RAPLEYS

Hearing Statement for
The Silverspoon Company (ID No: 848436)

EAST HERTS DISTRICT PLAN EXAMINATION MATTERS AND ISSUES PART 2 CHAPTER 5 BISHOP'S STORTFORD

20 October 2017

Our Ref: WH/114/94/1

51 Great Marlborough St London W1F 7JT
0370 777 6292 | info@rapleys.com | rapleys.com
LONDON | BIRMINGHAM | BRISTOL | EDINBURGH | HUNTINGDON | MANCHESTER

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QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

Created by:	Wakako Hirose BA (Hons) DipTP MRTPI
Signature:	
Checked by:	Jason Lowes BSc (Hons) DipTP MRTPI
Signature:	

1 INTRODUCTION

1.1 This Hearing Statement has been prepared on behalf of The Silverspoon Company ('Silverspoon') in response to the Examination Matters and Issues Chapter 5 Bishop's Stortford.

1.2 Silverspoon is the owner and operator of Allinson Flour Mill ('Allinson') located at Dane Street in Bishop's Stortford. Allinson's operational area ('the Mill site') and the extent of Siliver Spoon's ownership are identified on the Site Location Plan at **Appendix 1**. As stated in our representations to the Pre-Submission Plan consultation in December 2016, Allinson is a longstanding flour processing factory and forms key part of Silverspoon's wider business in the UK. Our client therefore seeks adequate planning policy protection of, and support for, Allinson's ongoing operation. At the same time, as the District Plan covers a long term period, it is recognised the District Plan should be sufficiently flexible so that it can respond to changes in circumstances in the future.

1.3 This Statement responds to the Inspector's Matters in relation to Chapter 5 Policies BISH1, BISH2 and BISH10, and Issues 2, 4 and 7.

2 ISSUE 2: WHAT IS THE OVERALL AMOUNT OF EMPLOYMENT AND RETAIL FLOORSPACE TO BE ALLOCATED IN BISHOP'S STORTFORD (THIS SHOULD BE ADDED TO POLICY BISH1)?

2.1 With regard to the Mill site, it is an operational industrial site, and it is proposed to be designated as an "Employment Area" until such time that the land is presented as being available for redevelopment. In this regard, it should be noted that the Mill site comprises areas which relate to the ongoing operation and other areas which are not part of Allinson's operation and therefore not in Classes B1, B2 or B8. As such, it is not necessary to allocate the specific amount of employment and retail floorspace with regard to criterion II. However, it is requested that minor amendments should be provided in Criterion II, so that the Policy is clear about the Mill site's availability for redevelopment. To reiterate, the suggested change is as follows:

*"II) In the longer term, land at the Mill Site may come forward for mixed use development as set out in Policy BISH10, **should the whole site, or any part of the site, become available for development.**"*

3 ISSUE 4: WHAT IS THE CURRENT POSITION WITH THE BISHOP'S STORTFORD TOWN CENTRE PLANNING FRAMEWORK UPON WHICH TOWN CENTRE ALLOCATIONS RELY? CAN THE COUNCIL CONFIRM THAT AS A SUPPLEMENTARY PLANNING DOCUMENT THE TOWN CENTRE FRAMEWORK WILL NOT SET POLICIES, AS THESE MUST APPEAR IN THE LOCAL PLAN?

3.1 Policy BISH2 states that development proposals in Bishop's Stortford Town Centre are expected to 'confirm with', and positively contribute to the Town Centre Planning Framework ('Framework'). Having reviewed and commented on the draft Framework, our client is supportive of the general approach to development guidance and aspirations for the area in which the Mill site is located. However, as a matter of principle, supplementary planning documents or non-statutory planning documents such as the Framework, which have not been tested through the Examination process, should not be used to determine development proposals in the way that Policy BISH2 requires.

3.2 In addition, our client has concerns with the Final Framework (dated March 2017, Examination Document ref: ED146):

1. One of the development options in the Framework proposes residential development immediately adjacent to the operational areas of Allinson. Notwithstanding that this particular land is in Siverspoon's ownership, to identify residential use in that

location in principle is inappropriate and would have prejudicial impacts on Allinson's operations. We requested to the Council that this aspect is amended in the final document, so that residential development will not be considered while Allinson remains operational. More specifically, we requested that these changes are made, particularly as we considered necessary to make it aligned with the Mill Site Allocation (BISH10) so that the guidance is clear that residential use will only be permissible if the Mill ceases operation on the site.

2. Parts of Allinson's key operational area (i.e. car park and storage areas) are identified in the Framework as part of an earlier phase of redevelopment, while Allinson is still in operation. We requested the Council to amend the diagram to correctly identify specific areas form part of Allinson's operational area.

3. There are infrastructure requirements, including an additional footbridge, proposed in the Framework which requires Allinson's operational land for delivery. These aspirations are included in the Framework, without any detailed feasibility or a delivery mechanism.

3.3 Notwithstanding our specific requests in relation to points 1 and 2 above, the Council advised us that further changes are unnecessary, as the Framework is *"a policy document setting out a range of options that the Council and landowners can decide and pursue further. None of these are prescriptive and further work will be required to work them up into detailed and deliverable proposals...All detailed issues would be further considered if and when development and other proposals came forward."*

3.4 As these matters have potential adverse impacts on the ongoing operation of Allinson and the allocation rely on untested matters such as infrastructure requirements, we strongly object to the wording of Policy BISH2.

4 ISSUE 7: ARE ALLOCATED SITES APPROPRIATE AND DELIVERABLE, HAVING REGARD TO THE PROVISION OF THE NECESSARY INFRASTRUCTURE AND FACILITIES, AND TAKING ACCOUNT OF ENVIRONMENTAL CONSTRAINTS?

4.1 The Mill site is located within the Mill site allocation under Policy BISH10. The majority of the allocated site is not available for redevelopment, as it is Allinson's operational area. Should this ever change in the future, we acknowledge that the site has a redevelopment potential in the context of the town centre location. We therefore recognise the Council's approach to identifying the Mill site as redevelopment potential through the continued allocation of the site for mixed use development under Policy BISH10.

4.2 Whilst we are broadly supportive of the way in which Policies ED1 and BISH10 seek to protect the ongoing Allinson's operation, we objected to Policy BISH10 on the basis that there are a number of combined policy requirements and aspirations for redevelopment of the allocated site, if part or whole of the Mill site ever becomes available for redevelopment. It is important that the Allocation does not set a number of aspirations as requirements, without robust evidence demonstrating deliverability, particularly as the site is an industrial and brownfield site in the town centre.

4.3 In this regard, we refer to our previous representations (dated 15 December 2016) which detailed our objection to criteria a) a new bridge over the River Stortford, e) a direct pedestrian and cycle route, i) the retention of a suitable buffer strip to deliver bridge widening and g) opportunities to mooring. In particular, having reviewed the Council's evidence base, there is no evidence demonstrating that the proposed footbridge is required solely in relation to the redevelopment of the Mill site.

4.4 The Infrastructure Delivery Plan 2017 ('IDP') (Ref: IDM/001) seemingly refers to the above mentioned infrastructure requirements at paragraph 7.12 *"other works in Bishop's Stortford involve the creation of access points for the various development sites"* and paragraph 7.13 *"in addition, to highway measures, provision will be made for new bus services, and walking and cycling."* It is notable from Appendix A of the IDP that the widening of Station Road Bridge is identified as town wide infrastructure, for which no estimated cost or a funding mechanism is identified. The new footbridge (as required by criterion a) and a pedestrian and cycle friendly route (as required by criterion b) are identified site specific infrastructure requirements for the Mill site, with no evidence demonstrating that these are essential to the redevelopment of the Mill site. It is more concerning that these requirements are identified as being "funded" by the developer as part of the planning permission despite the fact that there are no estimated costs identified.

4.5 We also object to the delivery timeframe as there is no indication that the Mill site will cease its operation in 2022-2027 or part of their operational land will become available to facilitate the delivery of these aspirations. We therefore strongly object to the inclusion of these infrastructure requirements as the principle of the need for these infrastructure requirements is not justified and there is no evidence to suggest that the redevelopment, if the Mill site (in part or whole) ever becomes available, will be deliverable.

4.6 With regard to our objection to criterion b), we note the Council's proposed minor amendment to include a sentence: *"Such development will not prejudice the continued operation of the mill and residential uses will only be permissible if the Mill ceases to operate from the site and the employment land designation is subsequently removed"*. On the basis of the proposed minor change, we have no objection to criterion b).

4.7 With regard to Criterion III, we remain of the view that "subject to viability and deliverability" is necessary to be included in the policy for the soundness of the Plan, particularly as it includes affordable housing requirement and "appropriate off-site infrastructure", for which there is no robust evidence to justify the requirements or its delivery mechanism including funding sources.

5 CHAPTER 18 (TRANSPORT) AND CHAPTER 21 (HERITAGE ASSET)

5.1 We wish to reply on our original representations dated 15 October 2017 in response to the Inspector's Matters and Issues relative to Chapter 18 and Chapter 21.

6 CONCLUSION

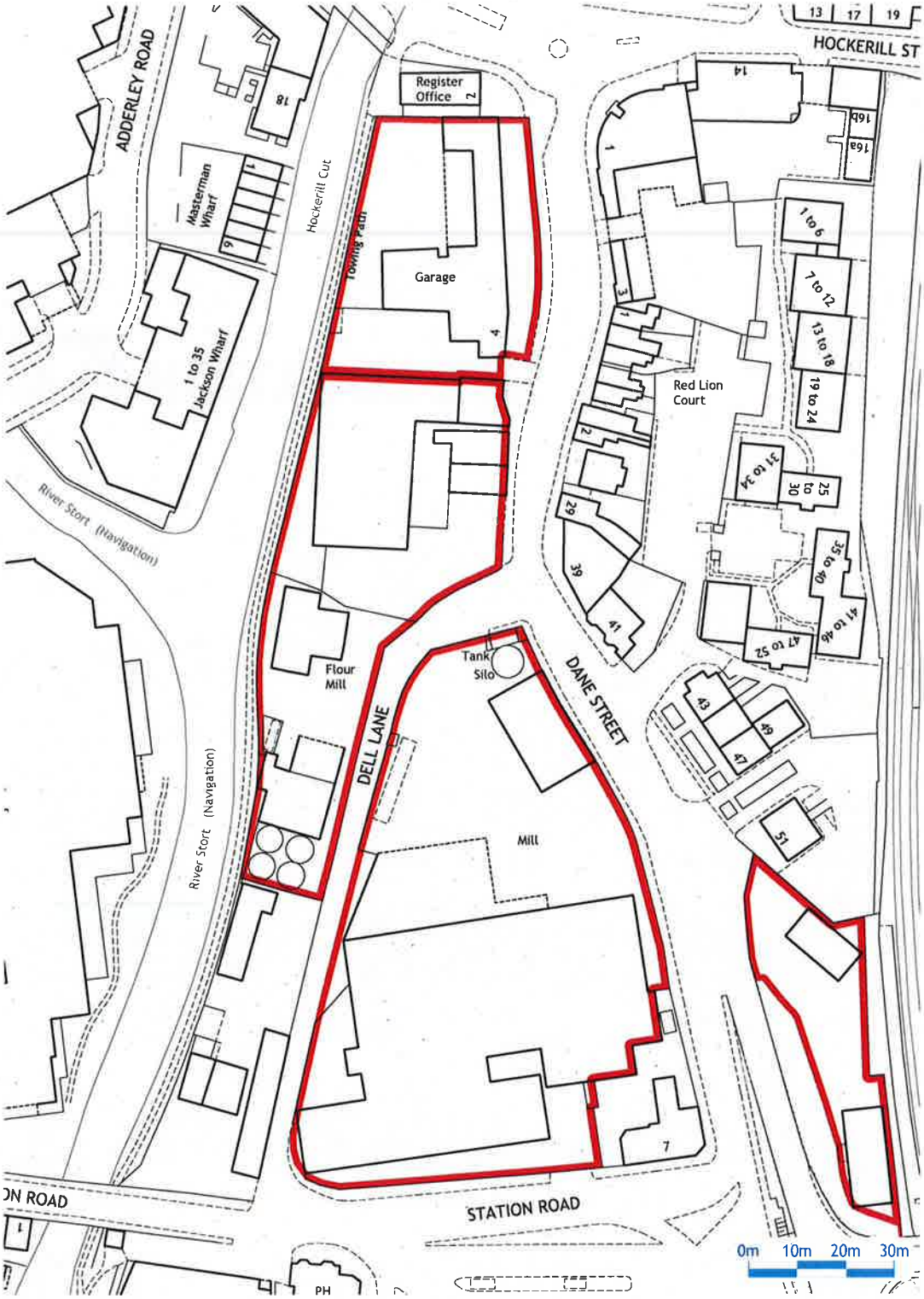
6.1 As stated in our previous representations and above, we object to Policies BISH2 and BISH10.

6.2 Allinson is a longstanding major employer in Bishop's Stortford, and we support the Council's general approach to protecting their operation by designating the operational area as an "Employment Area."

6.3 We recognise that the District Plan should be flexible and can respond to changing circumstances in future. In this context, we acknowledge the Council's designation of the Mill site as a potential redevelopment site if part or whole of the Mill site becomes available for redevelopment. However, we are seriously concerned about the lack of robust evidence for the infrastructure requirements associated with BISH10, and this is contrary to national policy and guidance on plan-making.

Appendix 1

SITE LOCATION PLAN



OWNERSHIP PLAN
Station Road,
BISHOP'S STORTFORD.

N

Scale @ A4 : 1:1250

Plan No. : 114/94/1_OWN01a

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0370 777 6292

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