the initial flawed site selection process.

A recent serious accident (head on collision, cars on fire, potential illegal overtaking, police redirecting traffic along single track lanes that lead to further tailbacks and knock-on accidents) that caused road closures and delays for up to half a day highlight the complete inappropriateness of this proposed location.

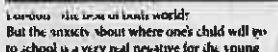


It is understood that local traffic police also object to the development, on the basis of road safety and location.

A trial walk was carried out and this article (illustrating the dangers) was written as a result.

## Too dangerous to call?

Herefordshire County Council has submitted a planning application to build a 1200 pupil school on the green belt site at the junction of Common Lane and the Lower Linton Road. *MiniMagazines* met up with local poet Charlotte Vesterhauf who explained her concerns about the position of the new school. Everyone of a certain age remembers that Weatherup used to have its own secondary school. It was up on the top of the hill tucked into the housing estate on Butterfield Road. Since it closed twenty years ago children from Weatherupstead and Hupependents surrounding villages have struggled for a local school place in the three excellent but over-subscribed schools Roundwood St Georges and St John Lewis. Rural life is great, particularly in Herefordshire, with its speedy links into



But the anxiety about where one's child will go to school is a very real negative for the young families who have moved into the area. So, it is understandable that local people are eager to see a new school built that will remove the uncertainty and the scramble for school places. Herefordshire County Council believe the planned new Katherine Warrington School will fulfil the government's sustainability requirement - that of the school being in a location that allows the maximum number of children to get to school under their own steam, whether by bike or on foot.

Charlton told us that if they go to bike the council assumes it's the longest journey & a child can make a 5 km, whilst on foot this is 2 km. The older generation would probably find this funny - many of them used to hike miles to get to school! But then they probably weren't trying to walk next to a road like the Lower Lantien Road, packed end to end with cars, lorries and buses. At peak hours the road is at capacity.

It seems that Wheatthampstead, where most of the children are going to come from, lies just outside of the assumed town limit. But the town is too near to be eligible for free bus transport. So parents are left to

So parents are left to



...and their child off on their bikes into the  
hour to navigate through the traffic or walk  
across the jungle.

der to highlight these issues. Charlotte and a group of concerned locals, comprising residents of York, Blackmoor End, Wheathampstead, Luton Road and Balford, took to the streets on 14th November to look more closely at the children's proposed daily commute to Balford. It was slow, taking about 50 minutes, on foot from Balford at Lanner Lane to get to the

said, "Along the way there were some  
narrow places where the pavement narrowed to  
such an extent that it was possible to touch the  
curb with the hand. It was very easy to slip  
off into the road too, which could have  
serious consequences. So what will any sensible  
parent do? They will take their children and take  
them the other road way and take  
them to school by car of course."

How they will face a long journey: the traffic measures proposed by the council, which is massive (anywhere up to £23 million),



no not and cannot address the congestion. The road is constrained by its topography, with the flooding-prone River Lett on one side and houses built very close to the road cresting pinch points. According to some, building a school on this road does not make sense.

Please send in your comments to Here's County Council, spatial planning@herefordshire.gov.uk and Planning@shropshire.gov.uk


Details of Planning application HCC reference PI10866117

PI 10866117

Real Ale and home cooked food  
A winning combination

# The Swan

Buy a local and real beer from village pub. Something for everyone  
Real Ale, Home Food, Live music and Sunday roast calls  
Wednesday night jazz, live music, parties, darts, parking available



THE SWAN, ALD BEE, STENN BRIDGE

For the above reasons we urge the council to refuse the application.

- **Archaeology (emerging evidence – to be reviewed)**



**NPPF: Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.**

Emerging evidence as to the nature and conservation issues relating to remains of this type and age indicate that full removal/assessment is the only option. This emerging evidence also points to a lack of rigour in assessing the site in relation to its long arable farmed history, the relative mil placements and likely importance of the river and crossing in a historical setting. Again, this implies that part of the initial site suitability assessment was fundamentally flawed in that it failed to take known historical context into account.

Any recommendation to bury only is flawed in that actual locations of remains and artifacts is essentially unknown and the disturbance from building constructions or other extreme terraforming indicates a high risk to the historical setting and chances of study.

Formal objections from various sources confirm that the planning application does not contain sufficient safeguards and that the applicant has declined to pay attention to conservation recommendations.

An eminent archeologist has recently written a summary of the finds value and the importance of very careful evaluation and preservation. There appears to be no attempt at a careful considered response to the identified and potentially unidentified finds. The applicants disdain for potential important findings has been evident from the desk-based archeology through disregarding/disparaging 3rd party assessments and their statements about negative reports having been written before formal assessments were carried out.



- **Overlooking, loss of privacy, visual amenity, noise, disturbance and other matters**

Additional comments in this area include:

Traffic and transport planning with road changes towards and over the historic ford would represent a significant loss of amenity. The local ford appears in historic paintings and is a footway widely used by the local community. Although it technically is a ford, it is rarely used as such. The ford is more significantly used as a local amenity spot to bird watching, and as a quiet safe beach for local families. Additional traffic or changes at the ford would therefore remove this essential amenity for many families in the area. Again, this lack of local awareness implies a lack of rigour in the flawed site selection, process. It also floods to over bridge height each year, fulfilling its safety feature for flood mitigation.



The ford is the gateway to preserved pastures and amenity space, where images in the planning document also fails to accurately record the local area. Any attempt to destroy this amenity beach and historic for/tranquil bird watching environment, where rare water voles are already noted is clearly against heritage, environment and amenity planning guidelines.

Environmental analysis seems to be missing from planning application documents, and therefore this section also aims to highlight some valid material planning issues relating to the environment. A rare chalk stream feeds into the river here as well.

Car and bicycle parking within the proposed school are completely inadequate for the proposed size and scale and do not match government guidelines. The car parking allocation is about half that required for the school/staff and potential 6<sup>th</sup> formers. Bicycle parking is completely inadequate for the proposed number of cycling students.

For the above reasons we urge the council to refuse the application.

### **Summary**

At this stage it is our conclusion that there are significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. These are of sufficient scale that the Council has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and submit our follow up representation as indicated above.

Submitted by Hillary Taylor, for and behalf of David Cairns, Chairman Right School Right Place, on behalf of members of our organization.





Right School Right Place  
c/o Downs Solicitors LLP  
15a High Street  
Cobham, Surrey  
KT11 3DH  
(please mark response FAO H Kershaw)

Hertfordshire County Council  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford,  
Hertfordshire. SG13 8DN

F.A.O. Mr. Chay Dempster

Your ref: PL\0866\17

24 January 2018

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

Further to our letter of 16 November 2017 and subsequent additional representations in December 2017 and January 2018, we wrote to you identifying:

- We are a residents group, representing over 1,000 local residents - details provided in our letter of 16 November 2017.
- We strongly object to the proposals.
- That the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions.
- A need for mitigation on response times to allow proper consideration of matters arising from errors and omissions.
- Significant new material was added close to the submission date (between 7 -13 November 2017), for which we considered there was insufficient review time
- Our intention to continue our analysis of the material and to make a further submission(s)
- We have no option but to apply a high level of assumption to our review, and that will be noted on our comments.

We had identified further material that we were continuing to assess and about which we feel obliged to make significant assumptions due to lack of published information. We are adding to that series of representations with this representation. We would however draw your attention to the outstanding matters which have been advised some time ago and which remain unanswered. In particular we draw your attention to the lack of basis of assessment provided for the LViA material, a point which we understand we are not alone in raising with you and about which no material has been provided or questions answered. We therefore submit that this aspect of the planning application is completely compromised and on that aspect alone as an LPA you should be requesting that the applicant withdraws the application, failing which you should be refusing the application on grounds of incompleteness should the applicant continue with the process.

We have included selected references to our initial notification to the Planning Authority by way of extracts from our original notification letters from October/November 2017. These are included at Appendix 1.

#### **Topic 4: Statement of Community Involvement**

A substantial amount of information has eventually been published – while this appears to support RSRP's previously expressed concerns, the timing of the release of information (which was brought to the Planning Authority's attention over 2 months prior to the supply of information) does not permit full evaluation. We have therefore undertaken some rudimentary analysis of the material added and on this limited basis drawn up our further representation.

- SCI (Statement of Community Involvement) Appendix 1 provides a copy of the leaflet produced to notify the process by which the school's promoters, including the applicant, sought to engage public. As this leaflet comprised the sole means of notification to many households it should be viewed in isolation. The leaflet comprises a single two sided A5 sheet. One side has 3 maps showing 4 venues for exhibitions, the other has a list of the venues and dates/times of what is billed as a public exhibition. It states that the subject matter of the exhibition is emerging planning application proposals for the Katherine Warrington School. It fails to identify the site to which the plans refer. Furthermore the school had only announced that it had adopted the name Katherine Warrington School the previous month and at the time of publication the name was relatively unknown to the general public. Viewing this as a stand-alone leaflet, particularly if not having any internet access or awareness of the recent naming there is nothing to indicate this would be a relevant topic for many people. We therefore conclude the notification excluded many people who would have had a legitimate interest. As such the SCI cannot be deemed to be representative – a point compounded when also considering that awareness of the school progress and naming was greatest with one group – Primary School parents – as the naming competition, and its results, was undertaken

through local Primary schools, giving a much higher awareness to a particular interest group.

- SCI Appendix 4 provides a screenshot of KWS website just prior to the exhibitions. As noted above there was a general lack of awareness of the school at this time and for reasons noted above it is understood that many potential interested parties would not have had the means or the inclination to reference the website. It is noted that the website contains the first use of the word 'consultation', both in the text and, ironically, in the title of the exhibition leaflet which failed to use the word 'consultation' at any point. Without any reference in the delivered leaflet to 'consultation' other, less accessed media, including webpage, should be disregarded as tangible evidence of notification a formal consultation process.
- SCI Appendices 3 and 5 comprise a stakeholder e-mail and stakeholder list. It is noted that the list of stakeholders is far from inclusive. The list comprised over 80 Councillors plus one Council Officer – the Chief Executive of St Albans City and District Council – whose departure to take up an unrelated new position at the time of the exhibitions had been announced some time before. It is noted that the nine HCC Councillor invitees consisted of the entire Cabinet plus Chairman of the Council, which coincidentally included 4 of 5 Members for County Wards within the school's likely catchment, but no invitation was issued to Member for Harpenden Rural (formerly St Albans Rural) whose electors are likely to form a majority of school users. The entire member list for St Albans City and District Council was invited, as was the entire Harpenden Town Council. The Council Member stakeholder invitations however excluded any invitees from North Hertfordshire District Council, Dacorum Borough Council, Wheathampstead Parish Council, Redbourn Parish Council, Kimpton Parish Council, Harpenden Rural Parish Council and other local Councils covering Markyate, Flamstead, Whitwell and villages in the Waldens. All these areas are ones which HCC and the school have identified as pupil sources for the new school, and in the case of Wheathampstead, Kimpton, North Herts District and the Parish Councils in the Waldens, the school will be the highest prioritized school for new entrants resident in parts or all of the Council's areas. In the case of Wheathampstead, with in excess of 100 pupils per year consistently entering the Primary education cycle it is very likely that the subsequent occupancy of secondary will be in excess of half of the school's population. No other body, be that Parental representative Group, established Community Group in the locality, known interest group with defined concerns was considered to be a stakeholder. In the latter categories it could have been expected that Harpenden Parents Group, Batford Community Action Group, Batford Springs Volunteers, Harpenden and Wheathampstead History Societies (known Archaeological interests), Harpenden Green Belt Association, CPRE all had known interests as could our own Group which has been identified to the Trust from the early stages of the proposal. The only conclusion that can be drawn is that far from Community involvement of a wide nature the promoters of this scheme have sought the opposite – exclusion of interests and a total unwillingness to involve substantial sections of the Community. The invite itself to "stakeholders" appears however to consist of the

standard web message (see above) plus an added benefit of a one hour preview of the exhibitions – this appears no more than a cynical attempt to seek support from Councillors at future reviews – such as this consultation – and appears to have removed any opportunity for constructive critique from many of those likely to be affected or representing those affected.

- It should be noted that the Appendix numbering within the text of the report does not correspond to the Appendix listing – this includes SCI Appendix 5 which is referred to as Appendix 7 in text (4.6) while the text (4.10, 4.11) identify an Appendix 5 as the Exhibition Boards – in practice these appear to be Appendix 7. Similarly the responses to questionnaires are declared as Appendix 9 – no such Appendix is included, it would appear to be Appendix 8. A number of other appendices are not referenced at all in the text, suggesting, particularly in the light of the non-provision of these Appendices until over a month after the expiry of the original consultation period, that these were not submitted with the report in the original application and indeed may not even have existed in a coherent form at the time of submission.
- SCI Appendix 2 provided a map of distribution area for the leaflets (see above). RSRP has mapped approximate school entry catchment areas onto a copy of this map and included this as Appendix 2 of the submission. The areas defined reflect the school allocation system and how it is likely to relate to the groups approached as potential community consultees. Within the standard HCC allocation process there are priority areas which group schools together in a territory, and within the priority area one community school is designated as nearest school on basis of distance of home to community schools in the priority area. In the Appendix High Catchment Priority has been assigned to those areas for the proposed school would be the nearest in the Priority area and Low Catchment Priority has been assigned to other areas within the priority area from which HCC has identified pupils are likely to be sourced – in practice HCC's Priority Area includes two EPAs (Education Planning Areas) and it could be argued that pupils from any St Albans location could be included, however the case for the school has been made on the basis of the northern EPA and this is defined in the application as omitting St Albans City area. Each of the two areas is then split into areas that were included in the leafleting and areas that were not. What is apparent is that large geographic tranches of High Catchment Priority were excluded from the leafleting – to the extent that the published map did not extend to some areas that would expect this to be their most likely school for entry, creating a group of more affected people who did not get the opportunity to comment (and the same territory includes many residents for whom the school would represent a traffic obstacle in any route to Harpenden irrespective of pupil interest). Conversely a substantial part of the leafleted territory included parts of Harpenden and Redbourn where arguably the establishment of this school will lead to greater access to the existing Harpenden Secondary Schools – an objective that has been previously stated by some parent representatives from these areas. As noted in other representations the applicants have identified an expectation of pupils from North West of Harpenden – it is therefore strange that they chose not

to include further substantial geographies where these school users live (blue area on map again extending beyond the map provided). The imbalance of selection of recipients for canvassing for community involvement to the apparent inclusion of groups who would have potential non-planning interest in seeing the school established over those who would be more directly affected is sufficient to destroy any ability to declare a balance in the outcome. It is of particular interest that parts of Wheathampstead Parish were excluded, despite the site being partly within the parish boundary.

- The feedback form, in SCI appendix 6, fails to ask a simple overall question of whether respondents are in favour of or against the school. Instead two linked response questions are given – these oblige the respondent to declare themselves in favour if they see any aspect that they like, while any concern appears to be inextricable linked to opposition, or, depending on interpretation, the response allows the survey team to decide based on response whether a concern is or is not opposition. As noted from a scan of a sample of responses received there is a significant contingent of respondents who have grave concerns about the appropriateness of site choice while recognizing there is some need for additional capacity in secondary education. In practice this is akin to the view that has been consistently held by RSRP since its inception in September 2013 – when it was identified that while estimates of the scale of need varied significantly the common factor was that consistently 60% of demand was within the Town and that this is less than the capacity of the three existing schools by a significant margin. Given this view has been expressed to the groups promoting the school the construction of a community involvement questionnaire that did seek to extract a distinct view on the appropriateness of the site separate to the more emotive support or don't support postulations. It is further noted that having clearly identified that the planning application needs to consider Very Special Circumstances due to its nature there is no question relating to whether this aspect of the planning application is sufficiently covered. The matters are not unrelated as alternatives, and by inference site options would need to be addressed and neither material presented nor questions posed address this aspect. It did subsequently transpire from the material submitted with the application that although work in relation to the site proposed had been undertaken, work relating to refreshing the site search and selection had not been reported on at the time of the exhibitions – in essence an incomplete basis on which to stage the exhibitions.
- In previous comments prior to publication of SCI Appendices RSRP noted anomalies in the presentation of the material in the main report. In particular scaling of graphs gave the impression of greater weight to some characteristics relative to others. In practice not only is one issue dominant – to the extent that more than 50% of respondents (of which there were a substantial number for such a survey) cited the concern. The concern being Traffic and Congestion and further being that specific item flagged under the conditions of question 2. At about half as many again as thought design was good it is supportive of RSRP's initial response that a presentation that gives an apparent greater visual impact to this

characteristic is highly misleading. When further considering that Transport and Access and wrong site also appear in same list with considerable numbers it is questionable whether the location choice and failure to project need in terms of travel (and associated congestion) mean that in essence the root cause in practice a greater level of criticism than the figures suggest. This is further reinforced by the same group of comments appearing under responses to question 3 (80-100 responses in 3 related areas) and again under additional comments section. While it is possible that there will be some duplication through repetition it very likely that persons commenting under q1 and then adding concerns / areas of improvement under q3 or further comments are in effect adding to the material consideration of transport/traffic/site choice (relative to need) issue and that far from a simple majority of respondents being concerned about this aspect, the reality of the response is that a substantial majority consider this aspect to be a failing in the plans being put forward. It is further thought that measures that have been suggested are geared towards reducing risk by bringing traffic to a standstill (and therefore managing down) impact of any accident, rather than addressing the issues of balancing considerations of safety and local amenity – the latter is effectively being sacrificed and being to a greater degree by the suggested measures which fail to address the underlying cause. In this respect the comments drawn out at the exhibitions are not explored sufficiently in the analysis presented and this can only be considered a failing of the Community Involvement exercise.

- We return to a comment made without the benefit of the Appendices. In an earlier representation RSRP noted that the display boards and comments made by exhibitors suggested that many aspects of the plans were insufficiently developed for meaningful discussion at the exhibitions. Specifically this is refreshed by the opportunity to re-read the comments typified by board 01 (SC Appendix 6) where the final paragraph identifies “There will be a considerable amount of additional work..” and specific items like board 03 which identified that a transport assessment had NOT been undertaken, it is clear that the exhibitions were premature in that they insufficient developed information to make an all-round judgement. This point was made as part of the feedback process but is not mentioned in the SCI report, arguably not surprising as admitting to the direct consequence of what had been declared on the boards and amplified by discussion would essentially have led to one conclusion – a more complete basis was required for a meaningful input to the planning process. The applicant has clearly decided that is not something they wish to do. The reason for doing remains as valid as when first stated – if there are insufficiently developed plans then it is impossible to make valid comments and the material submitted under SCI should be treated as insufficient for purpose.
- There is a further telling point. Since the exhibitions the Trust has held a separate consultation, as required by the Academies Act. This has more often than not been held prior to a planning exhibition but the general approach has been to identify plans in the embryonic stage during the Academies Act consultation and take preliminary feedback then. In

practice this is how the Katherine Warrington School had initially advertised the sequence, and how the sister project that HCC launched for Croxley Green was conducted, but close to exhibition time this sequence was switched. However the Academies Act consultation was launched in early September 2017 with a single planned open evening (in Central Harpenden) on 18 September 2017. Although it subsequently transpired that much of the planning material was ready and indeed had been submitted before this consultation evening, none of the material was made available save approximately half the display boards (with alternatives relating to the school's educational policies replacing the other boards). In particular it was noted that section 6 of the SCI is entitled "Responding To Feedback" and subtitled ESFA (in applicant role) feedback to points raised. At face value this section should consider points raised and playback answers but appears to miss the logical step of reporting back to those making the point – in the absence of any further planning exhibitions the only place that this element has come close to the people who raised the points is by submission to the planning application, which is not published locally and requires both internet access and an awareness of existence to obtain feedback to any point raised – for those that choose to so there is the challenge of identifying whether the feedback is within the pack of (literally) hundreds of documents and then if dissatisfied with outcome (by omission or by unsatisfactory response) the sole route for those who wish to persevere is a formal representation to the planning process – with the likelihood that points raised are unlikely to go to the applicant for the most part. This approach is all the more frustrating when it is clear that if any document could have been made public in the Academies Act Consultation it was this one – in practice the Trust running that event had either agreed to with-holding or prevented from releasing the information, or, worse, were unaware of its existence. Given the response to questions on the night (18 September) which were to the effect that the Trust were aware that a Planning Application was in the process of being submitted (subsequently transpiring that it had been submitted but was in validation) it would appear a very deliberate strategy to withhold, be it on the instruction of applicant or initiative of the Trust. Such an approach is fundamentally opposed to the objectives of Community involvement and has fostered an atmosphere of distrust of both applicant and process.

- Returning to the SCI itself in the opening summary at section 1.6 it is stated that the EFSA has pursued 'individual meetings with residents and stakeholders' (in addition to the exhibition). As RSRP representing a substantial number of people with substantial concerns we are not aware of a single meeting that qualifies under this statement. As noted above the careful selection of "stakeholders" is exclusive to the point of being ridiculous – and again if the choice of stakeholder includes (and is potentially restricted to) Council Members whose role requires their involvement then this does not fulfil the objectives of Community involvement as outlined 3.1 and 3.2. Again as an organization we are unaware of any point taken to EFSA by any elected representative on behalf of a resident and similarly we have no report of any feedback. In essence the complete absence of evidence suggests to us that the claim of

involvement and the parallel claims in 7.1, 7.4 and 7.5 of understanding community issues is totally unfounded.

- Reviewing the 'responses' in section 6 it is noted that there is a claim that the maximum number of parking spaces has been allowed citing St Albans City and District Council policy but failing to identify which policy. In practice there is considerable doubt over this specific claim and the scale of difference highlighted elsewhere in representations where Croxley Danes (being submitted in parallel to Three Rivers District Council) has approx. twice the on-site parking provision for an identical school. Additionally St Albans has expressed concern over lack of parking / drop off facility and the consequent impact on the local community amenity and this has been echoed in representations from Harpenden Town Council and Wheathampstead Parish Council. All of these are wholly incompatible with a statement that a maximum form the general LPA for the area has been reached as all three Councils are likely to have great awareness of such policies. The ESFA should therefore substantiate this claim with references and if unable to do so then the claim should be ignored and the making of the claim be taken as an indication of an aggressive attitude by the applicant to local community.

In summary RSRP's further review of Community Involvement has reinforced its initial view which is one of great skepticism of the applicants approach. Attention is drawn to similar scale project for outline permission in respect of a project in Bishops Stortford in 2014 – this is present in full under reference 3/2037-14 on HCC web portal and also is directly linked from New School Page in Schools Planning section of main HCC website. A copy of the Statement of Community Involvement prepared for this proposal is included as separate Appendix (Appendix 4) – the nature of the report and in particular the notification leaflet (appendix A with the report) and the response form (Appendix C within the report) are highlighted for comparison. They have clear identification of purpose site and how to respond.

For this project the SCI format is different. It appears to have been undertaken with an underlying aim of deflecting any valid critique by seeking first to minimise involvement of those with potential negative comments and then to seek divert with platitudes rather than seek solutions to address issues. There is a clear reluctance to review root cause issues and no understanding of what has led to the concerns in the first instance. Such an approach has been apparent with one of the co-applicants for a long period as HCC has deflected every aspect of this at each stage of its development from conception to current phase. It can only be concluded that there is no intent to engage and that the formal community involvement process was not expected to generate significant change. Many of the issues noted above are consistent with such an approach – most of all 3 months to provide information that should have been to hand when originally submitted. It is useful for the plan consideration that there is clear and significant concern over the real problem of transport and traffic related to the application – this aspect has yet to be correctly addressed as to date the applicant has not recognized the root cause of the problems and has not therefore considered a suitable remedy. On the basis of the material produced and the responses given the outcome must



be deemed unsatisfactory and the application refused until matters are fully addressed.

### **Topic 6: Residential Amenity**

The question of residential amenity and the impact of the proposal on the local community has been highlighted in many aspects, but crystalized by the Community Involvement approach and the remaining omission of LVIA information.

As noted in the commentary above the approach of the applicant is one of having no regard for impact on local residents of their proposed development. This is particularly apparent in proposed mitigation for any shortfall in parking capacity, where the 'solution' includes assisting to fund parking restrictions on surrounding roads – these generally incur costs for residents and are only implemented after periods of intense frustration with growing problems (a similar scheme has recently been commissioned for roads surrounding the nearby Batford Childrens' Centre following long term expansion and displacement of staff parking from within the site).

The intent is clear – minimum provision and allow residents to suffer before introducing any measures which will also impair resident amenity but which will seem preferable at the time.

Other areas that are noted for impact on residential amenity are:

- Traffic management measures – statements are made as to general measures that are intended to mitigate risk. These fail to address likely impact on local residential roads of which the following are likely to be significantly affected:
  - Castle Rise and Manor Road in Lea Valley estate – likely drop off point for traffic from east as parents seek to avoid being trapped in queue to / from approach from East. Avoidance route was sorely tested after recent morning car accident on Lower Luton Road.
  - Crabtree Lane from Dalkeith Road to Marquis Lane and tributary roads – drop point for pupils arriving from west of area including South Harpenden. Rat run likely with return leg on Marquis Lane to Station Road (and opposite route)
  - All roads in Batford estate on East side – likely to see traffic turn into Pickford Hill, South View Road, Batford Road (spur) and Common Lane. Drop off will be targeted as near as possible to school using Tallents Crescent, Milford Hill, Holcroft Road Roundfield Avenue as rat runs, and despite comments Batford Road & Salisbury Road.
  - Lower Luton Road spur (incorrectly identified as an extension of Crabtree lane North of river Lea (ford)
  - Lower Luton Road.

All of the above are likely to experience high volumes of traffic for the simple reasons of inadequate provision of drop-off capacity and human nature of significant numbers who will seek to drop away from an on-site

area even if a substantial area provided. Experience with other schools locally is that they are relatively powerless and only a small proportion of inconsiderate parents has significant impact on residential amenity (blocking resident access, congesting roads etc). No apparent account has been taken in the measures proposed to address residents' loss of amenity.

- Direction of traffic to Common Lane in first year – the solution to year 1 situation is geared to protection of school users by separation of construction activity from temporary school use. No plans have been provided for the management of 180 children and staff associated with the temporary year 1 operation – 18 parking places with a restrictive entry / exit and lack of ability to turn high volumes of cars through the car park leaves no real option other than the use of Common Lane – for which there is neither mitigation nor is there a plan to manage the situation into a longer term alternative plan. It is likely that first years will form a habit of drop off and simply continue and pass on that habit for subsequent years. This places undue loading on residents in the immediate area, including all users from lanes to north of Common lane, any Batford estate residents who use the exit to the east of the estate (via Milford Hill to Common Lane). Similarly loading at the Common lane / Lower Luton Road junction and to the front of Lea Springs Flexicare home will increase and congest. The lack of any planning for the temporary use and migration to permanent is typical of complete neglect of impact on residents and should be addressed before consideration of any planning application.
- Application of potential parking restrictions to address any immediate vicinity effects is likely to cascade problems into other roads – the majority of Batford estate roads are congested and it is unlikely that mitigation will solve this.
- As indicated in other submissions the residential amenity aspects of other work are woefully inadequate – noise impact assessment on residents is all but non-existent, flood risk is recognized but no detail is provided for the long term viability of the drainage provision through the site – a channel is identified but no information is given about its durability. It is noted that water flows will be directed to right hand turn in the channel to the north of the proposed sports hall – erosion or overspill failure at this point (where it could be expected) has potential to direct more water into a known damp area of the current field which attenuation works at the South Western corner may work against. It is understood that HCC were made aware by the landowners' representatives of intent to volunteer the retained strip of land to St Albans District Council under a Call for Sites' for Housing development. The combination of potentially low functioning drainage solution with housing development in the area is liable to give rise to periodic overspill of surface water from the field into the only route available – Common Lane / Lower Luton Road to the Ford area at Batford Springs – a route followed by a significant volume of surface water that fails to get into drainage systems on the current estate.
- The greatest failure of consideration of residential amenity comes from the lack of LViA assessment. As noted in previous representations the

assessment provided references guidelines for derivation of 'worst case' situations through an Appendix which is not provided. Assessments therefore cannot be cross referenced against the process that the assessors claim to have followed. What is apparent is that highly selective views have been presented which miss impact of site generally over a large area – notably from all housing on Southern slopes of River Lea, particularly on Crabtree Lane and its tributary roads from Aldwickbury to Marquis Lane. However major impact of the Sports Hall on the Eastern side of Batford estate is effectively ignored. The exit from the estate on Milford Hill will be dominated by an overshadowing building that will literally eclipse a number of homes, roads and pavement. The dimensions and appearance of the Sports Hall received little commentary in the emerging plans – in contrast to the main building. Subsequent addition of clearer contour data (dated 15-12-2017 in a separately identified Further Information folder) allows for rudimentary assessment of the impact of the building. This appears to show a building of a mainly bland monotonous finish (along over 70% of its length) standing on a base of at approx. 93.5m with an indicative height of 10.5m (the elevations are imprecise with marked heights not corresponding to plan definitions). The added information indicates a level of 95.0m in a residential garden on North Western corner of Milford Hill / Common Lane junction. This is estimated to be at least 0.5m above the level of the road junction. From this level a 10.5m 'wall' has the appearance (in perspective) of a solid wall equivalent to 50m above the horizon. This equates to 4 times the current rise in land level. From points close to the current field boundary (such as presented to drivers exiting Milford Hill) the width of the building will have the appearance of extending over half of the entire Eastern boundary length. In essence the view is totally dominated by the building, a building for which the only break in the monotony of finish is some second storey windows at Southern End which will effectively look directly in to second storey windows of houses in Common Lane – a condition Vincent & Goring stated was to be avoided in initial searches. More relevant however is the effect on sunlight reaching the properties and roads on western boundary of the site. The sunrise in the area takes place along the eastern boundary of the site (varying in where the sun appears during course of year, but in winter effectively due east). Using Section line C in clarified landscape plan a rising sun at point C2 currently casts fails to light the road at the junction for 30-45 minutes due to the roadside tree/hedge line – the initial shadow (which is imprecise due to nature of vegetation) appears on Milford Hill near Tallents Crescent junction. (This is a little under 100m that would be cast as a shadow if Milford Hill were level – the rise reduces it). With the addition of the Sports Hall a taller and more defined block to light would be present – in level conditions this is estimated to generate a shadow length stretching to approximately 250m compared to 100m beyond the junction. This would stretch well beyond Tallents Crescent junction and would fall on numerous properties. The width of the shadow – given the chosen orientation of the proposed Sports Hall is substantial – for roads and properties closer to the build line (within say 100m) it is likely that the

shadow will persist for 45-60 minutes longer at certain times of the year and that the path of the rising sun will mean some areas are completely denied direct sunlight for parts or even all of the year. In particular the footpath down Milford Hill (South Side) turning into Common Lane (west side) will see critical periods of the year where no direct sunlight will assist in frost / ice / snow clearance – this is the main walkway for people walking to the eastern section of the Batford Estate, including pedestrian traffic to / from Batford Nursery / Children's Centre / Sauncey Wood Primary School. For residents in most affected properties (facing the sports hall) the view from ground floor windows will be totally dominated by the building (no visible sky from points within building) and from second storey there will be severely restricted views. Consideration of main school building suggests that although lower in overall height, properties and the road that are within 50-60m of the build line will also experience significant loss of view and light – Appendix 3 indicates the spread of areas affected (which in some cases will extend beyond the area shown on plan. The calculations are approximate, that there was no attempt to consider them in the drawing up of the plan is unacceptable. The plan preparation should have incorporated evaluation of impact in a manner that clearly identifies both loss of light and visual impact. It is considered such work is essential before plans are considered and the plans should be rejected until such matters are addressed. It is further considered that marker balloons are used to identify building corners and that the presentation of these is made known to interested parties given the applicant's reluctance to properly address such matters. It is further noted that a number of options for the Sports Hall location were considered before settling on a solution that maximized loss of amenity for local residents, reinforcing the view that such considerations have not been taken into account by the applicant.

- It is further noted that much of the mitigation for visual and other impact that the applicant is relying on assumes retention of the current boundary tree / hedge lines. In practice this is considered undeliverable for the simple reason that the applicant, through their own negotiation with the current landowner, has not secured the land on which these boundaries exist – indeed it is our understanding that the current landowners' agent made known their intent to promote the use of the land which includes the west facing hedge lines for residential development – a use that would by its very nature preclude retention of the majority of screening. It is further understood this intent was clear before HCC as joint applicant completed its land acquisition.

While it is our view that the lack of consideration of residential amenity is a matter that is sufficiently neglected in this proposal that the Planning Authority should refuse permission, it is noted that authorities often impose conditions. It is suggested therefore that should the Planning Authority be minded to recommend acceptance that it first consider asking for the applicants to withdraw and resubmit plans having taken due consideration of residential amenity matters and a number of other shortcomings, noting that the applicant has chosen not to follow a route that it has used previously in applying for

outline planning permission to be followed by detail plans, a process that would have allowed it the applicant to address such matters. As a final resort should the Authority be minded to grant approval that it notes the lack of consideration of many factors and includes conditions that

- Require the applicant to conform without exception to its scheduled timings for construction
- Require the applicant to provide a plan to address the change in transport consideration from temporary to permanent operation, and that this include a formal commitment from all parents who have children attending the school in its temporary phase to abide by prescribed entry / exit arrangements for the completed school from their availability
- To require the applicant to impose operating conditions on the school operators that strictly reflect the conditions of operation applied for in this application, and that these conditions are to be maintained in full from inception to at least one full cycle of the school at full operating level for a full school generation i.e. to have 7 years of attendees who have all attended the school for seven years. It is further asked that consideration be given to a condition preventing the closure of an existing school within the overarching Schools' Trust (the remaining three secondary schools in Harpenden) that involves displacement of those schools' capacity to this school.
- That consideration is given to controlled vehicular entry to the school when build completed such that entry is only granted to the service entrance for pre-designated users of the Sports area and for vehicles making deliveries to the premises within standard daytime hours. (An exception would clearly apply for emergency services). In essence most regular and all casual users be directed to main car parks.

### **Other Matters**

In addition to material presented in mid-December it is noted that a statutory response has been added in early January from Natural Historic and Built Environment team of Hertfordshire County Council. This is a letter dated 21 December 2017 but posted 2 January 2018. It is noted that this addresses Archaeology and that it notes that two plans to protect archaeology have been rejected by the statutory consultee. It further indicates that the applicant has refused to enter discussions on any further plan to address the Archaeological considerations for the site until a decision is made on planning. It is of great concern that any applicant should seek to avoid responsibility in this matter and it is our view that where an applicant is unwilling to enter into a formal agreement, there are greater grounds for considering there will be a reluctance to fulfill any related condition imposed. We therefore submit this should not be a matter for condition but that without an agreed plan, planning should be refused pending resubmission with an approved plan.

In this particular instance it is noted that there have been many opinions from professionals as to the rare and important nature of indicative finds at this site. We further note that of 80 trial trenches, 34 have archaeological interest finds within them – approaching 50% of the site. This suggests further and very

thorough work is required to be assured that finds are not located in un-trenched areas. It was noted in previous submissions and reiterated here that much of the work that would have been expected in an emerging plan had not been undertaken at the time the Statement of Community Interest exhibitions were held. The Archaeological interest is no exception, nor is the apparent lack of involvement with interested community members subsequently.

## **Summary**

It remains our conclusion that there are still significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. The additional material presented fails to address most of these concerns in a satisfactory manner. The remaining concerns are of sufficient scale that the Council, as a Planning Authority, has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and will continue to submit our follow up representations as appropriate.

Submitted by David Cairns, Chairman Right School Right Place, on behalf of members of our organization.



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(please mark response FAO H Kershaw)

Hertfordshire County Council  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford,  
Hertfordshire. SG13 8DN

F.A.O. Mr. Chay Dempster

Your ref: PL\0866\17

24 January 2018

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

Further to our letter of 16 November 2017 and subsequent additional representations in December 2017 and January 2018, we wrote to you identifying:

- We are a residents group, representing over 1,000 local residents - details provided in our letter of 16 November 2017.
- We strongly object to the proposals.
- That the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions.
- A need for mitigation on response times to allow proper consideration of matters arising from errors and omissions.
- Significant new material was added close to the submission date (between 7 -13 November 2017), for which we considered there was insufficient review time
- Our intention to continue our analysis of the material and to make a further submission(s)
- We have no option but to apply a high level of assumption to our review, and that will be noted on our comments.

We had identified further material that we were continuing to assess and about which we feel obliged to make significant assumptions due to lack of published information. We are adding to that series of representations with this representation. We would however draw your attention to the outstanding matters which have been advised some time ago and which remain unanswered. In particular we draw your attention to the lack of basis of assessment provided for the LViA material, a point which we understand we are not alone in raising with you and about which no material has been provided or questions answered. We therefore submit that this aspect of the planning application is completely compromised and on that aspect alone as an LPA you should be requesting that the applicant withdraws the application, failing which you should be refusing the application on grounds of incompleteness should the applicant continue with the process.

We have included selected references to our initial notification to the Planning Authority by way of extracts from our original notification letters from October/November 2017. These are included at Appendix 1.

#### **Topic 4: Statement of Community Involvement**

A substantial amount of information has eventually been published – while this appears to support RSRP's previously expressed concerns, the timing of the release of information (which was brought to the Planning Authority's attention over 2 months prior to the supply of information) does not permit full evaluation. We have therefore undertaken some rudimentary analysis of the material added and on this limited basis drawn up our further representation.

- SCI (Statement of Community Involvement) Appendix 1 provides a copy of the leaflet produced to notify the process by which the school's promoters, including the applicant, sought to engage public. As this leaflet comprised the sole means of notification to many households it should be viewed in isolation. The leaflet comprises a single two sided A5 sheet. One side has 3 maps showing 4 venues for exhibitions, the other has a list of the venues and dates/times of what is billed as a public exhibition. It states that the subject matter of the exhibition is emerging planning application proposals for the Katherine Warrington School. It fails to identify the site to which the plans refer. Furthermore the school had only announced that it had adopted the name Katherine Warrington School the previous month and at the time of publication the name was relatively unknown to the general public. Viewing this as a stand-alone leaflet, particularly if not having any internet access or awareness of the recent naming there is nothing to indicate this would be a relevant topic for many people. We therefore conclude the notification excluded many people who would have had a legitimate interest. As such the SCI cannot be deemed to be representative – a point compounded when also considering that awareness of the school progress and naming was greatest with one group – Primary School parents – as the naming competition, and its results, was undertaken



through local Primary schools, giving a much higher awareness to a particular interest group.

- SCI Appendix 4 provides a screenshot of KWS website just prior to the exhibitions. As noted above there was a general lack of awareness of the school at this time and for reasons noted above it is understood that many potential interested parties would not have had the means or the inclination to reference the website. It is noted that the website contains the first use of the word 'consultation', both in the text and, ironically, in the title of the exhibition leaflet which failed to use the word 'consultation' at any point. Without any reference in the delivered leaflet to 'consultation' other, less accessed media, including webpage, should be disregarded as tangible evidence of notification a formal consultation process.
- SCI Appendices 3 and 5 comprise a stakeholder e-mail and stakeholder list. It is noted that the list of stakeholders is far from inclusive. The list comprised over 80 Councillors plus one Council Officer – the Chief Executive of St Albans City and District Council – whose departure to take up an unrelated new position at the time of the exhibitions had been announced some time before. It is noted that the nine HCC Councillor invitees consisted of the entire Cabinet plus Chairman of the Council, which coincidentally included 4 of 5 Members for County Wards within the school's likely catchment, but no invitation was issued to Member for Harpenden Rural (formerly St Albans Rural) whose electors are likely to form a majority of school users. The entire member list for St Albans City and District Council was invited, as was the entire Harpenden Town Council. The Council Member stakeholder invitations however excluded any invitees from North Hertfordshire District Council, Dacorum Borough Council, Wheathampstead Parish Council, Redbourn Parish Council, Kimpton Parish Council, Harpenden Rural Parish Council and other local Councils covering Markyate, Flamstead, Whitwell and villages in the Waldens. All these areas are ones which HCC and the school have identified as pupil sources for the new school, and in the case of Wheathampstead, Kimpton, North Herts District and the Parish Councils in the Waldens, the school will be the highest prioritized school for new entrants resident in parts or all of the Council's areas. In the case of Wheathampstead, with in excess of 100 pupils per year consistently entering the Primary education cycle it is very likely that the subsequent occupancy of secondary will be in excess of half of the school's population. No other body, be that Parental representative Group, established Community Group in the locality, known interest group with defined concerns was considered to be a stakeholder. In the latter categories it could have been expected that Harpenden Parents Group, Batford Community Action Group, Batford Springs Volunteers, Harpenden and Wheathampstead History Societies (known Archaeological interests), Harpenden Green Belt Association, CPRE all had known interests as could our own Group which has been identified to the Trust from the early stages of the proposal. The only conclusion that can be drawn is that far from Community involvement of a wide nature the promoters of this scheme have sought the opposite – exclusion of interests and a total unwillingness to involve substantial sections of the Community. The invite itself to "stakeholders" appears however to consist of the

standard web message (see above) plus an added benefit of a one hour preview of the exhibitions – this appears no more than a cynical attempt to seek support from Councillors at future reviews – such as this consultation – and appears to have removed any opportunity for constructive critique from many of those likely to be affected or representing those affected.

- It should be noted that the Appendix numbering within the text of the report does not correspond to the Appendix listing – this includes SCI Appendix 5 which is referred to as Appendix 7 in text (4.6) while the text (4.10, 4.11) identify an Appendix 5 as the Exhibition Boards – in practice these appear to be Appendix 7. Similarly the responses to questionnaires are declared as Appendix 9 – no such Appendix is included, it would appear to be Appendix 8. A number of other appendices are not referenced at all in the text, suggesting, particularly in the light of the non-provision of these Appendices until over a month after the expiry of the original consultation period, that these were not submitted with the report in the original application and indeed may not even have existed in a coherent form at the time of submission.
- SCI Appendix 2 provided a map of distribution area for the leaflets (see above). RSRP has mapped approximate school entry catchment areas onto a copy of this map and included this as Appendix 2 of the submission. The areas defined reflect the school allocation system and how it is likely to relate to the groups approached as potential community consultees. Within the standard HCC allocation process there are priority areas which group schools together in a territory, and within the priority area one community school is designated as nearest school on basis of distance of home to community schools in the priority area. In the Appendix High Catchment Priority has been assigned to those areas for the proposed school would be the nearest in the Priority area and Low Catchment Priority has been assigned to other areas within the priority area from which HCC has identified pupils are likely to be sourced – in practice HCC's Priority Area includes two EPAs (Education Planning Areas) and it could be argued that pupils from any St Albans location could be included, however the case for the school has been made on the basis of the northern EPA and this is defined in the application as omitting St Albans City area. Each of the two areas is then split into areas that were included in the leafleting and areas that were not. What is apparent is that large geographic tranches of High Catchment Priority were excluded from the leafleting – to the extent that the published map did not extend to some areas that would expect this to be their most likely school for entry, creating a group of more affected people who did not get the opportunity to comment (and the same territory includes many residents for whom the school would represent a traffic obstacle in any route to Harpenden irrespective of pupil interest). Conversely a substantial part of the leafleted territory included parts of Harpenden and Redbourn where arguably the establishment of this school will lead to greater access to the existing Harpenden Secondary Schools – an objective that has been previously stated by some parent representatives from these areas. As noted in other representations the applicants have identified an expectation of pupils from North West of Harpenden – it is therefore strange that they chose not

to include further substantial geographies where these school users live (blue area on map again extending beyond the map provided). The imbalance of selection of recipients for canvassing for community involvement to the apparent inclusion of groups who would have potential non-planning interest in seeing the school established over those who would be more directly affected is sufficient to destroy any ability to declare a balance in the outcome. It is of particular interest that parts of Wheathampstead Parish were excluded, despite the site being partly within the parish boundary.

- The feedback form, in SCI appendix 6, fails to ask a simple overall question of whether respondents are in favour of or against the school. Instead two linked response questions are given – these oblige the respondent to declare themselves in favour if they see any aspect that they like, while any concern appears to be inextricable linked to opposition, or, depending on interpretation, the response allows the survey team to decide based on response whether a concern is or is not opposition. As noted from a scan of a sample of responses received there is a significant contingent of respondents who have grave concerns about the appropriateness of site choice while recognizing there is some need for additional capacity in secondary education. In practice this is akin to the view that has been consistently held by RSRP since its inception in September 2013 – when it was identified that while estimates of the scale of need varied significantly the common factor was that consistently 60% of demand was within the Town and that this is less than the capacity of the three existing schools by a significant margin. Given this view has been expressed to the groups promoting the school the construction of a community involvement questionnaire that did seek to extract a distinct view on the appropriateness of the site separate to the more emotive support or don't support postulations. It is further noted that having clearly identified that the planning application needs to consider Very Special Circumstances due to its nature there is no question relating to whether this aspect of the planning application is sufficiently covered. The matters are not unrelated as alternatives, and by inference site options would need to be addressed and neither material presented nor questions posed address this aspect. It did subsequently transpire from the material submitted with the application that although work in relation to the site proposed had been undertaken, work relating to refreshing the site search and selection had not been reported on at the time of the exhibitions – in essence an incomplete basis on which to stage the exhibitions.
- In previous comments prior to publication of SCI Appendices RSRP noted anomalies in the presentation of the material in the main report. In particular scaling of graphs gave the impression of greater weight to some characteristics relative to others. In practice not only is one issue dominant – to the extent that more than 50% of respondents (of which there were a substantial number for such a survey) cited the concern. The concern being Traffic and Congestion and further being that specific item flagged under the conditions of question 2. At about half as many again as thought design was good it is supportive of RSRP's initial response that a presentation that gives an apparent greater visual impact to this

characteristic is highly misleading. When further considering that Transport and Access and wrong site also appear in same list with considerable numbers it is questionable whether the location choice and failure to project need in terms of travel (and associated congestion) mean that in essence the root cause in practice a greater level of criticism than the figures suggest. This is further reinforced by the same group of comments appearing under responses to question 3 (80-100 responses in 3 related areas) and again under additional comments section. While it is possible that there will be some duplication through repetition it very likely that persons commenting under q1 and then adding concerns / areas of improvement under q3 or further comments are in effect adding to the material consideration of transport/traffic/site choice (relative to need) issue and that far from a simple majority of respondents being concerned about this aspect, the reality of the response is that a substantial majority consider this aspect to be a failing in the plans being put forward. It is further thought that measures that have been suggested are geared towards reducing risk by bringing traffic to a standstill (and therefore managing down) impact of any accident, rather than addressing the issues of balancing considerations of safety and local amenity – the latter is effectively being sacrificed and being to a greater degree by the suggested measures which fail to address the underlying cause. In this respect the comments drawn out at the exhibitions are not explored sufficiently in the analysis presented and this can only be considered a failing of the Community Involvement exercise.

- We return to a comment made without the benefit of the Appendices. In an earlier representation RSRP noted that the display boards and comments made by exhibitors suggested that many aspects of the plans were insufficiently developed for meaningful discussion at the exhibitions. Specifically this is refreshed by the opportunity to re-read the comments typified by board 01 (SC Appendix 6) where the final paragraph identifies “There will be a considerable amount of additional work..” and specific items like board 03 which identified that a transport assessment had NOT been undertaken, it is clear that the exhibitions were premature in that they insufficient developed information to make an all-round judgement. This point was made as part of the feedback process but is not mentioned in the SCI report, arguably not surprising as admitting to the direct consequence of what had been declared on the boards and amplified by discussion would essentially have led to one conclusion – a more complete basis was required for a meaningful input to the planning process. The applicant has clearly decided that is not something they wish to do. The reason for doing remains as valid as when first stated – if there are insufficiently developed plans then it is impossible to make valid comments and the material submitted under SCI should be treated as insufficient for purpose.
- There is a further telling point. Since the exhibitions the Trust has held a separate consultation, as required by the Academies Act. This has more often than not been held prior to a planning exhibition but the general approach has been to identify plans in the embryonic stage during the Academies Act consultation and take preliminary feedback then. In

practice this is how the Katherine Warrington School had initially advertised the sequence, and how the sister project that HCC launched for Croxley Green was conducted, but close to exhibition time this sequence was switched. However the Academies Act consultation was launched in early September 2017 with a single planned open evening (in Central Harpenden) on 18 September 2017. Although it subsequently transpired that much of the planning material was ready and indeed had been submitted before this consultation evening, none of the material was made available save approximately half the display boards (with alternatives relating to the school's educational policies replacing the other boards). In particular it was noted that section 6 of the SCI is entitled "Responding To Feedback" and subtitled ESFA (in applicant role) feedback to points raised. At face value this section should consider points raised and playback answers but appears to miss the logical step of reporting back to those making the point – in the absence of any further planning exhibitions the only place that this element has come close to the people who raised the points is by submission to the planning application, which is not published locally and requires both internet access and an awareness of existence to obtain feedback to any point raised – for those that choose to so there is the challenge of identifying whether the feedback is within the pack of (literally) hundreds of documents and then if dissatisfied with outcome (by omission or by unsatisfactory response) the sole route for those who wish to persevere is a formal representation to the planning process – with the likelihood that points raised are unlikely to go to the applicant for the most part. This approach is all the more frustrating when it is clear that if any document could have been made public in the Academies Act Consultation it was this one – in practice the Trust running that event had either agreed to with-holding or prevented from releasing the information, or, worse, were unaware of its existence. Given the response to questions on the night (18 September) which were to the effect that the Trust were aware that a Planning Application was in the process of being submitted (subsequently transpiring that it had been submitted but was in validation) it would appear a very deliberate strategy to withhold, be it on the instruction of applicant or initiative of the Trust. Such an approach is fundamentally opposed to the objectives of Community involvement and has fostered an atmosphere of distrust of both applicant and process.

- Returning to the SCI itself in the opening summary at section 1.6 it is stated that the EFSA has pursued 'individual meetings with residents and stakeholders' (in addition to the exhibition). As RSRP representing a substantial number of people with substantial concerns we are not aware of a single meeting that qualifies under this statement. As noted above the careful selection of "stakeholders" is exclusive to the point of being ridiculous – and again if the choice of stakeholder includes (and is potentially restricted to) Council Members whose role requires their involvement then this does not fulfil the objectives of Community involvement as outlined 3.1 and 3.2. Again as an organization we are unaware of any point taken to EFSA by any elected representative on behalf of a resident and similarly we have no report of any feedback. In essence the complete absence of evidence suggests to us that the claim of

involvement and the parallel claims in 7.1, 7.4 and 7.5 of understanding community issues is totally unfounded.

- Reviewing the 'responses' in section 6 it is noted that there is a claim that the maximum number of parking spaces has been allowed citing St Albans City and District Council policy but failing to identify which policy. In practice there is considerable doubt over this specific claim and the scale of difference highlighted elsewhere in representations where Croxley Danes (being submitted in parallel to Three Rivers District Council) has approx. twice the on-site parking provision for an identical school. Additionally St Albans has expressed concern over lack of parking / drop off facility and the consequent impact on the local community amenity and this has been echoed in representations from Harpenden Town Council and Wheathampstead Parish Council. All of these are wholly incompatible with a statement that a maximum form the general LPA for the area has been reached as all three Councils are likely to have great awareness of such policies. The ESFA should therefore substantiate this claim with references and if unable to do so then the claim should be ignored and the making of the claim be taken as an indication of an aggressive attitude by the applicant to local community.

In summary RSRP's further review of Community Involvement has reinforced its initial view which is one of great skepticism of the applicants approach. Attention is drawn to similar scale project for outline permission in respect of a project in Bishops Stortford in 2014 – this is present in full under reference 3/2037-14 on HCC web portal and also is directly linked from New School Page in Schools Planning section of main HCC website. A copy of the Statement of Community Involvement prepared for this proposal is included as separate Appendix (Appendix 4) – the nature of the report and in particular the notification leaflet (appendix A with the report) and the response form (Appendix C within the report) are highlighted for comparison. They have clear identification of purpose site and how to respond.

For this project the SCI format is different. It appears to have been undertaken with an underlying aim of deflecting any valid critique by seeking first to minimise involvement of those with potential negative comments and then to seek divert with platitudes rather than seek solutions to address issues. There is a clear reluctance to review root cause issues and no understanding of what has led to the concerns in the first instance. Such an approach has been apparent with one of the co-applicants for a long period as HCC has deflected every aspect of this at each stage of its development from conception to current phase. It can only be concluded that there is no intent to engage and that the formal community involvement process was not expected to generate significant change. Many of the issues noted above are consistent with such an approach – most of all 3 months to provide information that should have been to hand when originally submitted. It is useful for the plan consideration that there is clear and significant concern over the real problem of transport and traffic related to the application – this aspect has yet to be correctly addressed as to date the applicant has not recognized the root cause of the problems and has not therefore considered a suitable remedy. On the basis of the material produced and the responses given the outcome must

be deemed unsatisfactory and the application refused until matters are fully addressed.

### **Topic 6: Residential Amenity**

The question of residential amenity and the impact of the proposal on the local community has been highlighted in many aspects, but crystalized by the Community Involvement approach and the remaining omission of LVIA information.

As noted in the commentary above the approach of the applicant is one of having no regard for impact on local residents of their proposed development. This is particularly apparent in proposed mitigation for any shortfall in parking capacity, where the 'solution' includes assisting to fund parking restrictions on surrounding roads – these generally incur costs for residents and are only implemented after periods of intense frustration with growing problems (a similar scheme has recently been commissioned for roads surrounding the nearby Batford Childrens' Centre following long term expansion and displacement of staff parking from within the site).

The intent is clear – minimum provision and allow residents to suffer before introducing any measures which will also impair resident amenity but which will seem preferable at the time.

Other areas that are noted for impact on residential amenity are:

- Traffic management measures – statements are made as to general measures that are intended to mitigate risk. These fail to address likely impact on local residential roads of which the following are likely to be significantly affected:
  - Castle Rise and Manor Road in Lea Valley estate – likely drop off point for traffic from east as parents seek to avoid being trapped in queue to / from approach from East. Avoidance route was sorely tested after recent morning car accident on Lower Luton Road.
  - Crabtree Lane from Dalkeith Road to Marquis Lane and tributary roads – drop point for pupils arriving from west of area including South Harpenden. Rat run likely with return leg on Marquis Lane to Station Road (and opposite route)
  - All roads in Batford estate on East side – likely to see traffic turn into Pickford Hill, South View Road, Batford Road (spur) and Common Lane. Drop off will be targeted as near as possible to school using Tallents Crescent, Milford Hill, Holcroft Road Roundfield Avenue as rat runs, and despite comments Batford Road & Salisbury Road.
  - Lower Luton Road spur (incorrectly identified as an extension of Crabtree lane North of river Lea (ford)
  - Lower Luton Road.

All of the above are likely to experience high volumes of traffic for the simple reasons of inadequate provision of drop-off capacity and human nature of significant numbers who will seek to drop away from an on-site

area even if a substantial area provided. Experience with other schools locally is that they are relatively powerless and only a small proportion of inconsiderate parents has significant impact on residential amenity (blocking resident access, congesting roads etc). No apparent account has been taken in the measures proposed to address residents' loss of amenity.

- Direction of traffic to Common Lane in first year – the solution to year 1 situation is geared to protection of school users by separation of construction activity from temporary school use. No plans have been provided for the management of 180 children and staff associated with the temporary year 1 operation – 18 parking places with a restrictive entry / exit and lack of ability to turn high volumes of cars through the car park leaves no real option other than the use of Common Lane – for which there is neither mitigation nor is there a plan to manage the situation into a longer term alternative plan. It is likely that first years will form a habit of drop off and simply continue and pass on that habit for subsequent years. This places undue loading on residents in the immediate area, including all users from lanes to north of Common lane, any Batford estate residents who use the exit to the east of the estate (via Milford Hill to Common Lane). Similarly loading at the Common lane / Lower Luton Road junction and to the front of Lea Springs Flexicare home will increase and congest. The lack of any planning for the temporary use and migration to permanent is typical of complete neglect of impact on residents and should be addressed before consideration of any planning application.
- Application of potential parking restrictions to address any immediate vicinity effects is likely to cascade problems into other roads –the majority of Batford estate roads are congested and it is unlikely that mitigation will solve this.
- As indicated in other submissions the residential amenity aspects of other work are woefully inadequate – noise impact assessment on residents is all but non-existent, flood risk is recognized but no detail is provided for the long term viability of the drainage provision through the site – a channel is identified but no information is given about its durability. It is noted that water flows will be directed to right hand turn in the channel to the north of the proposed sports hall – erosion or overspill failure at this point (where it could be expected) has potential to direct more water into a known damp area of the current field which attenuation works at the South Western corner may work against. It is understood that HCC were made aware by the landowners' representatives of intent to volunteer the retained strip of land to St Albans District Council under a Call for Sites' for Housing development. The combination of potentially low functioning drainage solution with housing development in the area is liable to give rise to periodic overspill of surface water from the field into the only route available – Common Lane / Lower Luton Road to the Ford area at Batford Springs – a route followed by a significant volume of surface water that fails to get into drainage systems on the current estate.
- The greatest failure of consideration of residential amenity comes from the lack of LViA assessment. As noted in previous representations the



assessment provided references guidelines for derivation of 'worst case' situations through an Appendix which is not provided. Assessments therefore cannot be cross referenced against the process that the assessors claim to have followed. What is apparent is that highly selective views have been presented which miss impact of site generally over a large area – notably from all housing on Southern slopes of River Lea, particularly on Crabtree Lane and its tributary roads from Aldwickbury to Marquis Lane. However major impact of the Sports Hall on the Eastern side of Batford estate is effectively ignored. The exit from the estate on Milford Hill will be dominated by an overshadowing building that will literally eclipse a number of homes, roads and pavement. The dimensions and appearance of the Sports Hall received little commentary in the emerging plans – in contrast to the main building. Subsequent addition of clearer contour data (dated 15-12-2017 in a separately identified Further Information folder) allows for rudimentary assessment of the impact of the building. This appears to show a building of a mainly bland monotonous finish (along over 70% of its length) standing on a base of at approx. 93.5m with an indicative height of 10.5m (the elevations are imprecise with marked heights not corresponding to plan definitions). The added information indicates a level of 95.0m in a residential garden on North Western corner of Milford Hill / Common Lane junction. This is estimated to be at least 0.5m above the level of the road junction. From this level a 10.5m 'wall' has the appearance (in perspective) of a solid wall equivalent to 50m above the horizon. This equates to 4 times the current rise in land level. From points close to the current field boundary (such as presented to drivers exiting Milford Hill) the width of the building will have the appearance of extending over half of the entire Eastern boundary length. In essence the view is totally dominated by the building, a building for which the only break in the monotony of finish is some second storey windows at Southern End which will effectively look directly in to second storey windows of houses in Common Lane – a condition Vincent & Gorbings stated was to be avoided in initial searches. More relevant however is the effect on sunlight reaching the properties and roads on western boundary of the site. The sunrise in the area takes place along the eastern boundary of the site (varying in where the sun appears during course of year, but in winter effectively due east). Using Section line C in clarified landscape plan a rising sun at point C2 currently casts fails to light the road at the junction for 30-45 minutes due to the roadside tree/hedge line – the initial shadow (which is imprecise due to nature of vegetation) appears on Milford Hill near Tallents Crescent junction. (This is a little under 100m that would be cast as a shadow if Milford Hill were level – the rise reduces it). With the addition of the Sports Hall a taller and more defined block to light would be present – in level conditions this is estimated to generate a shadow length stretching to approximately 250m compared to 100m beyond the junction. This would stretch well beyond Tallents Crescent junction and would fall on numerous properties. The width of the shadow – given the chosen orientation of the proposed Sports Hall is substantial – for roads and properties closer to the build line (within say 100m) it is likely that the

shadow will persist for 45-60 minutes longer at certain times of the year and that the path of the rising sun will mean some areas are completely denied direct sunlight for parts or even all of the year. In particular the footpath down Milford Hill (South Side) turning into Common Lane (west side) will see critical periods of the year where no direct sunlight will assist in frost / ice / snow clearance – this is the main walkway for people walking to the eastern section of the Batford Estate, including pedestrian traffic to / from Batford Nursery / Children’s Centre / Sauncey Wood Primary School. For residents in most affected properties (facing the sports hall) the view from ground floor windows will be totally dominated by the building (no visible sky from points within building) and from second storey there will be severely restricted views. Consideration of main school building suggests that although lower in overall height, properties and the road that are within 50-60m of the build line will also experience significant loss of view and light – Appendix 3 indicates the spread of areas affected (which in some cases will extend beyond the area shown on plan. The calculations are approximate, that there was no attempt to consider them in the drawing up of the plan is unacceptable. The plan preparation should have incorporated evaluation of impact in a manner that clearly identifies both loss of light and visual impact. It is considered such work is essential before plans are considered and the plans should be rejected until such matters are addressed. It is further considered that marker balloons are used to identify building corners and that the presentation of these is made known to interested parties given the applicant’s reluctance to properly address such matters. It is further noted that a number of options for the Sports Hall location were considered before settling on a solution that maximized loss of amenity for local residents, reinforcing the view that such considerations have not been taken into account by the applicant.

- It is further noted that much of the mitigation for visual and other impact that the applicant is relying on assumes retention of the current boundary tree / hedge lines. In practice this is considered undeliverable for the simple reason that the applicant, through their own negotiation with the current landowner, has not secured the land on which these boundaries exist – indeed it is our understanding that the current landowners’ agent made known their intent to promote the use of the land which includes the west facing hedge lines for residential development – a use that would by its very nature preclude retention of the majority of screening. It is further understood this intent was clear before HCC as joint applicant completed its land acquisition.

While it is our view that the lack of consideration of residential amenity is a matter that is sufficiently neglected in this proposal that the Planning Authority should refuse permission, it is noted that authorities often impose conditions. It is suggested therefore that should the Planning Authority be minded to recommend acceptance that it first consider asking for the applicants to withdraw and resubmit plans having taken due consideration of residential amenity matters and a number of other shortcomings, noting that the applicant has chosen not to follow a route that it has used previously in applying for

outline planning permission to be followed by detail plans, a process that would have allowed it the applicant to address such matters. As a final resort should the Authority be minded to grant approval that it notes the lack of consideration of many factors and includes conditions that

- Require the applicant to conform without exception to its scheduled timings for construction
- Require the applicant to provide a plan to address the change in transport consideration from temporary to permanent operation, and that this include a formal commitment from all parents who have children attending the school in its temporary phase to abide by prescribed entry / exit arrangements for the completed school from their availability
- To require the applicant to impose operating conditions on the school operators that strictly reflect the conditions of operation applied for in this application, and that these conditions are to be maintained in full from inception to at least one full cycle of the school at full operating level for a full school generation i.e. to have 7 years of attendees who have all attended the school for seven years. It is further asked that consideration be given to a condition preventing the closure of an existing school within the overarching Schools' Trust (the remaining three secondary schools in Harpenden) that involves displacement of those schools' capacity to this school.
- That consideration is given to controlled vehicular entry to the school when build completed such that entry is only granted to the service entrance for pre-designated users of the Sports area and for vehicles making deliveries to the premises within standard daytime hours. (An exception would clearly apply for emergency services). In essence most regular and all casual users be directed to main car parks.

### **Other Matters**

In addition to material presented in mid-December it is noted that a statutory response has been added in early January from Natural Historic and Built Environment team of Hertfordshire County Council. This is a letter dated 21 December 2017 but posted 2 January 2018. It is noted that this addresses Archaeology and that it notes that two plans to protect archaeology have been rejected by the statutory consultee. It further indicates that the applicant has refused to enter discussions on any further plan to address the Archaeological considerations for the site until a decision is made on planning. It is of great concern that any applicant should seek to avoid responsibility in this matter and it is our view that where an applicant is unwilling to enter into a formal agreement, there are greater grounds for considering there will be a reluctance to fulfill any related condition imposed. We therefore submit this should not be a matter for condition but that without an agreed plan, planning should be refused pending resubmission with an approved plan.

In this particular instance it is noted that there have been many opinions from professionals as to the rare and important nature of indicative finds at this site. We further note that of 80 trial trenches, 34 have archaeological interest finds within them – approaching 50% of the site. This suggests further and very

thorough work is required to be assured that finds are not located in un-trenched areas. It was noted in previous submissions and reiterated here that much of the work that would have been expected in an emerging plan had not been undertaken at the time the Statement of Community Interest exhibitions were held. The Archaeological interest is no exception, nor is the apparent lack of involvement with interested community members subsequently.

## **Summary**

It remains our conclusion that there are still significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. The additional material presented fails to address most of these concerns in a satisfactory manner. The remaining concerns are of sufficient scale that the Council, as a Planning Authority, has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and will continue to submit our follow up representations as appropriate.

Submitted by David Cairns, Chairman Right School Right Place, on behalf of members of our organization.