

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

**Appeal by Hallam Land Management Ltd**

**PINS Ref: 6008238**

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**APPELLANT'S OPENING SUBMISSIONS**

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**Introduction**

1. This is an appeal against the Council's refusal to grant outline planning permission for up to 600 dwellings, 60 new homes for the elderly and a new school, together with a new local centre and necessary infrastructure.
2. The appeal proposals will deliver a mix of new homes including up to 264 much needed new affordable homes.
3. There were four reasons for refusal, the fourth of which relates to the provision of financial contributions towards off-site infrastructure. However, the proposed planning obligation deals with such matters and as such this reason for refusal should properly fall away. There is a dispute about a very recent request by Hertfordshire County Council which will require consideration during the round table session to consider the proposed planning obligation.
4. The Council's extant objections to the scheme may be summarised as an objection to the Site's location to the west of the A10 and consequential landscape and sustainability concerns. A key issue is how well the appeal proposals relate to the wider settlement of Buntingford.
5. However, the Council's objections to the scheme do not bear scrutiny, particularly in the context of the agreed position in relation to the Council's lack of housing land supply which has persisted since 2022 and is now unlikely to be resolved until the adoption of the new plan which is scheduled for 2029. The Council currently has a supply of 2.21-2.88 years – the shortfall is therefore both significant and chronic. The parties agree that it would not be a useful way to spend inquiry time in investigating the reasons for the relatively modest difference in the parties' supply figures.

6. The East Herts District Plan notes in policy INT1 that *“The District Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*. Unfortunately, this pro-active approach has not been applied to the appeal scheme and the Council seeks to resist much needed new homes within a settlement identified as one of the district’s main towns and an “important rural service centre”<sup>1</sup> and the only town in the District that is not constrained by Green Belt<sup>2</sup>. It is therefore a sensible, sustainable location for growth and the plan recognises it as a suitable location for additional homes and notes that it is expected that a substantial proportion of windfalls will be accommodated here.<sup>3</sup>
7. The Appellant’s case is that the appeal site is well-related to Buntingford which is itself a sensible location for the much needed development of housing. The Council is failing to deliver the homes needed in contradiction to national policy. It is critical that sustainable sites be released now to meet housing needs going forward. The appeal site will make a significant contribution to delivering the Council’s housing requirements over the Plan period and will make a positive contribution to the Council’s five-year land supply.
8. Against that background, we turn to the main issues

**(1) Whether the proposed toucan crossing to be provided at grade level over the A10 would be safe, the acceptability of proposed speed limit reductions on the A10, the extent to which the site would be capable of delivering safe access and route connections for all users in accordance with an acceptable Road Safety Audit, and whether the proposed access from the A507 would be suitable and safe**

9. The Council criticises the Road Safety Audit (RSA) but the brief for the RSA was agreed with the highway authority in advance: the highways statement of common ground records that:

*“The Audit has been carried out to an agreed brief, by an approved Practitioner, as pre-agreed with the LHA (details set out in Doc Ref: 23161 TN11)”*

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<sup>1</sup> CD 5.1 para 6.1.2

<sup>2</sup> CD 5.1 para 6.1.7

<sup>3</sup> CD 5.1 para 6.3.3

10. The A10 crossing was included in the brief to the auditor and was assessed as part of the RSA and the RSA raises no safety issues with the proposed A10 crossing. Indeed, the auditors note that there are “many locations” across the UK with similar crossings and that the team was “unaware of any particular road safety concerns associated with these installations”.<sup>4</sup> This should be a complete answer to any residual concerns held by the Council – they are unsupported by the independent RSA.
11. The audit team also concluded that “*a staggered crossing rather than a straight single movement crossing is likely to be appropriate*” and that any concerns in relation to the “constant green” assertion can be overcome at the detailed design stage.
12. The detailed criticisms of the design of the crossing therefore need to be seen in light of the clean bill of health given by the RSA authors and it is equally worth noting that the currently proposed condition 17 secures “general accordance” with the submitted plans for this crossing. As such, the Council’s forensic criticisms of the crossing do not, in reality, go anywhere.
13. The Council also criticised the proposed change in speed on the A10, however, this was supported by the County Council’s Speed Management Group and in any event is not necessary to achieve a safe crossing in this location given that measured speeds are low.<sup>5</sup>
14. Whilst the Inspector’s main issue identifies other highway safety matters none of these appear to now be pursued in light of the Council’s written evidence which focuses entirely on the toucan crossing of the A10- a matter which is subject to later approval. It is noteworthy that the Council’s evidence does not contend that a new access onto the A507 Baldock Road is unacceptable or even that it needs to be justified by special circumstances.

**(2) Whether the development would be in a sustainable location with convenient access by all to a choice of sustainable modes of transport including socially safe and quality pedestrian and cycling routes to reach day to day amenities, facilities and services, including employment and food/comparison shopping facilities further afield, and the extent to which the proposed cycle and pedestrian route connections and bus improvements would make a suitable modal shift towards reducing car usage**

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<sup>4</sup> 3.2 of the updated RSA CD10.22 pdf p.289

<sup>5</sup> See Mr Duffy POE 8.3.2 – 8.3.6

15. It does not appear to be strongly disputed that Buntingford itself is a sensible and sustainable location for growth, indeed the Local Plan assumes that windfall development will come forward here. The Council's main objection is centred around perceived "severance" from Buntingford by virtue of the A10.
16. First, it should be noted that the appeal scheme provides for meaningful on-site facilities including a local centre and first school. Therefore, a number of day to day trips will be internalised within the site including those associated with education and top-up shopping. Further, the Site is located adjacent to an employment allocation in the local plan – providing easy access to employment opportunities. The Appellant is also promoting a site to the south of the A507 for employment purposes, which is the subject of an appeal to be heard in November this year.
17. Second, the Council does not appear to take a line that in principle the Site is simply "too far" from Buntingford – instead the Council focuses upon the adequacy of the measures proposed by the Appellant to allow residents to travel between the Site and wider facilities within the town. The Council's main concern appears to be the useability of proposed routes.
18. The Appellant proposes active travel upgrades. These include providing a 4m wide shared foot/cycleway on the northern side of the A507, connecting to an improved 3m wide shared foot/cycleway on Baldock Road via a new toucan crossing facility across the A10. The proposals promote a traffic speed reduced and street lit environment along that route.
19. Two additional routes are available via the upgraded existing footbridge and proposed active travel bridge. These provide a crossing of the A10, and connect with Skipps Meadow (a residential street suitable for walking and cycling) and PRow 36, which the proposals will upgrade.
20. The fourth route is via the proposed footbridge across the A10, connecting with PRow 35. This route is suitable for many pedestrians and offers a significant improvement on the existing situation where no crossing facilities are provided across the A10 between PRow 35 and 41. PRow 35 will also be enhanced.
21. There is good public transport accessibility – a feature overlooked in the Council's written evidence. There will be two onsite bus stop facilities, (one at a travel hub and a further bus stop

connection to the northern end of the development<sup>6</sup>) which will ensure all residential dwellings are within 400m of a bus stop. Existing bus services will be diverted onto the site and a financial contribution of £1.5m will be made to run the service 331 at a 30-minute frequency. Residents will have frequent sustainable access by bus to Buntingford – should they choose not to walk or cycle - as well as Royston, Hertford and Stevenage amongst other towns and villages within reasonable journey times. It is agreed in the highways statement of common ground<sup>7</sup> that residents of the proposed development will have the option to travel sustainably to other nearby towns, local facilities and employment centres by bus. It is clear that residents would have a genuine choice of transport modes including travel by electric vehicle. They will also have access to the provision of modern efficient digital connectivity facilitates for accessing services and work which reduces the need to travel.

**(3) The effect of the proposal on the character and appearance of the area including landscape character**

22. There is in reality very little between the two landscape expert witnesses. The Site is not designated nor is it a valued landscape in the terminology of the previous NPPF. It sits within a landscape that is described as being neither rare nor distinctive. The witnesses agree that it is a landscape of medium value.
23. The appeal scheme would be contained within the Rib valley landscape cell which includes the valley floor of the River Rib, the associated valley slopes and the settlement of Buntingford. Both witnesses agree that effects diminish beyond the immediate surroundings of the site with the Council alleging nothing more than moderate adverse effects on LCA141 in terms of character. It is also to be expected that the greatest change will be experienced by users of PROWs across the site itself.
24. The Council's case here too centres on the A10 and the claimed 'severance'. However, as Ms Jones explains, in landscape terms the proposals would be read as an extension of the existing urban area and in an area where there is existing urban influence.<sup>8</sup> Further, there is no evidence to suggest that the A10 was planned as a defensible edge to Buntingford, nor does it perform this role now given the existing development near the appeal site which is also on the western

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<sup>6</sup> See TN 11 CD2.10 para 4.13

<sup>7</sup> CD15.3

<sup>8</sup> NJ POE para 6.1.10

side of the A10.<sup>9</sup> There is therefore no severance in landscape and visual terms or in transport terms (as per the above).

25. However, there are notable positives to be weighed into the balance in relation to judging the effects on landscape – there will be materially enhanced recreational access across the Site including over 24ha of green infrastructure, 3.46ha of playing fields and 1.5ha of structure planting – seen in the context of a total site area of 50.12ha this is just shy of 50% of the site devoted to open space, recreation and green planting<sup>10</sup>. As part of the scheme the proposals include a community growing hub, amenity grassland, playing pitches, tree planting and play facilities.<sup>11</sup>
26. A site of this scale will never be delivered entirely absent landscape effects. However, the context here is a landscape that is not of high value, is not designated and in a district where all other main settlements are constrained by the Green Belt, this is an eminently sensible place to locate major development to meet the Council's need for housing and to go some way to making good the 3623 dwelling shortfall.<sup>12</sup>

## **Conclusions**

27. Overall, the appeal proposals are broadly in accordance with the development plan – the spatial policies are plainly of limited weight given the housing land supply shortfall which requires the Council to deliver an additional 3600+ homes in order to make good the shortfall. The plan recognises that Buntingford is a sustainable location for additional housing growth in principle given the range of facilities available and the lack of Green Belt constraints which makes it a preferable location for expansion.
28. The Council's case centres upon the A10 as a barrier, however, it is clear that this does not bear scrutiny in relation to either transport or landscape matters. The range of travel improvements together with frequent buses means that future residents will have a genuine choice of sustainable transport modes available to them. In terms of landscape, it is agreed to be of no more than medium value and other development to the west of the A10 and visual containment of the landform means that it does not function as a barrier to development in landscape and visual terms.

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<sup>9</sup> See NJ POE 6.1.3 & 6.1.4

<sup>10</sup> See CD 2.5

<sup>11</sup> See CD 17.6l

<sup>12</sup> CD17.11 – Mr Pycroft POE table 8.1 p.31

29. Set against any harm that the Inspector might find on these matters must in any event be the substantial benefits of the scheme including making a meaningful contribution towards the Council's significant and chronic land supply deficit. The scheme also delivers a substantial number of affordable homes in the context of a district with over 2,000 households on the housing register and a council that is spending over £1m a year on temporary accommodation. The scheme also proposes 60 new homes for older people and self and custom build plots, a local centre, substantial public open space including sports pitches, sports pavilion and a new park. The appeal proposals also include a new first school with nursery provision – whilst the education authority claims this is not needed, the Appellant's case is that failure to take into account the full extent of new development in Buntingford means that its figures are inaccurate – on a proper calculation of need – a new school is very much required.
30. This is therefore a case where the need for the development is acute, the harm is surprisingly limited and the benefits are substantial.
31. Accordingly, at the close of the inquiry the Appellant will invite the Inspector to allow the appeal and grant planning permission for the proposed development.

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8<sup>th</sup> September 2026

Kings Chambers  
Manchester – Leeds – Birmingham