

## Wellington Heath Parish Council

15 June 2017

To HCC Planning Roland Close  
Copy AONB Paul Esrich  
Copy Liz Harvey  
Copy Leader of Herefordshire Council Tony Johnson  
Copy Bill Wiggin

**Planning application 171532 - Land North of Viaduct, Adjoining Orchard Business Park, Ledbury, Herefordshire (outline application, all matters reserved for future consideration except for access)**

Dear Sir,

Wellington Heath Parish Councillors are unanimous in strongly objecting to this planning application.

**The Transport Assessment produced for the applicant by BWB Consultancy is incomplete and seriously flawed in some respects** (see Appendix A) but nonetheless provides useful insights. Para 10.9 confirms that there is already an unsatisfactory bottleneck at the railway station junction, this correlates with the reality on the ground, traffic jams extend from station junction to Beggars Ash at peak times. The Transport Assessment suggests a possible mini roundabout at para 10.12 & drawing page 52, our further comments are based on this being implemented.

The choice of access, from either the Hereford Road or Bromyard Road or both is the critical issue. During consultation on the Main Modifications to the Herefordshire Core Strategy in March 2015 we understand that about 400 representations were lodged in relation to Policy LB2 concerning the access to this site out of only about 600 responses overall. More recently in the Statement of Community Involvement para 4.22 which accompanies this planning application, about 90% of respondents thought that the general access proposals were poor; this was by far the greatest concern. **It is clear that there are considerable worries about the access to this proposed development from the Bromyard Road.**

**The adopted Herefordshire Core Strategy policy LB2 requires "provision of satisfactory vehicular access arrangements".** However the Herefordshire Core Strategy Pre-Submission edition stated "primary vehicular access to the development will be from the Hereford Road under the viaduct with the option of a secondary access from the Bromyard Road to the north". This reflected the long established presumption that the main access to this site would be from the Hereford Road Roundabout using the existing but unused arm pointing under the viaduct. **Consultations which selected this site in preference to others at Ledbury presumed access from the roundabout at Hereford Road and Leadon Way bypass. Therefore a high standard of satisfactory access is required because without that the selection of this site for development ahead of others would no longer be valid.** If the developer cannot provide satisfactory access, alternative sites are available, see Appendix B, the situation has changed considerably since the Core Strategy was adopted, following an approved planning appeal.

The Transport Assessment para 10.14 Table 16 shows that even with a roundabout at the station junction there would be no spare capacity (1% residual capacity in 2016 is stated but that is in the past). By the time the development is completed the junction would be well over capacity and Table 16 shows that capacity would be 6% inadequate in

2026. **The proposed new roundabout at the station junction is shown by the modelling to be unsatisfactory for the development.**

The Transport Assessment misrepresents rat runs (Appendix C) and does not assess traffic volumes through Wellington Heath and the AONB. The predicted congestion at the station junction will inevitably increase traffic through the AONB, which **conflicts with the National Planning Policy Framework which states "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty"**. Furthermore there is no assessment of traffic volumes along the Homend in the centre of Ledbury. In particular the **Transport Assessment fails to compare rat runs and town centre traffic for the two access options** (Bromyard Road and Hereford Road).

The Transport Assessment para 10.17 Table 17 very clearly shows that the roundabout on the Hereford Road at the viaduct would provide highly satisfactory access to the development. **The Hereford Road / Leadon Way roundabout is the obvious point of access for this development, it could easily cope with the traffic with at least 62% residual capacity under all scenarios.** Vehicular access directly to the bypass would also be appealing to prospective buyers of these new homes.

**There appears to be no specific evidence of engagement with Network Rail accompanying the planning application. Neither are there specific designs for a primary access road from the Hereford Road under the railway.** The Transport Assessment does confirm that vehicular access to the Hereford Road under the viaduct is feasible subject to detailed assessment (See Appendix D). We note that the Herefordshire and Gloucestershire Canal Trust appear to have successfully negotiated for a canal and its associated civil engineering to pass under the viaduct.

Satisfactory vehicular access to the development is far more important than the canal. The canal has merit but no evidence is presented for routing the canal across this development site whilst there would appear to be a more satisfactory canal route, either canalising the river or to the west of the river, avoiding the disruption and expense of the canal twice crossing the Bromyard Road. **Funding of a satisfactory access road is fundamental to the viability of the development, whereas the canal is a lower priority long term objective which may not need to impinge on this development.**

Firm proposals for pedestrians and cyclists, and sustainable integration of the development into Ledbury Town are inadequate and lack essential details. **This planning application is deficient regarding sustainable access to the site and mitigation of increased dangers to existing pedestrians and cyclists on nearby roads, see appendix E.**

We appreciate that there are political pressures to press ahead with house building, especially on large sites identified in the Core Strategy. However this site is of major strategic importance to Ledbury and the Malvern Hills AONB. Once the development is built it will block the main potential route for improving road routes from Ledbury to the north so it is critical that the development has satisfactory access and does not consume the limited opportunity for improving capacity of the station junction which provides the only route north from Ledbury. We would therefore urge the council to consider the evidence set out above and insist on access from the Hereford Road.

C F Rozelaar  
Chair of Wellington Heath parish council planning committee

## Appendix A

### Transport Assessment Omissions and Inaccuracies

#### Transport Assessment not accessible to the lay person

The Transport Assessment seems to be designed to confuse the lay person with extensive use of technical terms and acronyms which are not explained or defined. There is also extensive duplication which does not assist clarity or transparency.

#### Transport Assessment incomplete or censored

One has the impression that the report is incomplete or censored. There is a list of 35 Figures on page 8, we could not find those beyond 11. Many of these figures such as those mentioned in paras 9.9 and 9.10 would be particularly useful "the resulting 2016 and 2026 base flows are shown in Figures 22, 23, 24 & 25." and "The residential and employment development traffic flows are shown diagrammatically in Figures 16, 17, 18 & 19 for both the morning and evening peak hours respectively. The resulting total development flows for both peak hours are shown in Figures 20 and 21." The absence of these figures seriously impedes understanding of the report.

#### Rat runs are misrepresented

The email dated 7 April 2016 and reproduced on page 62 of the Transport Assessment correctly ends as follows "The TA will also comment on the potential impact of the development on rat-running routes including those through Wellington Heath and Knapp Lane.

We would be grateful for your comments on the above and attached information. Please do not hesitate to contact me should you have any queries and I look forward to hearing from you.

Kind regards

**Tim Cooke**

Associate Director | BWB Consulting Limited"

However this is corrupted in Para 4.1 on page 25 which describes the rat runs "• Potential rat running via Beggars Ash and Knapp Lane.". This is incorrect because both Burtons Lane and Beggars Ash are likely rat runs through Wellington Heath, especially if the station junction is congested.

Para 4.26 goes on to completely misrepresent the concerns expressed "Residents were concerned that vehicles from the development may route via Beggars Ash through the village of Wellington Heath to gain access to the A4103, as opposed to travelling via Bromyard Road. This is considered highly unlikely to occur given that Bromyard Road provides a more direct route onto the A4103 from the site." It is surprising that clarification was not sought once the rats runs incorrectly described were found to be so unlikely.

A meeting held on 1 April 2016 in Ledbury with Roland Close, Bloor Homes representatives, ward councillor Liz Harvey, Wellington Heath parish councillor Frank Rozelaar and a Ledbury Town councillor discussed rat runs in some detail. The developers representatives had a dedicated note taker at the meeting. It was agreed that the rat runs of concern were those along Knapp Lane in Ledbury and Beggars Ash and Burtons Lane, both these going through Wellington Heath to the A449 or Malvern and other destinations, see Appendix C for details. It was agreed in this meeting that Hollow Lane through Wellington Heath is an unlikely rat run since Burtons Lane is more direct. There were questions and discussions in the meeting about the rat runs which showed a clear understanding, I recall going to my car to fetch a map to assist discussions and it

was explicitly agreed that rat runs to the A4103 Hereford Worcester Road were improbable. Hence it is hard to imagine why only this last option is assessed as a rat run in the Transport Assessment.

#### Numerical comparison absent

Comparison of access options at para 4.6 table 5 is critical information but fails to provide a basis for comparison as it contains no numerical data.

#### No evidence of communications with Network Rail are provided No detailed design for access under the viaduct is presented

Access under the viaduct is dismissed within 2 pages, paras 4.15 - 4.23. In another document (Residential Travel Plan) it is said discussions have taken place with Network Rail and that they would not accept a carriageway built underneath the viaduct. This is contrary to the email supplied by Herefordshire Council on 19 May 2017 to the developer enclosing a letter from Network Rail dated 26 May 2016 which says "I have spoken to our structures engineer regarding a new road under the viaduct and in principle, this is something that may be feasible. He did mention that there would be drainage issues, but not to the extent that would make the idea impossible".

There appears to be no evidence of serious work to propose a credible solution to Network Rail. This is in marked contrast to the Herefordshire and Gloucestershire Canal Trust who appear to have negotiated a canal route under the viaduct.

#### Inadequate understanding of traffic flows in and around Ledbury

Increased traffic through Ledbury Town centre is not adequately assessed. Para 3.7 seems to understate the role of Leadon Way in providing access to the town by numerous routes and its importance as a bypass. Para 3.8 indicates that the route to the motorway etc. is from the town centre whereas Leadon Way is an important route to the M50.

#### Approved planning permission and associated traffic generation is absent

The Transport Assessment is deficient in terms of its consideration of the traffic generation from other development proposals in Ledbury and the surrounding area, this requires more research. Examples are the 100 houses at the cricket field at the Full Pitcher (11 June 2014), and extension to Pixiefields of around 60 houses at Cradley. Wellington Heath is particularly close to the station junction and the Core Strategy target for additional houses is 28; 19 already have planning permission and the NDP, currently at regulation 14 stage is likely to exceed the target.

#### Traffic volumes from the development and through Wellington Heath

The Traffic Assessment is based on current Ledbury data. However the viaduct site is substantially further from the centre of town than existing Ledbury housing. It therefore seems likely that there will be a greater proportion of journeys by car than currently.

Beggars Ash Lane or Burton Lane are not very convenient as a route to Malvern or the A449 from Ledbury generally. These routes through Wellington Heath are immediately adjacent to the proposed viaduct development and avoid congestion at station junction. Therefore much more of the viaduct site traffic will go through Wellington Heath than would Ledbury traffic.

## **Appendix B**

### **Alternatives to the Ledbury Viaduct site**

Circumstances have changed considerably since the viaduct site was allocated for 625 houses in the Herefordshire Core Strategy. The planning appeal regarding 321 houses south of Ledbury bypass at the Dymock road and the detailed matters it considered demonstrated that the case for extending Ledbury to the north rather than to the south is weak. A number of smaller developments at the Full Pitcher and elsewhere are now approved or anticipated. The Viaduct site proposals have failed to grasp the issue of access from the Hereford Road under the viaduct and its sustainable integration into Ledbury town is problematic and this development is now delayed.

#### **South of Leadon Way**

321 houses have already been approved on appeal and appear to be progressing towards construction.

#### **Full Pitcher**

100 houses have been approved on 11 June 2014.

#### **Land to the north of Leadon Way adjacent to Shepherds Close**

10 houses are suggested in the emerging Ledbury NDP between Leadon Way and the town at Shepherds Close.

#### **Market Street Auction site**

Elderly persons and starter homes may be allocated for development in the emerging Ledbury NDP at the current Pughs auction site near the middle of the town.

#### **South of Leadon Way at Gloucester Road**

Bovis Homes have suggested a substantial development south of the Ledbury bypass adjacent to the Gloucester Road. This is currently excluded from the emerging Ledbury NDP, however the Ledbury NDP might reach a very different conclusion if the viaduct site cannot provide satisfactory access and is consequently not deliverable.

## **Appendix C**

### **Rat runs through Wellington Heath and the Malvern Hills AONB**

#### Transport Assessment regarding rat runs is misleading

The opinion at paragraph 10.7 of the Transport Assessment in relation to Beggars Ash is misleading and unjustified because the description of the rat runs is a misrepresentation.

#### Wellington Heath village in the Malvern Hills AONB and the NPPF

Wellington Heath village and the eastern side of the parish are in the Malvern Hills AONB, this is valued as a quieter area of the AONB.

The National Planning Policy Framework states "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Increasing traffic unnecessarily along the lanes through Wellington Heath and the Malvern Hills AONB is not in line with this overarching Government policy. The affected roads through the AONB have a distinctive character and are largely single track with occasional informal passing places which already present difficulty for passing vehicles. The contribution of these lanes to the landscape would be greatly diminished with increased usage, widening, or a proliferation of traffic control measures and signs.

#### Definition of potential rat runs through Wellington Heath

A full description of the potential rat runs has been in the public domain since 1 May 2015. It is contained in Wellington Heath Parish Council representation to the Herefordshire Core Strategy Main Modification consultation. This document has also been used on other occasions to brief on concerns about the Ledbury viaduct development and was emailed as confirmation after the meeting with Bloor Homes on 1 April 2016.

That definition of the potential rat runs written in April 2015 is reproduced below, unaltered :-

"In particular, the impact of increased traffic flows along the rural lanes of Beggars Ash, Burtons Lane, Church Lane and, Ledbury Road through the village of Wellington Heath have been ignored. Beggars Ash and Burtons Lane lead directly from Bromyard Road in the immediate vicinity and either side of the proposed roundabout access to the development site. These lanes feed through to the Ledbury Road / Church Road junction which provides a route through Petty France and into the village of Colwall and thence to the major town of Malvern or to Upton upon Severn and the M50/M5. From Petty France further narrow lanes in the AONB readily reach the A438 through Eastnor to the major town of Tewkesbury and the M5 travelling south. A Bromyard Road access will no doubt attract residents to the new development who need to travel in these directions."

We can confirm that this definition of the potential rat runs is still correct

#### The Malvern Hills AONB Management Plan

The Malvern Hills AONB Management Plan 2014-2019 is formally recognised in the Herefordshire Core Strategy and identifies special features of the AONB including :-

- Rural character of minor roads defined by locally distinctive features such as hedgerows, cast iron road signs and milestones.
- Quiet rural lanes providing good opportunities for cycling and horse riding.

The Management Plan specifically discusses traffic volume on quiet roads :-

" Many of the AONB's small rural roads are used for walking, cycling and horse riding. These are some of the most tranquil parts of the AONB. New development or changes to the highway network could result in increasing volumes of traffic on these rural roads, which would compromise the tranquillity of the network and discourage their use for quiet recreational enjoyment. At the same time, many rural businesses and farms rely on road transport."

The Management Plan further comments:

"The CPRE carried out tranquillity monitoring in the AONB in 2006. This shows clearly that the least tranquil parts of the AONB are those associated with busy road corridors. Traffic has a big effect on tranquillity. One way to retain tranquillity in other areas is to keep volumes of traffic low on the rural road network. Appropriately managed reductions in speed limits and landscaping can also contribute to noise reduction in more sensitive areas."

#### Recreational use of lanes likely to become rat runs

Recreational use of the lanes in the part of Wellington Heath that lies within the AONB is considerable. Ledbury Road, Church Lane and the road from Swallow Farm to Petty France past Hope End are an important part of this recreational network and coincident with the likely rat run if there is an increase in sources or traffic on the Bromyard Road north of station junction and associated congestion.

Hikers use the long distance Geoparkway and Herefordshire Trail which follow the likely rat run from Hope End to Swallow Farm. The many, well used field footpaths are also connected by the lanes and lead to very popular destinations including the exceptional view point at Oyster Hill and circular walks associated with Frith Wood. The lanes are especially attractive but dangerous at very narrow points such as the route down from Hope End to Petty France, or between Raycombe Lane and Swallow Farm, hidden by bends and confined between banks and hedges.

Equestrian businesses at Swallow Farm and Hope End and their horses and riders make increasing use of these lanes.

A cycle byway also uses the route that would most likely become a rat run.

## Appendix D

### Viability of access under the viaduct to the Hereford Road

#### Absence of a detailed proposal for a carriageway under the Viaduct

The Transport Assessment para 4.22 states: "Therefore, ... a potential access design solution could be provided via the existing Leadon Way / Hereford Road roundabout and viaduct. A potential design solution would be deliverable if the local authority approves a listed planning consent, Network Rail approves the design and the foundations of the viaduct are suitable for the proposed design".

The Residential Travel Plan para 4.6 states: "However discussions have taken place with Network Rail who have land ownership of the existing rail line, who confirmed that they would not accept a carriageway built underneath the viaduct".

It appears that there has been no effort to generate a credible proposal for a route under the viaduct but there is brief mention of possible solutions :

Para 4.19 "A potential design solution would be to provide a 5.5m wide carriageway under one viaduct arch and a shared footway/cycleway under a second arch."

Para 4.20 "The potential design would require the carriageway structure underneath the viaduct to bridge over the viaduct foundations, which would ensure none of the carriageway would be attached to the viaduct. The potential structure would be an in-situ slab supported outside the footprint of the viaduct on piles to transfer load outside the zone of influence of the viaduct loading. However, this potential design would require a detailed ground investigation to assess the foundations."

Details of options and their presentation to Network Rail do not seem to be in the documentation accompanying the planning application.

In marked contrast it appears that the Herefordshire and Gloucestershire Canal Trust do seem to have negotiated access for a canal and all the civil engineering that would entail with Network Rail.

#### Letter from Network Rail

The Transport Assessment conflicts with the letter from Network Rail shown on the next page.



Mr T Bateman

Beacon House  
Newbury Park  
Ledbury  
HR8 1AS

26 May 2016

Our Ref: 160524-000338

Dear Mr Bateman,

**Proposed Development - Ledbury**

Thank you for contacting us in respect of the proposed housing development in Ledbury.

I have spoken to our structures engineer regarding a new road under the viaduct and in principal; this is something that may be feasible. He did mention that there would be drainage issues, but not to the extent that would make the idea impossible.

However, it is worth noting that we would not fund this proposal. If the funds were available, the next step would be to meet with a senior sponsor from Network Rail to discuss the plans further.

If there is anything else I can do to assist you, please do not hesitate to contact me on 07710-960864.

Yours sincerely,

  
Elisabeth Exton  
Community Relations Executive - Western

Contact & Communities

Western House  
1 Holbrook Way  
Swindon  
SN1 1BD

T: 03457 11 41 41

## **Appendix E**

### **Provision for pedestrians and cyclists**

#### Sustainable Pedestrian and Cycle access

Pedestrian access to the south east of the site under the railway (Map at page 58 Appendix A) into Ballard Close discussed in para 5.9 is not confirmed but is critical to the effective integration of the development into Ledbury.

Gradients encountered by pedestrians and cyclists do not appear to be taken into account in the Transport Assessment but will undoubtedly reduce the likely usage of footpaths and cycleways.

The distance of this site from the town centre and potential for walking to facilities (perhaps instead of using a car) is demonstrated in para 3.11 Figure 3. The centre of town at the Market House is outside the preferred maximum walking distance and well beyond desirable and acceptable walking distances.

Para 3.17 Fig 4 show that cycling is more viable but fails to take account of the significant gradients, the height of the viaduct is a very obvious clue to the considerable effort that would be needed to cycle from the development to the station or the town.

#### Danger to existing walks, cyclists and horse riders and allotments users

It is regrettable that no additional footpaths are proposed to reduce danger to pedestrians and cyclists who currently use Beggars Ash Road to Wellington Heath, and Bromyard Road to the allotments at Burtons Lane.

Concerns about danger from traffic to pedestrians and cyclists along Beggars Ash Lane have been raised previously with Herefordshire Council and, in particular, via the Wellington Heath Parish Plans of March 2006 and December 2013. In addition to permanent residents of Wellington Heath, large numbers of seasonal fruit pickers walk along Beggars Ash to reach Ledbury and public transport connections to Hereford.

Ledbury allotments are located on Burtons Lane between Bromyard Road and the line of the old canal. A few of the gardeners walk from Ledbury town to the allotments and more would like to do so if the route was safe.

In addition to the above use of lanes by pedestrians they are also used by walkers, hikers, cyclists and horse riders for recreation, especially within the AONB, this is described in Appendix C.

#### Landscape impact of footpaths

The details of the proposed footpaths are not shown in the detail required for a planning application regarding access. The path under the listed viaduct must be sympathetic to the form of the viaduct and its rural setting. The proposed path along the Bromyard road should avoid removal of the hedge and be designed to respect the rural setting.