

LAND NORTH OF THE A507 AND WEST OF THE A10 BUNTINGFORD (“SITE”)

APPEAL REFERENCE 6008238 (“APPEAL”)

PLANNING OBLIGATIONS: MATTERS IN DISPUTE

1. This note solely relates to the planning obligations in respect of the Appeal. Extensive efforts have been made by the Appellant, the District Council and the County Council. Due to time pressures, the parties have been unable to agree every planning obligation, although the vast majority are agreed between the parties. This note only relates to the issues in dispute between the parties, and is intended to assist the Inspector in undertaking the roundtable. The Appellant has separately produced a summary of the document itself.
2. **Healthcare Contribution**
 - 2.1. This is applied on a per Dwelling basis, including Elderly Accommodation. We understand that this is agreed between the parties, **but we await confirmation from the District Council.**
3. **Outdoor Sport**
 - 3.1. The Outdoor Sports Contribution requested by the District Council was originally £406 per Dwelling. This equates to approximately £243,600 across the Site. This is made up of £99,000 towards “Outdoor Tennis” and £144,600 towards “Bowls”.
 - 3.2. Outdoor Tennis is being provided on-site as part of the MUGA. Therefore, the Appellant’s position is that the Outdoor Sports Contribution should be reduced by the costs associated with the Outdoor Tennis.
 - 3.3. The Appellant’s position is, therefore, that a contribution towards outdoor tennis is unnecessary and the Outdoor Sports Contribution should therefore be £241 per Dwelling.
 - 3.4. **The Appellant awaits confirmation from the District Council in relation to whether this position is agreed.**
4. **Affordable Housing Cascade**
 - 4.1. The primary requirement in the S106 is to deliver a minimum of 40% of the Dwellings on the Site as Affordable Housing. That is agreed between the parties.
 - 4.2. The Appellant considers that an Affordable Housing Cascade is necessary. The District Council does not consider that an Affordable Housing Cascade is acceptable.
 - 4.3. The clear preference is for on-site affordable housing. However, it is recognised that there might be circumstances where, despite the use of reasonable endeavours, it has not been possible to reach an agreement with an RP. The Government has been clear that in those scenarios, it wishes to support the delivery of housing.

- 4.4. The cascade mechanism applies on a phase-by-phase basis. If it proves impossible to sell the Affordable Housing on one phase, it will still be necessary to seek to delivery affordable housing on the following phase.
- 4.5. The affordable housing cascade only takes effect in the event that the Affordable Housing within a Phase has been marketed for 12 months and no suitable offer has been received.
- 4.6. The issues in respect of registered providers taking the affordable units are well-documented. The ministerial statement, “Resetting the S106 System” (**Appendix 1**) set outs the position clearly.
- 4.7. The Appellant is content to deliver another tenure mix, in the event it proves impossible to dispose of the affordable housing in accordance with the tenure mix set out in the deed.

5. **Trigger points**

- 5.1. In respect of Affordable Housing, the Appellant’s position is that all of the Affordable Housing in a Phase needs to be delivered before the Occupation of 75% of the Open Market Units. The Council’s position is that the trigger should be 30% of the Open Market Units. The Appellant’s position is that the 30% trigger is plainly unworkable.
- 5.2. On Green Infrastructure, the District Council’s position is that:
 - 5.2.1. all Open Space within a Phase needs to be delivered prior to the Occupation of 60% of the Dwellings in that Phase;
 - 5.2.2. the Allotments need to be delivered prior to the occupation of 40% of the Dwellings in the Phase which contains the Allotments;
 - 5.2.3. the Formal Sports Provision needs to be delivered prior to the Occupation of 50% of the Dwellings in any Phase that contains Formal Sports Provision.
- 5.3. The Appellant’s position is that:
 - 5.3.1. All Open Space within a Phase needs to be delivered prior to the Occupation of 80% of the Dwellings in that Phase;
 - 5.3.2. The Allotments need to be delivered prior to the Occupation of 80% of the Dwellings in the Phase which contains the Allotments;
 - 5.3.3. the Formal Sports Provision needs to be delivered prior to the Occupation of 80% of the Dwellings in any Phase that contains Formal Sports Provision.

6. Sustainable Transport Works Contribution

- 6.1. On 14 August 2026, the County Council requested that the Owner pay a “Sustainable Transport Works Contribution” of £9,861 per Dwelling. This was not previously requested by the County Council (either through the Appeal or through the determination of the Application).
- 6.2. On 07 September 2026, the County Council requested that the Owner pay £1,146,159 (see email attached as **Appendix 1**). The contribution is to be used specifically towards Bowling Green Lane and Norfolk Road (Buntingford).
- 6.3. In light of the last-minute nature of this request, the Appellant is still considering whether it is justified and CIL-compliant. Any representations on this matter will be made at the planning obligations round-table.

7. PROW Contribution

- 7.1. The Appellant has offered £1,500 to pay towards an application to change the legal designation of Public Right of Way 36. The County Council considers that it is not possible to change the status of the PROW without third party land.
- 7.2. Each party’s position on this is set out in highways evidence and in the Highways Statement of Common Ground.

FREETHS LLP
07 September 2026

From: Caroline Robins <Caroline.Robins@hertfordshire.gov.uk>
Sent: 07 September 2026 14:23
To: Lauren Sturgess; Cairo Nickolls; Wendi Batteson
Cc: Fraser-Lim Steve; Jamie Glazebrook; Oliver Sowerby; Roger Flowerday
Subject: RE: Planning Appeal ref: 6008238: Land north of the A507 - West of the A10, Buntingford - Planning Obligation [FREETHS-ACTIVE.FID20961767]

Hi Lauren,

Further to my earlier email, I now have instructions regarding the Sustainable Transport Works Contribution.

Timing of submission of requested mitigation and overview

With regard to your point as to the timing of the submission of the requested mitigation, it is my understanding that the Highway Authority's position throughout was that the development should be refused on sustainability grounds. Given that starting point, it would have been largely abortive to undertake the detailed work required to substantiate a Strand 2 request when HCC's principal case was that the site was simply not in a suitable location for development. Accordingly, the fact that a detailed Strand 2 justification emerged during the s106 process reflects the necessity for a shift from arguing that the development should be refused to considering what mitigation would be necessary if permission were granted contrary to HCC's recommendation.

A key concern for HCC has always been that the site relies heavily on rights of way and active travel routes which do not, in their current form, function as the type of direct, attractive and convenient utility routes that people would realistically use for everyday journeys. Whilst these routes have value, many are better characterised as leisure routes than core transport corridors. In assessing whether a route can genuinely support sustainable travel one useful test is whether a parent would feel comfortable allowing their child to walk independently between the site and Buntingford using these connections.

It was only as the appeal progressed and the applicant's reliance on these routes became clearer that the importance of improvements to the wider active travel network came into sharper focus. If permission is granted despite HCC concerns regarding the sustainability of the location, then the wider network improvements supported through Strand 2 become even more important as they would help address some of the deficiencies in the routes that future residents would inevitably rely upon.

Instructions in more detail and compromise

The Highway Authority note that improvements to Bowling Green Lane and Norfolk Road are identified in the LCWIP for the Buntingford area. A cost of £1,146,159 is attributed to these works.

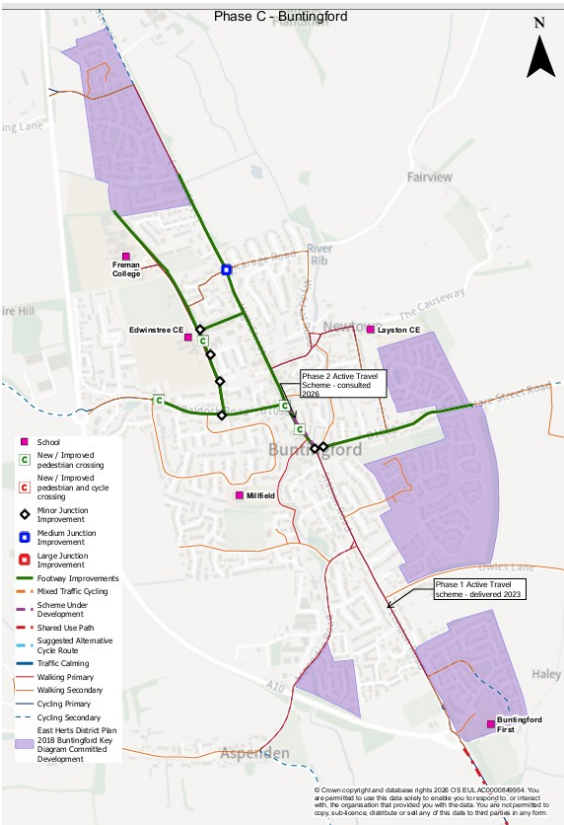
These works are considered the most critical to the proposed development site, given that the applicant seeks to rely on them for a key active travel connection. It is noted that the only other route into Buntingford is via the A507 which is considered the less desirable route, given the wider issues (dealt with elsewhere for this appeal), of providing an attractive, coherent and commodious walking and cycling link. The presence of Freeman College on this route (using Bowling Green Lane), from the site into Buntingford also introduces the

potential for conflict between pedestrians and car driver drop off trips given that the route is a cul-de-sac to the north.

Furthermore, there is only a Right of Way connection between Bowling Green Lane and Norris Way.

It is considered that there is a significant need for a suitable footway and/or upgraded link between Right of Way number 35 and the existing provision on Bowling Green Lane. The applicant is presently relying on an incomplete or missing section of adequate footway connections between the site and Buntingford.

The following diagram from the LCWIP illustrates the location of the desired improvements.



The LCWIP also identifies wider improvements in Buntingford to the following values:

Route	Mode Supported	Total Cost
Bowling Green Lane and Norfolk Road (Buntingford)	Walking	£1,146,159
A10 between Puckeridge and Buntingford	Walking and cycling	£3,619,293
High Street (Buntingford)	Walking	£2,278,118
Buntingford 1 (Baldock Road)	Walking	£638,333
Buntingford 2 (Hare St Road)	Walking	£1,154,950

The works on Bowling Green Lane are considered critical to making the development acceptable in planning terms.

It is noted that in accordance with the Planning Obligations toolkit, a Strand 2 contribution of 600 dwellings x £9,861 (per dwelling) equates to a total figure of £5,916,600, excluding indexation.

This notwithstanding, it can be seen from the above table that the total value of works towards walking and cycling significantly exceeds this figure.

Whilst works towards improvements on the High Street would come under the provisions of a Strand 2 contribution given the need to access this facility from the proposed development site, the Highway Authority consider that the works identified on Bowling Green Lane are critical to the proposed development site, and strongly in accordance with the CIL regulations. It is considered by not improving this link, that a poor and incomplete active travel link from the development site is manifested.

The Highway Authority therefore consider that having regard to the foregoing, a contribution of £1,146,159, given that the fullest application of Strand 2 produces a value of £5,916,600 is entirely fitting and in accordance with the CIL regulations.

It is hoped that the Sustainable Transport Works Contribution is now agreed and I look forward to receiving confirmation of the same.

Kind regards,
Caroline



Caroline Robins

Planning Lawyer | Environment Law | Legal Services

Hertfordshire County Council

Robertson House (1st Floor), Six Hills Way, Stevenage, SG1 2FQ | Post Point
CHO237

T: 01992 588976 (28976) | E: caroline.robins@hertfordshire.gov.uk

