

TOWN AND COUNTRY PLANNING ACT 1990
(as amended)

Section 78 Appeal by Hallam Land Management Ltd

**Land off North of A507, West of A10,
Buntingford, Hertfordshire**

EDUCATION MATTERS

Education Provision in Buntingford, Hertfordshire

Hertfordshire County Council

EDUCATION PROOF OF EVIDENCE

Ben James Hunter

BA DipMS

PINS Reference: 6008238

LPA Ref: 3/24/0966/OUT

Date: 11th August 2026

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1 Background

- 1.1 My name is Ben James Hunter. I hold a Bachelor of Arts and Diploma in Management Studies. I have been an Education Consultant for Education Facilities Management Ltd (EFM) since September 2017, and Associate Director of EFM since April 2022. Prior to this I was a Development Management Project Manager for Northamptonshire County Council (as was) from 2012, responsible for negotiating and securing Section 106 planning obligations for education. Prior to this I was responsible for negotiating, securing and managing Section 106 planning obligations, predominantly education-related, in an Officer role between 2008 and 2012. The majority of my professional career has been related to the provision of development infrastructure, with a focus on education.
- 1.2 I am experienced in giving evidence for Planning Inquiries including Local Plan Inquiries and Public Examinations. I am therefore aware of the application of the planning system in relation to these matters from both a developer and local authority perspective. I confirm that I understand that notwithstanding my instructions my primary duty is to give an objective, unbiased opinion on matters within my expertise.
- 1.3 I am instructed to act for Hallam Land Management Ltd (**“the Appellant”**) in respect of this Appeal.
- 1.4 If called to give evidence, I can confirm that I will confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.
- 1.5 EFM was first instructed in this matter by the Appellant in June 2023. I was specifically appointed to review the education landscape in order to establish whether any additional infrastructure was necessary to make the development acceptable in planning terms.
- 1.6 I was subsequently instructed by the Appellant to prepare this written Proof of Evidence in order to assist the Inspector in determining whether there was sufficient capacity in local schools for the pupils of this development, or whether additional infrastructure projects were necessary to make the development acceptable in planning terms. This includes whether a new first school is required in Buntingford to

accommodate the pupils from this development and other forthcoming developments in the area.

1.7 The Appellant is not challenging any of the contribution amounts that are being requested by HCC, which, providing the Inspector finds them CIL Reg 122 compliant, will be agreed. The purpose, therefore, of this Proof of Evidence is to assist the Inspector in establishing whether there are mitigation options available for the children that will be resident in the new housing should it be approved.

1.8 This document will demonstrate that I have reached the following conclusions:

a) there is a clear and demonstrable benefit to HCC to reserve space on this development for the provision of new primary school infrastructure;

b) the pupils that will be resident within the new houses can be accommodated within any new provision, as well as existing schools across the education phases via either existing spare capacity or expansion projects, and

c) there is no education related reason why this development should not progress.

2 Introduction

- 2.1 This Proof of Evidence relates to an Appeal by Hallam Land Management Limited (“the Appellant”) against the decision of East Hertfordshire District Council (“EHDC”) to refuse outline planning permission for the following scheme at land west of Buntingford:

Outline planning application for development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved except access.

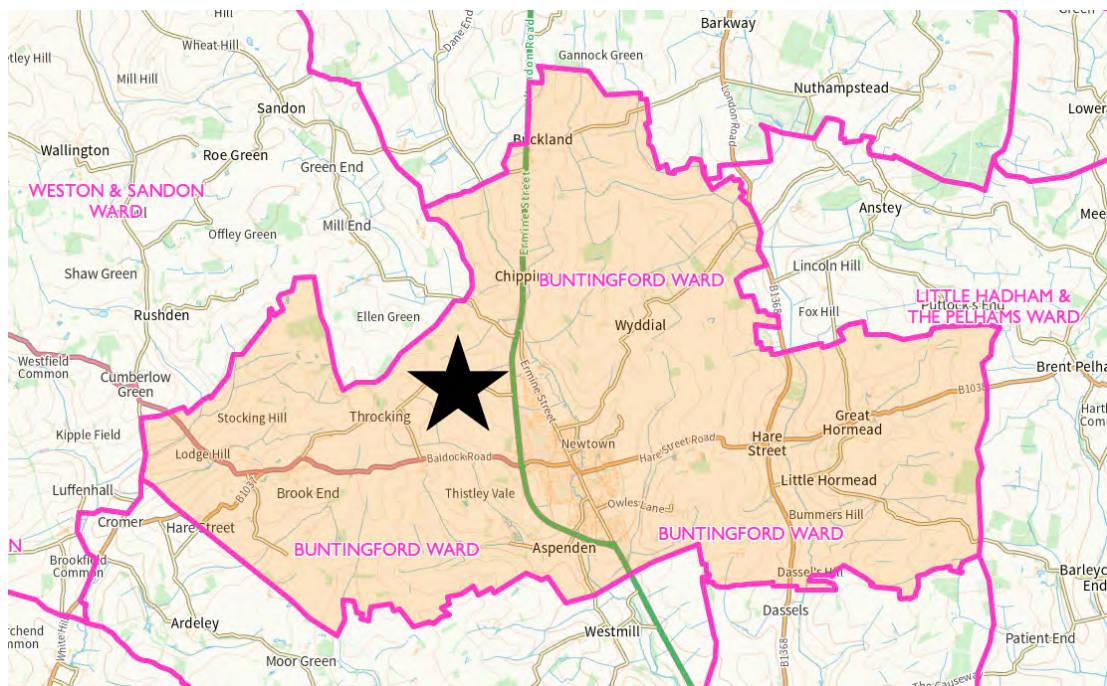
- 2.2 The approximate outline of the development site can be seen below in Map 1:



Map 1: Approximate Site Boundary of Land West of Buntingford

BUNTINGFORD, HERTFORDSHIRE EDUCATION PROOF OF EVIDENCE

- 2.3 The development is located within the EHDC Planning Area. HCC is the Education Authority. The development is located entirely within the Buntingford Ward (“the Ward”) as shown in the Map below:



Map 2: Ward Boundary and the Development's Location within the Ward

- 2.4 The planning application was refused by the Council in a Decision Notice dated 24th October 2025. Education was not specifically listed as a Reason for Refusal (“RfR”), although RfR3 states:

The harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new housing and other public infrastructure, having regard to NPPF paragraph 11d.

- 2.5 Furthermore, RfR4 relates to the lack of a completed legal agreement, although this is expected to be completed prior to the conclusion of the Appeal.
- 2.6 In relation to education, HCC provided a consultation response dated 23rd June 2025. The request consisted of the following:

First Education Contribution towards the delivery of a new primary school in the area and/or provision serving the development (£7,999,439 (which has a land cost of £24,327 deducted) index linked to BCIS 1Q2024). In addition HCC would also request that the applicant provides HCC with an updated Land Specification for education sites which is available on the HCC website under Infrastructure Requirements and Developer Infrastructure contributions.

Nursery Education In instances where new primary school provision is required, the equivalent nursery provision should also be provided at the new school. The indicative level of contributions towards Nursery provision which HCC would be seeking from this development are included within the primary education contribution. Nursery provision will be included as part of the delivery of a new School and/or provision serving the development.

Middle Education Contribution towards the expansion of Edwinstree Middle School and/or provision serving the development (£4,500,008 index linked to BCIS 1Q2024)

Upper Education Contribution towards the expansion of Freeman College and/or provision serving the development (£4,997,341 index linked to BCIS 1Q2024)

Childcare Contribution towards the delivery of a new 0-2 year old childcare setting in Buntingford, or increasing the capacity at Buntings Nursery and/or provision serving the development (£47,549 index linked to BCIS 1Q2024)

Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at a new first school in the area and/or provision serving the development (£10,826 index linked to BCIS 1Q2024)

- 2.7 It should be noted that there was no dispute between HCC and the Appellant in relation to any of the contributions requested.
- 2.8 However, subsequent to this response, HCC has provided a CIL Compliance Statement dated 10th June 2026 that states at paragraph 6.5:

HCC therefore is removing its obligation for first education in line with the data as continuing to seek this obligation would no longer meet the Regulation 122 tests. Therefore, no first education obligation is required from this development.

- 2.9 This Proof of Evidence does not concur with this assessment, as it is not clear that the impact of other developments coming forward specifically in Buntingford have been taken into account when assessing if education infrastructure provision (be that expanded schools or new provision) will be required in the future. This Proof of Evidence still sees a significant benefit in the reservation of land, and associated financial contributions for additional places, with no downside to HCC.
- 2.10 In subsequent meetings with HCC, following receipt of this CIL Compliance Statement, it is evident that the approach to development mitigation in the 2025 response is still being supported, and thus there needs to be a clarification in relation to the CIL Compliance Statement that it does not reflect the current strategy of HCC.
- 2.11 The Proof of Evidence outlines the net benefits to the area in terms of the delivery of new First School and Nursery provision. Therefore, not only is there no education related reason to refuse this Appeal, but also the area will benefit from the delivery of new infrastructure.
- 2.12 First, however, I consider the Statutory and Policy Matters that cover education:

3 Statutory & Policy Matters

- 3.1 There is a covenant between the State and its populace that has had statutory force for 156 years.¹ Namely that; wherever <my emphasis> a child shall live, who is not otherwise provided for, the State will provide a school in accordance with the statutory arrangements.² The covenant is not caveated by considerations of transience, fixed or temporary abode, nationality, residential status or home education authority and means that however children arrive within an area or are housed within an area, the local authority's statutory duty has to be met and is not a function of planning permission criteria.
- 3.2 **The Education Act 1996 (as amended) ("EA96"):** The primary Act relating to education is the Education Act 1996, which is; (a) a consolidating Act and (b) an Act amended from time to time by subsequent legislation. Unless otherwise indicated in this Proof of Evidence as applying to education, all references are to the Education Act 1996 (as amended).
- 3.3 EA96 (at section 14(1)) states,
- A local education authority³ shall secure that sufficient schools for providing – (a) primary education and (b) secondary education... are available for their area.*
- 3.4 Sections 14(2) to 14(6) go on to explain what is meant by sufficient schools and that it includes implicitly that the requirement is for sufficient appropriate school places.

¹ The Elementary Education Act 1870 (section 5) thereafter Education Act 1921 (section 17), Education Act 1944 (section 8), Education Act 1996 (section 14)

² The Act actually says, "5. *There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in a manner provided by this Act*".

³ The local education authority has since 2010 been somewhat confusingly renamed 'local authority' to take account of the authority incorporating the duties of the children's services authority. For the purposes of clarity throughout this Proof of Evidence the term 'education authority' is used as the generic title to keep a clear separation from the planning authority.

- 3.5 EA96 (at Section 7) imposes a duty on *“every parent of every child of compulsory school age to cause him to receive efficient full-time education either by regular attendance at school or otherwise”*.
- 3.6 Section 14(1), together with s7, derives directly from s5 Education Act 1870 via s17 Education Act 1921 and s8 Education Act 1944. There have been no material changes over time, merely consolidating legislation, changes to school leaving ages and changes to terminology from time to time. It is, thus, a longstanding duty for the Council as successor to the local school boards.
- 3.7 EA 96 Section 11 requires the Education Secretary of State (i.e. the State) to exercise their powers in respect of those bodies in receipt of public funds which carry responsibility for securing school provision for promoting school education. The duty of the education authority (to secure sufficiency of provision) is to enable the State to discharge its responsibilities within the covenant. Thus, the original premise still holds true: for all children of statutory school age, who are not otherwise provided for, **the State provides a school**, <my emphasis> in accordance with the prevailing statutory provisions.
- 3.8 EA96 Section 14 Subsection 3A is a more recent modification to its duty through a requirement for the education authority to exercise its functions under this section with a view to increasing: (a) diversity in the provision of schools, and (b) increasing opportunities for parental choice, and was inserted into Section 14 by Section 2 Education and Inspections Act 2006 with effect from 25th May 2007.
- 3.9 Thus, the duty of the education authority is to enable the State to discharge its responsibilities within the covenant: but, with sufficient headroom to allow for the discharge of its S14 (3A) duties.
- 3.10 The Education Secretary of State has determined that those ‘otherwise provided for’ include those whom provision is made via a Section 106 agreement or the Community Infrastructure Levy. This makes it legitimate for planning obligations to fund or provide additional school places in principle. That is, of course, dependent on compliance with other legislation.
- 3.11 In securing sufficient schools for its area, an Education Authority assesses existing capacity and pupil numbers, data on births and migration, and how parental

preferences are manifested. It forecasts (usually with a reasonable degree of accuracy) the need for additional capacity in each school planning area for the ensuing five years for primary schools and seven years for secondary schools.

- 3.12 The Education Authority then passes this information to the State [currently the Education and Skills Funding Agency (“ESFA”) being the school’s operational arm of the Department for Education (“DfE”)] by way of the School Capacity Returns (“SCAP”). The State then allocates additional school places as and where shown to be necessary. Each additional school place is accompanied by formula driven capital funding associated with that place. This is known as Basic Need funding. Basic Need allocations to an education authority are aggregated into a single capital sum to be dispensed by the education authority to each project according to its needs. In calculating a Basic Need requirement, the ESFA allows a 2% headroom across the School Planning Area to allow for within year incidental movement of pupils.
- 3.13 Basic Need funding on a per-pupil-place basis covers increases in pupil numbers forecast, by the Education Authority, beyond existing and planned capacity, to arise because of rising birth rates, rising survival rates, rising inward migration rates and new housing (except when covered by Section 106 agreements or CIL).
- 3.14 The Basic Need pupil place funding system recognises, that whether or not a Section 106 agreement or a CIL charge has been applied by an LPA to a planning permission, is a matter purely for the LPA. It recognises the duty of the LPA to secure sufficient housing for its population and its growth agenda. The State holds that the ability or not of a planned housing scheme to fund school places necessary should not sway the determination of that application by the LPA. The disapplication of Basic Need provision where there is a Section 106 agreement or CIL charge is simply to avoid double-funding.
- 3.15 **Securing developer contributions for education (April 2019, updated August 2023):**
- 3.16 In order to provide further clarity to education authorities, the DfE produced and published a Guidance document related to delivering schools to support housing growth under the Education Act 1996. This is a non-statutory guidance document for local authorities planning for education to support housing growth and seeking associated developer contributions known as securing developer contributions for education. This document states at paragraph 3 the following:

It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- *The education needs arising from development, based on an up-to-date pupil yield factor;*
- *The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries;*
- *Available sources of funding to increase capacity where required; and*
- *The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.*

3.17 The Education and CIL Guidance, when looked at collectively, discuss an Education Authority's statutory responsibilities, and how they should carry out those statutory duties.

3.18 National Planning Policy Guidance makes clear that policies for planning obligations should be set out in plans and examined in public. *"Plans should set out policies for the contributions expected from development to enable fair and open testing of the policies at examination⁴".*

3.19 **Hertfordshire Guide to Developer Infrastructure Contributions 2024**

3.20 HCC has a guidance document adopted in 2024 that includes an Appendix 2 Early Years, Appendix 3 Education (Mainstream Schools) and at Appendix 4 Education (Special Schools and Specialist Provision). This document includes indicative cost tables by phase of education. This is shown below (Index Linked from 2024):

⁴ ID 23b-004-20190901

Indicative Cost Tables by Phase of Education

Education: Primary (including Nursery)

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
Market value housing and shared ownership ¹⁶								
Tier 1	£3,611	£7,129	£11,472	£14,056	£3,796	£8,570	£8,078	£9,314
Tier 2	£3,170	£6,256	£10,059	£12,338	£2,022	£4,559	£4,298	£4,958
Tier 3	£2,299	£4,543	£7,324	£8,952	£2,011	£4,534	£4,274	£4,931
Affordable rent and social rent housing ¹⁶								
Tier 1	£1,160	£16,087	£22,404	£26,655	£3,600	£23,052	£21,720	£24,068
Tier 2	£1,017	£14,068	£19,647	£23,190	£1,919	£12,283	£11,577	£12,835
Tier 3	£740	£10,328	£14,297	£17,300	£1,909	£12,218	£11,516	£12,769

Education: Secondary (including Post-16)

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
Market value housing and shared ownership ¹⁶								
Tier 1	£2,583	£4,936	£7,961	£9,711	£2,681	£5,872	£5,422	£6,539
Tier 2	£2,303	£4,400	£7,095	£8,657	£1,399	£3,066	£2,831	£3,413
Tier 3	£1,367	£2,609	£4,206	£5,135	£1,228	£2,697	£2,489	£2,999
Affordable rent and social rent housing ¹⁶								
Tier 1	£879	£11,431	£15,571	£17,323	£2,511	£16,371	£14,775	£16,364
Tier 2	£784	£10,184	£13,877	£15,426	£1,309	£8,544	£7,713	£8,537
Tier 3	£466	£6,033	£8,227	£9,130	£1,148	£7,505	£6,781	£7,494

Table 1: HCC Costs Per Dwelling Type for Mainstream Education

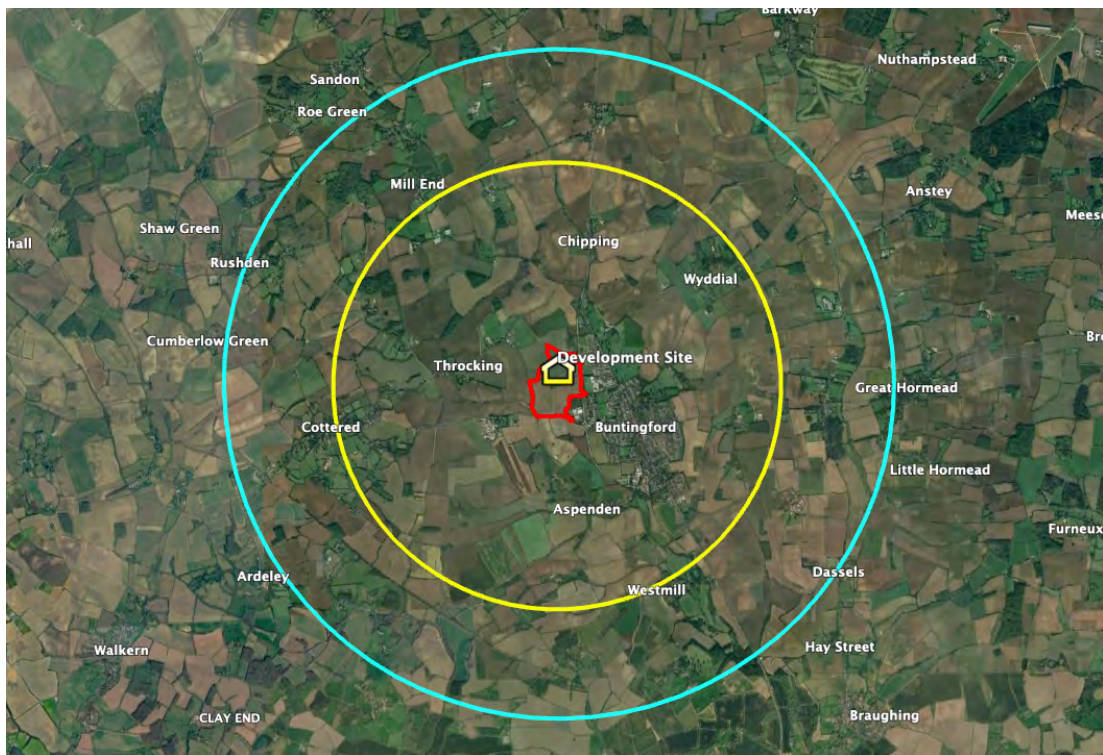
3.21 From a child yield perspective, HCC state at page 3 of Appendix 3:

22 Upon receipt of a relevant⁴ planning application, the county council's demographic model, known as the Hertfordshire Demographic Model or HDM, is used to project the pupil yield which may be generated over time based on the dwelling mix by type, tenure, and bed-size of the proposed development. Yield projections from the HDM are calibrated using observed yields from developments studied across Hertfordshire as part of the county council's Pupil Yield Study (PYS)⁵.

- 3.22 HCC had not provided specific data related to the actual child yield of this development across the various education phases in their consultation response of 23rd June 2025 because their contribution is based on a cost per dwelling type as discussed above. Subsequent to this, the CIL Compliance Statement provides the following yields:
- 172.32 middle school aged children; and
 - 165.25 upper school aged children (secondary and sixth form).
- 3.23 This equates to 0.287 middle school aged children per dwelling, and 0.275 upper school children per dwelling.
- 3.24 HCC operate on a Tier system in relation to child yields, which for first/primary schools in Tier 1 is One Form of Entry (“1FE”) per every 400 dwellings (0.525 pupils per dwelling), and for Tier 2 it is 1FE per 500 dwellings (0.42 pupils per dwelling). This is discussed further in Section 4 onwards.

4 First School and Middle School Education (Primary Phase)

- 4.1 Schools should be operationally full to meet the financial audit requirement for best value from public assets. This is demonstrative of a properly functioning school system. School funding is predicated on the number of pupils that are on a school's roll, so it is in the best interest of schools to maximise intake within their capacity. Accordingly, many schools take from a wide catchment area and some enrol over capacity.

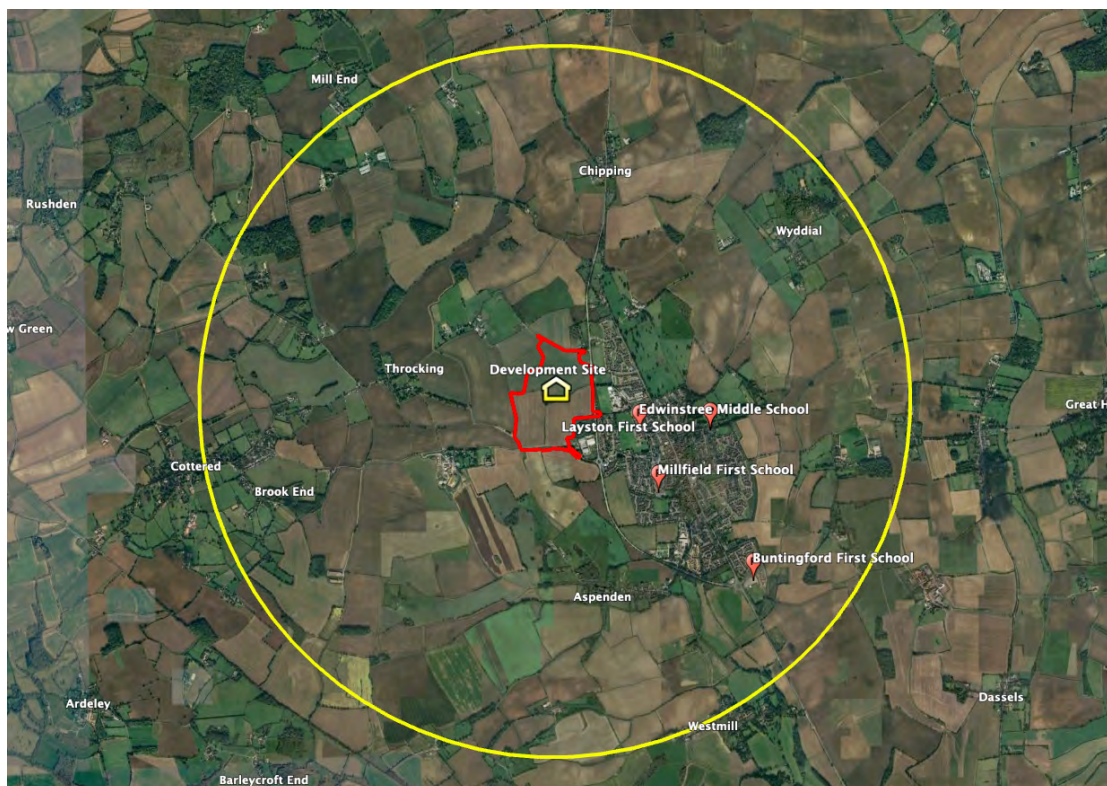


Map 3: Two- and Three-mile radius around the development site

- 4.2 The statutory rules on enrolment are that whilst schools may have a catchment area and ordered criteria for admissions, the rules only apply if the school is oversubscribed. Otherwise, whoever applies is admitted irrespective of where they live. This policy is known as 'More Open Enrolment'. It fosters the expression of parental preferences for schools that are not necessarily those closest to home.
- 4.3 HCC operates under a statutory duty (s.14 Education Act 1996) 'to secure sufficient schools'. The term 'sufficient' is not defined and thus reliance is placed on the

dictionary definition – enough – adequate – not too little and not too much. Thus, as set out above, the normal state for a school is that it is operationally full.

- 4.4 Because of the statutory requirement (s.444 EA 96) to fund or provide transport to and from school when the nearest available school is beyond the statutory walking distance, the standard assessment is to consider all primary schools that lie within two-miles, and all secondary schools that lie within a three-mile walking distance of the development (see Map 3). The two and three-mile walking route criteria is the distance prescribed in the Education Act beyond which local authorities are required to provide/fund transport where the nearest available school is further away.
- 4.5 There are four state funded schools accommodating first and middle school aged children within a two-mile radius of the development site. Three of these schools are first schools and collectively form the Buntingford Primary Planning Area with two additional schools. There is one middle school in Buntingford.
- 4.6 The schools in relation to the proposed new dwellings can be seen below in Map 4:



Map 4: First and Middle Schools within two-miles of the development site

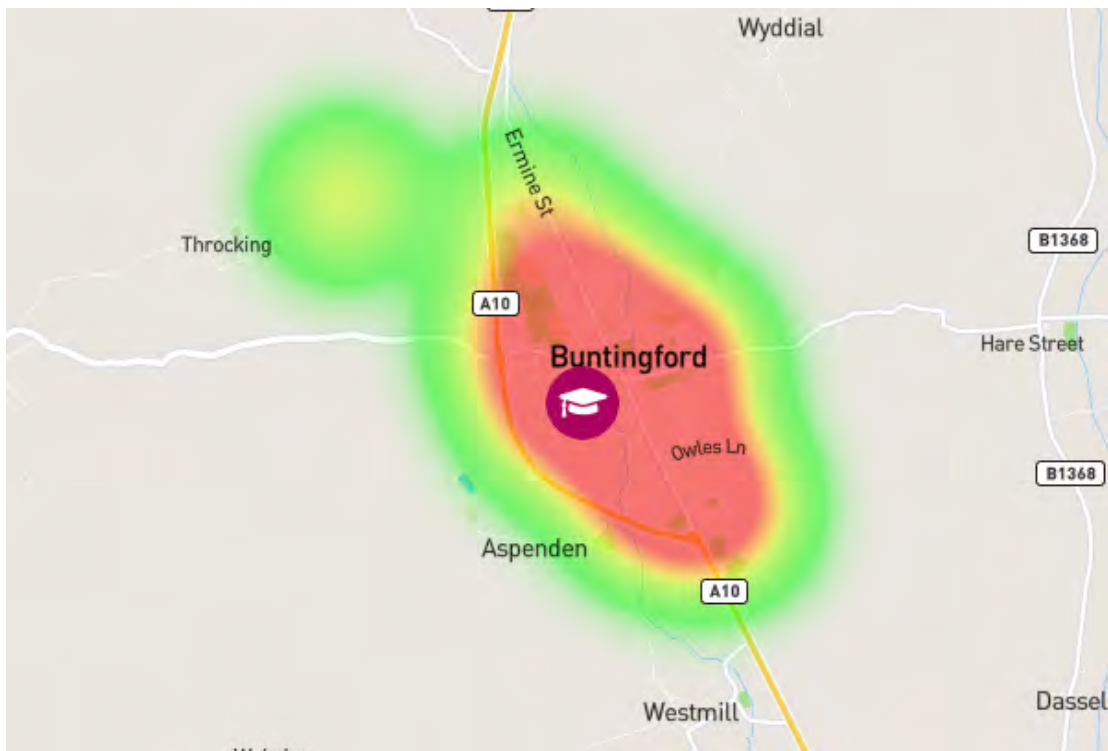
- 4.7 The latest school roll data in the public domain (2025/26 academic year – the current academic year) for these schools can be seen below in Table 2:

Primary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
Millfield First School	SG9 9DT	Hertfordshire	0.8	300	60	256	43	49	51	57	56	0	0
Layston C of E First School	SG9 9EU	Hertfordshire	0.8	150	30	124	20	24	32	20	28	0	0
Edwinstree C of E Middle School	SG9 9AW	Hertfordshire	1.1	488	120	246	0	0	0	0	0	120	126
Buntingford First School	SG9 9HZ	Hertfordshire	1.6	300	60	117	33	38	17	18	11	0	0
TOTAL				1,238	270	743	96	111	100	95	95	120	126
Surplus							54	39	50	55	55	0	-6
Available Surplus %							20%	14%	19%	20%	20%	0%	-2%

Table 2: School Roll (January 2026)

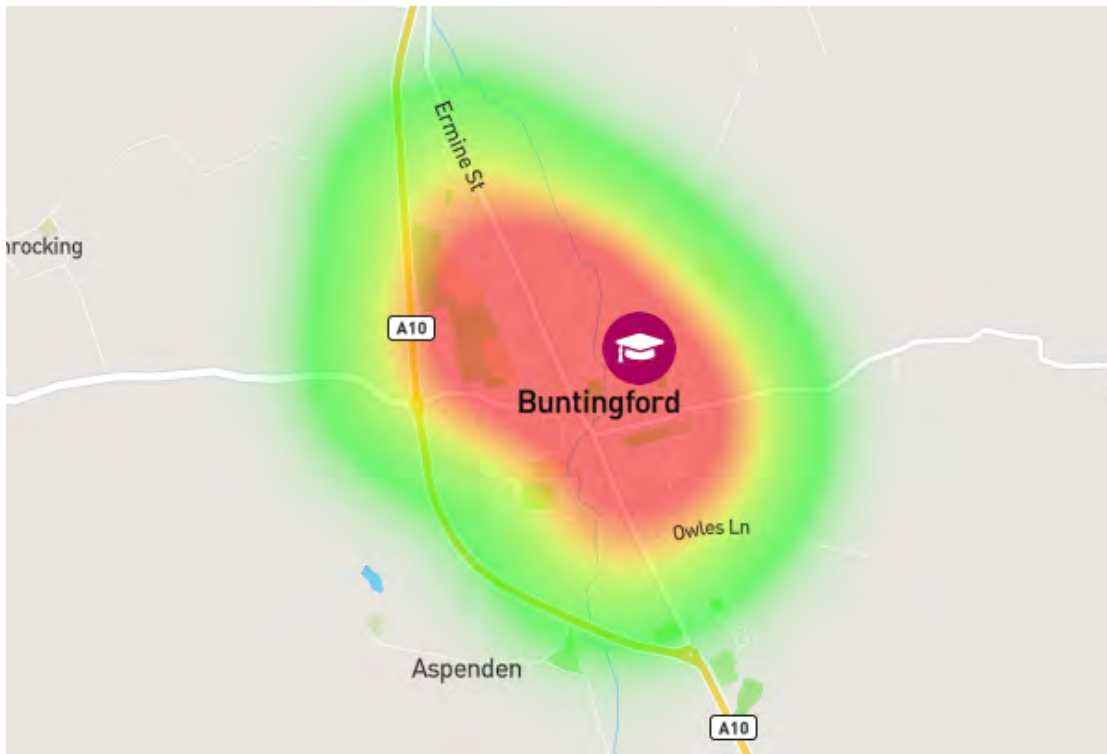
PAN = Planned Admission Number; NoR = Number on Roll

- 4.8 The closest school to the proposed new dwellings, at approximately 0.8 miles walking distance from a mid-point of the development site, is Millfield First School. This is a 2FE school that as of the previous academic year was operating at 86% of its available capacity with 44 spare places.
- 4.9 This school is on a small site of circa 1ha which means it would not be able to expand any further as under BB103 the school site is already undersized for its current size.
- 4.10 Millfield First School accommodates pupils from across Buntingford, as shown in the map below:



Map 5: Millfield First School Catchment Area Heat Map (via schoolguide.co.uk)

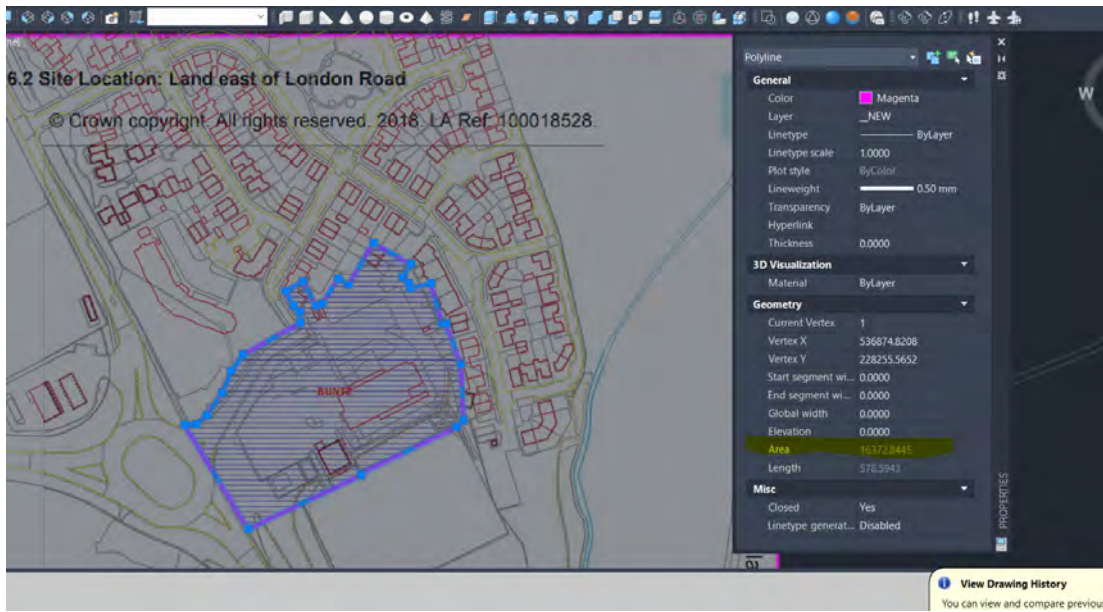
- 4.11 The second closest school to the proposed new dwellings, at circa 0.8-miles walking distance from a mid-point of the proposed new dwellings, is Layston Church of England First School. This is a 1FE first school that as of the previous academic year was operating close to its capacity with 26 spare places.
- 4.12 The school is located on a site of circa 1.2ha, which is ideal for a 1FE primary school, but means that growth within its existing site may be challenging beyond its current capacity.
- 4.13 When looking at the area that the school draws pupils from, they are primarily coming from Buntingford, and not in numbers large enough outside of the town to trigger the Heat Map (which is based on 2025 Census data of pupil's home locations):



Map 6: Layston CofE First School Catchment Area Heat Map (via schoolguide.co.uk)

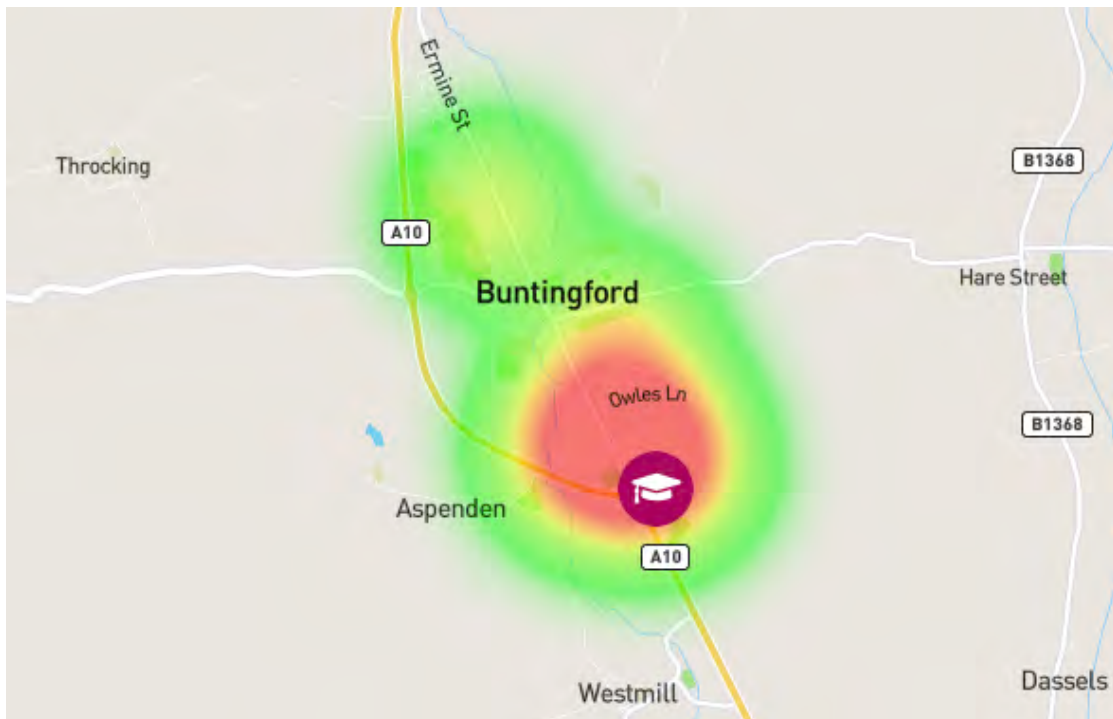
- 4.14 The final first school within walking distance of this development is Buntingford First School. This is a school which opened in the south of Buntingford in September 2023, initially offering 30 reception places. In the previous academic year, it was open in all year groups. The school was operating at 39% of its available capacity with 183 spare places due to the school being new and phasing its opening.
- 4.15 Buntingford First School is on a site of 1.6ha which is large enough for the school as a 2FE facility but does not suggest expansion potential.

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Map 7: Buntingford First School Site

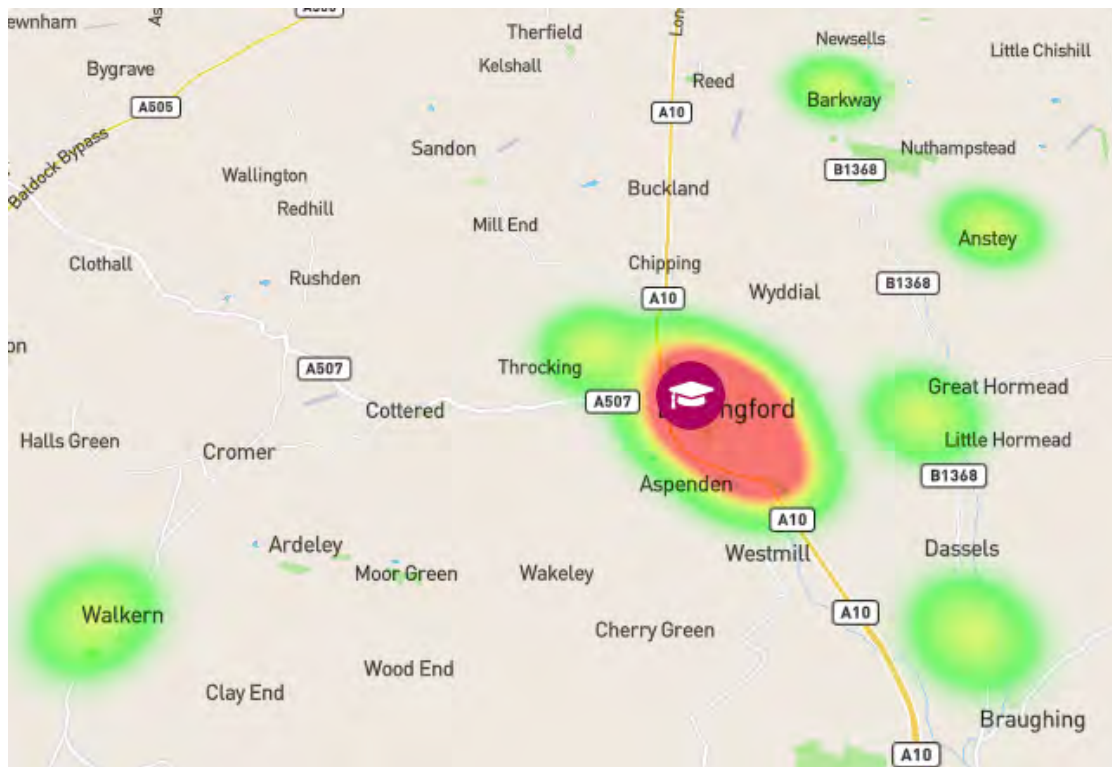
- 4.16 Buntingford First School accommodates pupils predominantly from south Buntingford as shown below:



Map 8: Buntingford First School Catchment Area Heat Map

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- 4.17 The remaining closest to the proposed new dwellings is a middle school – Edwinstree CofE Middle School. This is a 4FE school for pupils in years 5-8, that as of the current academic year was at capacity.
- 4.18 Edwinstree Middle School is on a site of circa 5ha, which means that there is some expansion potential. Under the DfE Building Guidance BB103, 5ha can accommodate a 4FE full secondary school at the top end of the space standards. Two of the four year groups are in the primary phase, which have lower space requirements. This is discussed further in the secondary phase section.
- 4.19 Edwinstree CofE Middle School accommodates pupils from across Buntingford, as well as small numbers from surrounding settlements, as seen in the map below.



Map 9: Edwinstree CofE Middle School Catchment Area Heat Map

4.20 Future Capacity of First Schools in Buntingford

4.21 This development cannot be considered in isolation, as there are other sites coming forward in Buntingford, as detailed below:

- 3/23/1447/OUT Land off Luynes Rise – 350 dwellings, RM for 337 submitted, but not yet approved (3/25/0327/REM);
- 3/24/0294/OUT Land North of Hare Street Road – 200 dwellings, RM submitted for 214 but not yet approved (3/26/0217/REM)
- 3/22/01030/OUT Land off Neale Drive – 58 dwellings, RM submitted but not yet approved (3/25/1921/REM)
- There is also a current full app for 25 dwellings off Ermine Street which is undetermined (3/25/01270/FUL), and
- Full permission granted at Land off London Road for 68 dwellings (67 net, 3/23/1390/FUL).

4.22 The housing developments discussed above all have planning obligations secured for additional first school provision, as shown in the table below:

Site	Dwellings	S106 Contributions towards first education	Stage (Outline/RM/approved)	RM Reference	Note
3/23/1447/OUT Land off Luynes Rise	350	£3,292,486.08 first education contribution - estimated contribution using housing mix of RM application. £290,681 land contribution	RM submitted February 2025, not determined	3/25/0327/REM for 337 dwellings	S106 uses formula to calculate first school contribution. Calculation using RM housing mix calculated below.
3/24/0294/OUT Land North of Hare Street Road	214 (increased from 200 in outline app.)	£2,244,636 first education contribution - estimated contribution using housing mix of RM application. £192,448 land contribution	RM Approved June 2026	3/26/0217/REM for 214 dwellings	S106 uses formula to calculate first school contribution. Calculation using RM housing mix calculated below.
3/23/1390/FUL Land off London Road	68 (67 net)	£579,605 first education contribution £49,754 land contribution	Outline approved via appeal in April 2025. No RM submitted		
3/22/01030/OUT Land off Neale Drive	58	£382,941.27 - estimated contribution using housing mix of RM application. £54,500 land contribution	RM submitted December 2025, not determined	3/25/1921/REM for 58 dwellings	S106 uses formula to calculate first school contribution. Calculation using RM housing mix calculated below.
3/25/1270/FUL Land off Ermine Street	25	N/A	Outline submitted, not determined		
Totals	715	£6,499,668.35 first education contribution £587,383 land contribution		214 dwellings with RM approval	

Table 3: Status of Development Sites in Buntingford

4.23 HCC is forecasting that there will be 1.7FE's worth of spare capacity in the reception phase in 2029/30. This does not include the child yield of the developments outlined above. This is confirmed in the DfE's SCAP survey 2026: guide for local authorities, which states:

Your pupil forecasts should only include expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts. In most cases such developments will have full planning permission.

- 4.24 On the basis that developments need full planning permission, and thus approved reserved matters, before having their child yields added to the SCAP projections, this confirms that none of the developments discussed above will be included in the projections, which were produced in the summer of 2025. The latest approved and verified projections in the public domain can be seen below:

RAG Reports - Hertfordshire County Council

6.1.1 Buntingford and Villages									
School Code	School Name	Places Available 2025-26	Actuals			Forecast			
			2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
2121	Buntingford First School	60	0	15	39				
2223	Anstey First School	10	5	8	9				
2386	Millfield First and Nursery School	60	61	60	41				
3011	Layston Church of England First School	30	30	30	27				
3347	Horstead Church of England (VA) First School	23	23	22	23				
Total Year R Pupil Demand			119	135	139	142	128	144	131
Total Year R Places Available			183			183	183	183	183
Surplus or Shortage of Year R Places (No.)						41	55	39	52
Surplus or Shortage of Year R Places (%)						21.4%	30.1%	21.3%	28.4%
Surplus or Shortage of Year R Places (FE)						1.4	1.8	1.3	1.7

Table 4: Buntingford School Projections (via HCC)

- 4.25 It should be noted that some of the spare capacity in the above table is at schools which are not located in Buntingford (i.e. the small school of Anstey First School, and Horndean First School). Therefore, the forecast spare capacity is inflated.
- 4.26 Assuming a Tier 1 child yield of 0.525 pupils per dwelling (which is discussed previously in paragraph 3.23), the developments detailed above will generate 1.8FE's worth of first school aged children, meaning that all of the spare capacity will be taken up. Assuming a Tier 2 child yield, the schools will have circa 0.3FE's worth of spare capacity, which is around 11 spare places per year group. This capacity could however be taken up by former Independent School pupils, as discussed at the end of this section.
- 4.27 When one factors in a further 600 dwellings on West of Buntingford (the Appeal site), this is expected to generate 252 pupils on site, or 1.2FE. This would take the area 1.3FE over capacity. Therefore, a minimum of an additional 1FE First School will

be needed in order to accommodate the pupils, but ideally this should be on land that could enable it to grow to 2FE to accommodate growth in the wider area.

- 4.28 This development is providing land for a potential new first school to be built on the appeal site. As discussed above, there is no clear evidence that expansion is possible at any of the existing schools, meaning that HCC will have safeguarded provision to deliver new infrastructure should it be deemed necessary. This appeal is therefore a rare opportunity for HCC with no downside in education terms, as should the land not be required, it can be returned and then used for alternative uses. However, if it is required, then it will be provided to HCC at nominal cost, and will enable a new first school to be delivered to serve the area. This is consistent with paragraph 100 of the NPPF which states:

100. It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
 - b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

- 4.29 As with any development, an assessment will need to be undertaken by the LEA in order to establish if and when new provision is required. The decision on whether a new school is to be constructed will then made by the Regional Director acting on behalf of the Secretary of State for Education. Therefore, there is a demonstrable benefit to including land reserved for a first school on this site, as it gives HCC flexibility in relation to how education is best dealt with (including additional land in case of a tier change from three to two tier education). On the basis of the above analysis – the need appears to have been clearly established as being likely to arise during the build-out of the development, and funding could be provided to enable the development to make a proportionate contribution to that cost. This should therefore be afforded significant positive weight.

4.30 It's also consistent with the consultation response from HCC, as LEA, of 23rd June 2025, and subsequent discussions following receipt of the CIL Compliance Statement.

4.31 **Impact of VAT change on Private Schools**

4.32 The introduction of 20% VAT on private school fees in January 2025 has significantly impacted Hertfordshire, with the county recording one of the steepest declines in private school enrolment across the Home Counties, alongside Surrey. Around 800 independent school pupils left the sector in Hertfordshire, creating pressure on state schools. The policy, which includes removing 80% business rate relief for charitable schools from April 2025, has forced fee increases, with schools expected to raise rates by approximately 10% or more to cover costs.

4.33 Key impacts in Hertfordshire include:

- Declining Enrolment: Hertfordshire saw a significant drop in private school pupils for the 2024/25 academic year, resulting in one of the highest declines in the region.
- Fee Increases: Schools are applying VAT to termly fees and, in some cases, reviewing fee structures for the 2026/27 academic year.
- Capacity Pressure: Local authorities are monitoring the potential, though not yet fully realized, surge in demand for state school places as pupils move from the private sector.
- Financial Strain: The combination of VAT on fees and the removal of business rates relief for charitable schools (effective April 2025) has increased the financial burden on institutions.

4.34 The VAT impact on private schools currently appears to affect primary schools slightly more in terms of immediate enrolment drops, with data indicating sharper declines in younger age groups. While both sectors face challenges, the highest percentage decreases in attendance occurred between Reception and Year 3.

4.35 Key Impacts by Sector:

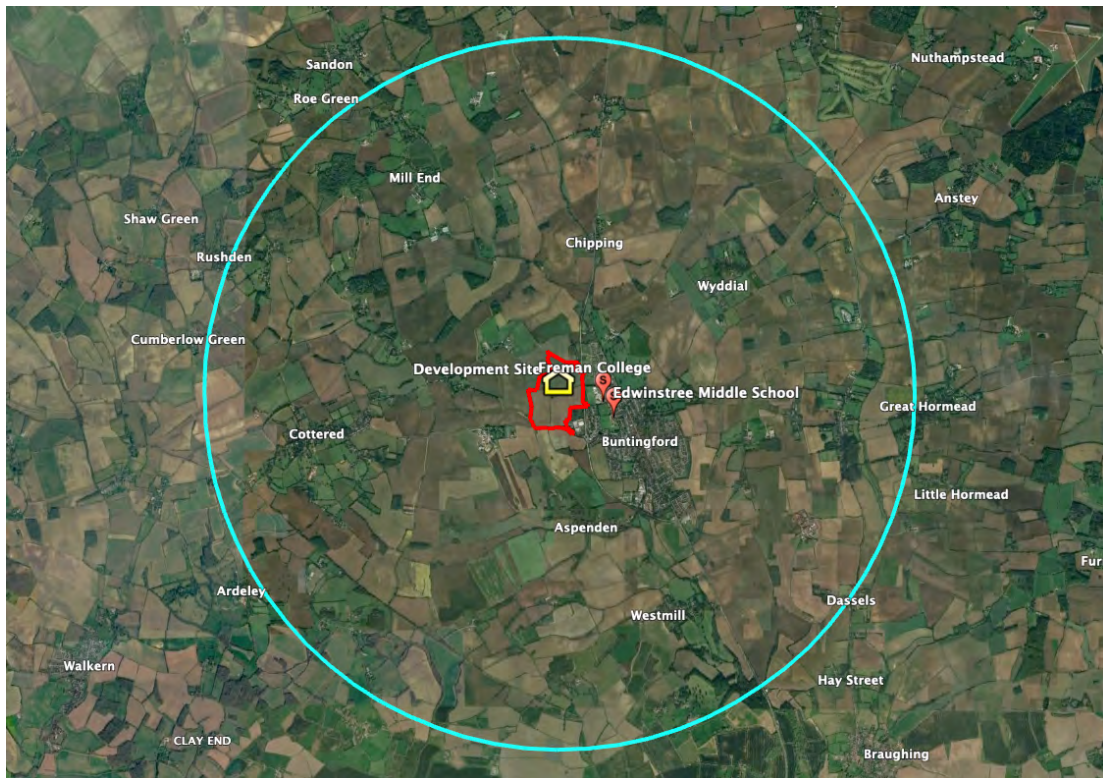
- Primary Schools: Experienced four of the five largest percentage decreases in pupil numbers following the announcement of VAT changes. This is likely in large part because parents are foregoing private primary schools to focus on private secondary schools;
- Secondary Schools: While also affected, secondary schools have generally seen a smaller percentage drop compared to primary, although they are dealing with a demographic bulge moving through the system. This is due to the peak in birth numbers around 2012-2016.
- Overall Impact: While some, such as the Independent Schools Council (ISC), have indicated that the drop was more significant in primary, the overall impact on student numbers is still being assessed, with projections suggesting a 3–7% long-term reduction in attendance across the board.

4.36 A 7% increase in demand for first/primary school places would mean approximately 10 additional children per year in Buntingford that were previously unaccounted for, who would need to be accommodated, thus adding more pressure to the area, and further necessitating the need for new provision.

5 Middle and Upper School Education (Secondary Phase)

5.1 There are two state funded schools accommodating secondary school aged children within a three-mile radius of the development site. This schools form their own planning area, and are both in the HCC administrative area.

5.2 The location of the schools in relation to the development site can be seen below in Map 10:



Map 10: Middle and Upper Schools in relation to the development site

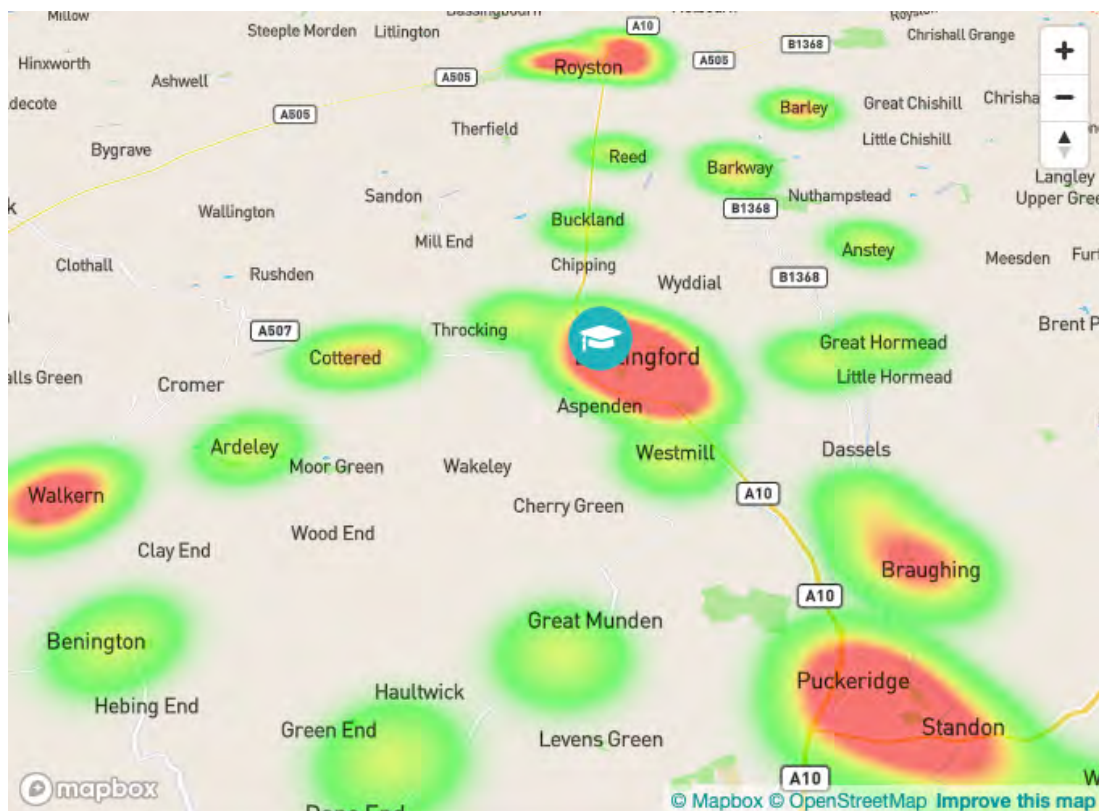
5.3 The latest school roll data in the public domain (2025/26 academic year – the previous academic year) for this school can be seen below in Table 5:

Secondary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR 7-11	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Post 16
Edwinstree C of E Middle School	SG9 9AW	Hertfordshire	0.9	488	120	238	120	118	0	0	0	0
Freman College	SG9 9BT	Hertfordshire	1.1	1,130	210	773	0	0	254	263	256	275
TOTAL				1,618	330	1,011	120	118	254	263	256	275
Surplus							0	2	-44	-53	-46	
Available Surplus %							0%	1%	-13%	-16%	-14%	

Table 5: School Roll (January 2026)

PAN = Planned Admission Number; NoR = Number on Roll

- 5.4 The closest school with places in the secondary phase is Edwinstree Middle School. This school, as discussed in section 4 of this Proof of Evidence, is at capacity, but has expansion potential within its existing site. HCC has requested funding to expand this school. The principle of this is not disputed. An expansion will be necessary to accommodate the forthcoming developments (including this site) and the school has sufficient land to enable this expansion.
- 5.5 The closest upper school to the development is Freman College. This is a 7FE school for pupils in years 9-13, approximately 1.1-miles walking distance from a mid-point of the development site, that as of the previous academic year was operating over capacity.
- 5.6 The home locations of pupils attending the school can be seen below:



Map 11: Freman College Catchment Area Heat Map

- 5.7 What the above demonstrates is that Freman College is drawing from a wide geographical area from as far afield as Standon to the South (5-miles), Royston to

the North (7-miles) and Walkern to the West (6-miles). This means that pupils living in Buntingford and attending the catchment Middle School will have priority over a pupil applying from further afield, based on the school's admissions criteria:

1. Children looked after and children who were previously looked after, including those who appear (to the admission authority) to have been in state care outside of England, and ceased to be in state care as a result of being adopted or became subject to a child arrangements order or a special guardianship order.
2. Students at the college's partner middle schools, Edwinstree Church of England (VC) Middle School in Buntingford and Ralph Sadleir Middle School in Puckeridge, at the time of application, will be considered in the following order.
 - a. Students with a sibling attending the college at the time of application with a reasonable expectation they will be attending at the time of the start of the new academic year; then
 - b. Students living closest to the college according to the definition of 'home to school distance' given in Hertfordshire County Council's current Determined Schools Admissions Arrangements.
3. Applications from students who do not attend Edwinstree Church of England (VC) Middle School or Ralph Sadleir Middle School at the time of application, will be considered in the following order:
 - a. Students with a sibling attending the college at the time of application with a reasonable expectation they will be attending at the time of the start of the new academic year; and then
 - b. Students living closest to the college according to the definition of 'home to school distance' given in Hertfordshire County Council's current Determined Schools Admissions Arrangements.

5.8

HCC has produced projections, for the next 5 year period, which show that Freeman College is expected to remain over capacity into the next decade:

RAG Reports - Hertfordshire County Council

6.0.0 Buntingford Upper												
School Code	School Name	Places Available 2025-26	Actuals				Forecast					
			2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32
4141	Freeman College	270	283	264	270							
Total Year 9 Pupil Demand			283	264	270	248	244	237	234	241	232	247
Total Year 9 Places Available		270				270	210	210	210	210	210	210
Surplus or Shortage of Year 9 Places (No.)						22	-34	-27	-24	-31	-22	-37
Surplus or Shortage of Year 9 Places (%)						8.1%	-16.2%	-12.9%	-11.4%	-14.8%	-10.5%	-17.6%
Surplus or Shortage of Year 9 Places (FE)						0.7	-1.1	-0.9	-0.8	-1.0	-0.7	-1.2

Table 6: HCC Projections

- 5.9 On the basis of the above, HCC does have a justifiable case for upper school infrastructure planning obligations, and what is being requested is not disputed. The school is located on a site of around 7.5ha, which indicates that it does have expansion potential, and growth at this school would ensure that the pupils who are coming forward at this site can be accommodated.

6 Early Years

6.1 Under the Childcare Act 2006, local authorities have specific duties to secure:

- Sufficient and suitable childcare places to enable parents to work, or to undertake education or training which could lead to employment
- Sufficient and suitable early years places to meet predicted demand
- Free early years provision for all 3 and 4-year olds (and more recently the 40% most vulnerable 2-year olds) of 15 hours per week 38 weeks per year.

6.2 The Childcare Act 2016 includes an extension to the current entitlement and, from September 2017, provides an additional 15 hours (per week 38 weeks per year) of free childcare for 3 and 4-year old children from working families who meet the following criteria:

- Both parents are working (or the sole parent is working in a lone parent family)
- Each parent earns, on average, a weekly minimum equivalent to 16 hours at national minimum wage and less than £100,000 per year.

6.3 Paragraph 23 of the DfE's best practice guidance states:

While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2-year-olds and the 30 hours funded childcare offer for 3-4 year olds. Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional

old children (36 for 3 year olds, and 26 for 2 year olds). Additionally, Layston First School also has a small Nursery for 30 children.

6.6 Furthermore, the new first school (Buntingford) also has early years provision on site for 30 children. Buntingford First School offers a nursery class with a qualified nursery teacher and an early years practitioner. There are 5 morning and 5 afternoon sessions available; each session is 3 hours. Sessions can be booked to provide up to 30 hours childcare (6 hours per day) funded by the Government 30 hours childcare scheme. If you are not eligible for the 30 hours funding, you can pay for the additional hours at a rate of £22 per 3 hour session. There is also a lunch club available only for children attending the whole day.

6.7 The three facilities are all currently at capacity.

6.8 This means that there are presently only 88 spaces for 3 year old children in nurseries in Buntingford. However, there are potentially 150 children needing a place in reception year (based on the admission numbers of the schools) and an average of 104 children per year group in the previous seven academic years, meaning that if all of the children who wanted a place at a nursery applied that not all of them would be able to be accommodated. At the time of writing I am not aware of any expansions planned and these are likely to be restricted by their size anyway, so the indication is that they are operating at their capacities.

6.9 It should be noted that there are also Childminder options in Buntingford:

Childminders in Buntingford

We have 4 childminders in Buntingford listed in our online childminding directory. You can narrow these results down to find the perfect childminder for you using the options on the search bar above.

Please read our [Safety Centre](#) for advice on how to stay safe and always [check childcare provider documents](#).

For more detailed local childminder results enter your full postcode in the search box above or try our [Advanced Search](#) feature.

Table 8: Childminders in Buntingford (via childcare.co.uk)

6.10 While Childminder options do not fully replace nurseries, they do offer home-based alternatives with smaller ratios. Of the four Childminders discussed above, only a small number of places are currently available (<5). This therefore is an option, but is

limited, and does not offer the same structured, institutional care you get from nurseries.

- 6.11 We are not aware of any private nurseries or childminders proposing to locate in Buntingford at this time.
- 6.12 HCC have stated in their consultation response that any new first school on this development should include nursery provision. Thus, this development can deliver much needed new provision regardless of whether the school comes forward as there is space to accommodate it within the land reserved for the school. This fulfils paragraph 100 of the NPPF, and should therefore be afforded substantial weight in the planning balance.
- 6.13 There is an important point that if the land and funding is not secured for new first school provision then there is no provision made for additional early years/nursery places (although there is funding for childcare). There is already pressure in the area, and the other developments coming forward will further exacerbate this pressure. This reinforces the case that the school land is a net benefit to HCC.

7 Summary and Conclusion

- 7.1 I was instructed by the Appellant to prepare this written Proof of Evidence to assist the Inspector in determining whether there was sufficient capacity in local schools for the pupils of this development, or whether additional infrastructure projects were necessary to make the development acceptable in planning terms.
- 7.2 The Appellant is not challenging any of the contribution amounts that are being requested by HCC which, providing the Inspector finds them CIL Reg 122 compliant, will be agreed. The Appellant doesn't think that the removal of the need for school land and planning obligations for first school provision is appropriate, and the current position of HCC in discussions following the submission of the CIL Compliance Statement is that HCC concur with the reservation of land for the school.
- 7.3 This Proof of Evidence does not concur with the CIL Compliance Statement stating that no first school planning obligations are required, as it is not clear that the impact of other developments coming forward specifically in Buntingford have been taken in to account when assessing if education infrastructure provision (be that expanded schools or new provision) will be needed in the future. This Proof of Evidence still sees a significant positive benefit in the reservation of land, and associated financial contributions for additional places, with no downside to HCC. As discussed, HCC Education have also echoed this sentiment.
- 7.4 Furthermore, this Proof of Evidence has demonstrated that there is a clear and demonstrable benefit from an education perspective to this development receiving a positive determination as it will allow HCC to bring forward new first school (if required) and nursery provision in Buntingford to serve the new and existing residents, as a school site is proposed. Without it, there is likely to be a shortage of places in the town.
- 7.5 The scheme provides funding to expand existing middle and upper school provision. There is no dispute with HCC in this regard.
- 7.6 On the basis of the above, there is no education related reason why this development should not progress.