

Statement of Common Ground

EDUCATION

LAND NORTH OF A507, WEST OF A10,
BUNTINGFORD, HERTFORDSHIRE

Planning Application Reference:

3/24/0966/OUT

Planning Appeal Reference:

6008238

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THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

HERTFORDSHIRE COUNTY COUNCIL



Signed

Name **David Hodbod**
Head of Growth & Infrastructure Unit and Spatial Planning
Hertfordshire County Council

Dated 8th September 2026

HALLAM LAND MANAGEMENT LIMITED



Signed

Name **Ben Hunter**
Associate Director
EFM
(on behalf of Hallam Land Management)

Dated 8th September 2026

1. INTRODUCTION

- 1.1. This Statement of Common Ground (“**SoCG**”) has been prepared jointly by Hertfordshire County Council (“**HCC**”) in its role as the Local Education Authority (LEA), and EFM on behalf of Hallam Land Management Limited (“**the Appellant**”). This statement concerns an appeal in relation to land North of A507, West of A10, Buntingford, Hertfordshire (“**the Site**”).
- 1.2. This SoCG relates to the planning application 3/24/0966/OUT submitted by the Appellant in 2024. East Hertfordshire District Council (“**EHDC**”) considered this application and refused it. References to “the Parties” in this SoCG shall mean the Appellant, and HCC as the LEA.
- 1.3. “The Application” in this SoCG shall mean:
- *Up to 600 dwellings (C3), up to 60 units of 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 bridges over the A10, with all matters reserved except for access.*
- 1.4. This SoCG sets out a written statement of factual information about the Application, which is agreed between the Parties.

2. BACKGROUND

- 2.1. The Application is on land at land North of A507, West of A10, Buntingford, Hertfordshire.
- 2.2. 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)

2.3. There is no dispute between HCC and the Appellant in relation to any of the contributions requested.

2.4. 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.

2.5. However, HCC and the Appellant are in agreement that the school land should be retained in case it will be required in the future.

3. REASON FOR REFUSAL

3.1. This is an appeal against refusal. Education is not a specific Reason for Refusal ("RfR"). However, RfR4 states the following:

In the absence of a completed legal agreement the application fails to secure appropriate financial contributions to infrastructure to off-set the impact of the development on local infrastructure or to provide any affordable housing, custom/self-build housing, or active travel provisions and public transport improvements. As such the proposal is contrary to policies TRA1, DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan 2018, policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

- 3.2. Education would be included amongst “local infrastructure”. The expectation is that the Section 106 will be completed and signed prior to the completion of the Appeal by both the Appellant and HCC.

4. PLANNING POLICY

4.1 HCC has adopted the Guide to Developer Infrastructure Contributions (“GDIC”) in 2024 that makes reference to Education (Early Years) in Appendix 2, Education (Mainstream Schools) in Appendix 3, and Education (Special Schools and Specialist Provision) in Appendix 4.

4.2. The GDIC does not hold statutory weight, but should be treated as material planning consideration when determining applications or as part of any planning appeals.

4.3. The GDIC makes reference to CIL Reg 122 (2) in paragraph 1.3.7 in that a planning obligation must be:

- “a) necessary to make the development acceptable in planning terms*
- b) directly related to the development, and*
- c) fairly and reasonably related in scale and kind to the development.”*

4.4. The National Planning Policy Framework (NPPF) (August 2026) has removed reference to CIL Regulation 122 (2).

5. RELEVANT GUIDANCE

5.1. The Department for Education (“DfE”) published guidance on “Securing Developer Contributions for Education” (August 2023) sets out under paragraph 7:

“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.”*

5.2. Paragraph 23 of the DfE report, relating to Early Years settings sets out:

“...Developer contributions have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings.”

5.3. Paragraphs 25 and 26 specify:

Paragraph 25

“...We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.”

Paragraph 26

“To determine the need for SEN provision, pupil yield data should identify the number of children and young people living in local housing developments who attend special schools, pupil referral units or alternative provision, SEN units and resourced provision within mainstream schools. It is reasonable and fair to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. The ability of special and alternative provision schools to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special

school/SEN places generated by a development, where there is a documented need for additional SEN provision.”

- 5.4. Paragraph 44 of the DfE guidance acknowledges that impact upon education infrastructure may include impact from cumulative housing developments:

“You should advise local planning authorities of the consequences of allocating/permitting developments that have no school within safe walking distance and will require permanent public investment in home-to-school transport or generate significant additional trips, for pupils to access their nearest available schools. As well as the cost burden this imposes on the local authority, there may be lasting harm to the environment and public health through increased carbon emissions and detrimental impacts on air quality, which the local planning authority will weigh against any perceived benefits. Consider recommending refusal of planning applications when no suitable solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments.”

6. MATTERS AGREED BETWEEN THE PARTIES

- 6.1. The description of the Application in paragraph 1.3 of this SoCG is agreed between the parties.
- 6.2. The identification of Planning Policy and other documents in Section 4 and guidance related to securing developer contributions in Section 5 of this SoCG is agreed between the parties.

Education

- 6.3. The Parties agree that HCC is the (Upper Tier) Local Authority (Education and Children’s Services Authority), is the strategic planner for schools and school places with a statutory duty to secure sufficiency and diversity of provision for its area. The Local Authority as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools. The Government provides funding for the provision of new school places, but this funding is reduced to take account of developer contributions and, as such, Government funding and delivery programmes do not replace the requirement for developer contributions. Furthermore, basic need allocations do not factor in the cost of land acquisition.

6.4. The Parties agree that HCC's Development Pupil Yield is appropriate.

6.5. The Parties agree that HCC's costs per pupil place for new provision are appropriate.

6.6. It is agreed between the Parties that Buntingford operates within a three-tier education structure with First Schools (Reception to Year 4), Middle Schools (Year 5 – Year 8) & Upper Schools (Year 9 – Year 13) serving the Primary and Secondary Planning Areas respectively.

6.7. It is also agreed, for the purposes of admissions criteria, there are three First Schools in Buntingford within two-miles walking distance of this development (Layston First School, Millfield First School, and Buntingford First School).

6.8. The capacities of the First Schools in Buntingford & Villages Planning Area are agreed as below:

School Name	Published Admission Number 2025/26	First School Capacity (excl nursery)
Anstey First School	10	50
Buntingford First School	60	300
Hormead CoE (VA) First School*	30	150
Layston CoE First School	30	150
Millfield First & Nursery School	60	300

*Hormead has increased its PAN from 2025/26

Table 1: Buntingford and Villages Planning Area Schools

6.9. It is agreed between the Parties that, for the purposes of admissions criteria, Edwinstree Middle School is the Middle school serving the area of the development.

6.10. It is agreed between the Parties that, for the purposes of admissions criteria, Freman College is the Upper School serving the development.

6.11 The capacity of the Upper & Middle Schools in Buntingford Upper Secondary Planning Area are agreed as below:

School Name	Tier	Published Admission Number 2025/26	School Capacity
Freman College*	Upper (Yr 9-13)	210	903
Edwinstree CoE Middle School	Middle (yr 5 - 8)	120	480
Ralph Sadleir School	Middle (yr 5 - 8)	90	360

*Freman College regularly takes over PAN at year of admission. School Capacity based on DfE data.

Table 2: Middle and Upper Schools within the Buntingford SPA

6.11. It is agreed between the parties that all EY provision in the area is provided by the private, voluntary, and independent (“PVI”) sector, and HCC through the First Schools in Buntingford.

6.12. It is agreed between the parties that children having specialist SEND needs are most likely to attend specialist provision outside of the immediate area whereas those with an EHCP and less complex diagnosis of SEND need may attend a mainstream school with SEND support.

6.13. It is agreed between the parties that by virtue of the Education Act 1996 and subsequent enactments or revisions to this that any primary age pupils aged up to 8 years old attending schools more than 2 miles walking distance of their home address have entitlement to receive home to school transport, and that any pupils 8 years old or older attending schools more than 3 miles walking distance of their home address have entitlement to receive home to school transport.

6.14. It is agreed between the Parties that a site for a First School is reserved on this site, for which HCC will decide as to whether they draw this land down for use as a new First School.

6.15. It is agreed between the Parties that the following developments have planning permission, or are pending determination but are submitted planning applications, and are coming forward in Buntingford (the District Council are relying on these development sites delivering homes as part of their five year housing land supply), however it needs to be acknowledged that this does not mean pupil yield peak would come forward in that 5 year period and is realised later post completion of the development:

- 3/23/1447/OUT Land off Luyne Rise – 350 dwellings
- 3/24/0294/OUT Land North of Hare Street Road – 200 dwellings
- 3/23/1390/FUL Land off London Road – 68 dwellings (67 net)

- 3/22/1030/OUT Land off Neale Drive – 58 dwellings
- 3/25/1270/FUL Land off Ermine Street – 25 dwellings

6.16. It is agreed between the Parties that, in order not to underestimate the peak impact of development on education infrastructure, the Local Authority should plan to be able to mitigate peak Primary School aged child yield of up to 1.75FE, based on the developments listed in 6.15 being Tier 1 development. However, this assumes all development sites come forward, are built out and reach peak yield at the same time. The peak child yield of the Site assuming a Tier 1 child yield could be up to 1.5fe, which would be in addition to the yield arising from the development sites listed in 6.15.

7. MATTERS NOT AGREED BETWEEN THE PARTIES

7.1. The sole matter not agreed between the parties relates only to the weight to be applied to the school site reserved on site within the planning balance.

7.1.1. The Appellant's position is that the school land should be afforded substantial positive weight. This is because the likelihood that a new school will be required is high. The Appellant's case is that the impact of new housing development in Buntingford (including the Appeal development) will take up all capacity within existing schools, meaning that a new First School will be required in the town.

7.1.2. EHDC's position is that the school land should be afforded no weight, as the likelihood of HCC bringing forward a school on this site is low. This is because it is HCC's case that, in light of the national demographic landscape of falling rolls and the surplus places available within the existing First Schools in Buntingford, the long-term pupil yield from new housing can be mitigated through existing capacity and there is unlikely to be sufficient long-term demand from the local area to fill and support the viability of an additional new first school.