



Right School Right Place

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

F.A.O.

Your ref: PL\0866\17

9 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 representation 2) – 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 & Gorbong 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 Gorbings 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 approach 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.

Submitted by  
organization.

Right School Right Place, on behalf of members of our

## **Appendix 1**

Appendix 1 is submitted as a separate pdf document titled 17\_2204\_FUL-APPLICATION\_FORM\_-\_WITHOUT\_PERSONAL\_DATA-344627 It is also accessible on Three Rivers District Council Planning Portal.

## **Appendix 2**

*Letters were submitted as an Appendix under RSRP Representation 1 (16 November 2017) and are not repeated here.*