

Mantle Management LLP

Rebecca Saunt
Planning Manager
East Cambridgeshire District Council
The Grange, Nutholt Lane
Ely, Cambs
CB7 4EE

16th February 2018

Dear Rebecca,

Re: Healy Investments Ltd – Angel Drove Retail Scheme, Ely

We write to you in relation to our clients planning application Ref: 17/00428/OUM. We note that Cambridgeshire County Council (CCC) have lodged a letter dated 25 January 2018 identifying further points of clarification, and have stated that they do not have enough information to determine the transport impact of the scheme, and therefore the application should be held in abeyance until such time as additional information is submitted and reviewed by them.

You will be aware that the planning application was submitted in February 2017 together with a full Transport Assessment (TA). The actual transport related work proposed under the current application is almost identical to the work under the extant consent. The TA assessment was fully Scoped with CCC as Local Highway Authority well in advance of the submission. As originally agreed, the TA contained updated traffic counts and modelling amongst the other items that were agreed in the Scoping Assessment, including trip rates and distribution.

CCC Highways did not respond within the statutory consultation timeframe and only did so several months later. When they did finally respond, due to changes in personnel at CCC, it is fair to say that they moved the goal posts, requiring us to carry out significant additional work and modelling scenarios not requested as part of the scoping process.

To ensure that we addressed everything that CCC required, we met with CCC to agree a further scope of works to avoid confusion, a meeting at which you were present. A meeting note of the points agreed was prepared and disseminated. You are aware that there have now been four further supporting TA documents over the course of a 12-month period.

We find ourselves in a situation where each time we submit a report to CCC highways, they respond by requiring different, additional information to be provided, or make statements which contradict a previously agreed position. We are on Transport Addendum No.5 as a result of this exceptionally frustrating process.

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This is an allocated site, with the benefit of an extant permission. A pre-application process was undertaken, and a full TA lodged as a result. We are at a loss to understand how CCC still don't have sufficient information to make a decision on the application. We are 12 months on since making an application and much of the delay has been down to not getting responses from CCC in a timely fashion; or changes in highways officers who appear to have been poorly briefed in relation to the history of this site; or a disregard to previously agreed elements of the Assessment. This has turned out to be a very costly exercise for our client.

We note in CCC's most recent letter that there is yet another new highways case officer who is apparently unaware of previous agreed position, and is consequently asking for clarification on matters that have either already been agreed or provided. Once again, we are almost back to 'square one'.

To respond on the points raised in the most recent letter from CCC Highways:

1. **Access to Travel Choice** – there is no bus stop within the site. The bus stop is located on Angel Drive which has been discussed and approved previously;
2. **Travel Plan** – we had not seen these comments but will download a copy and respond accordingly. This is an item that can be Conditioned, if necessary;
3. **Car Parking** – we addressed this before and the position, as per the current submission, was agreed with Andrew Connolly;
4. **Gravity Model** – the methodology was accepted at initial scoping and at the subsequent meeting which you attended;
5. **Committed Developments** – this has been evidenced previously;
6. **Vehicular Traffic Generation** – trip rates were agreed at TA Scoping stage, and have been discussed throughout the process and agreed;
7. **Transport Assessment Addendum** – we have discussed this with you and will detail our position in this letter.

We understand that CCC highways will not be willing to support this application unless our client agrees to 100% mitigation of the direct impact on the highways network, which is contrary to national planning policy. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. It is not the case that we should have to prove no significant impact or nil detriment.

A Section 106 contribution of £856,666 has been requested by CCC towards improvement of the offsite A10/A142/ Angel Drove roundabout. Our client is unable to agree this and we set out below why:

- Fundamentally we do not believe that Section 106 or CIL can be used to resolve an existing issue. It has been recently publicised that the junctions CCC are seeking for us to make contributions towards are already failing and have been for some time. We should not be penalised or charged to solve an existing highways issue. We understand that this is the reason why these junctions are not included on the current Reg. 123 list and would not feature on the future list.
- There is no precise test in highways terms for what is deemed a 'severe' impact. The TA addendum 5 sets out the impact and concludes that the impact from this scheme is not in our opinion 'severe'.
- We believe the methodology used by CCC to calculate the contribution of £856,666 is flawed:
 - a) It is unclear how CCC have determined with the scheme cost for the A142/ A10 corridor of £5,000,000. The scheme is likely to benefit the whole corridor and resolve existing issues;
 - b) The scheme cost has then been divided equally across the three roundabouts;
 - c) The traffic growth number used by CCC for 2016 – 2022 are without the bypass impact. Applying the bypass effect there will be 659 new trips through the A142/ A10 roundabout in 2022. The CCC numbers applied are therefore incorrect;
 - d) The trips used for the development impact at this roundabout are taken at the site access, not at the A142/ A10 roundabout. At the A10/A142 roundabout in 2022 there will be 230 development related trips in the Friday PM.

Applying CCC's method of calculation, $659+230 = 889$; therefore, the development will have the propensity to generate around 25.8% of new trips at the roundabout, not 51.4% CCC have suggested.

Accordingly, our calculations suggest the effect our scheme will have on the roundabout is significantly lower than CCC have suggested.

Notwithstanding the above, if any contribution were to be sought, it should be based upon the proportion of new development trips in relation to the total level of existing and future growth trips through the junction.

The following additional points should be considered:

- There is an extant planning consent for a significantly larger scheme (320,000 sq. ft.), compared to the 70,000 sq. ft. now sought;
- A contribution of £856K for off-site highway works, combined with the CIL contribution (£773,000) does not fairly and reasonably relate in scale and kind to the impact of the Phase 1 development. The cost is vastly disproportionate to the impact that the three retail units may generate;
- The scheme simply cannot afford a contribution whilst also paying CIL. Without the Section 106 it already fails a viability test and is negative £2m+ with no profit or land value. The viability process was undertaken previously with ECDC where it was acknowledged that the larger Tesco led scheme had serious viability issues partly due to the high cost of servicing the site. This significantly smaller scheme has exactly the same servicing costs to the extant consent. Unfortunately, if a Sect. 106 contribution is required on top of the CIL contribution, the scheme will not be able to proceed.
- Infrastructure is being put in for the entire site at day one, not just for Phase 1.

CCC Highways have not acted in a timely manner nor have they behaved reasonably, changing the scope of our TA significantly on at least two occasions as a result of personnel changes. It is considered unreasonable to agree an element, and then have a change of views later in the process when there has been no material change in circumstance.

Healy Investments Ltd have shown commitment to this site having been involved with it for over a decade. They have faced many set-backs, including Tesco withdrawing from the site shortly after the extant planning consent was granted and have worked extremely hard to bring a new scheme to the table with three retail occupiers. At all times the design team has worked closely with the ECDC planning officers and the wider teams, rather than challenging for non-determination. The team has persevered for over 12 months trying to jump through every hoop that CCC have put in front of it.

This first phase is all about infrastructure first, laying the foundations for a retail park that Ely can be rightfully proud of. Healy Investments Ltd is heavily invested

in Ely and this site is the first step for the Station Gateway vision to move forward, providing the growth, jobs and a broader local and accessible retail offer.

The ECDC Corporate plan has recently been refreshed stating a focus on job creation and inward investment. Whilst CCC Highways clearly have their own agenda, Ely must equally focus on its own priorities.

We hope that you will take into consideration the factors set out in this letter when determining how to proceed with this application. We request that this application is put in front of the committee at your earliest opportunity.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Chandler', written in a cursive style.

Matthew Chandler BSc. (Hons.) MRICS