

Objection in respect of planning application: 171532

Land North of Viaduct, Adjoining Orchard Business Park, Ledbury, Herefordshire,

Site for a mixed use development including the erection of up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage and ground modelling works and other associated works. The proposal is for outline planning permission with all matters reserved for future consideration with the exception of access.

Background

The key issue with this application is that of access to the Viaduct Site. During consultation on the main modifications to the Core Strategy over 400 representations were lodged in relation to Policy LB2 concerning the access to this site. The vast majority opposed a single access taken off Bromyard Road with preference expressed for access under the viaduct from the existing spur off the A438 Hereford Road/Leadon Way roundabout.

The Transport Assessment produced for the applicant by BWB Consultancy purports to undertake a detailed analysis of the access requirements for the site. However, there are significant flaws in the analysis and earlier consultation responses by local people have been totally misrepresented.

Applicant's Transport Assessment

Impact of Other Approved Development

The Transport Assessment is deficient in terms of its consideration of the traffic generation from other development proposals in Ledbury and the surrounding area that have already secured planning permission. Additional traffic from residential and industrial/commercial development will impact upon the junctions and rat runs associated with the Viaduct Site development and should be fully assessed as part of this process.

Impact on Rural Lanes and Rat Running

Throughout the Transport Assessment and the supporting Travel Plans the discussion on the local highway network makes scant mention of the rural lanes running north-east off Bromyard Road. Beggars Ash and Burton's Lane run up to Wellington Heath village, with onward connection through Colwall to Malvern.

Malvern is a significant centre of employment with QinetiQ, the Science Park, industrial estates, hotels and retailing attracting employment related traffic via Wellington Heath and the rural lanes. Trips via these lanes can also be made to Upton upon Severn and Tewkesbury via connection to the A449 at Chances Pitch. All of these routes encompass narrow and winding rural lanes with numerous pinch points where the passing of vehicles is difficult. HGV's and buses cannot pass vehicles moving in the opposite direction unless the smaller vehicles reverse. Damage to roadside verges frequently occurs and the lanes are potholed and poorly maintained. The proposed access to the Viaduct Site taken off Bromyard Road will significantly increase the risk of traffic rat running through Wellington Heath and the Malvern Hills Area of Outstanding Natural Beauty (AONB).

Concerns about danger from traffic to pedestrians and cyclists along Beggars Ash have been raised previously with Herefordshire Council and, in particular, via the Wellington Heath Parish Plans of March 2006 and December 2013. Large numbers of fruit pickers walk along Beggars Ash to reach Ledbury and public transport connections to Hereford. There is no roadside footway or street lighting and frequent 'near misses' arise between vehicles and pedestrians around the blind bends and pinch points along Beggars Ash. The Transport Assessment at paragraph 3.45 states "... *there are no current highway safety concerns in the vicinity of the site.*" This is plainly untrue.

Representations on the main modifications proposals for the Core Strategy expressed serious concern that any access to the Viaduct Site taken off Bromyard Road would lead to increased rat running and traffic flows along Beggars Ash or Burton's Lane and through Wellington Heath village on the way to Malvern, Colwall, Upton and Tewkesbury. This route passes through the Malvern Hills Area of Outstanding Natural Beauty and the impact on the AONB should also be assessed. There is no analysis of this impact in the Transport Assessment.

The route is likely to attract increased traffic from the development site as it means that drivers can avoid passing through Ledbury Town Centre to reach the A449 at Top Cross or avoid the difficult junction of The Homend and Knapp Lane for the short cut to the A449. These views were also expressed by many people to the developer and the consultants during their public consultation exercise.

The Transport Assessment briefly considers rat running via Beggars Ash at paragraphs 4.26 to 4.29. Paragraph 4.26 states:

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.

This totally misrepresents the concerns of local people and effectively dismisses local opinion as misinformed. Our concerns are about rat running to the A449, Colwall and Malvern and have never related to accessing the A4103. (By way of evidence I have attached my representation made at the time of the Core Strategy Main Modifications consultation). The analysis contained in this section of the Transport Assessment is therefore not relevant and does not address our strongly held concerns. In consequence, the opinion at paragraph 10.7 of the Transport Assessment in relation to Beggars Ash is also misleading and unjustified.

Herefordshire Council is therefore requested to ensure that assessment of the traffic impact on Beggars Ash, Burton's Lane, Wellington Heath and routes through the AONB is properly evaluated and considered before the planning application is put before the Planning Committee.

Traffic Routing, Trip Distribution and Junction Performance

The Traffic Assessment at paragraph 8.1 states that “.... *traffic distribution and assignment patterns have been agreed with HCC*”. The residential traffic distribution is shown at Figure 10 and assumes 27.1% of traffic flows via Top Cross to the A449 towards Malvern. 22.9% of employment traffic flow is assumed to also use this route. Only 3.5% and 5.5% of traffic flow is assumed to utilise Beggars Ash and none via Knapp Lane. These figures are likely to seriously underestimate use of the rat runs.

Theoretical modelling is all very well but local road users are well aware that drivers frequently choose not to travel via the traffic light junction at Top Cross to reach the A449 for Malvern, Upton and Tewkesbury. The rat runs via Beggars Ash and Knapp Lane are already widely used and Herefordshire Council has previously examined the traffic problems associated with Knapp Lane and its junction with The Homend following complaints from residents and Ledbury Town Council.

The Transport Assessment assumes that if there is a single access to the site from Bromyard Road then 94.9% of residential trips and 90.9% of employment related trips would pass under the railway bridge at the junction of Bromyard Road and Hereford Road. This means at the morning peak an additional 544 vehicle movements through the junction would arise and 565 during the evening peak. These figures are taken from Figures 10 and 11, and Tables 11 and 12, of the Transport Assessment. It also appears to assume that travel in the direction of the M50 and Gloucester is via Ledbury Town Centre.

Paragraph 10.9, Table 15, shows that the existing railway bridge junction is already under stress from traffic with capacity being exceeded currently. Indeed, at the early evening peak there is usually a queue of vehicles stretching back up to 400 metres to the Bromyard Road/Beggars Ash junction and access to and from the railway station car park is extremely difficult. Large HGV's can only negotiate the junction to enter Bromyard Road from the Hereford Road direction by crossing to the wrong side of the road under the railway bridge. Very frequent HGV movements through the junction arise from the ABE freight transport depot, Watson's fuel storage and distribution depot, Wye Valley Fruit storage and packing plant, Bevisol drinks manufacturing plant, Withers Farm fruit production and other businesses located along Bromyard Road. There is also a coach depot located very close to the junction where large vehicles block the road in order to reverse into the depot. The employment land uses on the Viaduct Site may well add further HGV traffic through the junction

Paragraph 10.11 confirms that improvement measures to this junction are required to mitigate the impact of the additional traffic generated from the Viaduct Site development. The proposed solution is a mini-roundabout, but this is unlikely to significantly mitigate traffic queues at peak times. With up to 565 additional vehicle movements on top of current flows passing through the junction after development the queueing at peak times will significantly worsen. This situation is confirmed by Table 16 that indicates the junction, after improvement, operating at 99% of its residual capacity during the evening peak (as at 2016) and by 2026 being 6% in excess of capacity. The mini-roundabout proposal is also likely to require land acquisition from third parties to achieve the proposed design.

An earlier proposal to improve this junction by introduction of traffic light controls was considered as part of the Core Strategy decision making process. At the time the agents for the landowner of

the Viaduct Site, Blencowe Associates, in their submission to the Core Strategy Examination in Public confirmed as follows:

“A traffic assessment has been carried out to explore the possibility of developing the site identified in the Local Plan for employment use under a scenario without access under the viaduct. This indicated that the Bromyard Road/Hereford Road junction would not operate within acceptable standards (even with signalling) should the site be developed for employment use, principally because traffic generation by employment use would be greater than a comparative residential use. The additional number of HGVs which could be expected for an employment use would also not be well served by the Hereford Road/Bromyard Road junction.”

There is now clear evidence from two transport/traffic assessments that improvement options for the junction by the railway bridge are unlikely to be successful in resolving the inevitable traffic management issues at this point in the local road network.

In stark contrast, the solution preferred by the local community is for site access to be achieved from the existing Hereford Road/Leadon Way roundabout spur. The Transport Assessment at Table 17 confirms that this access solution “.... is forecast to operate under capacity in all scenarios, with significantly high percentage of network residual capacity available in each scenario.”

I know from discussions at the time that the original design of the Leadon Way Ledbury By-pass assumed that the by-pass would in future be extended under the viaduct to the Bromyard Road avoiding the railway bridge junction. It was therefore considered to be feasible, but has never been achieved, probably due to Local Transport Plan funding being allocated to schemes with higher priority.

If site access is taken off the Hereford Road/Leadon Way roundabout much of the generated traffic would not need to utilise the problematic junction under the railway bridge at Bromyard Road. Traffic for the M50, Hereford, Ross, Gloucester and South Wales would exit the roundabout either directly to the A438 or the Ledbury By-pass (Leadon Way). Traffic for the A449 could also take the easier route via the By-pass, New Street and the Top Cross traffic light junction.

With an access under the viaduct Figures 10 and 11, and Tables 11 and 12, of the Transport Assessment indicate that only 5.5% of residential traffic and 9.1% of employment related traffic would need to utilise the railway bridge junction. The risk of rat running to Malvern or the A449 via Beggars Ash, Burton's Lane, Wellington Heath and the AONB would be significantly reduced.

The Railway Viaduct

The Transport Assessment clearly shows that a single access from the Hereford Road/Leadon Way roundabout is the best technical and highway management solution. Justification for choice of the Bromyard Road access appears to be based solely upon a claimed refusal by Network Rail to permit road access under the viaduct. No documentary evidence to this effect has been submitted with the application. There is no information provided on the degree of engineering design work that has been undertaken on an access that passes under the viaduct and whether such design options were subsequently submitted to Network Rail for consideration. The Transport Assessment simply suggests that it is technically achievable and practicable.

Given that the Hereford Road/Leadon Way access is preferred by the community, and is the best solution in terms of traffic management and design capacity, it should be incumbent upon Herefordshire Council to ensure that full and proper negotiations with Network Rail have taken place with all supporting design material being produced and evidenced with the planning application. It is my understanding that Network Rail has previously stated in writing that road access under the viaduct is acceptable. Plainly, this situation needs further exploration and negotiation to achieve the best access arrangements, the effects of which will prevail for many years to come.

Furthermore, it appears from the site Masterplan that the protected route for a stretch of canal passes under the viaduct. The engineering and excavation for a canal under the viaduct would be far more extensive and intrusive than for a site access road. I can only assume that Network Rail have been consulted on this aspect of the application and approved it. If so, why not an access road? Site access should also outweigh any considerations as to the line of the proposed canal as there are other options that could be considered in that regard.

I strongly feel that choice of the best site access with its benefits for the community, town, villages and AONB should heavily outweigh any financial considerations by the developer. As the Highway Authority I consider that the Council should enter its own negotiations with Network Rail to ensure delivery of the optimum access solution. It is the Council that will have in future to deal with the highway management consequences of the wrong decision on access to the Viaduct Site. The costs of future highway works will inevitably fall on local tax payers rather than the developer of this site.

Conclusion

It seems that the only way that an unbiased assessment of the traffic and transportation issues associated with the site can be obtained is for Herefordshire Council to commission its own transport assessment.

I appreciate that there is considerable political pressure to deliver strategic sites as part of the Council's five year supply of developable housing sites. However, the access to this development has very significant consequences for future traffic flows and impacts on Ledbury, Wellington Heath and the Malvern Hills AONB. Achievement of the optimal access arrangements to and from the Viaduct Site is critical to the future well-being of Ledbury and the surrounding area.

The Council, as the Highway Authority, should consider entering direct negotiations with Network Rail to ensure the best access solution can be achieved. It is clear that choosing the Bromyard Road access option will result in significant highway management problems for the future.

I would urge the Council to refuse the present application for a single access to the site from Bromyard Road. Grounds for refusal could include an inadequate and misleading Transport Assessment, unacceptable impact on the local highway network and a lack of evidence provided to support Network Rail's claimed refusal to permit a road under the viaduct.

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Extract of Representation on the Main Modifications to the Core Strategy

20.4.16.

B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?

The proposed amendment MM026 to Policy LB2 in respect of land to the north of the viaduct outside Ledbury does not take adequate account of the impact of the potential primary access to the development off the B4214 Bromyard Road. Policy appears to focus only on the relationship of the development to the town of Ledbury and does not address issues that impact upon villages and rural areas to the east, or to the Malvern Hills Area of Outstanding Natural Beauty.

A Statement of Common Ground has been agreed between Herefordshire Council and the owners of the land via their agent Blencowe Associates. This opens up the prospect of the primary vehicular access to the development being off Bromyard Road via a new roundabout and with improvements to the Bromyard Road/Hereford Road junction at the railway bridge. The original policy prescribed the primary vehicular access as being under the viaduct off the spur on the existing Hereford Road roundabout. This gave direct access to the by-pass and the main routes to Hereford, Gloucester or the M50 motorway. The basis for this change of policy appears to be one of financial expediency rather than sound land use planning.

The policy change is suggested to be based upon a Transport Assessment conducted in 2011 by Scott Wilson, although it is odd that this report substantially predates the proposed change. Despite the fact that this report is now crucial to the policy change and Statement of Common Ground the Council has refused to make it available to the public or parish councils such that informed comment may be made to the Major Modifications consultation process. This is in direct contradiction to the Council's declared Values, one of which is to be "open, transparent and accountable".

The impact of a Bromyard Road access to the proposed Viaduct Site development of approximately 625 houses, 3 hectares of Class B1 employment use, a new 210 place primary school and sports and recreation facilities, has not been considered in relation to settlements to the east and the Malvern Hills Area of Outstanding Natural Beauty.

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 off from Bromyard Road in the immediate vicinity of the proposed development site. These lanes feed through to the Church Lane/Ledbury Road junction, which provides a route through Petty France and into the village of Colwall and thence to the major town of Malvern. The route through Wellington Heath village also forms the boundary to the Malvern Hills AONB.

There is currently no safe cycleway or footway for pedestrians anywhere along the route of these unlighted country lanes despite pressure from the local community expressed in Parish Plans since 2006 for such provision to be made. The lanes are poorly maintained and narrow with numerous 'pinch points' where it is not possible for vehicles to easily pass. When the small local bus, agricultural vehicles, a large van or HGV uses the route there are many occasions where cars have to reverse into field gateways, muddy highway fringes or private drives to allow the passage of the larger vehicle. This causes damage to the highway fringes and verges. In addition, local people and hundreds of fruit pickers employed on local farms, use the lanes to walk to Ledbury to shop. Horse riders and local equestrian businesses also make substantial and increasing use of these lanes. Given the lack of any all weather footway there have been frequent and numerous 'near misses' between vehicles and pedestrians along Beggars Ash and Ledbury Road. This major road safety issue has been raised with Herefordshire Council in the past, but to no effect. It is only a matter of time before a serious injury accident occurs that involves pedestrians, cyclists or horse riders. Increased traffic arising from the proposed development will be more likely to use these narrow country lanes en-route to Malvern if the Bromyard Road vehicular access to the development is opened in preference to a Hereford Road access.

The junction of Bromyard Road and Hereford Road adjoining the railway bridge is also a source of existing traffic problems. Coaches and buses regularly block the road to reverse into the Smiths Motors Coach Depot located near the sharp corner forming the junction. The entrance to the station car park and industrial estate is also very close to the junction and the vicinity is subject to heavy on-road parking by travellers unable to use the station car park as it is frequently full. HGVs approaching from the Hereford direction into Bromyard Road must swing onto the wrong side of the road under the bridge in order to negotiate the 90° bend at the junction. This creates difficulty both for the drivers of the HGVs and for motorists approaching the junction from Bromyard Road. At peak times there is already a tail-back of traffic at the junction that reaches back to Beggars Ash, a distance of approximately 350 - 400m.

This congestion will be exacerbated by traffic generated from the housing, school and employment uses of the proposed site and will increase the risk of 'rat runs' to Malvern via Beggars Ash and Burtons Lane. It will also create a direct route for travel from the development to John Masefield High School through the town centre. This is likely to further add to the congestion at the railway bridge junction and at the Top Cross traffic light controlled junction in Ledbury Town Centre. If the vehicular access were to remain under the viaduct the probable route to John Masefield High School would be via the by-pass and any traffic travelling to Gloucester or the M50 would also follow this route rather than using the problematic junction at the railway bridge. Traffic for Hereford would also not need to use the railway bridge junction.

The proposed traffic light control and improvement of the junction at the railway bridge would only partly assist in that it would do nothing to mitigate traffic volumes using the junction and the consequent congestion and inconvenience. Indeed, Blencowe Associates in their submission to the Core Strategy Examination in Public confirmed as follows:

"A traffic assessment has been carried out to explore the possibility of developing the site identified in the Local Plan for employment use under a scenario without access under the

viaduct. This indicated that the Bromyard Road/Hereford Road junction would not operate within acceptable standards (even with signalling) should the site be developed for employment use, principally because traffic generation by employment use would be greater than a comparative residential use. The additional number of HGVs which could be expected for an employment use would also not be well served by the Hereford Road/Bromyard Road junction.”

The existing businesses located along the Bromyard Road already generate high levels of HGV movements as they include a transport company, a major fruit packing cooperative, fuel storage and delivery depot and a bulk drinks manufacturer. The proposed development will also include 3 hectares of employment land, the traffic from which will largely use the Bromyard Road/Hereford Road junction at the railway bridge.

Herefordshire Council's adopted Local Transport Plan to 2016 has the following objectives:

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving;
- Provide a road network that is safe and efficient and that provides a positive journey experience; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage and street furniture and sustain their condition.

It is clear that the existing highway network that passes through Wellington Heath and borders the AONB is totally inadequate to take increased volumes of traffic that are likely to be generated from an access to the new development off Bromyard Road. The proposal and its consequences would also seem to conflict with a number of the objectives of the adopted Local Transport Plan. Significant investment in highway improvements would be required to mitigate such an impact, including the provision of hard surfaced and drained footways to permit safe passage by pedestrians and cyclists from Bromyard Road to Wellington Heath and beyond. In the event that the proposed new access is allowed then the necessary improvements must be made through imposition of S106 planning obligations, the Community Infrastructure Levy and any necessary compulsory purchase of land to facilitate the necessary works, whilst still retaining the rural character.

Improvements to the Bromyard Road/Hereford Road junction are unlikely to be sufficient to handle the level and nature of traffic generated from the residential, employment, school and recreational uses from the development site when combined with that from the

existing businesses. Retention of access to the site from the Hereford Road roundabout under the viaduct is therefore preferable.

The impact of increased traffic flows on the AONB arising from an access to the development site off the Bromyard Road has also not been properly evaluated and could be argued to be in contravention of the National Planning Policy Framework with respect to protection of the AONB.

The Malvern Hills AONB Management Plan 2014-2019 identifies special features of the AONB as 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 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.

The area’s carbon footprint is high, partly because of the reliance on the motor car. Encouraging people to walk, cycle and use public transport is a key action to reduce carbon emissions.”

These laudable aims cannot be achieved if traffic volumes increase along the dangerous sections of rural highway passing through Wellington Heath and the AONB where road safety is already a serious issue. Furthermore, any proliferation of new road signs or traffic calming measures would detract from the rural character of the area and the AONB.

In conclusion it is suggested that retention of the highway access to the development site off the Hereford Road roundabout and under the viaduct is to be preferred. This would serve to direct traffic around the by-pass rather than through the unsatisfactory junction of Bromyard Road and Hereford Road at the railway bridge. It would reduce potential congestion at Top Cross in Ledbury Town Centre and particularly at the railway bridge junction. Furthermore, the risk of increased traffic flows through Wellington Heath and the associated road safety hazards would be reduced.

Given the extent of highway problems and consequent detriment to the landscape and scenic beauty of the AONB that arise from the development of the viaduct site it is perhaps appropriate to reconsider the benefits of moving large scale residential development to areas of land accessible off the by-pass to the south or west of Ledbury.

Ends.